PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 28 October 2008

(Extract from book 15)

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By authority of the Victorian Government Printer

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Kairouz, Ms Marlene [4]	Kororoit	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Weller, Mr Paul	Rodney	Nats
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Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP
Lim, Mr Muy Hong	Clayton	ALP			

[1] Resigned 6 August 2007
[2] Elected 15 September 2007
[3] Resigned 2 June 2008
[4] Elected 28 June 2008
[5] Elected 15 September 2007
[6] Resigned 6 August 2007

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TUESDAY, 28 OCTOBER 2008

Tuesday, 28 October 2008

The SPEAKER (Hon. Jenny Lindell) took the chair at 2.05 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Manufacturing: government strategy

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer the Premier to the serious challenges facing the Victorian manufacturing industry and the escalating job losses in that sector. Given that the minister responsible for manufacturing has been stood aside, who is developing the manufacturing statement, which was promised to Victoria in December 2006, and when will that statement be delivered?

Mr BRUMBY (Premier) — As I think the Leader of The Nationals is aware, during the matters which are being investigated in relation to Minister Theophanous acting arrangements have been put in place. The Treasurer is the Acting Minister for Industry and Trade, and he has taken responsibility for the development of that statement.

Planning: Whitten Oval, Footscray

Ms THOMSON (Footscray) — My question is to the Premier. I refer the Premier to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Premier outline to the house how the government is supporting the western suburbs — the great western suburbs! — by creating jobs and investment, and is he aware of any threats to that investment?

Mr BRUMBY (Premier) — I thank the member for her question. It goes without saying that in what are more difficult global economic circumstances Victoria needs strong leadership to generate investment and to create jobs. That is why in July this year our government stepped in to ensure the $30 million redevelopment project at the Whitten Oval will go ahead. That redevelopment will help lock in a sustainable future for the Western Bulldogs Football Club, which has been based at that site since 1883. The redevelopment will also provide a crucial community asset for the people of that area, and proponents estimate this project will create something like 250 jobs during the construction stage and generate directly and indirectly some $80 million worth of economic activity.

In these, as I have said, more difficult times our government took decisive action to ensure that this project could proceed. We are also stepping up our own infrastructure program. This year our budget sector capital works expenditure will be $4 billion. In the first year following our election to government the capital works program expenditure building on from the former government was $1 billion a year, so we have quadrupled our capital works effort.

The Whitten Oval redevelopment has already delivered an elite learning centre, which the sports minister opened in July, and is delivering a new headquarters for the Western Bulldogs, a new children's hub for the west and a new school of human movement for Victoria University. It is one of the most significant investments in the west for many years. At the request of the Western Bulldogs Football Club, the Australian Football League and Victoria University, the planning minister stepped in to become the responsible planning authority and secure the future use of Whitten Oval after the project reached an impasse at council. The planning minister did not take that decision lightly. We stepped in because we wanted this project to proceed. It is a good project, it is good for the west and it is good for Victoria. We know what we stand for, and we stand up for the west.

There are those, however, who remain committed to killing off this crucial redevelopment. There are those who want to play political games with the future of the Western Bulldogs and the western suburbs. Today I call on the Liberal Party to rip up its backroom deal with the Greens and end its opposition to this investment in the west.

Honourable members interjecting.

The SPEAKER — Order! Opposition members will come to order.

Mr BRUMBY — The Liberal Party — —

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. He is not only debating the question, he is wrong — and he is away with the pixies.

The SPEAKER — Order! The latter part of the Leader of the Opposition's point of order is out of order, but I uphold the point of order that the Premier is debating the question. I ask him to return to answering the question.

Mr BRUMBY — I reiterate that we are totally committed to this investment in the western suburbs. This is a great redevelopment of Whitten Oval. We did intervene. We did the right thing because of the impasse at council. At a time when we need investment

and jobs it is completely irresponsible and completely inappropriate for two political parties in another place, the Liberal Party and the Greens, to attempt to stop this investment occurring.

Minister for Industry and Trade: conduct

Mr McINTOSH (Kew) — My question is to the Minister for Police and Emergency Services. At what time during the last 18 months did the minister first become aware either formally or informally that Victoria Police were conducting an investigation into a Victorian government minister?

Mr CAMERON (Minister for Police and Emergency Services) — I can tell the house that the Minister for Industry and Trade made a statement to the press a few Mondays ago at around 5.30 p.m. Given that the Premier rang me and said that the minister would be shortly making a statement, I assume it would be around 5.15 p.m. that day.

Water: Victorian plan

Ms KAIROUZ (Kororoit) — My question is to the Minister for Water. I refer the minister to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: will the minister update the house on how the Brumby Labor government is keeping its commitment to ensure that Victoria's water supplies are secured now and into the future?

Mr HOLDING (Minister for Water) — I thank the member for Kororoit for her question because, like all members of the government, she understands that securing Victoria's water supplies for decades to come is a vitally important part of the things we are doing to safeguard the future of Victorians. In fact if anything, the record low inflows and low rainfall in September and October underscore the importance of the actions the government is taking to secure Victoria's water supplies. That is why it is so important that we continue with the process which will lead to the commissioning of Australia's largest desalination plant.

Mr K. Smith interjected.

Mr HOLDING — Members of the opposition mock this project — —

The SPEAKER — Order! The minister will not debate the question and will not respond to interjections. I ask the member for Bass to try to contain himself. The minister is to come back to answering the question.

Mr HOLDING — Securing a non-rainfall-dependent source of water for Victorians is a vitally important part of that plan. At the same time we recognise that connecting the state in a statewide water grid is important. Modernising Victoria's outdated irrigation infrastructure and sharing the water savings that can be generated from that investment are also vitally important, because that is where the vast majority of Victoria's water supplies are used, that is where the vast majority of Victoria's water losses occur and that is therefore where the largest savings can be made.

At the same time we are committed to projects that will further improve our efforts in recycling and further reduce demand on our precious water supplies by increasing the efficiency of household and business water use. This is the plan the state government is putting in place to secure Victoria's water supply. Our modelling and scenarios show that if the inflows of the last 12 years were to be repeated, then these augmentations would secure Victoria's water supplies for the next 50 years.

It is also important that we plan for worst-case scenarios. That is why we have built into the desalination plant the capacity to increase its output by 50 gigalitres at some stage in the future should that become necessary, depending on Victoria's future population growth, where the demand puts us and what the rainfall and climate change outlooks actually are. It is a good plan because not only does it include vitally important projects for Victoria's future but at the same time it includes the capacity to increase the outputs of those projects should that become necessary at some stage in the future.

But not all political parties in Victoria are being as honest, open and transparent with the Victorian people about their plans. There are of course some who support the construction of a dam. We have made it clear that we do not support the construction of a further dam for Victoria's water security in the future. We do not support the construction of a dam because we do not want for additional storage capacity in Melbourne or in other parts of Victoria. What we need is water to fill those storages, and we will not create future water supplies simply by building dams and praying for rain.

We need to put in place measures which will conserve our precious water supplies and allow us to use those supplies more efficiently, or we need to create new sources of water, such as desalination. It is particularly absurd to support the construction of a dam if you are not willing to say where it is going to be. The Leader of The Nationals said last week, 'We're not in the

business of nominating locations for dams'. He said, 'The last people you — —

Honourable members interjecting.

The SPEAKER — Order! The minister is debating the question. I ask him to stop debating and to come back to the question.

Mr HOLDING — We make it clear. You need to be clear about your water policies — and we have made it very clear where we stand. We are committed to constructing Australia's largest desalination plant. We are committed to modernising outdated irrigation infrastructure in the state's north. We are committed to this because we believe water savings can be made. It is no good being committed to modernising irrigation infrastructure if at the same time you do not believe any water savings are going to be generated from those projects. We make it clear that we do not support the construction of a dam because that will not provide greater water security for Victorians. If you are going to support a dam, you at least have to be honest and tell people where it is going to be. You need to make it clear.

Saying that politicians should not be in the business of nominating locations for future dams is of course ridiculous. The opposition went to the last election promising to build a dam on the Maribyrnong, so if it was good enough for it to nominate a location then — —

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

The SPEAKER — Order! The minister has been speaking for 6 minutes. I ask him to conclude his answer without further debate.

Mr HOLDING — I am happy to conclude on this point. We are making it absolutely clear what our plans are. We are being open and accountable to the Victorian people by clearly stating what projects we support and which projects we do not support. We are continuing with the projects that are vitally important to securing Victoria's water future, and we ask all political parties in Victoria to follow our lead in nominating where they stand on vitally important projects for Victoria's water future.

Minister for Industry and Trade: conduct

Mr McINTOSH (Kew) — My question is to the Minister for Police and Emergency Services. What discussions has the minister had with his chief of staff, Inspector Brett Curran, a former chief of staff to the Chief Commissioner of Police, as to when Mr Curran first became aware, either formally or informally, before 13 October that Victoria Police was conducting an investigation into a Victorian government minister, and what was the outcome of those discussions?

Mr CAMERON (Minister for Police and Emergency Services) — On the day I referred to when I had the phone call from the Premier, after I had the phone call from the Premier, at about quarter past 5, I then informed my chief of staff of the phone call I had just had in relation to the minister for manufacturing.

Bushfires: preparedness

Ms GREEN (Yan Yean) — My question is to the Minister for Police and Emergency Services. I refer the minister to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on the forecast for the upcoming bushfire season and advise what the Brumby government and fire agencies are doing to prepare for this summer?

Mr CAMERON (Minister for Police and Emergency Services) — I thank the honourable member for Yan Yean, who is herself one of those tremendous volunteers of the CFA (Country Fire Authority). We are in a 12-year period which the Bureau of Meteorology has pointed out is the longest and driest period that we have had in our great state. Over the next three months the bureau is predicting hotter and drier conditions than average. As a result of that, the government is preparing for what is anticipated to be an intense fire season, with a lot of the state at risk. A third of the state is at the driest it has ever been, and those areas coincide with clusters of towns around east and west Gippsland, the Otways and the Macedon and Dandenong ranges.

Certainly the fire agencies are expecting a heightened risk around urban areas. We have only to recall the fires in Canberra some years ago to realise that nobody is immune from fires. This really presents a great challenge for people in urban areas, for those who have not seen bushfires before and for those who are sea changers or tree changers. It is important that they think about their survival plan now, not when a bushfire is upon them. Certainly if people need information, they can contact the Victorian bushfire line or their local fire agency to obtain that information.

This year we have already seen the initial preparation, with 160 000 hectares of burning done by DSE (Department of Sustainability and Environment), and that will continue if conditions permit. We have seen a

huge boost by the Bracks and Brumby governments when it comes to tackling fire, and funding for our fire and emergency services agencies has more than doubled. This year there will be around 650 project firefighters with the DSE who will complement the tremendous volunteers and other personnel of the CFA in tackling fires when necessary. They will be complemented by at least 34 aircraft to protect Victoria this summer, including two Erickson Aircranes. We can also call on other aircraft if need be, and there is a fleet of over 2000 trucks and over 400 four-wheel drives with slip-on units.

In the event of fire, again the Brumby government will continue its water replacement policy for essential water, and the aim is to do that within 48 hours. It will be done by local arrangements, but of course the firefighting effort has to come first. We have tremendous firefighting personnel, but the most important thing is that people recognise in advance the threat they face, anticipate that threat in advance and be prepared immediately to get on top of fire in the event that it happens around them and to immediately alert authorities.

Minister for Industry and Trade: conduct

Mr McINTOSH (Kew) — My question is to the Minister for Police and Emergency Services. Will the minister confirm whether he or his office were advised prior to 13 October that an officer from Victoria Police had travelled to Greece in May to take evidence in relation to an investigation into a Victorian government minister, and if so, when?

Mr CAMERON (Minister for Police and Emergency Services) — I learnt about that matter in the media, which I think was on the day after the announcement by the Minister for Industry and Trade.

Schools: funding

Ms D'AMBROSIO (Mill Park) — My question is to the Minister for Education. I refer the minister to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister detail to the house how the Brumby government is keeping its commitment to give every child every opportunity to get the best education through the rebuilding, renovating and extension of schools and the boosting of teacher recruitment?

Ms PIKE (Minister for Education) — I thank the member for Mill Park for her question. Ever since 1999 education has been this government's first and foremost priority, and that was reiterated by our current Premier when he became leader over 12 months ago. At the last election we committed through the Victorian schools plan to rebuild, renovate or extend 500 government schools in this term of government, and we have delivered the funds to more than half of those projects already. In the last state budget we provided $592.3 million for 128 of those school communities across the state. This amount of funding also included $35 million for upgrades for 70 small to medium schools under the Better Schools Today program.

I have had the opportunity to move around the state bringing the good news to many of those school communities, letting them know that this government is committed to the fine work they are doing and that we want to be a partner with them and give them extra resources for their facilities. During the regional sitting at Churchill I announced that six schools in the Gippsland region would be funded through this program, and most recently, at the community cabinet in the west of the state, I visited Horsham 298 primary school and told members of the school community that the school was to receive funding under the Better Schools Today program. Of course they were absolutely delighted.

I have also recently opened a number of facilities this government has funded. Together with the member for Footscray I visited the Footscray West Primary School in relation to a $3 million school building plan and Gilmore Girls College to open a $550 000 facility; and with the member for Macedon I visited Gisborne Secondary College to open a $3.75 million redevelopment. These are fantastic initiatives and great examples of how our school plan is delivering modern and innovative learning facilities for our young people.

These projects are also integral to creating jobs right around the state. The amount of capital funding the government is providing, particularly in rural and regional areas, creates jobs for architects, designers, engineers and tradespeople within our communities. They are very important projects. But it is not just the buildings, it is also the people who work in schools. Since 1999, 8000 additional teachers have been employed in our school system.

On top of that we have boosted the number of schools that have primary welfare officers, and we have employed the first batch of teaching assistants. We said we would provide 300 extra teaching assistants within schools, and we are well on the way to employing all of those. In the last budget we also provided funding for extra student support service officers. There has been a huge increase in the number of people who have jobs in

the education system and who are there supporting our young people.

We remain absolutely committed to giving every child the best opportunity in life to achieve their full potential. By investing in school buildings and investing in people we are working to achieve that goal, because as I said right at the beginning, education is our government's no. 1 priority.

Minister for Industry and Trade: conduct

Mr McINTOSH (Kew) — My question is to the Minister for Police and Emergency Services. I draw the minister's attention to the current *Victoria Police Manual*, which states:

> Where members:
>
> > intend on travelling overseas to conduct enquiries within an international … jurisdiction … they should —
>
> first —
>
> > obtain approval from the Attorney General's department, Canberra, via the state intelligence division prior to their departure.

I ask: will the minister advise if these approvals were obtained in relation to the recent investigation of a Victorian government minister and when he first become aware that these approvals had been given?

Mr CAMERON (Minister for Police and Emergency Services) — These are police matters, and accordingly I am unaware — —

Ms Asher interjected.

Mr CAMERON — We have the opposition saying, 'Interfere', 'Don't interfere'. These are police matters.

Health: government initiatives

Mr PANDAZOPOULOS (Dandenong) — I have a much better question for the Minister for Health. I refer the minister to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on how the Brumby Labor government is keeping its commitment to ensure that Victorian families continue to have access to world-class health services?

The SPEAKER — Order! The breadth of the question concerns me. I will allow the minister 4 minutes, and only 4 minutes, to respond.

Mr ANDREWS (Minister for Health) — I am delighted to receive this question from the member for Dandenong. His commitment to world-class health services in his local community, which is also my local community, is well known.

As a government, in each of our years in office and in each of our budgets, we have focused on ensuring that our doctors, our nurses and our administrators in the health system right across the state — in metropolitan Melbourne, in the outer suburbs, in rural and regional communities — have access to the resources they need to meet the health challenges that present today, and that we also lay proper foundations to meet the challenges that will come. That is why we have ensured that in each and every budget we have given each and every health service a boost in funding.

We have provided extra funding in each budget to each and every health service right across the state, such that today the ongoing acute budget for health has increased by 112 per cent compared to levels back in 1999. Fully 112 per cent more funding is out there in health services across the state, enabling our dedicated health professionals to treat the number of patients who are presenting for care across the system.

In these debates and in health we often talk about large amounts of money. It is important to break that down and give people — you, Speaker, and all honourable members — a sense of what that investment means; what those funds mean in terms of patients treated, care outcomes and empowering patients right across communities large and small.

To give two examples of where those additional funds have flowed, we can look at renal dialysis treatments, which are important with respect to the onset of diabetes and other kidney issues and have perhaps never been more important today than at any time in our state's history. That is why it is pleasing to note that in terms of additional allocations made by our government, in the 2007–08 year 240 000 renal dialysis treatments were funded across the system. That compares with just 143 000 similar treatments back in 1999–2000. The better part of 100 000 additional renal dialysis treatments have been funded by this government across the health system. That is a great example of communities, of patients, being able to access the services they need through the additional funding provided by our government. There is more to do in that space, and we are committed to doing it.

To give a further example of an outcome and not just funding, I refer to chemotherapy services for real patients in communities across our state in terms of cancer outcomes and proper cancer care. In 2007–08 there were nearly 70 000 chemotherapy treatments

funded across our system. That is nearly 30 000 more chemotherapy treatments last year compared to levels in 1999–2000, when there were just over 40 000. What this should show all honourable members, even sceptics, is that this government is providing health services with the funding required to treat the growing number of patients who are presenting for care. Our health system is best placed to provide the best care because the Brumby Labor government is making sure that each and every health service in each and every community has the record funding it needs.

PUBLIC ADMINISTRATION AMENDMENT BILL

Introduction and first reading

Mr BRUMBY (Premier) — I move:

That I have leave to bring in a bill for an act to amend the Public Administration Act 2004, the Ombudsman Act 1973, the Project Development and Construction Management Act 1994 and the Planning and Environment Act 1987 and for other purposes.

Mr BAILLIEU (Leader of the Opposition) — Would the Premier provide a brief explanation of the bill to the house?

Mr BRUMBY (Premier) — In relation to the amendments to the Public Administration Act the bill will provide certainty to public service body heads as employers to direct the workforce in a manner that is consistent with a dynamic, responsive and modern public service. The bill will in general terms streamline and modernise the Public Administration Act and improve its consistency with commonwealth legislative instruments while maintaining Victorian public sector values and employment principles.

The amendments to the Ombudsman Act will clarify the jurisdiction of the Ombudsman in relation to the Office of Police Integrity.

The amendments to the Project Development and Construction Management Act put in place arrangements to establish the Secretary of the Department of Innovation, Industry and Regional Development as a body corporate under the relevant sections of the act.

Motion agreed to.

Read first time.

PROFESSIONAL STANDARDS AND LEGAL PROFESSION ACTS AMENDMENT BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill for an act to amend the Professional Standards Act 2003 to implement a framework for mutual recognition of professional standards schemes, to make other amendments to that act, to amend the Legal Profession Act 2004 to make further provision regarding complaints about legal practitioners and for other purposes.

Read first time.

HEALTH SERVICES LEGISLATION AMENDMENT BILL

Introduction and first reading

Mr ANDREWS (Minister for Health) — I move:

That I have leave to bring in a bill for an act to amend the Health Services (Conciliation and Review) Act 1987 and the Health Services Act 1988 and for other purposes.

Mr BAILLIEU (Leader of the Opposition) — Would the minister provide a brief explanation of the bill?

Mr ANDREWS (Minister for Health) — This bill, among other matters, will make some changes to arrangements for the conduct of annual general meetings for multipurpose services. It also deals with the Health Services Review Council, the provision of advice in relation to complaints across the system and issues in relation to the health services commissioner. There are issues around the terms of council members, and the bill changes the arrangements as they currently stand. The bill also implements a range of changes to governance and accountability arrangements for stand-alone or independent and community health services following a review conducted by my department during 2008.

Motion agreed to.

Read first time.

STATE TAXATION ACTS FURTHER AMENDMENT BILL

Introduction and first reading

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) introduced a bill for an act to amend the Duties Act 2000, the Livestock Disease Control Act 1994, the First Home Owner Grant Act 2000 and the Taxation Administration Act 1997 and for other purposes.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 1 to 11, 108 to 111 and 210 to 223 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Bass electorate: health services

To the Legislative Assembly of Victoria:

With the withdrawal of local doctors to operate the accident and emergency service for the Bass Coast, the demise of the Warley Hospital on Phillip Island, the rapid increase in growth and ageing population, the increasing tourist population and the proposed desalination project has put and will increase further pressure on the local hospital and ancillary services of this community. To provide specialist services within this community instead of travelling to Melbourne or Traralgon. This has also put extreme pressure on the Rural Ambulance Service to cover the lack of hospital services in this area.

We, the undersigned concerned citizens of Victoria, ask the Victorian Parliament and the Minister for Health to support our petition for funding the upgrade of the health services in the Bass Coast region.

By Mr K. SMITH (Bass) (338 signatures)

Water: desalination plant

To the Legislative Assembly of Victoria:

The petition of residents of Victoria points out to the house that, given the lack of information and consultation with the public, we are totally opposed to the proposed desalination plant on the following grounds:

Desalination is an energy-intensive and unnecessarily costly means of addressing water shortages. Any renewable energy offsets need first to be directed to reducing the impact of current levels of energy use.

The construction of the plant poses potential risks to marine and marine park environments. Aboriginal heritage sites are also at risk.

Inappropriate siting of the plant has potential detrimental effects on coastal space, with the likelihood of destroying the very values which attract visitors and residents to Bass Coast.

The development is at conflict with state and local government policies, especially marine protection, Victorian coastal strategy, Victorian coastal spaces study and Bass Coast strategic coastal framework.

The petitioners therefore request that the Legislative Assembly of Victoria directs immediate consultation between government and the local community's representative committee to address the issues as listed above.

By Mr K. SMITH (Bass) (39 signatures)

Schools: Catholic sector

To the Legislative Assembly of Victoria:

The petition of Victorian residents who choose Catholic education, or support this right of choice, draws to the attention of the house that the level of funding provided by the Victorian state government to Catholic schools is inadequate and discriminates against families who choose a Catholic education for their children.

The petitioners therefore request that the Legislative Assembly of Victoria guarantee funding at 25 per cent of the average cost of educating a child in the Victorian government school system, indexed annually, and to provide equal funding for children with disabilities who attend a Catholic school.

By Mr K. SMITH (Bass) (61 signatures)

Water: north–south pipeline

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne.

The petitioners register their opposition to the project on the basis that it will effectively transfer the region's wealth to Melbourne, have a negative impact on the local environment, and lead to further water being taken from the region in the future. The petitioners commit to the principle that water savings which are made in the Murray–Darling Basin should remain in the MDB. The petitioners therefore request that the Legislative Assembly of Victoria rejects the proposal and calls on the state government to address Melbourne's water

supply needs by investing in desalination, recycling and capturing stormwater.

By Dr SYKES (Benalla) (47 signatures)

Water: north–south pipeline

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne.

The petitioners register their opposition to the project on the basis that it will effectively transfer the region's wealth to Melbourne, have a negative impact on the local environment, and lead to further water being taken from the region in the future. The petitioners commit to the principle that water savings which are made in the Murray–Darling Basin should remain in the MDB.

The petitioners therefore request that the Legislative Assembly of Victoria rejects the proposal and calls on the state government to address Melbourne's water supply needs by investing in recycling and capturing stormwater.

By Dr SYKES (Benalla) (100 signatures)

Trams: Ascot Vale tracks

To the Legislative Assembly of Victoria:

The petition of Fiona Elspeth Macdonald, resident of Mascoma Street, Ascot Vale, draws to the attention of the house that the state of the tram tracks on Mount Alexander Road, especially between the tram depot and Ormond Road, is such that the noise from the trams seriously interferes with the peaceful enjoyment of those residents who reside on Mount Alexander Road and on adjoining streets.

The petitioners therefore request that the Legislative Assembly of Victoria bring the problem of excessive noise to the attention of the operators, Yarra Trams, and request that they replace, repair or otherwise manage the said tram tracks so that the residents are not unreasonably affected by the excessive noise caused by the trams travelling on the poorly maintained lines.

By Mrs MADDIGAN (Essendon) (36 signatures)

Essendon Airport: future

To the Legislative Assembly of Victoria:

The petition of the citizens of Victoria draws to the attention of the house the intention of the Victorian Labor government to close Essendon Airport.

The petitioners therefore request that the Legislative Assembly of Victoria call upon the Victorian Labor government to abandon its misconceived policy, which is a threat to the location and operations of the Victorian air ambulance, the police air wing, firefighting aircraft and other essential public and private enterprises as well as causing the closure of an important facility for rural and regional Victorians commuting to Melbourne.

By Mr NORTHE (Morwell) (70 signatures)

Tabled.

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

Ordered that petitions presented by honourable member for Benalla be considered next day on motion of Dr SYKES (Benalla).

Ordered that petition presented by honourable member for Morwell be considered next day on motion of Mr NORTHE (Morwell).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 13

Mr CARLI (Brunswick) presented *Alert Digest* No. 13 of 2008 on:

Abortion Law Reform Bill
Asbestos Diseases Compensation Bill
Coroners Bill
Dangerous Goods Amendment (Transport) Bill
Education and Training Reform Further Amendment Bill
Fundraising Appeals and Consumer Acts Amendment Bill
Gambling Legislation Amendment (Responsible Gambling and Other Measures) Bill
Labour and Industry (Repeal) Bill
Liquor Control Reform Amendment Bill
Major Crime (Investigative Powers) and Other Acts Amendment Bill
Police, Major Crime and Whistleblowers Legislation Amendment Bill
Police Regulation Amendment Bill
Primary Industries Legislation Amendment Bill
Prohibition of Human Cloning for Reproduction Bill
Prostitution Control and Other Matters Amendment Bill
Racing and Gambling Legislation Amendment Bill
Research Involving Human Embryos Bill
Sheriff Bill
Water (Commonwealth Powers) Bill

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Agriculture Victoria Services Pty Ltd — Report 2007–08

Crown Land (Reserves) Act 1978 — Order under s 17D granting a lease over Elsternwick Park Reserve

Energy Safe Victoria — Report 2007–08

Financial Management Act 1994:

Reports from the Minister for Agriculture that he had received the 2007–08 reports of:

Murray Valley Citrus Board

Murray Valley Wine Grape Industry Development Committee

Northern Victorian Fresh Tomato Industry Development Committee

Phytogene Pty Ltd

Veterinary Practitioners Registration Board of Victoria

Victorian Strawberry Industry Development Committee

Reports from the Minister for Environment and Climate Change that he had received the 2007–08 reports of:

Alpine Resorts Co-ordinating Council

Trust for Nature

Fisheries Co-Management Council — Report 2007–08

Harness Racing Victoria — Report 2007–08

Melbourne Market Authority — Report 2007–08

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

Bass Coast — C72

Baw Baw — C51, C63

Brimbank — C107

Colac Otway — C49

Darebin — C88

Glen Eira — C62

Golden Plains — C35

Manningham — C76

Mitchell — C40, C58

Pyrenees — C17

Surf Coast — C34

Wangaratta — C30

Warrnambool — C64

Recreational Fishing Licence Trust Account — Report on Revenue and Disbursements 2007–08

Statutory Rules under the following Acts:

Children's Services Act 1996 — SR 120

Environment Protection Act 1970 — SR 121

Planning and Environment Act 1987 — SR 122

Transport Act 1983 — SR 123

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule 122

Victorian Energy Networks Corporation — Report 2007–08

Victorian Law Reform Commission — Report 2007–08 — Ordered to be printed

Victorian Multicultural Commission — Report 2007–08.

ROYAL ASSENT

Message read advising royal assent on 22 October to:

Abortion Law Reform Bill
Energy Legislation Amendment (Retail Competition and Other Matters) Bill
Major Crime (Investigative Powers) and Other Acts Amendment Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Asbestos Diseases Compensation Bill
Coroners Bill
Education and Training Reform Further Amendment Bill
Gambling Legislation Amendment (Responsible Gambling and Other Measures) Bill
Primary Industries Legislation Amendment Bill
Prostitution Control and Other Matters Amendment Bill
Racing and Gambling Legislation Amendment Bill
Sheriff Bill
Water (Commonwealth Powers) Bill.

BUSINESS OF THE HOUSE

Program

Mr CAMERON (Minister for Police and Emergency Services) — 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, 30 October 2008:
>
> Asbestos Diseases Compensation Bill
>
> Compensation and Superannuation Legislation Amendment Bill
>
> Dangerous Goods Amendment (Transport) Bill
>
> Education and Training Reform Further Amendment Bill.
>
> Gambling Legislation Amendment (Responsible Gambling and Other Measures Bill
>
> Health Professions Registration Amendment Bill
>
> Racing and Gambling Legislation Amendment Bill
>
> Stalking Intervention Orders Bill
>
> Water (Commonwealth Powers) Bill

This is more of a normal week. The reason I say it is more of a normal week is that over the last two sitting weeks we have had other debates involving conscience votes, and they have been conducted extremely well by all the parties involved. Now we are returning to straight-up government business, and we have put into the government business program nine bills to be passed this week. In doing that we thank everybody for the way they contributed to the debates over the past two sitting weeks.

Mr McINTOSH (Kew) — Certainly the opposition does not share the government's alacrity about this government business program. In the two previous sittings weeks we have had to extend the hours of sitting to complete government business, including the conscience votes, as the Minister for Police and Emergency Services has indicated. It is regrettable that this will be the pattern this week. Indeed I am informed by the Leader of the House that three bills — the Water (Commonwealth Powers) Bill, the Health Professions Registration Amendment Bill and the Compensation and Superannuation Legislation Amendment Bill — will have to be completed today or, given the number of speakers, by early tomorrow morning. So the house should anticipate sitting late this evening. Given the fact that we had to sit late on a number of days during the last sitting week in Melbourne, it is unfortunate that we will have to tax the staff again by sitting late tonight to complete those three bills.

I understand from the Leader of the House that there is some urgency about the water bill. I am looking at the list of opposition speakers, and it is a lengthy one. Indeed previous history has demonstrated that any water bill that comes into this house evokes a great deal of interest in members. Notwithstanding that this bill will not be opposed by the opposition, it certainly is of significant interest to a number of speakers. I note the member for Gippsland East has sought leave from the opposition — and presumably he has sought the same leave from the government — to speak for an additional 10 minutes, and the member for Rodney has sought similar permission from the government to speak for an additional 10 minutes, because of the complexity and importance of the water bill.

It is unfortunate that the completion of the water bill is coupled with the completion of the Health Professions Registration Amendment Bill. There will be a large number of speakers on that bill, as well as on the Compensation and Superannuation Legislation Amendment Bill. Apparently, according to the Leader of the House, these bills must be through tonight, so, as I said, the house should be prepared to sit late. It is unfortunate, given that this will be the third sitting week in a row that we have had to sit late on some of the evenings to complete the government business, even on that particular day. It is unfortunate that there are nine government bills on the list, and indeed the time of the house will be taken up with two second-reading speeches this afternoon to do with crimes legislation and multicultural amendment bills. Again, they will be taxing the time of people who would want to make a contribution to debate on these bills.

As I said, it is unfortunate that we will have to sit late at the behest of the government. The first time I was aware that these bills had to be passed through the house today was about 5 minutes before question time commenced, when the Leader of the House informed me of this. It is an indication that perhaps the government's lack of planning in preparing the house's agenda for each week is really not acceptable. Indeed having to ram through nine bills, take up the time of the house and sit late is terribly unfortunate, given that this is the third week in a row we have done so. I think it is an indictment of the way the government manages its affairs. The government blithely dismisses it by saying, 'These things are important. They have to be done'. If they are that important and if they have to be done, then a proper program should come before this house. Accordingly, the opposition will oppose the government's business program.

Mr LUPTON (Prahran) — I just rise to make some brief comments in support of the government business program moved by the Minister for Police and Emergency Services. The program before the house this week lists some significant pieces of legislation. The last couple of sitting weeks have been rather unusual, for reasons that are well known to members of the house, and I will not relate the reasons for those matters taking a significant number of hours to be dealt with. The government has a significant legislative program before the house, and it is important that some of this legislation is dealt with within an appropriate time this week so that we can continue moving the program on and making sure the other place has appropriate legislation to deal with also.

The matters that are before us range across a significant section of government responsibility. Numerous speakers will no doubt be interested in that wide range of matters, and of course we will accommodate members as appropriate, including some extensions of time that have been requested. Overall the government business program is an important one. We need to get on with the work. I commend the program to the house.

Mr DELAHUNTY (Lowan) — Like my colleague the member for Kew, we in The Nationals oppose this government business program. A couple of things are very important to note. We have nine bills to be debated this week. As has been highlighted by the member for Kew, not only can this government not manage money and government business, but also there has been a lack of planning in relation to its business program.

The reality is that the government has nine bills on the agenda for this week, the first one being the Water (Commonwealth Powers) Bill. The Nationals have seven members who want to speak on it. As has been highlighted, the member for Gippsland East has requested extra time to speak on it. Water is important to him. The member for Rodney has requested an extra 10 minutes to speak. I hope there will be a good Presiding Officer in the chair at the time, because I am sure he will want an extra 10 minutes on top of that time — once he gets on a roll about water he is hard to stop. He has enormous knowledge of water issues, which we would love him to impart to members on the other side of the house.

The minister said this is a normal government business program. It is normal from the point of view that we are sitting for three days and the matters do not involve a conscience vote and we do not have a Churchill regional sitting — of course that was a good exercise, there is no doubt about that — but it is an enormous government business program. We had a smaller one in the second last sitting week, and then we sat almost all night. There was one very important bill from the opposition's viewpoint, but we were allowed only 1 hour to debate it.

The Local Government Amendment (Councillor Conduct and Other Matters) Bill, which provided for a new code of conduct, conflict of interest and other matters was a major reform, yet the member for Shepparton had only 30 minutes to speak on it and raised various concerns. Those concerns, which have now been picked up by others, were not picked up by local government representatives and peak bodies like the Municipal Association of Victoria and the Victorian Local Governance Association or in the Ombudsman's report. But because the member for Shepparton raised the issue we now have things happening in the other house. If we do not get adequate time to debate these important issues for Victorians, we will have the problems that the government has with that local government bill.

The bills listed in the government business program include the water bill, which is critical for us, and over the page and well down the list on the notice paper we have item 19, the Water Amendment (Critical Water Infrastructure Projects) Bill 2006. That bill is still sitting on the government business program. Also on the notice paper is item 18, which is debate on the annual statement of government intentions for 2008. We are not far from finishing the 2008 year, and we still have not voted that off the notice paper.

Again, as the member for Kew highlighted, the government cannot manage its business program. There are important issues on the notice paper, including the Health Professions Registration Amendment Bill. Ministers as part of community cabinet meetings have visited country Victoria. They would be aware that we have a shortage of health professionals — doctors, nurses and allied health staff — and that we have critical problems in being able to recruit and retain these people. So that bill will be a very important one, and I am sure there will be many speakers on it.

Another bill is the Compensation and Superannuation Legislation Amendment Bill. Many members will want to speak on that one. The Leader of the House has said that we have to pass those three bills by the end of today. Today goes until midnight. I am sure that if we are going to get these bills through by then, with the appropriate time for everyone to make a contribution not only from their party's position but also from their electorate's position, we will have to go way past midnight. Where are those family-friendly hours that this government proposed in 1999? Where are the

family-friendly hours that would enable members to go home to their families and also allow staff to spend some time with their families? Hansard and other parliamentary staff who work here will be going home much later than when we walk out the door, whatever time that might be.

In the short time available to me I point out that my contribution follows that of the member for Prahran — he is not here at the moment — and he did not give me too many points. The member for Prahran was unenthusiastic about this week's program; even he understands that we will not be able to get through the government business program if we give the appropriate time to each of these nine important bills. Like the member for Kew, I am happy to say that we in The Nationals will be opposing the government business program.

Mr BROOKS (Bundoora) — I rise in support of the government business program. These are important bills that the government wishes to debate this week, particularly the three bills the Leader of the House indicated should be debated today — that is, the Water (Commonwealth Powers) Bill, the Health Professions Registration Amendment Bill and the Compensation and Superannuation Legislation Amendment Bill. I am sure many members will want to participate in the debates on them.

As previous speakers have said, this sitting week follows the regional sitting in Gippsland, which everyone agrees was a successful venture, and the two full weeks we had of conscience vote debates. It is not surprising that there is a full program this week.

This is my first term in Parliament. During the government business program debates it seems to me that the opposition has two set speeches depending on the number of bills the government wants to debate in a sitting week. One of the speeches opposition members pull out of their pockets is that there are not enough bills on the legislative program and that the program is too light; the other one they pull out of their back pockets is that there are too many bills, it is all too hard, and they do not want to sit late and debate these items that they have not done the work on. That fits into their modus operandi, which is a lazy one. We have said in this place before that they are not prepared to do the hard work, and their debate on the government business program supports that.

Mr HODGETT (Kilsyth) — I rise to give a few brief comments against the government business program. As has been stated, we will be opposing the program. I have heard what colleagues and government members have said. I concur with the comments that there are nine important bills and members need to be given adequate time to make their contributions to the debate. We have always known that Labor cannot manage money, but it is fast becoming apparent that it cannot manage the government business program. Week in and week out Labor is showing its lack of ability to plan and set the government business program.

Whilst there are nine important bills on the program, I note items 19 and 20 on the notice paper. We still have the Water Amendment (Critical Water Infrastructure Projects) Bill 2006 — 2006! I have been so moved by this that I think this afternoon I will submit a question on notice to the Minister for Water asking him to define 'critical'. Item 20 is a petition presented by and put on the notice paper by the Minister for Mental Health; it seeks assistance for Alicia Withington. I note it was put on the notice paper on 29 May; tomorrow will be the six-month anniversary of that. I know thousands of Bellarine residents are still waiting for this matter to be debated, given it was the minister who moved that it be considered.

We oppose the government business program. The government needs to get its act together in terms of adequately spacing out a program that we can work through and that gives all members adequate time to contribute to the debates. We need to deal with all the bills that are important and not pick and choose nine bills and say they are more important than others that have been on the notice paper for quite some time.

House divided on motion:

Ayes, 52

Allan, Ms	Langdon, Mr
Andrews, Mr	Languiller, Mr
Barker, Ms	Lim, Mr
Brooks, Mr	Lobato, Ms
Brumby, Mr	Lupton, Mr
Cameron, Mr	Maddigan, Mrs
Campbell, Ms	Marshall, Ms
Carli, Mr	Merlino, Mr
Crutchfield, Mr	Morand, Ms
D'Ambrosio, Ms	Munt, Ms
Donnellan, Mr	Nardella, Mr
Duncan, Ms	Neville, Ms
Eren, Mr	Noonan, Mr
Foley, Mr	Overington, Ms
Graley, Ms	Pallas, Mr
Green, Ms	Pandazopoulos, Mr
Hardman, Mr	Perera, Mr
Harkness, Dr	Pike, Ms
Helper, Mr	Richardson, Ms
Herbert, Mr	Robinson, Mr
Holding, Mr	Scott, Mr
Howard, Mr	Seitz, Mr
Hudson, Mr	Stensholt, Mr

Hulls, Mr
Kairouz, Ms
Kosky, Ms
Thomson, Ms
Trezise, Mr
Wynne, Mr

Noes, 33

Asher, Ms
Baillieu, Mr
Blackwood, Mr
Burgess, Mr
Clark, Mr
Crisp, Mr
Delahunty, Mr
Dixon, Mr
Fyffe, Mrs
Hodgett, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Morris, Mr
Mulder, Mr
Napthine, Dr
Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryan, Mr
Shardey, Mrs
Smith, Mr K.
Smith, Mr R.
Sykes, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms

Motion agreed to.

The SPEAKER — Order! I advise the house of an issue that was raised by the member for Lowan, and I thank him for that. There has been a difficulty with the Governor's messages. Members should have been given a list. The principal attendant has that list, but unfortunately it was not circulated at the time I made the announcement. The principal attendant has copies of the list of messages, and members can take one from the principal attendant.

MEMBERS STATEMENTS

Ben Bodna

Ms WOOLDRIDGE (Doncaster) — I rise to pay tribute to an inspiring Victorian, Ben Bodna. Ben had a passion for doing all he could to improve the lives of those who are disadvantaged. He did this throughout his long and distinguished career in public administration, social work and community development. He served as the director-general of community welfare services, was the first public advocate of Victoria and had many other important roles such as president of United Nations International Children's Emergency Fund Australia and president of Philanthropy Australia.

However, it was in 2005, when he invited me to join the board of Foundation Boroondara, that I got to know and admire him. Ben had a clear vision about the role community foundations could play in building social inclusion and active citizenship, and he worked to ensure Foundation Boroondara achieved that. In particular he was the catalyst for important research about poverty among children in Boroondara and the subsequent implementation of financial and social support to assist disadvantaged children to attend kindergarten.

One of what I am sure will be his many legacies will be the people he has inspired to be compassionate, to contribute and to make a difference for others and for our community. His significant impact will live on through all of us. Ben and his wife, Kay, were worthy recipients of the Boroondara citizen of the year award in 2006, and I was very pleased to have nominated them for that well-deserved honour.

Ben passed away on Monday, 20 October. He will be sorely missed but remembered by all with great admiration and love.

Eltham Sustainability Festival

Mr HERBERT (Eltham) — I rise today to congratulate the organisers of the Eltham Sustainability Festival, the Nillumbik Shire Council, for putting on this tremendous event last Sunday. I also wish to say a big thanks to the many local, state and national environment groups that turned up and helped make the day a huge success. In particular I would like to single out the Nillumbik Climate Action Now (CAN) group, and specifically Lyn Hatherly and Chris Peters for organising Nillumbik CAN and for inviting me to their stall. I also say thanks to Sue Bowles, Peter Scales, Mark McDonald, Jenna Farrington, Barbara Jackson and Melissa Russell. They are part of a terrific group of people that helped make the stall and the day a great success.

On Sunday I had a long conversation with members of the group on the issue of climate change. Although we did not see eye to eye on every issue, I greatly admired their conviction, and we were absolutely 100 per cent in agreement on the need for urgent action to tackle climate change at all levels of government, industry and the community. We also agreed that if governments all over the world could take massive and immediate action to stabilise their economies against the worst impacts of the financial meltdown, surely they could act as quickly and decisively on countering escalating greenhouse gas build-up in our atmosphere.

The Eltham Sustainability Festival demonstrated the passion and commitment required to avoid climate change and helped ignite this passion in the thousands of people who attended the festival. Again I congratulate and applaud the efforts of the Nillumbik Shire Council, and ward councillor Michael Young in particular, for organising a truly significant day.

Mildura College Lands Trust: review

Mr CRISP (Mildura) — College leases provide an income stream for 29 beneficiary schools in the Mildura electorate. In an act of great foresight the Chaffey brothers, Mildura's founders, established a trust by allocating land in the Mildura irrigation settlement for the benefit of education. The trust is controlled by the Mildura College Lands Act 1916. The trust has 184 properties valued at about $39 million and distributes funds on a student pro rata basis. This great legacy from the Chaffeys is causing problems. Mildura Rural City Council has recently commissioned a study into the college lease.

In May this year the Department of Education and Early Childhood Development responded on behalf of the minister to my request for an independent review of the trust. In the May response the department claimed the 2004 Ernst and Young Real Estate Advisory Services report supported the current investment strategy. The AG Private Advisory study instigated by the Mildura Rural City Council provides new grounds for facilitating change to the current arrangements. Further reasons for change arise from unbundling of water and the problems that have arisen in the trust portfolios due to the effect of the unbundling on land values. The current rate of return as reported by AG Private Advisory of 2.1 per cent is a poor return for all beneficiaries. At the same time, it is causing great hardship for many families whose homes are on college lease land. The time has come for change. The trust and the minister must now act. I call for the review to take place.

Barry Jones Cup

Mr HUDSON (Bentleigh) — Recently the Bentleigh schools debating competition for the Barry Jones Cup was held in the Legislative Assembly chamber of the Victorian Parliament. The Barry Jones Cup is an annual debating competition for McKinnon Secondary College, Our Lady of the Sacred Heart College, St James College, Bentleigh Secondary College, Cheltenham Secondary College and Brighton Secondary College.

The competition is adjudicated by the Debaters Association of Victoria with the schools competing in a round robin tournament followed by a final between the heat winners. The students debated topics such as 'The Olympic Games are a farce' and 'The 2.00 a.m. lockout is an effective way to deal with alcohol-related violence in Melbourne'.

In the final St James College was up against Bentleigh Secondary College, and they debated a secret topic for which each school had only 1 hour to prepare. The topic was that offensive music should be banned. In a closely fought contest St James College triumphed by two points, and in the process became the first school to win the Barry Jones Cup twice.

Congratulations go to St James College which was represented by Nero Georges, Aaron Corera, Dean Lantouris, Kieran McGuiness, Ian Johnson, Steven Ward and their debating captain Matthew Koo-Yuk Cheong. Special congratulations also go to Steven Ward who was awarded the best speaker prize in the competition. Congratulations are also due to all the Bentleigh schools which exhibited a high level of debating skill throughout the Barry Jones Cup. It demonstrated that the contest of ideas is alive and well in our schools and also the capacity of our young people to debate issues.

Stamp duty: first home buyers

Mr WELLS (Scoresby) — This statement condemns the Brumby government's misleading $150 000 advertising campaign for first home buyers. Treasurer John Lenders states that the purpose of the advertising campaign is to inform first home buyers of newly available assistance to help them buy their first home, but he conveniently omits the fact that Victorian first home buyers will also pay amongst the highest stamp duty of any state.

While the Brumby government claims to be supportive of first home buyers, the fact is that most first home buyers purchasing an established house in Melbourne will see the bulk of their federal and state grants eaten up by Victorian government stamp duty. A median-priced house in Melbourne of $451 000 will see Premier Brumby and Prime Minister Kevin Rudd handing over a cheque for $17 000 in grants, but then Premier Brumby taking back $16 030 — the second highest stamp duty in Australia, only behind South Australia.

The media campaign also boasts that the grants paid are amongst the most generous grants packages available. This is a misleading point when you consider the incredible amount of stamp duty which is being collected by the Victorian government. Stamp duty on property transfers in Victoria has skyrocketed from $1 billion in 1999 to a record $3.705 billion in 2007–08. John Lenders's assertion at the media launch that 'the Brumby Labor government is making it easier for Victorians to buy a home and raise a family' is simply untrue. If the Brumby government were serious about helping first

home buyers, it would assist them by freeing up more land for housing.

Rotary: Pride of Workmanship awards

Mrs MADDIGAN (Essendon) — Last night I had the privilege of handing out the Pride of Workmanship awards at the Rotary Club of Keilor East. The Pride of Workmanship is a program run through a number of local Rotary clubs that recognises excellent service from local traders and agencies, and I think it is a very worthwhile award.

Last night's workmanship awardees were Karen and Ennio Varrasso from the Essendon Roundabout Newsagency; Kevin Skinner from Skinner Plumbing Pty Ltd; Luise Schmittinger from Tezees Boutique in Keilor Road; Ted Eastman, a State Emergency Service volunteer with the Essendon SES; Kitty Crole, Home Care Physiotherapy; Jeff Milroy, an employee of Essendon Ford — perhaps better known as Duhig Ford — in Keilor Road; Kylie Damcevski and Allison White from the Bendigo Bank community bank in the East Keilor community; and Jacqueline DiGiorgio who is one of the excellent staff at the City of Moonee Valley.

It was a great evening and I would like to congratulate the president and members of the Rotary Club of Keilor East for their ongoing interest in and support for local traders in the area. Last night we saw some excellent people who do far more than they have to in their daily work, and I congratulate all the winners of the Pride of Workmanship awards for 2008.

Industry and trade: multicultural expertise

Mr KOTSIRAS (Bulleen) — With the current financial crisis the Brumby government's strategies to enhance the state's multicultural trade opportunities are in limbo. Vital strategies to utilise Victoria's multicultural expertise to target the Indian, Chinese and Middle Eastern markets have been put on the backburner.

In May the government launched a review into the government's investment opportunities in India, and yet five months later Victoria is no closer to forging stronger trade links with India. This is a shameful affair. The Labor government has been promising strategies for India, China and the Middle East for the last nine years, and these markets are vital to Victoria's immediate prosperity. These markets create new businesses, fill labour market shortages, improve productivity and grow our intellectual, social and cultural capital.

Victoria's culturally and linguistically diverse (CALD) communities are equipped with skills and knowledge that could strengthen the economic fabric of the state in such uncertain economic times, but the expertise is going to waste without a strategy to drive it. We should have strategies in place now that embrace and utilise our ability to speak all languages and our understanding of overseas markets. We need strategies that take into account linguistic and cultural differences, allowing our products to be adapted for specific local and overseas markets.

After nine years we are still waiting for these strategies from the Labor government, and while the Premier ignores Victoria's CALD credentials, vital trade opportunities are being lost. I urge the minister responsible to get up and do something.

Adam Shearer and Matthew Kneebone

Mr CRUTCHFIELD (South Barwon) — I know members of this house will join me in congratulating two constituents of mine, Adam Shearer of Breamlea and Matthew Kneebone of Barwon Heads, who last week were awarded Country Fire Authority (CFA) valour awards. As a former firefighter, I fully appreciate the remarkable efforts each and every firefighter puts in on a daily basis when attending emergency incidents.

On 5 December 2007 both Matthew and Adam climbed into a GrainCorp facility silo in Hamilton in an attempt to rescue Bruce Hartwich, a CFA volunteer, who was stuck in the silo. Risking their own lives, they suspended themselves in the silo and performed expired air resuscitation in an effort to save Mr Hartwich. Unfortunately he died.

Adam and Matthew were last week presented with awards at the graduation ceremony at the CFA Training College in Fiskville. Only 15 firefighters have been presented with the accolade in the organisation's history, the last in 2000. Adam and Matthew thoroughly deserve their awards for putting their own lives in extreme danger. Although honoured to receive the awards, both men told those gathered that their thoughts were still with Mr Hartwich's family. Unfortunately their bravery awards came at the cost of another life, but it could have easily been a triple fatality that day. I know the house will join me today in thanking them for their bravery and congratulate them on their valour awards.

Graeme Purcell

Mr CRUTCHFIELD — Sadly I inform the house that Graeme Purcell, a CFA career firefighter for nearly 30 years, passed away on the weekend at the tragically young age of 57. I was privileged to enjoy Graeme's company as a CFA work colleague and at the frequent Purcell social occasions. Like all Purcells, he loved life and those around him. My thoughts are with Lynn, his children Karen, Michelle and Michael, and all the Purcell family. Significantly Graeme will be honoured tomorrow with a full fire brigade funeral in Grovedale. Julie's and my thoughts are with the Purcells, a wonderful family. Rest in peace, Graeme.

Kyabram and District Health Service: funding

Mr WELLER (Rodney) — I rise to acknowledge the fantastic fundraising efforts of the Kyabram and District Health Service and its generous community. In the past 10 years, $11.5 million has been invested in building works at the health service, with nearly $10 million of that amount sourced directly from the hospital's own reserves and fundraising efforts. The government has contributed just $1.5 million to building works across the services during that 10-year period. Recently the health service launched a new public fundraising campaign to raise an additional $1.5 million. The campaign will enable the completion of stage 4 of the Sheridan aged care facility, which is a 42-bed high-care residence that includes a 12-bed dementia unit and a respite bed.

To kick-start that fundraising effort, the Kyabram Club has committed $120 000 over the next three years. The handover of the funds will take place at a presentation evening tonight, and I applaud and congratulate the club on its most generous contribution. I also make special mention of the fact that the Kyabram Club is a higher contributor to its local community per gaming machine than any other licensed establishment in the state. The Kyabram community as a whole has built an enviable reputation as one of the most generous across Victoria when it comes to supporting local services. I only wish the Victorian government would come to the party once in a while and assist this wonderful health facility with some funding for capital works. I offer my sincere congratulations to the Kyabram residents.

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

Cardinia: stadium redevelopment

Ms LOBATO (Gembrook) — On Sunday, 12 October, many celebrations occurred throughout the electorate of Gembrook. In Pakenham the Minister for Sport, Recreation and Youth Affairs joined me and the Shire of Cardinia to officially open the redeveloped YMCA Cardinia LiFE stadium. This expansion includes four new multipurpose courts and upgrades to accommodate people of all abilities. The Brumby government contributed $500 000 to the project as part of the community facility funding program. The redevelopment complements the existing four courts, the gymnasium and the swimming pools. My children and I enjoyed playing the increasingly popular floorball, and the minister participated in wheelchair basketball with members of our Olympic team, who certainly made him work hard.

Benwerren: 30th anniversary

Ms LOBATO — Also celebrating was Benwerren, a holiday home for women in need, located in Upper Yarra. Benwerren celebrated its 30th year of helping women and children in need of rest or refuge. Benwerren is a not-for-profit organisation which is relied on heavily by many welfare organisations and is run almost solely by volunteers with an emphasis on the importance of prevention. Benwerren acknowledges this emphasis is better than needing to cure, and it has been providing time out to mothers, with or without their children. This continues in various forms, with an average of 160 women and 140 children each year making Benwerren their home for stays ranging from overnight to between two and four weeks. Congratulations to Dawn Develyn, her family and all the volunteers.

Woori Yallock Presbyterian Church: centenary

Ms LOBATO — The Woori Yallock Presbyterian Church also celebrated on Sunday, 12 October. A thanksgiving service was held to celebrate 100 years of ministry in Yarra Valley. Congratulations.

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

Glen Park community cafe: reopening

Mrs VICTORIA (Bayswater) — I am delighted at the news that the Glen Park community cafe will reopen this Friday thanks to the generosity of the Pratt Foundation. The broadcasting of the closure on Channel 7 news highlighted the important role of the cafe in the community, with the social support offered being invaluable. To many disabled and disadvantaged people, this cafe is their family.

It is a shame that having the cafe reopen came down to a public appeal for help and the Pratt Foundation coming in as fairy godmother, when the government could have stepped in much earlier. This government did not recognise the importance of this community hub until a philanthropic organisation put it to shame. Once again the Brumby Labor government has shown its neglect of the people of the outer east. I look forward to attending the reopening on Friday with Robyn Murray, all her dedicated staff and my colleague the member for Kilsyth.

Pink Ribbon Day: Bayswater breakfast

Mrs VICTORIA — Yesterday morning, my staff and I attended the Pink Ribbon breakfast at one of our local businesses, the Shamrock Lounge in Bayswater. Pink Ribbon Day is a very worthwhile event which raises awareness of and money for breast cancer research and which has touched many, including my own family and good friends. I would like to congratulate Janet and all the Shamrock crew for their continuing support of such worthwhile causes.

Rail: information access

Mrs VICTORIA — It has been brought to my attention just how user unfriendly our Victorian rail information sites are. Resi, a local resident, has just returned from overseas with glowing reports of how easy it is for people to find out precise information overseas. With the global economic turmoil, should we not be encouraging Victorians to stay at home and holiday here?

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

Frankston electorate: young leaders awards

Dr HARKNESS (Frankston) — In 2003 I began the Frankston young leaders awards, an annual initiative designed to recognise, encourage and reward leadership among school students in Frankston. Schools nominate students who show the sort of qualities that every Victorian wants to see in our next generation of leaders: consideration of others, civic mindedness, initiative and an interest in world affairs. I am proud to say that the awards are still going strong in 2008 and that schools in Frankston are having no trouble finding students that embody these character traits.

Thanks and congratulations to the 22 successful Frankston young leader award recipients, their schools, teachers and families. Special thanks to Sue and her team at Robinson's Bookshop, the Parliamentary Secretary for Roads and Ports and a member for Western Metropolitan Region in the Legislative Council, Martin Pakula, for helping with the presentations last Tuesday at the bookshop. Australia has a strong tradition of publicly congratulating its students for their good work, a tradition that will continue in Frankston through the young leaders awards.

Gaming: problem gambling

Dr HARKNESS — It is a pleasure to see the government taking further action to stop problem gambling, with the launch of the new Take the Problem out of Gambling campaign. All of us know gambling, and particularly an addiction to pokies, can have a terrible impact on people's lives. What begins as seemingly harmless entertainment can lead some individuals and families to ruin. It is devastating to hear stories of massive debts, of deceit of loved ones, of neglect of children and of stealing from work to support a gambling problem. Governments must campaign ruthlessly to stop this problem. The current campaign will involve a range of television, print, radio and online advertising. Providing help via the internet is particularly important. Because gambling addicts often find it hard to speak about their problem, it is crucial for advice to be accessible anonymously. This is a very important step in the war against problem gambling, and Victorians want more campaigns like this in the future.

Police: central business district

Mr HODGETT (Kilsyth) — It is sad to see that the invisible Sideshow Bob has once again neglected the safety of Victorians with another poorly constructed band-aid solution following his failure to have any impact on CBD (central business district) violence.

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member should refer to members by their correct titles or electorates.

Mr HODGETT — Quite right, Acting Speaker. While the minister sat camouflaged in his hidden bunker, it was revealed last week that a senior sergeant, 4 sergeants and 16 constables from regions 2 to 5 will soon be reallocated to the CBD each Friday and Saturday night. I am bewildered by how the stealthy minister can even consider plugging one hole by opening another to be a solution. His plan of covering the shifts with overtime does not even have the support of the police force, which has been demanding an increase in CBD police for six months.

I also read that police commissioner Christine Nixon has thrown her support behind the Just Think campaign of Leader Community Newspapers, which is targeting alcohol-related violence across Victoria and each week shows us the graphic results of violence in our streets. Perhaps the minister needs his map of Victoria updated, because when I last checked Melbourne's outer suburbs were a part of this state. Shifting officers to cover his failures is a selfish and short-sighted solution by the minister, which leaves outer-suburban residents unprotected and vulnerable and ignores the real issue.

As FOI documents outlined last week, this year has seen 15 per cent fewer police working hours across the state as compared to five years ago. It is unacceptable that the Brumby government employs a police minister who clearly has no regard for the safety of Victorians. The minister has to cease threatening local communities by stealing their police. The residents in my electorate of Kilsyth deserve every possible protection, not a depleted force. The Brumby government is again showing it is more concerned with attempting to cover for its own failings than protecting Victorians.

Bea Riley

Mr LANGDON (Ivanhoe) — Today I wish to congratulate Mrs Bea Riley on her 112th birthday, which she celebrated on 13 October this year, making her our oldest Australian. Emily Beatrice Riley was born on 13 October 1896 in the eastern Victorian dairy town of Poowong. Mrs Riley loved horseriding as a girl and moved to Melbourne to work as a nurse. She settled in Ivanhoe, where she and her husband, Alex, raised their two children: Cliff, now 81, and Marilyn, who died 12 months ago aged 76.

When asked what she considered the best part of her long life, Bea said that she most enjoyed having children and the joy of bringing them up. Bea now has 6 grandchildren and 14 great-grandchildren. Bea's son Cliff played football for the St Kilda Football Club between 1951 and 1952. Cliff spoke of his mother as a devoted, loving mother who liked the simple things in life.

Mrs Riley has seen two appearances of Halley's Comet, the federation of Australia and man walk on the moon for the first time. Bea has lived at Viewbank House retirement village in Rosanna since the age of 98. On behalf of the Victorian Parliament I extend my congratulations and best wishes to Bea on celebrating her 112th birthday.

Water: desalination plant

Mr K. SMITH (Bass) — Today I want to raise the issue of the desalination EES (environment effects statement) hearing that is currently being held at Pakenham and question why it is at Pakenham, which is 85 kilometres away from the plant at Wonthaggi. There are two issues here. The first issue is the desalination plant and the reason for choosing desalination before any other option, how this complex and vital EES was completed in less than 12 months and why these hearings are being rushed through in record time to suit the government's directions and time frame.

The second issue is the government's proposed above-ground powerlines from Tynong to Wonthaggi, and this apparent uncaring government's attitude to nearly 200 landowners directly affected by its hasty decision to run the pylons on this prime farmland and down the magnificent Bass Valley. No consideration was given by the government to undergrounding these powerlines or running them on government-owned land. It was obvious from the hearings and the public meetings that the government and the bureaucrats were not listening or did not want to hear. One has to be very concerned if the panel is not listening to the great contributions that have been made by the Power Grid Option Group's Alan Fraser and the objectors who are talking common sense and have raised the issue of high-voltage direct current powerlines to be buried underground like they were in the Mildura link project and in the Minister for Agriculture's electorate.

Cranbourne electorate: Premier's reading challenge

Mr PERERA (Cranbourne) — I would like to congratulate all students within the electorate of Cranbourne who took up the 2008 Premiers reading challenge with such passion, enthusiasm and determination. Congratulations go to the students who took part in the challenge from Belvedere Park Primary School, Carrum Downs Primary School, Cranbourne Park Primary School, Cranbourne Primary School, Mahogany Rise Primary School, Rangebank Primary School, Rowellyn Park Primary School, Skye Primary School, St Agatha's Primary School, St Anne's Primary School and Woodlands Primary School.

Reading is a vital skill and opens the door to a world of new experiences, creativity and learning. These students are well on their way to developing a lifelong love of reading.

Police: Carrum Downs station

Mr PERERA — Last week I was joined by the Minister for Police and Emergency Services in announcing the location of a new multimillion dollar police station to be built at Carrum Downs. The new station, to be built within the Keith Turnbull Research Institute site at Ballarto Road, will provide police with a modern facility and will cover Carrum Downs, Langwarrin and surrounding suburbs. The new Carrum Downs police station will play a vital role not only for the Carrum Downs community but also for residents of surrounding suburbs. Construction of the state-of-the-art facility will begin early next year and be completed by 2010.

Latrobe Valley: investment

Mr NORTHE (Morwell) — I wish to make comments in reference to an article written by Terry Ryder in the *Australian* newspaper on Thursday, 23 October, under the heading 'The powerful Latrobe takes a lot of beating'. It is pleasing to read such a constructive and positive article from a journalist outside the Gippsland region. I concur with the sentiment expressed by the writer with regard to the potential for future investment in the Latrobe Valley.

Projects that have been earmarked for the Latrobe Valley include a $2 billion urea plant proposed by the Australian Energy Company, Monash Energy's synthetic diesel proposal and HRL's 500-megawatt electricity generator using clean coal technologies. These projects would create a significant boost to the local economy and employment market. I say 'would', as it appears there are still a number of hurdles. Despite earlier predictions, the HRL project has not commenced construction. It is extremely disappointing to hear that government procrastination is supposedly delaying this vital project.

Another major investment on the cards for the Latrobe Valley is the Gippsland intermodal freight terminal located in Morwell. Latrobe City Council has made clear its intent to reinvigorate this precinct, but again the Brumby government seems in no hurry to ensure this facility is operational in the very near future. Yes, Terry Ryder is correct in stating that the Latrobe Valley could be one of the top five areas for developers; however, the Brumby government must play its part by taking decisive and affirmative action to ensure these vital projects are delivered to the Latrobe Valley as soon as possible.

Cr Mendo Kundevski

Mr SCOTT (Preston) — I rise today to acknowledge the contribution to the community by Cr Mendo Kundevski, who has chosen not to recontest council elections at the City of Darebin. Cr Kundevski represented the ward of Cazaly in the last term from 2004. He has been a hardworking committee member and has worked particularly with youth. He has a background in the music industry, previously having run Jam Hut, a recording studio, where he spent much time with young people

He is particularly committed to the environment, working hard on alternative energy and other issues, and he is a committed member of the Australian Republican Movement, believing, as do I, that the head of state should be an elected Australian rather than an overseas monarch. He believes the entire concept of monarchy is an anachronism.

Cr Kundevski remains a loyal member of the Australian Labor Party, having served as president of the Preston branch for a long time. He has served his community well. He has taken progressive stances on issues of affordable housing and looking after the most disadvantaged residents in his community without fear or favour, often taking an unpopular stand against nimbyism and looking after the most disadvantaged residents. His community service will be missed, and I wish him well in the future.

Technical and further education: teacher salaries

Mr BLACKWOOD (Narracan) — The enterprise bargaining agreement negotiation process for TAFE teachers across Victoria is currently at a stalemate, and I call on the Minister for Skills and Workforce Participation to act immediately. The minister must start treating our TAFE teachers with the respect and equity they deserve, in line with the negotiated outcomes achieved for our nurses, schoolteachers and police.

TAFE teachers last received a pay rise in September 2006, and their agreement expired in September 2007. Since that time the Brumby government has reached agreement with police, nurses and schoolteachers, whose agreements expired after the TAFE teachers agreement. Currently our TAFE teachers are the lowest paid in Australia. They receive $13 000 less than their counterparts in the school system here in Victoria. TAFE teachers are worth at least the same as schoolteachers. In most cases TAFE teachers are men and women with many years of hands-on experience in

the workforce as plumbers, electricians, motor mechanics and so on. These dedicated, hardworking teachers bring a wealth of experience to the classroom. They also become great mentors for their students based on their many years of involvement in the real world of industry and their willingness to share this valuable knowledge.

I call on the minister and the Premier to immediately resolve this inequity. Instead of constantly bragging about Victoria's TAFE system being the best in Australia, they should implement a pay structure that rewards those committed TAFE teachers who make it happen.

Nusret Colpan

Mr EREN (Lara) — It gives me great pleasure to inform the house about the exhibition of the world-renowned Turkish artist Nusret Colpan' s miniatures in Parliament House's Queen's Hall. This has been made possible by the grants and donations from the state government, the Turkish government and the Turkish business community, coordinated by the 40th anniversary committee. This wonderful collection of works is one part of a massive range of activities to celebrate 40 years of Turkish migration to this great country, Australia. It will be officially launched tonight, and I encourage all members to take the time to have a look at these fascinating works.

Nusret Colpan's works are inspired by the works of the acclaimed miniaturist Matrakci Nasuhi, who depicted 16th century Istanbul and other Ottoman cities in his historical works. Colpan's works, as displayed in this building, make up a collection depicting both 16th century and modern-day Istanbul with amazing attention to detail. His works are in many private collections across the globe, and he has even made a miniature of Paris for Jacques Chirac and a miniature of Moscow for Vladimir Putin.

The journey of so many Turkish people to Victoria is being celebrated in many ways this year, from the Premier's gala dinner to the Moomba parade and two major festivals at the Immigration Museum and the Queen Victoria Market. Turkish migration to Australia began with an assisted passage agreement in October 1967. My family is among those who have come to our shores. Former Prime Minister Paul Keating said in his foreword — —

The ACTING SPEAKER (Mr Ingram) — Order! The member's time has expired, and the time for making members statements has also expired.

CRIMES LEGISLATION AMENDMENT (FOOD AND DRINK SPIKING) BILL

Statement of compatibility

Mr HULLS (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008.

In my opinion, the Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

This bill creates two new offences which relate to food or drink spiking behaviour. Both were recommended to the Standing Committee of Attorneys-General (SCAG) by the Model Criminal Law Officers' Code (MCLOC) in its review of drink spiking. SCAG endorsed MCLOC's recommendations.

Clause 3 of the bill inserts a new subsection into section 53 of the Crimes Act 1958. That subsection creates a new offence of administering a drug with the intention of rendering a person incapable of resisting an indecent act. The existing provision only applies to situations where a person has been rendered incapable of resisting sexual penetration. Accordingly, this new provision addresses a gap, which was identified by MCLOC.

Clause 4 of the bill creates a new offence in the Summary Offences Act 1966 of food or drink spiking. In keeping with MCLOC's recommendation, but adopting Victorian drafting conventions, this bill creates an offence where a person:

> gives another person, or causes another person to be given or to consume, food or drink that is spiked; and
>
> knows that the victim is not aware, or is reckless as to whether the victim is aware, that the food or drink is spiked; and
>
> intends the victim to be harmed by the consumption of the food or drink.

The offence is also made out if the victim has been given more of an intoxicating substance than they could reasonably expect their food or drink to contain. This means that it captures the spiking of an alcoholic drink with additional alcohol where the elements of the offence are also satisfied.

The offence is a preparatory offence. It is not necessary for food or drink to be consumed, nor is it necessary that a person's senses or understanding actually be impaired. If a person's senses or understanding are actually impaired, this is likely to be covered by assault offences and, in Victoria, the offence of 'administering certain substances' (an offence under the Crimes Act which applies where there is likely to be a substantial impairment of bodily functions).

Human rights issues

1. Human rights promoted by the charter that are relevant to the bill

There are two human rights protected by the charter that are relevant to the bill, as set out below.

1. Section 13 — privacy and reputation

Section 13(a) of the charter provides that a person must not have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

The term privacy includes 'bodily privacy'. The bill promotes the right to bodily privacy, namely the protection of physical selves against invasive procedures, which arguably include food or drink spiking. It does this by criminalising behaviour associated with food or drink spiking.

2. Section 21 — right to liberty and security of person

Section 21 of the charter provides that every person has the right to liberty and security.

This bill promotes the right to security. Under that right, public authorities (such as the state) must protect a person's physical security where it is aware that security may be under threat.

This bill does this by criminalising certain behaviours relating to food and drink spiking which may not currently be captured by existing offences.

Consideration of reasonable limitations — section 7(2)

The bill does not limit any human rights, and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

The Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008 is compatible with the Charter of Human Rights and Responsibilities on the basis that it enhances two human rights, and does not limit any rights.

ROB HULLS, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill delivers on the government's commitment to reform the law relating to food and drink spiking to increase the protection, particularly for young people, against harm and sexual assault.

The term 'spiking' refers to the practice of adding drugs or alcohol to another person's food or drink, without that person's consent. There has been considerable media reporting of cases in which perpetrators have added 'date rape' drugs to alcohol with the aim of taking sexual advantage, and indeed sexually assaulting, victims. This is clearly very serious offending behaviour. Other examples of 'spiking' include someone adding extra alcohol to an alcoholic drink with the aim of, for example, seeing the victim make a fool of himself or herself. Such behaviour can obviously have very serious consequences for the victim, but also the broader community.

We do not know precisely how prevalent drink spiking is. This is due to a range of factors including high levels of underreporting and difficulties associated with verifying whether a reported incident actually occurred. There is no typical incident of drink spiking. What we do know from the available research is that it disproportionately affects young women, and a third of all drink spiking incidents are associated with sexual assault.

This bill arises directly out of recommendations by the Model Criminal Law Officers Committee (MCLOC) of the Standing Committee of Attorneys-General (SCAG), which SCAG subsequently endorsed. It builds on the work of the Australian Institute of Criminology and the Ministerial Council on Drug Strategy.

MCLOC concluded that while other general offences cover spiking cases where the spiking results in injury or death, in most jurisdictions there was a gap in relation to the lower end of the spectrum of drink spiking behaviour.

It proposed the creation of a preparatory offence in which it would not be necessary for food or drink to be consumed, nor for a person's senses or understanding actually be impaired.

If a person's senses or understanding are actually impaired, this would be covered by assault offences (or in the most extreme cases, murder) and, in Victoria, the offence of 'administering certain substances'.

Accordingly, in keeping with MCLOC's recommendation, but adopting Victorian drafting conventions, this bill creates an offence where a person:

> gives another person, or causes another person to be given or to consume, food or drink that is spiked; and
>
> knows that the victim is not aware, or is reckless as to whether the victim is aware, that the food or drink is spiked; and
>
> intends the victim to be harmed by the consumption of the food or drink.

The offence is also made out if the victim has been given more of an intoxicating substance than they could reasonably expect their food or drink to contain. This means that it captures the spiking of an alcoholic drink with additional alcohol where the elements of the offence are also satisfied.

As such the offence does not criminalise all instances in which a person gives another person more alcohol than they are aware of — for example, the extra 'birthday' shot given as a gesture of goodwill — but it will capture this behaviour if there is an intention to harm the other person.

MCLOC proposed that the maximum penalty for this offence be two years imprisonment. In Victoria this means that the offence is a summary offence. As such, the offence appropriately fits into the Summary Offences Act 1966.

The bill also implements a recommendation that MCLOC made in respect of section 53 of the Crimes Act 1958, which creates the offence of administering a drug with the intention of rendering a person incapable of resisting sexual penetration. MCLOC identified a gap in this provision where the intention is to render the person incapable of resisting an indecent act, rather than sexual penetration. The bill addresses this gap by also making this an offence.

This bill sends an important message about the dangers of food and drink spiking behaviour. It makes it clear that this behaviour is unacceptable, regardless of the extent of harm which results from it.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Tuesday, 11 November.

MULTICULTURAL VICTORIA AMENDMENT BILL

Statement of compatibility

Mr BRUMBY (Minister for Multicultural Affairs) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Multicultural Victoria Amendment Bill 2008.

In my opinion, the Multicultural Victoria Amendment Bill 2008, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the Multicultural Victoria Amendment Bill 2008 (the bill) is to amend the Multicultural Victoria Act 2004 to:

(a) enhance the functions of the Victorian Multicultural Commission (VMC);

(b) provide for the appointment of a director of the VMC;

(c) amend the reporting requirements of government departments in the area of multicultural affairs;

(d) make other minor amendments.

Human rights issues

The bill will enhance the functions of the VMC and provide for additional reporting requirements for government departments to report on:

the department's progress under its cultural diversity plan and any initiatives developed by the department to meet the needs of culturally and linguistically diverse communities, with an enhanced focus on how departments are responding to acknowledged needs within these communities;

any measures taken to promote human rights in accordance with the charter for multicultural communities.

The principles underpinning the charter of respect, equality, freedom and dignity tie closely to the objectives of the bill. These principles, set out in the preamble to the charter, include that human rights:

are essential in a democratic and inclusive society that respects the rule of law, human dignity and equality and freedom;

belong to all people without discrimination, and the diversity of the people of Victoria enhances our community.

In particular, the bill promotes the cultural rights provided for in section 19 of the charter, which provides that 'all persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of that background, to enjoy his or her culture, to declare and practise his or her religions and to use his or her language'.

The bill will improve protection of cultural rights and the right to equality by enhancing the ability of the VMC to promote these rights. The bill will also improve the accountability and transparency of government departments in relation to progress in promoting the rights of multicultural communities in service delivery and other initiatives.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities.

HON. JOHN BRUMBY, MP
Premier of Victoria
Minister for Multicultural Affairs.

Second reading

Mr BRUMBY (Minister for Multicultural Affairs) — I move:

That this bill be now read a second time.

In this year's annual statement of government intentions we signalled our intention to amend the Multicultural Victoria Act 2004.

The purpose of the Multicultural Victoria Amendment Bill 2008 is to formalise the structural and administrative changes to the Victorian Multicultural Commission following its merger with the Victorian Office of Multicultural Affairs.

The bill also enhances the whole-of-government approach to multicultural affairs, improving the accountability of government departments in this area; allows for greater community input and participation; and ensures compatibility with the Charter of Human Rights and Responsibilities.

Specifically the bill amends the Multicultural Victoria Act to:

augment the functions of the Victorian Multicultural Commission,

provide for the appointment of the director and staff of the commission, and

increase the reporting requirements of government departments in the area of multicultural affairs.

The new functions for the commission will require it to facilitate community input with respect to meeting its stated objectives and to provide information and advice in the area of multicultural affairs to departments and other relevant bodies.

In order to formalise the structural and administrative changes to the commission following the merger with the Victorian Office of Multicultural Affairs, an order in council will be sought separately to this bill to establish the commission as an administrative office in relation to the Department of Premier and Cabinet. Under this arrangement, the commission's chairperson will have in relation to the commission the same functions as a department head has in relation to a department. The chairperson will be responsible to the secretary of DPC for the general conduct and the effective, efficient and economical management of the functions and activities of the commission.

This proposal aligns with the current arrangements, under which the VMC is administratively linked to and works through the Department of Planning and Community Development in relation to a range of matters.

The additional reporting for government departments introduced in the bill will improve their accountability in multicultural affairs and build on the existing reporting requirements for departments in the act.

This new reporting will cover four areas:

reporting on initiatives to meet the identified needs of youth, older persons and women within Victoria's culturally and linguistically diverse communities;

reporting on departments' progress under their cultural diversity plans to address provision for culturally sensitive service delivery to Victoria's communities;

reporting on initiatives in rural and regional Victoria; and

reporting on the measures taken by departments to promote human rights in accordance with the Charter of Human Rights and Responsibilities for multicultural communities.

The bill also makes a number of other amendments of a minor or technical nature.

Victoria's social, cultural and economic life has been invigorated by successive waves of immigration, providing an outstanding example of the positive effects of cultural diversity.

This has made Victoria an open and inclusive society that readily embraces the rest of the world, delivering many benefits for our community.

The Multicultural Victoria Act 2004 was enacted to formally recognise and support the principles of cultural, racial, religious and linguistic diversity in Victoria.

The legislation introduced principles of multiculturalism and reporting requirements for government departments in relation to multicultural affairs and re-established the Victorian Multicultural Commission.

The Multicultural Victoria Amendment Bill is an opportunity for Parliament to reiterate to Victorian

communities our commitment to support cultural, racial, religious and linguistic diversity in this state.

Stating this commitment in legislation sends an incredibly important message.

It provides a framework which both reflects existing commitments and strategies but also engenders greater effort across government and the community.

I commend the bill to the house.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until Tuesday, 11 November.

WATER (COMMONWEALTH POWERS) BILL

Second reading

Debate resumed from 9 October; motion of Mr HOLDING (Minister for Water).

Mr WALSH (Swan Hill) — The Water (Commonwealth Powers) Bill gives effect to the agreement on Murray-Darling Basin reform entered into between the commonwealth, New South Wales, Victoria, Queensland, South Australia and the Australian Capital Territory on 3 July 2008. It refers certain matters relating to the Murray–Darling Basin and other water management matters to the commonwealth Parliament so as to enable the commonwealth Parliament to make laws about those matters.

It refers power to the commonwealth to amend the commonwealth Water Act in the terms set out in the Water Amendment Bill 2008 that was tabled in the South Australian Parliament. It was agreed that it only had to be tabled in one house in the basin constituency states. The part of that legislation relevant to the ongoing operation of the basin is schedule 1, which is to be included in the commonwealth bill. The bill stipulates that schedule 1 can be amended from time to time by the unanimous agreement of the Murray-Darling Basin Ministerial Council without legislation having to go back to the relevant parliaments within the constituency.

The history of the Murray–Darling Basin is quite fascinating. The conflict over water in the Murray–Darling Basin probably started in the 1880s when the first diversions for irrigations happened. At that time, as most people would be aware, the river was a major means of transport on the east coast of Australia. As early as 1863 conferences were called between New South Wales, Victoria and South Australia about how management of the Murray could be improved. Ideas on how to make the river more navigable, keeping in mind the things that could happen, were gradually built on.

Parochialism between states, or colonies as they were then, made sure there was no progress at that time, but the severe drought from 1895 to 1902 galvanised the colonies, and a non-government conference was organised in 1902. That led to the formation of the River Murray Waters Agreement between the federal, New South Wales, Victorian and South Australian governments in 1915. In 1917 the River Murray Commission, a precursor to the Murray-Darling Basin Commission, was set up to implement those agreements. Over the next 70 years a lot of work was carried out in the basin. There was the building of the Hume and Dartmouth dams, the locks along the river, the Lake Victoria storage, the weirs on the Murrumbidgee and the barrages at the Murray mouth, which are very topical.

In the 1960s, the commission carried out salinity tests in the Murray Valley. At that time it was decided that the issue of water quality was important to the basin, not just the sheer supply of water, and in 1982 water quality issues were included in the agreement. There was more talk and more conferences, and a new Murray-Darling Basin agreement was signed in 1987. The Murray-Darling Basin Commission was established in 1988 to put in place the 1987 agreement. Queensland joined the Murray-Darling Basin initiative in 1992.

As everyone can see, this legislation is another step in managing the basin. One of the challenges in managing the basin is the fact that when you do the arithmetic you find that within the basin states one and a half elections are held every year. Between Queensland, New South Wales, the ACT, Victoria, South Australia and the commonwealth there is effectively one government in election mode at any period of time. This means that making decisions is very hard, because there is always a state coming up to an election.

As we also know, any faults with the basin are always someone else's fault; the blame game has continued over a long time. Everyone sees the problem through their own eyes, and they see the solutions to those problems as they relate to their own issues and not necessarily to anyone else's. Most people in this house would have seen the ABC documentary *Two Men in a Tinnie*, in which Tim Flannery and John Doyle went down the Darling River and the Murray River. I got the

DVD out a while ago and watched it to refresh my memory.

Ms Asher — With a tinnie?

Mr WALSH — With a tinnie — a different colour to the one they were in. Everyone they interviewed as they came down both the Darling and the Murray said, 'This is what our problem is — it's those guys upstream. They are causing the problem'. It was always someone upstream who was causing the problem. There has always been this issue of it being someone else's fault.

Management of the basin's water, the environment and the social and economic needs of the community is very complex, and one of the challenges we have in today's world of the 30-second grab in the nightly television news is how to get a very complex issue through to the members of the community who have not grown up with the issues around the basin. The 30-second grab has a lot to answer for in relation to the misconceptions that exist about what goes on in the basin. One of the problems with the 30-second grab at the moment is that the federal government in particular has been saying, 'We will go and buy water off irrigators — because irrigators waste water — to solve the problems of the basin'. It is not that simple. There are huge community costs associated with the federal government going out and just buying water to supposedly solve the problem.

What I would like to do in my contribution to the debate is debunk a few of the myths that are around at the moment in relation to this whole issue of managing the Murray–Darling Basin, the first one being the issue of the Coorong. According to some, everything that is happening with water in Queensland, Victoria and New South Wales is to blame for what is going on in the Coorong. The Coorong is a narrow strip of water 140 kilometres long, and it effectively sits behind the sand dunes which separate it from the ocean. The mouth of the Murray River is at one end of the Coorong, and I do not believe any water from the Murray could ever get right down to the other end of the Coorong.

The issues around the Coorong relate to what has been done by South Australia over the last 100 years to drain a lot of its agricultural land. The swamps that used to be there to filter water in the Coorong are no longer there, because they have been drained out to sea. There used to be groundwater in a large area there through Coonawarra and so on, but that has been extracted. That groundwater would once have seeped into the Coorong as well. It is wrong, I think, for South Australia to be blaming New South Wales and Victoria for all the perils to the Coorong. There are issues around there not being enough water running down the river, and I agree there is not, but it is not all the fault of the people up at this end of the river. There are a lot of misconceptions about the Coorong.

When you talk about the issue of the lower lakes, again South Australia would have it that everything we do up here is the cause of what is wrong with the lower lakes. No doubt at certain times salt water would have come into the lower lakes and there would have been, effectively, a saline estuary when there were low flows in the river, but the barrages have stopped that. South Australia has built up quite a community in the area, particularly with the opening up of Hindmarsh Island with the bridge there, and it is effectively like Surfers Paradise with the canals, the boats and the big houses. South Australia does not want to lose that amenity, but in reality the fact is that at one time the level of the lakes would have gone up and down and there would have been salt water coming in and out.

In relation to the issue of the quality of water in the Murray River, South Australia constantly says that New South Wales and Victoria contribute to all the salt in it, but 60 per cent of the salt in the Murray River actually enters the river in South Australia. South Australians would have us believe they are the poor cousins when it comes to the delivery of water. We all know that before Dartmouth Dam was built there was a study done as to whether a dam would be built at Dartmouth or a reservoir would be built in South Australia at Chowilla. The decision was made to build at Dartmouth, which was a good decision, and South Australia actually got an increase in its share of water and an increase in the security of the water it gets. South Australia has not been as hard done by as it would have us believe.

The other myth out there is that Queensland is taking all the water out of the basin. My understanding is that about 5 per cent of the total flows in the Murray–Darling Basin come out of Queensland, so not a lot of water would come out of Queensland if the basin were totally unregulated. It is not all the fault of Queensland, just as it is not all the fault of anyone else.

The other issue that gets a lot of press coverage is Cubbie Station. Cubbie Station is supposedly the evil cause of everything that has gone wrong in the basin. If the bit of water that Cubbie Station stores could solve all the problems in the basin, I think we would all be very glad that they could all go away. But the water that Cubbie Station stores is not going to solve all the problems and all the woes of the Murray–Darling Basin. Everyone would have seen recently that the

federal government bought Toorale Station up in that area, which was supposedly going to be the saviour of the Murray–Darling Basin as well — until the government realised that, once the water it has bought runs down the Darling River, very little of it will ever get to South Australia.

The other comment that is made constantly about this issue, particularly once you get away from the basin area, is that Australia should not be growing cotton or rice.

Mr Crutchfield — Hear, hear!

Mr WALSH — I hear 'Hear, hear!' from the other side. Very little rice has been grown in the last few years, as the honourable member would know, because there has not been sufficient water. At the moment communities like Warkool are in absolutely dire straits because they have not had any water to grow rice. The same goes for cotton: there has been very little cotton grown over the last few years because it can only be grown if the water is available. The water is not available, so it is not being grown. Cotton and rice growers have a legal entitlement to water when it is there, and I think anyone in any parliament in Australia would respect the legal right to that water. The concern I have is that governments will get to the situation where they will start determining what farmers can grow and how they can use their water. We all well remember the failure of the agricultural system of the former Union of Soviet Socialist Republics when the centralised bureaucracy determined what went on. I know the comrades across the other side might like to go that particular way, but it is not the best way to feed and clothe Australians, because when we grow rice and cotton we actually feed and clothe ourselves. They are worthwhile crops to grow, and I think they are much maligned by the popular press.

Mr Crutchfield — In the right spot.

Mr WALSH — In the right spot; that is correct — and they are grown in the right spot, in general. The other myth is that the Victorian water industry is overallocated. We know that Victoria has had a very conservative way of allocating its water in the past. Before there was ever any sales water the authorities made sure there was water for the next year's water right. What has happened is that with this extreme drought we have not been able to build up that reserve of water again. I do not believe the Victorian system is overallocated. The water is not there because it has not been raining; it is not an issue of overallocation.

The other myth that is out there is that water trade is the problem and that the evils of water trade are to blame. I think you would find at the moment that the impact of drought on a lot of our communities would be even worse if people had not been able to trade water and take it to the places where it is most needed and where people can most afford it. Some people have made a lot of money out of selling, temporarily, their water to those who need it. I think the myth that water trade is to blame for a lot of our problems is just that — a myth.

Another myth is that managed investment schemes are to blame because all this water is being used by the managed investment schemes and there is no water left for anyone else. I believe that is a myth. They are genuine people in the industry. The courts will determine whether they have had an unfair tax advantage or not, and that will be corrected if necessary.

As a result of all these myths and the fact that there has been district rivalry and state rivalry over water there are some real challenges, and the drought has made those challenges even greater. It is very hard to get the idea across that we are talking not just about water but about people. We are talking about people's lives and we are talking about the survival of whole communities, and it is very hard to get that fact through in a 30-second grab. The real issue at the moment is that there is a lack of trust in all levels of government among people in the Murray–Darling Basin in northern Victoria. They are stressed because of the drought, they are stressed because of the financial pressures they are under and they are concerned about their future, and there is a lack of trust in government. To get these things to work we need people to trust that the system can deliver.

The spin machines have been working overtime when it comes to a whole heap of these issues. We have seen a lot of promises made by both levels of government, and we have seen the promises that have been made by this state government about all the water savings that are supposed to be out there and able to be found. We know there are fewer water losses promised than there are water savings, and that is why people start to get very cynical about governments and what they are saying.

There is also a constant changing of the rules. Before the last lot of changes have been implemented we are already starting to talk about the next lot of changes. The irrigation industry in Victoria has gone through the whole discussion about reconfiguration and about food bowl modernisation stages 1 and 2. The industry now has the northern region sustainable water strategy to

deal with before any of those are finished. Only 12 months ago the Premier was saying we were going to have heaps of water because of all the savings. We now have the northern region sustainable water strategy saying we are going to have to deal with less water, so there are a lot of issues around all that. As I said earlier, drought is not new for Australia or for the Murray–Darling Basin. I believe the current drought is worse than the drought experienced at the time of Federation and worse than those of the 1930s and 1940s.

Mr Crutchfield — Climate change!

Mr WALSH — And it is happening with the backdrop of the discussion around climate change. If you look at the CSIRO Murray-Darling Basin sustainable yields project, if the last 10 years is the norm, as has been said, the Murray system surface water availability will be 30 per cent less and end-of-system flows will be 50 per cent less. On the Goulburn River surface water availability will be 41 per cent less and end-of-system flows past McCoys Bridge will be 58 per cent less. In the context of those particular figures, people are questioning why the north–south pipeline is being built to bring water to Melbourne. The real challenge we have — and our communities have faced this before — is that the river could run dry.

There are two very famous photographs of this, and one is at Myall, just north of Kerang, where there is now a famous mural based on the photograph. The community actually had its Easter Sunday picnic in the bed of the dry Murray River. Ian McDonald, who is still alive and lives in Kerang, was a four-year-old in one of the buggies in the photograph. The river was bone dry near Murrabit. The other famous photo is of Commissioner East from the State Rivers and Water Supply Commission standing in the river at Mildura with the river running between his legs, because the river was only a trickle there.

There have been times in the past when we have had major challenges. At the moment, as I understand it, some 600 Sunraysia irrigators have registered an expression of interest with Centrelink to get information about the federal government's $150 000 irrigation exit program. Some 600 food producers are putting up their hands and saying, 'We want more information about potentially leaving agriculture'.

I believe there is an issue in that we need some trust from our leaders on this at all levels of government, who at this stage appear to be anti-irrigation. They need to go out there and inform people in the irrigation industry that it is needed into the future. The focus of the federal government is on buying water, denigrating irrigators and saying it will buy the water to fix the environment, and that is not the way to do it.

What we have here today is legislation and a process that was started by John Howard in January 2007. Whatever Prime Minister Kevin Rudd and his water minister, Penny Wong, and the Premier and the Minister for Water might want to do in trying to rewrite history, this is something that former Prime Minister John Howard started in January 2007. John Howard and Malcolm Turnbull, the former federal water minister, started the ball rolling on what we are dealing with today. They put forward a $10 billion plan to get the states to come on board. Penny Wong has now come out with a $12.5 billion plan to implement this, but the key difference is that there is an additional $1 billion for a national urban water and desalination plan, $250 000 for water infrastructure for cities and towns and $250 000 for greywater systems and rainwater tanks in homes. The original Howard plan is still there, with additional money for urban water projects.

At that time the Brumby government would not sign up to the Howard plan. It would not have a bar of it. We had some very lengthy discussions with Malcolm Turnbull about whether we would support it, because we wanted to make sure that Victorian's interests were being protected. Those discussions with Malcolm Turnbull were very much around making sure that Victoria got a reasonable amount of that package into our irrigation system and to make sure that our water rights would be protected into the future. Malcolm Turnbull wrote a letter to me in which he states that Victoria has a large irrigation area which is old and needs refurbishment. His letter also states:

> If the Victorian government were to come on board with the national plan for water security by referring powers for water management in the basin, the large size and the age of irrigation infrastructure in the Goulburn-Murray system will inevitably attract significant investment from the Australian government. Water savings that accrue to the Australian government will be held by an environmental water manager.

Our understanding was that between $2 billion and $2.5 billion would have come to Victoria if the Victorian government had signed up at that time. Many people in northern Victoria believe the Brumby government sold out irrigators over that particular project. What they have is $1 billion from the state government for stage 1 of the food bowl modernisation project and $103 million to put into the Sunraysia modernisation project, which on best estimates is

$1.5 billion short on what could have been achieved, and all the savings would have stayed in northern Victoria. Would that not have been so much better?

The legislation before us started with John Howard, but it implements the agreement on the Murray-Darling Basin reform, which is the intergovernmental agreement that was signed in July 2008. There is an issue I would like the minister to address in his summing up. Clause 3.2.8(c) of that intergovernmental agreement states:

> For surface water in the River Murray system, the basin plan will determine the quantity of water available to be taken by NSW, Victoria and South Australia from their state water shares …

I have a reservation which I would like the minister to address. Although the basin plan cannot change Victoria's share unless by agreement or by expiry of the plan in 2021, can the basin plan actually determine how much water Victoria can take annually? I think that issue needs to be addressed so people in northern Victoria have some security of tenure into the future.

Schedule 1 of the federal legislation effectively rolls over all the functions and powers of the old Murray-Darling Basin Commission into the new Murray-Darling Basin Authority. The new Murray-Darling Basin Authority is charged with the responsibility of developing, implementing, monitoring and enforcing the basin plan and control of the management of the basin's water and other natural resources as a whole. It has a chair, a chief executive and four part-time members. I would like to raise the issue of eligibility criteria for part-time members of the authority, which states in part:

> To minimise the opportunity for potential conflict of interest, an authority member cannot be a member of a governing body of a relevant interest group …

That means that anyone who has taken any interest in the management of the basin in the past is effectively excluded from putting their name forward for the new Murray-Darling Basin Authority. It is very sad that a lot of very good people who have put a lot of work into this could potentially be excluded from applying to sit on that particular authority.

The federal minister in the legislation is the decision-maker and the adopter of the basin plan and has the power to send the basin plan back to the Murray-Darling Basin Authority for amendment. He also oversees the Murray-Darling Basin Authority and determines the water charges and water market rules, following advice from the Australian Competition and Consumer Commission.

The ministerial council is chaired by the federal minister and has one minister from each state. It can provide — I emphasise that the ministerial council can only provide — advice to the federal minister on the basin plan and can send the basin plan only once for review back to the Murray-Darling Basin Authority. Under the new Murray-Darling Basin Authority the ministerial council does not have as much power as it did under the old Murray-Darling Basin Commission.

The ministerial council can vary the state water shares, the Living Murray initiative, critical human needs and natural resource management issues by unanimous agreement. The Basin Officials Committee is chaired by a federal representative and one official appointed from each state. It is there to provide advice to the Murray-Darling Basin Authority on the basin plan and to provide advice to the ministerial council on major policy issues that are not addressed in the basin plan. The biggest task they have is that they are also charged with reconciling discrepancies between the operations of the basin plan and states' management and delivery of their water entitlements and allocations, such as water shares.

Given the history of the Murray–Darling Basin, the Basin Officials Committee could have some pretty big tasks at times to deliver, and I hope its members are up to that particular issue. The Basin Community Committee will be appointed by the ministerial council and will give advice to the ministerial council where it is sought, as well to the Murray-Darling Basin Authority, where that advice is sought. The big issue in all this is the basin plan, and that is where the rubber really hits the road on what is going to happen in the future.

The basin plan will improve the health of the Ramsar-listed and other important environmental sites in the basin by managing the water resources as a whole. It will create the sustainable diversion limits. This is where it is critical to make sure that we protect Victoria's rights into the future. The plan will prepare environmental watering plans, deal with water quality and salinity management plans, and provide for the delivery of water for critical human needs. Critical human needs are defined in the basin plan and in this bill as follows:

> critical human water needs means the needs for a minimum amount of water, that can only reasonably be provided from Basin water resources, required to meet —
>
> (a) core human consumption requirements in urban and rural areas; and

(b) those non-human consumption requirements that a failure to meet would cause prohibitively high social, economic or national security costs.

This is the first time we have referred to the sharing of critical human needs across the whole basin.

After our briefing we received advice from the minister's office that the critical human needs in Victoria are approximately 75 gigalitres; New South Wales, 75 gigalitres; and South Australia, 200 gigalitres. The legislation sets out a three-tier system for how that will all be delivered. It is not just about water for critical human needs; it is also about making sure that we have water for the conveyance of that critical human needs water to its particular destination.

The role of the ACCC (Australian Competition and Consumer Commission) will be expanded to monitor and enforce water markets and water charging rules for all irrigation infrastructure operators and for bodies that are charged with regulated water charges. The ACCC has the power to delegate those responsibilities to accredited state regulators. In that instance I assume that in Victoria it will be possible for the Victorian Essential Services Commission (ESC) to be the accredited operator and to do the work of the ACCC. What I would hate to see is some duplication in the system, where the ACCC was doing some work over here, the ESC was doing work over there, and the water authorities were going to the trouble of having to prepare submissions for and provide information to both, which would just duplicate the workload on water authorities. I hope the ESC could be accredited by the ACCC to carry out those particular functions.

The bill will give the basin states the opportunity to opt in — that is, to opt in and use the ACCC to carry out the functions I have talked about for areas outside the basin but within the basin states. Again, there should be some commonality across the whole state and we should not end up with one set of rules for the basin part of a particular state and a different set of rules and regulators for the non-basin parts of that state. I hope some common sense will prevail on those issues to make sure that there is no duplication and increased cost, particularly for the water authorities. Given that the water authorities spend their customers' money, I hope there are no increased costs for the customers of those water authorities.

The legislation will mean that South Australia, for the first time, will be able to store water for critical human needs and for private carryover in Victorian and New South Wales storages, including Hume and Dartmouth. The rules in schedule 1 of the commonwealth legislation say that that storage of water by South Australia should not impact on the storage capacities of Victorian and New South Wales water entitlement-holders. I would assume that means we have some spill-type rules there, so that if the reservoir is filled, it is actually South Australian water that flows over the spillway and goes down the river first, and that it does not impact on Victorian and New South Wales entitlement-holders. Victoria and the other basin states can terminate their part in the agreement at any time by terminating the initial reference. In Victoria's case that can be done by the Governor in Council.

The coalition does not oppose this piece of legislation, but it intends to have it referred to the Legislation Committee of the upper house. Given the powers of that committee, if we can get support from the government — and I hope the government will support this because it is about achieving the best outcomes, as I understand it — we hope the Legislation Committee can have a detailed look at whatever ramifications there may be for Victorian communities, irrigators and Victorian water businesses in the referral of these particular powers to the commonwealth government.

I dearly hope the government and the Minister for Agriculture, who is at the table and who has a passion for agriculture in northern Victoria, will support the coalition's move to have this bill referred to the Legislation Committee of the upper house so we can make sure that there is no disadvantage to Victoria. It will also ensure that we get answers to our questions on a whole range of issues around water management in Victoria so that Victorians, not only in northern Victoria but across the state, and the Victorian economy are not disadvantaged by this legislation.

Mr CRUTCHFIELD (South Barwon) — I rise with pleasure to speak on the Water (Commonwealth Powers) Bill 2008. I am glad The Nationals, after 28 minutes, have indicated they will support the bill, albeit with some significant qualifications, including some bizarre attempt to delay the bill in the upper house. I cannot speak for the minister, but I would suggest we would not in any way be countenancing a ridiculous delay by The Nationals and the Liberal Party because they may want to use the Greens as some sort of leverage in the upper house. I am pretty sure that is part of their tactics.

If the coalition parties were genuine about offering some alternatives and some long-term solutions, rather than suggesting that no-one at all was to blame for the current predicament we are in, then the honourable member for Swan Hill would take the opportunity he has to propose amendments in the lower house. That is

a much more appropriate way to go. If the honourable member for Swan Hill believes the bill needs improving, then I ask him to put forward amendments, which we would be quite willing to analyse. Clearly the upper house tactic is rather bizarre and is a transparent delaying of a bill that needs to be passed by all states so that the powers can be referred to the commonwealth.

I am also intrigued with The Nationals view of the history of the previous federal government's attempt to get this legislation through. The Victorian government and the then Premier, as well as the Victorian Farmers Federation (VFF) — which was one with the then Premier on this — did not support putting a signature on the then Prime Minister's bill. I note The Nationals were suggesting that we should sign that piece of legislation, which would have penalised the Victorian irrigators and harmed our agricultural sector. The VFF was quite strident about that, and it publicly advocated that Victoria should not sign over the federal government's bill.

I agree with the member for Swan Hill that there has been a significant debate over water allocation, dating back to the 1880s. Just recently the Acting Speaker showed me some of the constitutional debates around this particular issue — and nothing has changed! The debates have been similar, including debates about who has rights over riparian areas and what happens to downstream individual properties and whether they have rights. Those issues have been around since prior to the formulisation of the constitution.

The Murray–Darling Basin covers well over 1 million square kilometres. It encompasses Queensland, New South Wales, the Australian Capital Territory, Victoria and South Australia — which tends at times to get more than its fair share of publicity. I agree with the member for Swan Hill that South Australia is not at all innocent, and some could argue it has been quite derelict, in its administration of its own water entitlements, its allocations and its water infrastructure.

In 1915 the River Murray waters agreement was signed. Over the next 70 years there were amendments to that reflecting shifts in community values, changed economic conditions and even changes in agricultural pursuits. In 1992 the Murray-Darling Basin agreement was signed to replace the 1915 agreement. The 1992 agreement provided specific water-sharing rules and a government's regime centred around the Murray-Darling Basin Ministerial Council.

In 2007 the former commonwealth government announced the national plan for water security seeking a referral of the basin states' water management powers. The house will recall that Victoria did not support this proposal at all and strongly advocated against it, and the Premier has been vindicated on a number of levels for his very strong, determined and consistent stance in this regard. We did not support it for a number of reasons. We have argued that there has been increased governance complexity and red tape which would delay the necessary reform. One of the consistent themes is that whilst most people acknowledge the need for reform, The Nationals do not know what that should be. They say that no-one is to blame and there is no solution other than perhaps to build a dam in the Otways or down in Gippsland, and they have no other formal policy position with respect to that.

Victoria also refused to support the proposal on the grounds that it did not recognise the role of market reforms and protections; it lacked clarity on how and where funding would be allocated or, importantly, how pricing for water would be developed; it also sidelined the states in important decision-making processes regarding basin management and indeed the very important basin plan; and it did not demonstrate best environmental practice and operational management of the system.

We have argued strongly that Victoria's water management framework is clearly defined by property rights underpinned by security and certainty. Whilst everyone does not need to be reminded about the current circumstances, our farming communities value the reliability of Victorian water products. That is why Victoria could not put its water management framework at risk by supporting the flawed former commonwealth government's plan. The former commonwealth government could not produce a proposal to satisfy all the states and it would have particularly disadvantaged Victoria.

The former commonwealth government unilaterally introduced the Water Act in 2007 and established a new independent Murray-Darling Basin Authority. Its unilateral approach in passing the act was disappointing because all it did was put a new administrative layer over the top of existing structures. There was a layer of duplication and a lack of clarity about what it was doing with that body. Victoria believed northern Victorians, in particular, would be adversely affected by those proposed changes.

There needed to be a better way of doing it, and thank goodness for us all in this place that a new federal government was elected and that on 26 March Victoria negotiated a new agreement with the commonwealth

and the other states. And there was agreement in principle, would you believe, on the way through.

Mr Walsh — You sold us out!

Mr CRUTCHFIELD — The only ones who sold people out were The Nationals. The Victorian Farmers Federation supports that view with respect to this issue. We are very proud of the amount of capital expenditure that we have managed to get leveraged from the current federal government, and we look forward to more in what is a very professional, productive and long-term relationship centred around mutual understanding of where Victoria sits in respect of the efficiencies it has made over and above all the other states. Victoria is light years ahead in terms of infrastructure upgrades and new water for agriculture, the environment and consumption. The north–south pipeline is one of those. In my last 47 seconds I note that the reason The Nationals went into coalition was that they said they would reverse the Brumby government's water policies.

Mr Walsh interjected.

Mr CRUTCHFIELD — The member for Brighton sits next to the member for Swan Hill at the table — and well may she have said that she was going to plug the pipe. Unfortunately her leader recognises that it is a policy position that the Liberal Party supports. I do not know where that makes these two members sit, because they are definitely divisive, as in the group of the Liberals and The Nationals. Divided they sit and divided they are very conquered. In respect of this it is a very difficult sell. They sell dams in one particular position.

Mr Walsh interjected.

Mr CRUTCHFIELD — I invite the member to come down to Geelong and sell a dam in the Otways. I am still inviting him down there. I ask him to please come down. I will enjoy it.

Mrs FYFFE (Evelyn) — I am pleased to follow the previous speaker, particularly because he highlighted the north–south pipeline, which I will make reference to in my speech on the Water (Commonwealth Powers) Bill. The purpose of the bill is to introduce a new government regime for the Murray-Darling Basin water management, which in short will give water resource management of the basin to the commonwealth while the states will retain management of the water within their catchments. The basin is currently managed according to the 1992 Murray-Darling Basin agreement between the commonwealth, Victoria, New South Wales, South Australia, Queensland and the Australian Capital Territory. Over 1 million square kilometres are within the Murray–Darling Basin, and the north–south pipeline, where the water is coming from, is very much an integral part of that.

The government has made many decisions about water over the last year, but the decisions have been late. It has taken almost 10 years for the government to react to the fact that we have a drought, and it has come in with these projects which are going to take a long time to complete. I have just visited Brisbane and seen what the Queensland government managed to do in the time when its water storages were down to 17 per cent. It has a water desalination plant almost ready to go. It has recycling almost ready to go. It has moved; it has acted and has responded to the needs of the state.

In proposing the north–south pipeline, which is very relevant to this bill and to the Murray–Darling Basin, the government has told drought-stricken communities in northern Victoria that water will be taken only from savings generated in irrigation upgrades. We are told that the pipeline is expected to increase Melbourne's water supplies by up to 75 billion litres a year. In April, a damning performance audit report into the Brumby government's mismanagement of water by the Victorian Auditor-General, Des Pearson, revealed that the cost of the government's water plan is likely to exceed budgeted amounts. Worse still, the budgeted savings may not exist. In May, fresh CSIRO research revealed that under the most likely scenario for climate change, average surface water availability will be reduced by 14 per cent by 2030. If current conditions continue, the Goulburn Broken flood plains will receive no large flood events. It was anticipated by the Brumby government that these floods would sustain the north–south pipeline.

Part of the agreement with the other states and the federal government is that the Murray-Darling Basin Authority be allowed to undertake the day-to-day running of the Murray–Darling Basin but that the states will remain responsible for meeting their own critical human needs water requirements. The human needs requirements of the people of Victoria have been totally disregarded by this government. Anyone who lives north of the Great Dividing Range is struggling to have enough water for their personal needs. This government seems to think that any farmer who grows anything with irrigation is bad, but we in Melbourne need irrigators to grow vegetables so we can survive. Water is essential for human life, but so is food. If water is taken away from that region, we will have less and less food grown north of the Divide. We will have food travelling far more food miles and more pollution because the food will be grown further and further

away. Our farmers will be left to languish and die because this government is not looking after the critical human water requirements of that area. The government is just thinking of its votes in metropolitan seats.

I have referred to the north–south pipeline, but I also want to talk about water savings and what more can be done. Contrary to misconceptions about water being a renewable resource, it exists only in limited quantities. It is only the cycle that has been in existence for four and a half billion years that allows it to be recycled and gives us the illusion it is an infinite resource. Despite the earth being called the blue planet, fresh water represents only — —

The ACTING SPEAKER (Mr Stensholt) — Order! I remind the member for Evelyn that we have had the lead speakers in this debate and that we need to focus specifically on the bill and the clauses of the bill. I ask speakers in this debate to focus on the bill.

Mrs FYFFE — This issue is very relevant to the clauses in the bill and the distribution of the water in the Murray–Darling Basin, because fresh water represents only about 2 per cent of the water that covers our planet — and it is very unevenly distributed. Six countries hold half the world's water: Brazil, Russia, Columbia, Canada, Indonesia and China. The uneven distribution is very evident in Victoria. Whether one is a sceptic about or a believer in climate change, the earth is changing and has always changed and evolved. We have to learn to live with it and to adapt. We cannot expect farmers in the Goulburn River area to adapt if we are taking the water away from them — if they will not have access to the water to maximise its use.

In looking at how water is managed in Victoria we can look at how much water from the eastern treatment plant is going into the ocean at Gunnamatta.

The ACTING SPEAKER (Mr Stensholt) — Order! Once again I remind the member to concentrate on the clauses of the bill. The eastern treatment plant is a long way outside the Murray–Darling Basin.

Mrs FYFFE — With due respect, Acting Speaker, I was going to say that the water from the eastern treatment plant could be maximised by pumping it to where the water is proposed to be taken, the Murray–Darling Basin, and used in the north–south pipeline.

The bill refers specified matters to the commonwealth Parliament so that it can amend the commonwealth Water Act 2007. These include attaching the new Murray-Darling Basin agreement as a schedule, expanding the functions and powers of the Murray-Darling Basin Authority and the Basin Community Committee to include those set out in the new Murray-Darling Basin agreement and inserting a new part into the commonwealth Water Act that requires the basin plan to deal with providing conveyance water and critical human water needs in accordance with the intent of the reform intergovernmental agreement.

Again I highlight the fact that critical human water needs are very much part of this legislation. The bill also replaces part 4 of the commonwealth Water Act to extend the reach of the water charge and water market rules within the basin to cover, respectively, all bodies that charge regulated water charges and all irrigation infrastructure operators. I again highlight that irrigation is not wrong. There is nothing bad about irrigation. Irrigation farmers feed the city, and they should be allowed to have sufficient water to do so.

The new regime creates a new, independent skills-based Murray-Darling Basin Authority, a new ministerial council and a new Basin Officials Committee, and it reallocates the current functions and powers of the Murray-Darling Basin Ministerial Council and the Murray-Darling Basin Commission between these new entities. The authority will be required to give effect to ministerial council and Basin Officials Committee decisions; however, it will have more autonomy in exercising its day-to-day technical and operational functions. Importantly the authority is obligated not to exercise any of its new powers and functions in a way that could affect state water-sharing arrangements without agreement from either the ministerial council or the Basin Officials Committee.

A lot can be said on water, but the Chair is making sure I keep tightly to the provisions of the bill. Taking that point, I want to say that a lot more can be said about water. It is relevant when you consider that it can take a car manufacturer 400 000 litres of water to make a car, it takes 18 litres of water to produce 1 litre of petrol and 1300 litres to make a mobile phone. Although all the states are working in together we have to do a lot more. We have to work a lot harder in reusing our water. Water should be used many times, not just once. We should be recycling and reusing water if we want the Murray–Darling Basin — the whole of the basin — to survive and to prosper in the future.

Mr BROOKS (Bundoora) — I rise in support of the Water (Commonwealth Powers) Bill 2008. This bill will give effect to the Murray-Darling Basin agreement which has been reached between a number of states — New South Wales, Victoria, South Australia, Queensland —

and the Australian Capital Territory on the one hand and the commonwealth government on the other hand in relation to the management of resources and water in the Murray–Darling Basin. The bill provides a timely opportunity to point to the absolutely farcical position of the opposition in relation to water management in this state. We had the spectacle recently of the Leader of The Nationals being asked about the coalition's policy on water and stating that it wants to see more dams, a position he has made clear in the past.

The ACTING SPEAKER (Mr Stensholt) — Order! I mentioned to the previous speaker that latitude is given to the two lead speakers but that after that we really need to concentrate on the clauses of the bill.

Mr BROOKS — Thank you, Acting Speaker, for your guidance. The Murray-Darling Basin agreement was alluded to earlier by a speaker from The Nationals who spoke about the genesis of the Murray-Darling plan being with the Howard government some time ago. It is true that the plan stemmed from that initial very shoddy proposal put up by John Howard that we all know was put together on the back of an envelope without going to federal Treasury. It was a plan that prevented the state government in Victoria from having a say on the make-up of the Murray-Darling Basin Authority, and that was something that was held against Victoria as a way of holding us to ransom to ensure that we signed up to that intergovernmental agreement.

To the state government's credit, it held out and did not sign that deal Victorians were concerned about. We were concerned to keep Victoria's existing water share and the right to determine water allocations, we were concerned about being able to advise the commonwealth government on the Murray-Darling Basin plan, we were concerned about existing water management until 2019 and we were concerned about being consulted on a range of matters, including the membership of the authority and management of environmental water. That was not the case with members of the opposition.

Back in June 2007 the current shadow minister for urban water, the member for Brighton, urged the state government to sign the agreement and issued a press release saying that 'the state government needs to just get on with the job and sign it'. This was an agreement that would have led to a poor outcome for Victoria. The current Leader of the Opposition issued a press release in July 2007 saying 'The only person killing off this plan is Steve Bracks'. It is quite obvious that members of the Liberal Party were putting their allegiances with their federal political counterparts ahead of the interests of Victorians.

We all know that this government fought for the interests of Victorians, particularly people in the Murray-Darling area like irrigators. We know that an agreement has been reached which will see an additional $1 billion invested in the second stage of the food bowl modernisation project and will help deliver around 200 billion litres of additional water to irrigators and the Murray River. That comes on top of this government's announcement of $1 billion invested in that food bowl project.

These are great projects for Victoria. Great leadership has been shown by the Brumby government, and this has been recognised by an organisation that is not normally an ally or supporter of Labor governments — the Victorian Farmers Federation. I would like to quote from a media release of 3 July in which the VFF president, Simon Ramsay, is quoted as saying in relation to securing the plan:

> These are difficult matters made more difficult by the shortage of water across the basin. Today's announcement has acknowledged and addressed our immediate concerns. We thank Premier John Brumby for his steadfastness on this issue.
>
> …
>
> Despite significant pressure from the commonwealth and South Australian governments to review the cap immediately, farmers are pleased that the Victorian government has maintained our long-held position that the cap must not be reassessed until the 2009 review. This review will be conducted as scheduled under the national water initiative, and importantly now includes an emphasis on consultation with farmers and communities with consideration of financial support for affected areas.

That demonstrates that the Murray-Darling Basin agreement is a good one that responds to difficult climatic conditions. This bill puts into effect the agreement that Victoria made, and I commend it to the house.

Mr WELLER (Rodney) — There has been agreement between the parties that I have an extra 10 minutes. I seek leave for an extension of 10 minutes.

Leave granted.

Mr WELLER — It gives me great pleasure to rise and speak in the debate on the Water (Commonwealth Powers) Bill 2008. Water is very important to my electorate, as most people would know. I represent the electorate of Rodney, where we rely heavily on the dairy industry. Within the electorate of Rodney we have the factories of Murray Goulburn and Fontera. We also have a lot of wine growing in that region — there are several wineries down in the Heathcote area — and it is noted that some of the best red wines in the world come

out of the Rodney electorate. We also have a lot of abattoirs in the electorate — at Gunbower, Echuca and Nathalia — including Greenhams at Tongala, an abattoir that is exporting to the whole world.

Tourism is based mainly on the water at Echuca and all along the river at Cohuna, Gunbower and Nathalia. They are very popular areas on the water. Water is of the utmost importance to my electorate, and that is why this bill is very relevant to my area.

We have spoken about the federal plan, which talks about there being $6 billion for infrastructure. Part of that $6 billion would obviously come to Victoria, and it is interesting that members on the other side of the house speak about what a good job they did in getting a commitment for up to $1 billion. When I was involved in discussions about the first step of Living Murray, Victoria had to find 43 per cent of the savings for that first step. The reason that Victoria had to find 43 per cent of the savings for the first step of the Living Murray was that Victoria uses 43 per cent of the water in the Murray–Darling Basin. We had to find 43 per cent of 500 000 megalitres, equating to 216 000 megalitres, in savings in Victoria. If we use the same logic, a good deal would have been 43 per cent of the $6 billion, which would have been $2.5 billion, not a measly $1 billion. It is not even a commitment for $1 billion; it is only a commitment of up to $1 billion.

I suggest that the people who went in and did the dealing on that commitment sold us out. They sold Victoria out of $1.5 billion. It is the areas of northern Victoria that will suffer because of the government's inaction. If we had been successful in achieving 43 per cent of the $6 billion, there would be no need to build the north–south pipeline. The $2.5 billion would have been more than is committed now to funding the modernisation of the Goulburn-Murray irrigation district; it would provide an extra $0.5 billion. Melbourne Water would not have to put in its $300 million, and the state government would not have to put in its $600 million. The state would have $900 million it could spend on other water activities and savings projects here in Melbourne such as the use of stormwater or the reuse of water from the eastern treatment plant or the western treatment plant — Gunnamatta and Werribee.

The ACTING SPEAKER (Mr Stensholt) — Order! I ask the member, as I have asked other members, to concentrate on the clauses of the bill.

Mr WELLER — With due respect, Acting Speaker — —

The ACTING SPEAKER (Mr Stensholt) — Order! With due respect, the bill is about the management of water, not about Gunnamatta.

Mr WELLER — Yes, on the management of water. Indeed, when we look at those commitments we have to ask whether or not the $1 billion that has been committed to will ever be delivered. We are told that the first step of the modernisation will deliver 225 000 megalitres of savings. We are told that the second $1 billion will deliver approximately 200 000 megalitres of savings. We are also told that the Living Murray — —

The ACTING SPEAKER (Mr Stensholt) — Order! I advise the member for Rodney that we are dealing with the Water (Commonwealth Powers) Bill, not a particular Victorian project, so I ask the member to concentrate on the bill.

Mr WELLER — Yes. I thought that in this federal agreement there was $1 billion for a project in Victoria. The question is whether or not that $1 billion will ever be delivered. A due diligence will have to be done on whether the savings are there, and I would say that the due diligence on the savings will mean that the $1 billion in this agreement will not be delivered. If we have a look at 2005–06, when 2.4 million megalitres was diverted and 1.74 million megalitres was delivered to the irrigators in northern Victoria, we find there were losses of 660 000 megalitres. The government proposes that through the modernisation it will get the system up to 85 per cent efficiency, which means 15 per cent will still be lost. That will mean losses of 360 000 megalitres in a year when we have had the modernisation and have water levels similar to what they were in 2005–06, which was a good year.

The ACTING SPEAKER (Mr Stensholt) — Order! The member for Rodney is exhausting my patience. We need to talk about the bill, not water losses following a particular project that is not the subject of this bill. If the member gets back on the bill, the house will be pleased.

Mr WELLER — I will move on then. This agreement is 21 months late. The federal bill copies the bill brought in by the previous federal government. Because of the Victorian government's unwillingness to sign, the proceedings have been delayed by 21 months — 21 rather dry months, I might say. That has meant we have delayed the chances of a plan, and under this plan — the federal agreement — there will not be a basin plan till 2011. Here we are in 2008; we have been in drought for the last 12 to 14 years, and we still will not have a plan until 2011.

The bill goes on to speak about water sharing and critical needs. It will be interesting when we have three tiers in the critical needs department. In tier 1 we will have normal flows. That will mean everyone will get their water. In tier 2 we will be saving water for conveyancing. In tier 3 there will be water only for essential needs. The bill refers to the need for an amount of water, called conveyance water, to cover losses. I know the losses have to be accounted for and have to be reserved, so we have to make sure that we make provision for them. The interesting thing is whether or not — and the bill is silent on this — Melbourne will still pump water out of the basin when the basin is at tier 2. If the basin is having trouble in terms of its essential needs, will Melbourne still be drawing water when it has other alternatives for water?

We have to go back to access rights under the Living Murray initiative and to critical human needs and basin charges. The Australian Competition and Consumer Commission will set the rules for how much will be charged and will also set the rules around trade. In debate in this house we have heard that the Premier and the Minister for Water would not sign up to the initiative because of trading, but all along it has been quite clear that the ACCC has the powers. This bill also refers to the powers of the ACCC, which will be able to delegate its powers on price setting. In Victoria the Essential Services Commission would be the body the ACCC would transfer its powers to to make sure that the right prices are charged for water in Victoria.

The Premier and the water minister are on record in this house as saying that they are going to defend the 4 per cent trading cap, but this bill gives the power to the ACCC, and the ACCC will make the decision on what the cap on trading will be. While we have heard the Premier and the water minister say they are defending the cap and looking after northern Victoria, all along they knew they were going to handball the powers over to the ACCC. The ACCC will then take away the cap, which will be detrimental to the communities of northern Victoria. I have spoken before about the importance of the dairy industry, the horticultural industries, the viticultural industries, the abattoirs and tourism. If all the water is traded from that area, what then happens?

This bill talks about the federal government's plan to have water to buy back. The problem with buying back water without a structure is that we will get what is called the Swiss cheese effect in northern Victoria. There will be water missing from one farm, but another farm will have water. There will be water missing from one farm, but a farm over there will have water. It will be a very inefficient way of utilising the infrastructure. After the modernisation we will have a very up-to-date system. I hope it is a world first, and I assume it will be; that is why we are investing so much money.

Mr Hardman interjected.

Mr WELLER — We have always said modernisation is acceptable and the thing to do is to modernise the irrigation system. However, if we have the federal government buying $3 billion of water willy-nilly, we will have a world-class system with no water to run through it. We have to be smarter than that. We need to think of which parts of the system will be there and which parts will not if the federal government is going to be buying $3 billion worth of water. Otherwise the delivery charges to farmers and users will rise and our export industries will become uncompetitive. It is as simple as that. The export industries will become uncompetitive.

If you are going to have a buyback, you also need to have structural adjustment. As a farmer I would be happy to sell my water. I would not be really happy, because it is bad for the district, but I would be well paid. The problem is the milk tanker driver who picks up my milk will no longer have a position, because there will be no milk to pick up. The schoolteacher who teaches the kids will no longer have a position. If you have a buyback of water, there needs to be a structural adjustment package for the communities that are affected by having productive water taken away from them.

The ACCC will also decide where water can be traded to. We have had assurances from the Premier that no water will be traded down the north–south pipeline. If the ACCC makes the decision that water will be traded down the pipeline, who will be right? We have had assurances that it will not happen, but this bill says the ACCC is the body that makes those decisions. The Premier and the minister have been making promises that no water will be traded down the north–south pipeline, but they should not be making the promises. It is the ACCC that has to make promises and regulate whether or not water can be traded down the pipeline.

Other parts of this bill need to be given due consideration. The water-sharing plans associated with the $6 billion are on a fifty-fifty basis. I believe it is fair that the federal government puts in 80 per cent, the locals put in 20 per cent and the savings are shared on a fifty-fifty basis. That is a positive thing to do, and I support that as a method going forward.

Another part of the agreement requires that be an audit be done of the savings before any are delivered. Once again that audit process needs to be spelt out and identified so that there is comfort for the irrigation communities in northern Victoria in knowing that the savings will actually be achieved before any water is diverted, in this case to the environment. It is a very good precedent for other water-saving projects that the savings be audited before they are delivered to the environment and taken away from productive use.

Regarding the ad hoc buyback, we need to make sure that when the federal government invests money in buying water back that it actually buys water and does not rights that have not been delivered. I have heard that the federal government has been in the market in Victoria buying back medium-security right, and we in Victoria know that medium-security right is a name change from what used to be sales water. There has not been any sales water on the Goulburn system since the 1997–98 season, when there was only 20 per cent sales water.

People are talking about climate change. If the last 10 years are to be the norm, that means the government has bought air in perpetuity. If the last 10 years are the norm, there will not be any water in the medium-security right to deliver. The government has spent this money. I will admit that the owners of the medium-security right who have sold it are very happy, but they have not delivered any water for the environment, and that is what this is meant to do. It is meant to help keep the rivers healthy.

There has been a need for long-term action on the health of the Murray, and Victoria has been unfairly criticised over the years. The salinity count is used as a barometer of the health of the river. In Victoria we have dropped the salinity count at Swan Hill from about 530 in 1983 to about 130 now, so Victoria has a record to be proud of. It is not just the farming community that has lifted its game. It is the whole community, through Landcare and various government assistance, that has supported projects that improve productivity on farms and improve water penetration so it does not get past the root zone and go down and bring up the water tables and create salinity. In Victoria we have made salinity levels more healthy. We have to understand, though, that salt still enters the Murray in South Australia. Over half the salt that enters the Murray enters in South Australia, and the Victorian section of the Murray, along with the Goulburn and other rivers, has improved greatly.

What we also have to remember is that one of the other measurements of the health of rivers is native fish. There is plenty of evidence that the numbers of cod, yellow-belly, catfish, bony bream, silver bream and yabbies have increased. You hear fishermen saying they hardly ever catch carp now, and carp was one of the greatest menaces to the Murray system. Through the efforts of all governments we have improved the health of the river and its water quality. The evidence is there to see. We have to address the problems where they are, and that has been happening.

We have to make sure we get this bill right because there is a lot at stake. The future of my electorate and indeed of other electorates along the Murray is at stake, as is all of Victoria. The food bowl of Victoria is along the Murray and the Goulburn systems. It produces thousands of jobs. In the dairy industry alone there are over 50 000 jobs. The horticultural industries have a similar number of jobs. The dairy industry is the greatest exporter from the container port of Melbourne. All that is at stake if we get this wrong, so it is important that we keep the federal government honest and do not sign this and give that away. Although we understand that the federal government might look after us, it probably needs to be cautioned by the state government.

Mr HUDSON (Bentleigh) — It is a pleasure to speak in support of the Water (Commonwealth Powers) Bill 2008. This bill ensures that we have a national agreement between the commonwealth and the states on the management of water in the Murray–Darling Basin. It is critical that we have a national agreement because the basin provides around 40 per cent of our national income derived from agriculture and grazing; it is one-seventh of Australia in area, and it holds more than 20 of our major rivers. The legislation will ensure that the commonwealth will work with the states. It gives effect to the Murray-Darling Basin reform agreement which was signed by the Prime Minister and the premiers on 3 July. It is important to note that this agreement makes sure that Victoria retains control over water entitlements and water allocations in Victorian rivers.

If we had listened to the Liberals and The Nationals 18 months ago, we would have lost complete control over water to the Howard government. That is the reality. If you were to examine the Howard government legislation in detail, you would see that it involved a full referral of state powers to the commonwealth. It would have given the commonwealth complete power over water rights and prices. It could have reduced our water rights and overridden state planning provisions. It could even have regulated the price of water. The commonwealth bill gave the commonwealth extraordinary step-in powers to take over water

resource planning, the allocation of water and the control of river flows.

Of course it would have meant that any state planning laws for new developments in the Murray–Darling Basin would have been subject to the commonwealth government's basin water plan. When we hear members of the Liberal Party and The Nationals in here talk about the Howard plan, let us not forget it would have involved our ceding a significant amount of Victoria's sovereignty over our waterways and the adjoining catchments to the commonwealth government.

The Howard government wanted to get rid of the Murray-Darling Basin Commission. It pushed ahead with its own plan to set up the Murray-Darling Basin Authority, which would have duplicated the Murray-Darling Basin Commission. It would have left us with two bureaucracies and had a profound impact on Victorian water security and Victorian irrigators.

It is worth remembering just what the Liberals and The Nationals were saying about the Howard plan at the time. We had the member for Brighton and shadow water minister saying in a press release of June 2007:

> The Bracks Labor government should stop procrastinating and sign the commonwealth government's $10 billion plan for the Murray–Darling Basin to allow for financial assistance and increased water security for Victoria's irrigators …

The problem was that that plan gave no security to our irrigators. It gave absolutely no security that under a unilateral commonwealth plan Victorian water would not be put into a trust for Adelaide to meet South Australia's water needs. But the shadow water minister's advice was that the state government needed to just 'get on with the job' and sign it. That was the advice: just get on with the job and sign it.

Then The Nationals flip-flopped over whether they supported the former Howard government's plan. On 14 February 2007 The Nationals spokesman for the Murray River, the member for Swan Hill, stated in a press release:

> There is no way the Victorian government should cede its power over water to the federal government …

That was in February. But then The Nationals went to water themselves. After meeting with the federal water minister on 12 April 2007 the member for Benalla put out a media release saying:

> … Mr Ryan and Mr Walsh have secured a commitment that if the national approach doesn't work out, Victoria can withdraw from the arrangement.

The problem for the member from Benalla was that under the commonwealth legislation the referral of powers would have given the commonwealth absolute control over every aspect of Victoria's water. The only thing standing between the Howard government and the ceding of these powers was the Victorian government. Because the Victorian government held out against the mad commonwealth plan, we got a much better deal from the commonwealth in the end. The agreement we now have gives Victoria much greater security over water for our irrigators. It gives greater protection to water shares in the basin, and it means that Victoria received an additional $1 billion to modernise our irrigation infrastructure.

Another important point is that we now have the Murray-Darling Basin Commission and the Murray-Darling Basin Authority combined into one new body with more clearly defined powers. I just do not understand what the member for Swan Hill was going on about when he said that the Liberal-Nationals parties want to refer this new bill to an upper house committee. They are concerned somehow that the commonwealth minister has powers under the new agreement to approve the basin plan prepared by the Murray-Darling Basin Authority. I can tell the house that under this new arrangement the basin states have the authority and capacity to receive and comment on the draft basin plan. Under the Howard plan they would have had no power and no opportunity to do that. The commonwealth government would have been determining unilaterally what would happen under that basin plan. There would have been no say whatsoever for the states under that basin plan.

What does it mean to refer this bill to an upper house committee to be assured that there will be no disadvantage to Victorian irrigators, Victorian businesses and Victorian communities?

Dr Sykes interjected.

Mr HUDSON — I ask the member for Benalla to tell us what this referral really is about. The Nationals were prepared to sell Victorian irrigators, Victorian businesses and Victorian communities down the river by just signing up to the unilateral Howard plan without the checks and balances that are in this bill and without the requirement that the state government be consulted under this bill.

The Howard government's plan was a complete takeover. It involved no input whatsoever from the states. What we have here is a collaborative agreement, one that is agreed to by the commonwealth and the states. We also have a Murray-Darling Basin agreement

which sets out the water-sharing arrangements between the three states and the commonwealth. That was not going to happen under the Howard plan. There were going to be no water-sharing agreements under the commonwealth plan. None whatsoever.

At least under this Murray-Darling Basin agreement we have an agreement around water shares. That can be changed only by the commonwealth minister and the state ministers agreeing to it collectively. There was no such safeguard under the Howard plan, so what is this about? What is this tactic by the Liberal Party and The Nationals to refer this bill for consideration by an upper house committee about? It is about more grandstanding. It is about more opportunities for them to attack the plan. It is basically about them running for cover, just wanting to grandstand on the water issue, ignoring the fact that their own proposal they were going to sign up to provided no protection to irrigators at all.

Then we had the member for Rodney expressing concern about the powers of the ACCC (Australian Competition and Consumer Commission) in relation to water trading and claiming that somehow these powers would result in unlimited water trading away from Victorian irrigators. Let me remind the member for Rodney about one critical thing: under this agreement under COAG (Council of Australian Governments) the Prime Minister and the state premiers agreed that a 4 per cent cap on trading water will remain until 2009.

That emphasises that the Prime Minister and the premiers are keeping collective political control over this process, not as the opposition would have done under the Howard plan. It would have just ceded those powers to the Howard government with no role for the Victorian government as we have now. The ACCC cannot unilaterally change the cap; it is subject to COAG direction. We now have an agreement between the commonwealth and the states, not a unilateral plan. I commend the bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Water (Commonwealth Powers) Bill. The Nationals are not opposing this bill. However, we will be seeking its referral to the Legislation Committee of the upper house. As we have already heard much about, if the bill is robust it will survive and thrive through the committee's work.

This bill is being enacted to give effect to the agreement on Murray-Darling Basin reform entered into by the commonwealth, New South Wales, Victorian, Queensland, South Australian and Australian Capital Territory governments in July 2008. I will refer the house to some history to illustrate why water is so important in my electorate. Water diversions go back to the 1880s, with Mildura being the first irrigated colony in the state of Victoria, and water has been of vital interest ever since then. Reliability has been a key issue.

Reliability, or security, drove our fathers and grandfathers to undertake works to improve the river system. The federation drought of the 1900s was disastrous in Mildura, and we have photos of improvised weirs across the river which provided water for one community at the expense of another. In the 1920s the locks and weirs added some security for irrigators in regions of my electorate. During World War II there was again a terrible drought, but much of the history of that drought was overridden by a far greater disaster overseas.

Post-World War II our fathers and grandfathers returned from the war depleted in numbers but determined to overcome the water shortages that had occurred during the war. They started a number of works which saw water security programs undertaken through to the completion of the Dartmouth Dam in the 1970s, which in effect have given us 40 or more years without having to worry about water. We owe those men and women so much for what they did. Perhaps they did too much for us, because we went to sleep at the wheel. We thought the water would last forever, but between our growing population and a growing need for food suddenly we have a problem.

The 1980s was dominated by water-quality issues, in particular salinity. Through that period myriad agreements about the river were made. It was one of the dominating factors in federation, and within our constitution there are sections that talk about South Australia's right to water. The latest agreements go back to 1987 and 1988 when the current Murray-Darling Basin Commission came into being. When Queensland joined the commission in 1992 it was a significant event.

As I said, our fathers have given us a great asset. We have now used it all. All the steps so far have been difficult. The next steps will be difficult, as is this one. Many of those steps have involved a blame game. are Many people in my electorate are simply sick of that blame game and really just want to get on with establishing security for their water.

The purpose of this bill, which refers state powers relating to the Murray–Darling Basin and other agreements to the commonwealth, is very much linked to the commonwealth Water Act 2007 and the more recent commonwealth Water Act Amendment Bill

2008. This legislation comes from the July COAG meeting about the basin plan. The plan is essentially laid out in commonwealth legislation. Again, we are making this referral to the commonwealth, so parts of the commonwealth legislation are very relevant to Victoria.

The delay in getting this national plan organised has been part of a long and painful process, as many members have outlined. Victoria was waiting for a better deal because the government believed it had a better system. For all that talk of Victoria having a better system, Victoria's allocation is, unfortunately, currently 17 per cent, heading for 30 per cent if we are lucky. South Australia is underwriting water for its horticulturalists, and New South Wales has a limit of 95 per cent for its high-security water. Many of the Premier's words during the water debate over the last year seem hollow; they will not sustain trees and vines.

The whole process up to the 2008 COAG meeting has seen a breakdown in trust between growers and government, between state governments — there was that regrettable comment by the Premier about South Australia being a backwater — and between state governments and the federal government. There has been a great deal of pain throughout the negotiation process.

The referral to the federal Water Act delivers a single authority, supposedly greater transparency and an agreed national framework for water allocation. I note some comments of interest that were made during the debate on the federal bill. Federal members of Parliament were concerned about the lack of a truly national referral of powers — we have heard a lot of debate about how much Victoria should give up and how much the commonwealth needs to be effective, and that debate will continue — the lack of an effective early basin plan for allocation; identification of priority water efficiency sites and identification of communities at risk from ad hoc buyouts and in need of support; the abolition of structural adjustment funding; the failure to begin real on-farm efficiency projects; the failure to provide for a transparent water market; and of course the north–south pipeline, which others have talked about.

The referral to the commonwealth legitimises the basic plan, but it also introduces a number of complex issues that Victoria will have to manage. One of the issues that is of concern to Sunraysia, amongst many, is the commonwealth package's apparent discrimination against farming entities. The water the commonwealth buys back in an ad hoc and multi-agency approach is probably not currently in productive use but part of the temporary water market. If that temporary water disappears, horticulturalists — with 30 per cent in Victoria — will be disadvantaged because they will not have a pool of water to go to in order to buy water at an effective rate.

People in Mildura have concerns about the commonwealth buyback plan, which is inherent in this legislation. There is a concern regarding how the federal government project to buy environmental water will be evaluated. We heard from the member for Swan Hill how the proposed 2010 review of the Murray-Darling Basin cap will most likely lead to a reduction in the cap and how this would impact on farmers and communities. We heard from the member for Bentleigh that the 4 per cent annual limit on permanent water leaving irrigation districts is still in place; however, it will be reviewed in 2009. If the limit starts to rise while the cap on water going to growers is reduced, our communities will be very heavily impacted. There is also considerable concern about the lack of detail regarding the commonwealth exit packages.

I am pleased that the Victorian bill allows for an opt-out, because we might need it if things do not go according to plan. The division of money under the COAG agreement has left Victoria $1 billion short. We may have to play that part in order to get a fair deal. There is a lack of information available in the public arena regarding the Sunraysia irrigation modernisation project, which came out of this COAG arrangement. We know it is $100 million, but the public lacks a great deal of detail.

Victoria is developing the northern sustainable water strategy, with submissions due on 12 December. There is plenty happening regarding water, and growers and the general public in my electorate are extremely stressed. Everybody wants a better deal. Mildura needs a better deal. The security needs to be put back into high-security water. Permanent planting irrigators cannot go on managing the risk of low or zero allocations. Growing crops has its difficulties, and growers manage those risks. Weather, and the risks associated with marketing crops — quality assurance programs and the value of the Australian dollar — are all risks growers have to manage. They have enough to do; they cannot also manage the risk of an insecure high-security water allocation.

Inland water users are tired of water restrictions. Everybody in my electorate is exhausted. This legislation must deliver a better deal for Mildura, because we are at the brink of long-term harm being

inflicted on our community, and that is something we do not want to happen.

Debate adjourned on motion of Mr HARDMAN (Seymour).

Debate adjourned until later this day.

HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL

Second reading

Debate resumed from 11 September; motion of Mr ANDREWS (Minister for Health).

Mrs SHARDEY (Caulfield) — I rise to speak in the debate on the Health Professions Registration Amendment Bill. The opposition will not be opposing this piece of legislation. The purpose of the bill is to amend the Health Professions Registration Act 2005 in relation to a number of fairly procedural matters such as fees, registration and transitional provisions relating to proceedings under repealed provisions. The bill also extends the period under which the growth of pharmacy ownership for friendly society-type companies is limited.

By way of background, the current Health Professions Registration Act was initially passed in November 2005 and commenced its operation in July 2007. Under the act the Victorian Parliament repealed 11 separate health profession registration acts and created one act under which the 12 professions are now regulated in Victoria. They include medical practitioners, nurses, pharmacists, dental-care providers, chiropractors, osteopaths, optometrists, podiatrists, Chinese medicine practitioners, psychologists, medical radiation practitioners and physiotherapists.

The Liberal Party opposed the passing of that legislation because of the lack of support for it from the health professions at the time, particularly as the act was not to be implemented until July 2007 — more than 18 months after its passing. There were, however, further amendments made to the Health Professions Registration Act in June 2007. The Liberal Party moved an amendment to that amending bill proposing a change to the timing of its implementation to July 2008 but then did not oppose the bill. That was because, after a lot of consultation on our part, the majority of registration boards did not oppose the bill, even though they were concerned about its timing, given the expected introduction of the national registration and accreditation scheme for at least nine of the boards, which was meant to be in July of this year, with Queensland being the lead jurisdiction.

The problem the boards believed they were facing was that disciplinary processes could be operating under three different systems as they saw it at the time — the old system, the 2007 system and what they thought was going to be the national system, including the unfettered right of review by notifiers. The main reason given by the Victorian government at the time for proceeding with the 2007 legislation was that it believed the Victorian act would be fully consistent with the proposed national legislation, which was meant to be completed by this year. In fact the government believed the Victorian 2005–07 legislation would be a template for the national scheme, with very little need for the Victorian act to be changed. Obviously the national scheme is not up and running. Part of it has been introduced in the Queensland Parliament — the first enabling part — but the remainder will not be introduced until 2009, so we are looking at a 2010 time frame.

However, since the act came into operation in July of 2007 — this is going back in history a little — the Council of Australian Governments has signed the intergovernmental agreement (IGA) to establish the national registration and accreditation scheme for health professionals. This IGA was signed on 26 March by federal, state and territory governments, and a commitment has now been made to have the national scheme in operation, as I said, by 2010. This was made clear to us at our briefing with the Department of Human Services. The time frames have all changed, and I think the debate will change as time goes on as well. The amendments in this bill are minor but necessary in relation to ensuring fees charged by boards remain GST free for examinations, for registration and course accreditation for tertiary providers and for other registration matters of a technical nature.

To give a little more background, when the Pharmacy Practice Bill was passed in November 2004 it introduced some fundamental changes to the ownership and operation of pharmacies in Victoria. That bill lifted the cap on the number of pharmacies a community pharmacist could own from three to five and strengthened the unprofessional conduct provisions at the time. It should be noted that although the location of pharmacies is controlled through federal legislation via pharmaceutical benefits scheme approvals, standards of practice are set here by the Victorian board. The bill capped the number of pharmacies that a friendly society could own at six. If before the date of royal assent of that bill a friendly society owned less than six pharmacies, it would have been able to acquire

ownership of up to six in the ensuing four years. If before the assent date a friendly society owned more than six pharmacies, it would have been able to increase ownership by up to 30 per cent in the ensuing four years.

I will give some examples of what would have happened when there was an amalgamation of two friendly societies after the date of royal assent. If one of the amalgamating societies owned four pharmacies, it would have been able to increase the number of pharmacies it owned to six. If the other amalgamating society owned 10 pharmacies, it would have been able to increase its number by 30 per cent to 14. So these amalgamating friendly societies could increase their ownership of pharmacies after amalgamation from 14 to 20 pharmacies. There was a sunsetting of these provisions, which was four years from the date of royal assent of the act. That is why this bill is before the house — the time is now up. The Pharmacy Practice Act was repealed with the passing of the Health Professions Registration Act 2005.

This bill provides for a number of amendments to the Health Professions Registration Act. It provides for the act to be amended to give the government explicit fee-charging powers in relation to examinations for international practitioners for registration and for accreditation of tertiary courses required for the eligibility of graduates for registration. Without such an amendment, as I have said, these fees would not remain GST free. This involves amendment by the bill of sections 5(1)(c) and 29(4)(c) of the act.

Under the repealed 1994 Medical Practice Act a grant of provisional registration existed to allow interns on graduation to be registered for a 15-month period — from their December graduation to March 15 months hence. The Psychologists Registration Board of Victoria has a two-year provisional registration pathway to general registration. The bill will amend section 9(4) of the principal act to increase the flexibility of provisional registration. The bill also addresses an omission of the act which prevents the Nurses Board of Victoria from granting the renewal of registration to direct-entry midwives who do not have a general nursing qualification. Currently such nurses have to make a fresh application for registration each year.

The next amendment relates to section 130 of the act. The amendment will allow boards to use alternative methods of communication, such as videoconferencing or teleconferencing, in relation to suspending a health practitioner under section 30 where there is a serious risk to public health and safety. There was an omission in the transitional provisions of the act to provide for this, so I think the amendment is quite sensible.

The next change relates to the sunset clause I have talked about, which restricts ownership of pharmacies by friendly societies. The four-year sunsetting came into effect on 16 November 2004. Under the current Health Professions Registration Act, as I have explained, a friendly society which had owned more than six pharmacies prior to the 2004 bill could increase the number of pharmacies it owned by up to 30 per cent in the four-year period to November 2008. This bill now extends the pharmacy ownership restrictions for such friendly societies so they may grow by a further 30 per cent as from 17 November, but the number will then be permanently capped. The Pharmacy Guild of Australia, because of this capping, has been happy to agree to this change. The bill also provides that in the case of two friendly societies which amalgamated after 16 November 2004 — there are only two that are so affected — the maximum number of pharmacies is calculated by reference to the largest level of ownership that would have been permitted for any one of the companies involved in the amalgamation.

I consulted a large number of the boards in relation to this bill — most of the boards — and only some came back to me with comments. However, the ones that did come back were supportive of this legislation. The Australian Medical Association in particular wrote that it welcomed the changes to provisional registration to allow the Medical Practitioners Board of Victoria to provisionally register practitioners for up to 24 months. As I explained, interns now have to reregister part way through a year, and it is a messy thing, so that has been supported by the board.

The coalition has had a couple of different positions on this legislation for a number of reasons. Firstly, the original bill gives the minister extensive powers over standards in relation to the operation of boards. While the boards have been supportive of these changes, and to a very large degree supportive of the national scheme, some concerns are now emerging. It is important to understand that everyone wants to see a streamlined scheme in which doctors can be registered in a national scheme so they can practise across borders and so forth, but there are still some other concerns.

I have received a copy of a letter written to the Queensland Minister for Health by Dr Rosanna Capolingua, the president of the Australian Medical Association (AMA), which expresses concern about the Queensland legislation, which is the forerunner and sets up the structure of the national registration and

accreditation scheme. There will be two phases to this whole process.

The consultation paper issued by the Practitioner Regulation Subcommittee of the Health Workforce Principal Committee of the Australian Health Ministers Advisory Council states:

> To implement the scheme, national legislation will be introduced in the Queensland Parliament in two stages. The first stage will cover those aspects of the IGA —

that is, the intergovernmental agreement —

> that address the structural elements of the scheme, and will be introduced in the Queensland Parliament in October 2008.

That has already occurred, but it is laying over for some 13 days:

> The second stage, to be introduced in the Queensland Parliament in August 2009, will cover matters where further work and discussion is required beyond the terms of the IGA.

The paper goes on to describe what those things are.

Prior to the bill being introduced in Queensland the national president of the AMA wrote to the Queensland Minister of Health and asked for an exposure draft, which I do not believe was granted. Although there was some discussion with the national task force, there was still some concern. Dr Capolingua wrote:

> … the medical profession is very concerned that the current proposed national registration and accreditation scheme will put at risk medical standards. Further, we believe that the scheme will be a vehicle for government to use other health providers to inappropriately undertake medical competencies in response to workforce challenges.

People would be aware that the federal minister has raised some of these issues and has talked about other health professionals doing the work of trained doctors. This legislation forms the basis of the concerns that are now being expressed, because it is felt that the new registration accreditation legislation will provide the federal minister, and maybe even state ministers, with that vehicle to change these standards.

In her letter Dr Capolingua went on to say:

> In our submission to the Practitioner Regulation Subcommittee of the Health Workforce Principal Committee on this legislation, we provided constructive strategies for inclusion in the legislation to mitigate the risks we believe are inherent in the scheme.

Finally, she wrote:

> Our further engagement with the government will depend on the extent to which the legislation reflects the existing medical registration and accreditation framework and protects the public interest.

It was made clear to me that the AMA does support a national register and thinks it is important, but the AMA believes that putting accreditation and registration together is somewhat cumbersome and that accreditation will now be caught up in a regulatory environment which, in the view of the AMA, could be open to some political interference. The AMA is concerned that there needs to be a safeguarding of medical excellence and patient care. The association refers to the fact that the Productivity Commission made recommendations in relation to this issue and suggested that accreditation registration should be kept separate. That is why I have raised this issue.

Probably the most outspoken group on this issue is the association of surgeons. A letter appeared in the *Australian Financial Review* of 9 October. In part it says:

> Health and ageing minister Nicola Roxon has supported, via the proposed legislation —

to which I am referring —

> redefinition of the roles of nurses, physiotherapists, chiropractors, osteopaths, optometrists, podiatrists and pharmacists to allow them to claim on Medicare for treating people who have not first seen a doctor. This is the opposite of holistic care — for example, a person with arm pain consults a physiotherapist when the cause is angina —

and in this way urgent treatment might be delayed. Of course the suggestion is that at the end of the day the cost to the community will be greater to treat such a person.

While the coalition is not opposing this legislation, I think we need to be conscious of the fact that the way forward in relation to the national scheme is probably quite a complex one. Even though the Queensland Parliament might be a relatively easy place to get legislation through, as its government has a large majority and there is only one house, the way forward with the other states will be more complex.

I suppose I am suggesting there should not be a rush to address these issues. This national scheme is for the long term and was considered by the previous federal government, so there has not been an aversion to the idea, but it needs to be got right. I urge that as much discussion and as much cooperation as possible take place. Yes, I appreciate that Victoria believes it will be playing a strong role, but there have been changes in governments in some parts of the country which will perhaps make the debate more interesting. With those few words I end my contribution.

Debate adjourned on motion of Mr LANGUILLER (Derrimut).

Debate adjourned until later this day.

WATER (COMMONWEALTH POWERS) BILL

Second reading

Debate resumed from earlier this day; motion of Mr HOLDING (Minister for Water).

Mr HARDMAN (Seymour) — I rise to contribute to the debate on the Water (Commonwealth Powers) Bill. The bill implements Victoria's commitment under the intergovernmental agreement on the Murray-Darling Basin reform signed by the Premier on 3 July. The bill refers certain matters relating to water management to the commonwealth Parliament for the purposes of the constitution of the commonwealth and to amend the Murray-Darling Basin Act 1993 to provide for an agreement between the commonwealth, New South Wales, Victoria, Queensland, South Australia and the Australian Capital Territory with regard to the water resources of the Murray–Darling Basin and to repeal all provisions in that act.

The bill establishes the Murray-Darling Basin Authority with an independent skills-based board and authorises the Murray-Darling Basin Authority to develop a basin-wide plan to address planning for critical human water needs in accordance with the intentions of the basin governments as expressed in the reform intergovernmental agreement.

The bill also extends coverage of the commonwealth Australian Competition and Consumer Commission water market and water charge rules to all water service providers and transactions. In regard to the new governance arrangements it is important to note that the Brumby government has insisted that under the intergovernmental agreement basin governments should retain collective responsibility for any decisions that may affect their state water entitlements.

Critical human water needs are taken into account by the intergovernmental agreement, and the states remain responsible for meeting their own critical human water needs, therefore powers under the Murray-Darling Basin plan are limited.

The Brumby and Bracks governments have made investments in the Murray–Darling Basin over their time in office to improve the efficiency of the irrigation, system, but it is also important to improve river health within the basin. In the past the Eildon Dam upgrade obviously helped to give greater security of water to irrigators and users of water within the Murray–Darling Basin, and investments have been made in the Central Goulburn 1, 2, 3 and 4 projects, the Shepparton irrigation upgrade, the food bowl modernisation project, and the Wimmera–Mallee pipeline, plus significant investments into CMAs (catchment management authorities) to improve water quality, salinity and the natural environment.

The Bracks and Brumby governments have been investing in the Murray–Darling Basin and have understood its importance to the economy, the environment and also the communities within that area. The Seymour electorate makes up an important part of the upper catchment of the Murray–Darling Basin. It is amazing to see the Landcare groups and catchment management authorities working to ensure the salinity problems that occur in our area do not impact areas further downstream. Many groups in our area do that through planting trees and taking on board a number of different actions they can undertake in their own local community to ensure that we provide the best quality water for downstream users.

It is important also to note that the Bracks and Brumby governments have also ensured that our rights and responsibilities are considered by the commonwealth in the Murray-Darling Basin legislation. I thank the Brumby and Bracks governments for ensuring that people in my electorate will be considered into the future.

Once again, unfortunately the Liberals and The Nationals have failed to understand their responsibilities and continue to play politics with this water bill. They want a bob each way. They know their own stakeholders support this bill. The VFF (Victorian Farmers Federation) has worked closely with the Bracks and then Brumby governments to ensure that these communities get the best possible deal. This legislation is the result of many hours of negotiations and debate to ensure that Victoria and Victorian farmers get the best possible deal.

The unfortunate part is that the coalition parties now want to send the bill to an upper house committee. They support the bill, but they want to have a bob each way and play politics by referring it to the upper house Legislation Committee. I have not heard one good reason for them wanting to do that. Maybe that will come.

A terrible drought is affecting the Murray–Darling Basin in particular, and I am acutely aware of its impact

on Victoria and on the farmers and communities in that area. Obviously in my role as Parliamentary Secretary for Agriculture I move around the state and talk to farmers, their representatives and local councils about people's fears and anxieties about what the future will bring as we look to another failed season. Many farmers have continued to be resilient year on year, putting investments into ensuring that they provide crops to feed us and to ensure that not only the Victorian economy but the economies of their own local communities continue into the future.

The farmers continue to battle on with amazing resilience, but as the drought goes on it is imperative members of the Liberal Party and The Nationals understand we have gone beyond the time to play politics. There is enormous stress and anxiety as a result of the ongoing drought. The Liberals and The Nationals need to look at what constructive role they can play in representing their communities. From some members all I hear is divide-and-conquer language. They see the politics, and they are exploiting the devastation that is affecting many families in northern Victoria. Be it on their heads, because in the end those communities look to them to provide leadership and understanding, but at the moment they are failing to do that. I implore them to look at what they can do to assist and to work with the Brumby government in its efforts to mitigate the impacts of drought and to ensure that the communities in the Murray–Darling Basin are able to thrive into the future. With those comments, I commend the bill to the house and wish it a speedy passage.

Dr SYKES (Benalla) — I rise to speak on the Water (Commonwealth Powers) Bill 2008. I indicate that I support the principle of coordinated management of the Murray–Darling Basin. I also support more efficient use of water by communities and irrigators. And I support water savings projects which result in water being available for use in the Murray–Darling Basin by irrigators, communities and the environment, and for supply, as per longstanding agreements with communities such as Adelaide.

I note with interest that in the bill before us and in the agreement to which it relates the coordinated approach to the Murray–Darling Basin excludes the management of the Goulburn River. The Goulburn River is a major tributary to the Murray River and it has been shown to be in very poor environmental condition. One has to ask the question: why has it been excluded from this plan to improve the environmental management of the whole Murray–Darling Basin and the communities and irrigators in that area? Many have concluded that the reason the Goulburn has been excluded is the Brumby government wants to take water from the drought-stricken Murray–Darling Basin and flush it down the toilets of Melbourne.

The implications of this action will be, if the plans go ahead as proposed, in 2010, 75 gigalitres of water will go to Melbourne, regardless of the savings that are actually achieved. In fact the government intends to deliver that 75 gigalitres by borrowing from commitments that have been made to the Living Murray program, from savings resulting from earlier projects under Central Goulburn projects 1, 2, 3 and 4 and, as I understand it, from the Lake Mokoan decommissioning, which I will come back to later — and which I am sure the Acting Speaker would love to hear about! The other borrowing the government is doing is from environmental reserves. In subsequent years the government says it will take only one-third of the savings, but what will those numbers be?

The calculated savings of 75 gigalitres per year are based on losses of 800 to 900 gigalitres a year. In reality, in dry years the losses are less than 400 gigalitres a year. Clearly, if you do not have losses, it is difficult to have savings. The government has projected that a lot of those savings — 166 gigalitres — are a consequence of re-metering the existing Dethridge wheels. That was based on the calculation that the Dethridge wheels had a 10 per cent inaccuracy, oversupplying irrigators at the level of 10 per cent. That was based on testing 12 or 18 Dethridge wheels out of the 18 000-odd of them that are out there. That is an amazing approach to management when you extrapolate the results of testing 12 or 18 wheels out to the whole 18 000.

Interestingly, when those wheels were subjected to further testing — I think another 38 or 40 were done — the losses came down to about 7.5 per cent for over-metering, and that means the government has immediately lost 50 gigalitres of so-called savings. Of course the issue with the re-metering is that water is already going for productive use, and re-metering does not result in any true savings; it results in a different ability to charge for that water. The reality is that Melbourne will take its water, regardless of the savings that are achieved. It will drain precious water from the Murray–Darling Basin.

Another concern I have about the exclusion of the Goulburn system from the Murray-Darling Basin agreement is the risk of different rules applying in adjoining catchments, and that applies to the electorate of Benalla. In my electorate, for example, we have the Ovens and King rivers flowing into the Murray–Darling Basin, and they will be part of the Murray-Darling Basin agreement. But also within the electorate of Benalla is the

Goulburn River and the tributaries flowing into it, including the Hollands, Broken, Seven and the Hughes. All of those tributaries and rivers that are excluded from the Murray-Darling Basin agreement may well be treated differently.

We already have a number of different issues causing concern to people in my electorate, such as the management and implementation of the farm dams legislation, where a key issue is what constitutes the definition of a waterway. At the moment the stringent definition of waterways almost excludes the possibility of building a farm dam in the upper catchment.

Down the track we may have one set of rules for the people in the Ovens, King, Kiewa and Upper Murray systems and a different set of rules for the people in the Hollands, Broken, Seven and Hughes systems. There have also been other issues coming up in recent times with the pressure of water in relation to increased off-stream storage, the placement and drilling of bores and the requirement by Goulburn-Murray Water to put in bypasses on streams. At the end of the day we urgently need catchment yields to be done so that we can assess the impact on the yields and what water can be stored.

Lake Mokoan is an example of a first major government project to attempt to create significant water savings. It was claimed there would be about 44 to 48 gigalitres of savings of which, according to this agreement, 22 gigalitres are going to the Murray–Darling Basin and the other to the Snowy, which would be of interest to the member for Gippsland East. There are a couple of issues there. First of all, there is the cost. The government originally estimated the cost at $80 million. Knowing there have already been cost blow-outs in the rehabilitation of the lake from $1 million to $20 million, I asked the Minister for Water what the updated cost for the project was. On 19 August he replied:

> The costs for infrastructure works associated with decommissioning the storage and offset measures are not yet confirmed.

In other words, we are well into a project and the minister does not know the cost, which reaffirms our concerns about the government's inability to manage projects.

There are a couple of other outstanding issues in relation to the decommissioning of Lake Mokoan. The government is yet to honour its commitment to maintain security of supply of water to irrigators. If you do not do that, you do not have community support. If you do not have community support for these projects, you will not get the Murray-Darling Basin agreement up and running. We have written commitments from the previous minister responsible for water, Sherryl Garbutt, and also the minister who came after her, John Thwaites. That was in writing, but at this stage those commitments have not been honoured. We also have issues about flood mitigation and increased risks to Benalla, which I will not touch on in this speech other than to say the government is yet to resolve and satisfy the people of Benalla that they will not be subject to increased flood risks if and when Lake Mokoan is decommissioned.

The members for Bundoora, Rodney and Bentleigh have raised the issue of the 4 per cent trading cap. It is going to be reviewed in 2009. A lot of people out there doubt Premier Brumby's integrity when he tells us vigorously that he has argued for the retention of the cap. They are asking the question: is he really the knight in shining armour, or is he all spin and no substance and will he renege on this commitment he has made as he and his government did when they made the commitment not to pipe water from north of the Divide to Melbourne? That was made an election issue prior to the 2006 election, and within a few months the government reneged.

I would like to clarify a claim made often in this Parliament in relation to the $2 billion investment in infrastructure upgrades. Let me make it very clear: it is $1 billion from state-related sources and up to — I repeat, up to — $1 billion from federal sources subject to due diligence. There is not $2 billion on the table; there is $1 billion on the table plus up to another $1 billion subject to due diligence. I would also like to make the point, working from documents provided by the project managers, that the total cost of infrastructure upgrades will be of the order of $4 billion, so there is a lot more input to come in from irrigators than what has currently been the case.

Let us look at the environment in which these decisions are being made. We are in tough times and tough decisions need to be made. We have got people who we thought were extremely robust, financially and emotionally, and now they are extremely fragile. The guiding principle for making these decisions should be equitable sharing of the pain, but when you live in a drought area where it is hurting every day to get up, when your allocation in the Broken system is zero, when you are watching your trees die, when you are watching your cattle die, when you have been buying drinking water for the last four years, you have a major problem accepting that the Brumby government is sharing the pain equitably. We have a major problem with the proposition to pipe water south of the Divide.

That is why there are hundreds of thousands of people calling out to the callous Brumby government to plug the pipe.

With those few remarks I advise that we will not be opposing the bill, but we support the bill being subjected to the Legislation Committee.

Mr STENSHOLT (Burwood) — I rise to support the Water (Commonwealth Powers) Bill. The new arrangements as set out in the bill faithfully translate the commitments of the agreement of the Murray-Darling Basin reform signed by the Murray-Darling premiers and the Prime Minister on 3 July 2008 with regard to the commonwealth of Australia, New South Wales, Victoria, Queensland, South Australia and the Australian Capital Territory.

The Murray–Darling Basin includes the catchment areas of the Murray and Darling rivers and their tributaries, which I am sure most members, particularly those who have spoken, will be aware. That covers nearly three-quarters of New South Wales, more than half of Victoria and significant portions of Queensland, South Australia and the Australian Capital Territory. It covers nearly 60 per cent of Victoria — 59.96 per cent. We have 12.32 per cent of the Murray–Darling Basin in Victoria. We punch above our weight, as the member for Rodney has pointed out, in terms of the water we produce as a multiple of that 12.32 per cent. In Victoria the tributaries include the Loddon, Campaspe, Goulburn, Ovens, King, Kiewa and Mitta Mitta rivers.

The member for Benalla talked about the Premier being a knight in shining armour. In this regard he and former Premier Steve Bracks are very much knights in shining armour protecting the rights of Victorians, particularly the rights of Victorian farmers. That has been soundly endorsed by the stance taken by the Victorian Farmers Federation, even if The Nationals went weak at the knees and caved in to John Howard.

As to the history of this issue, I remember that in August 2007 a media release from the Minister for Water carried the heading, 'Howard holds the states to ransom'. It states:

> Mr Holding said full referral powers would mean the Federal government would have total operational control of Victoria's water system including:
>
> > allocation of water rights, including district, seasonal and individual allocations;
> >
> > delivery of water and management of irrigation infrastructure; and
> >
> > river operations and management.

The Nationals caved in but at least the Victorian Farmers Federation stood strong with the Victorian government to get a good result for Victoria — and in March we had a new federal government which was able to strike a historic deal. The Premier and the then federal Minister for Environment and Water Resources, Malcolm Turnbull, would have been able to strike a deal. I hear on the grapevine, and as reported in the papers, that they shook on it, but then Howard walked away. There was egg on the face of the Point Piper man because John Howard walked away from that agreement. He said 'No, we want to have a bit of feisty politics in the lead-up to the federal election', so Turnbull got done like a dinner. However, with the election of the new federal government, the Murray-Darling Basin agreement was a win for Victorian farmers and for the environment. That was very much supported all round by the Victorian people, including the Victorian Farmers Federation.

A previous speaker read into *Hansard* quotes from a Victorian Farmers Federation media release of 3 July in terms of the Council of Australian Governments (COAG) delivering sound outcomes for Victorian farmers on water reform. Simon Ramsay said they actually led the national negotiations between all levels, which is self-serving, because the Victorian government was very much to the fore in making sure that the needs of Victorian farmers and the needs of Victorians in terms of water rights in Victoria were appropriately served.

I would have hoped we would have got control of the Murray River following international water law. It is unfortunate that New South Wales still owns the water of the Murray River, which does not follow international law, under which the line goes down the middle of river — the thalweg, for those who are aficionados of international water law. We could not change that, but we did get a fair agreement on water for Victoria. This bill puts that into effect. It refers legislative powers to the commonwealth Parliament to enact the text of schedule 1 of the commonwealth Water Amendment Bill 2008. Those who have read the commonwealth legislation will recall it is schedule 2 to the commonwealth legislation which refers to the sole powers the commonwealth holds in its own regard. It is necessary that the powers of the state be referred to the commonwealth so it can enact limited amendments to the text and make the necessary consequential amendments to the Murray-Darling Basin Agreement Act and other acts.

I find it strange that while the Liberal Party and The Nationals are always striving for relevance, which seems to come from holding inquiries after the horse

has bolted, this time they want to hold an inquiry into this legislation in the Legislative Council. I find that fascinating because I notice in the Scrutiny of Acts and Regulations Committee report there is a discussion on that. The member for Murray Valley, Ken Jasper, would have a strong interest in the Murray-Darling Basin agreement as well as the member for Warrandyte, Ryan Smith, who was not in the basin. Inga Peulich, a member of South Eastern Metropolitan Region in the Council and Edward O'Donohue, a member of Eastern Victoria Region in the Council are members of this committee. In its comments that committee makes no reference about the need for the Council to look at this. In fact the committee makes no further comment. Suddenly, a few days later, they decide they need to do something in the upper house in order to get some relevance after The Nationals sold Victorian farmers out, they sold them out on this and then Howard sold Turnbull out and now, after we have an agreement and we have an excellent proposal for Victoria —

Mr Weller — On a point of order, Acting Speaker, the member is straying from the bill, and I ask you to direct him back to it.

The ACTING SPEAKER (Ms Munt) — Order! I uphold the point of order. I ask the member for Burwood to keep his argument a little closer to the purposes of the bill.

Mr STENSHOLT — I was referring to the Murray-Darling Basin agreement, and I was not referring to any pipelines that may be outside the Murray–Darling Basin. I acknowledge your ruling, Acting Speaker, but it still remains the fact that Victorians were sold out by John Howard, the then Prime Minister. This bill is needed to make sure powers are referred to the commonwealth. As we said before, the Premier and the former Premier, the Honourable Steve Bracks, are very much the knights in shining armour for Victorian farmers in this regard in the way the bill was being put forward. No longer is Victoria being held to ransom, because this is a win for Victorian farmers and for the environment.

Up to $1 billion will be provided for the food bowl modernisation project and, from memory, an additional $103 million is also going to another project in Sunraysia. Money is coming through for irrigation reform, modernisation and the update of our water system as part of this initiative. The first $3.7 billion has been allocated, of which Victoria will receive over $1.1 billion. That is a very good share in terms of the role that Victoria plays in supplying water and its share of the Murray–Darling Basin. Victoria won important concessions from the commonwealth government which are included in this bill, including a provision that gives all state water ministries the right to disagree with the Murray-Darling Basin plan and send it back for further work.

The previous agreement — the Howard plan — was almost a postage stamp to start off with. The original plan was less than three pages. It was dreamed up in his office without even consulting the Treasury and we did not even have a seat at the table. This agreement not only gives Victoria a say in future planning but an opportunity to work through it with the commonwealth. This is an excellent bill and puts in place a firm agreement nationally on the Murray–Darling Basin.

Mr DELAHUNTY (Lowan) — Before I get into the major part of my contribution tonight, I just want to follow up on some of the things raised by the member for Burwood. The reality is that waiting for the agreement organised by the federal and state governments on the Murray–Darling Basin has cost Victoria 21 months, and no extra money was delivered to Victoria under that agreement. There was no extra money! It was The Nationals that put up their hand earlier and said, 'We want to protect Victorian water rights', and when we got an agreement from the then federal water minister we were happy to proceed with some discussion about cooperative arrangements between the states, being the states of Queensland, New South Wales, Victoria and also South Australia, because it is important for those types of things to happen.

I want to say up front that I am a strong supporter of cooperative working arrangements because, as we know, water is a finite resource. Our environment is fragile, and with water shortages impacting heavily on the environment we need to do much more in relation to the cooperative arrangements between those communities in the catchments. Country communities have been heavily impacted because of the water shortages, not only because of the shortage for the environment and for domestic consumers but also for economic development in country Victoria.

I remind the member for Burwood that we again see the Victorian government breaking another promise. Before the 2006 election its members said, 'We will not take water from above the Great Dividing Range'. The member is walking out of the chamber because he knows I am right. But as soon as the election was over a red helicopter went flying across the state, with the Premier saying, 'We are going to build the north–south pipeline'. Again, we see a broken promise by this Labor government. The government forgets that Victoria is

bigger than Melbourne, but the Victorian country communities will not forget what the Brumby government is doing in relation to country Victoria.

Mr Nardella interjected.

Mr DELAHUNTY — The reality is that we can get water for Melbourne — if the member for Melton wants to listen — through a lot of other arrangements such as stormwater capture and recycling of water. In fact in country Victoria and in particular the Wimmera-Mallee area, where I come from, 95 per cent of the water is recycled, or reused, whether it be for agriculture production, sporting grounds or whatever it may be. Here in Melbourne, I think about 95 per cent of the water goes out into the ocean.

Mr Nardella — That's wrong!

Mr DELAHUNTY — Ninety per cent then.

Mr Nardella — Wrong!

Mr DELAHUNTY — About 90 per cent goes into the ocean. Why should Melbourne not do what we have done in country Victoria and reuse water? It is a finite resource and we must do more about it.

I again say that water is a big challenge for country Victorians as it is for all of Victoria. The reality is that the harvesting, storage and distribution of water has challenged many people in Victoria for a long period of time, whether it be the country communities that I represent, the water authorities, the catchment management authorities or local and state governments. We know that water is a big issue.

I support the cooperative arrangements in the catchments I represent, and I again go back to the speech made by the member for Swan Hill, the shadow minister for country water resources. We are not opposing this legislation. We think that it is a step forward in relation to the cooperative arrangements between the states. We know that the main purpose of this bill is to refer various state powers relating to the Murray–Darling Basin and other water management to the commonwealth. As we all know, water is a state responsibility under the constitution, so it needed referral from this house, and I believe it was debated in the South Australian Parliament last week.

In fact I was in South Australia on the weekend for a wedding and I was reading the newspapers over there. While a similar water debate — a very important water debate — was going on in the Parliament of South Australia, hardly any Labor members were in the chamber. Do you know why, Acting Speaker? They were in a newly refurbished members room, drinking on until about 2.30 a.m. and scheming to get rid of the current Premier. The Labor members were not worried about water. They were more worried about getting rid of their Premier! The reality is that water is not a big issue for the majority of Labor members like it is for this house. We have two Labor members in here at the moment, and one is a duty member. There are two members here!

Mr Nardella — You've got two as well!

Mr DELAHUNTY — On a percentage basis we have got 1000 more than you have. The reality is there are not too many Labor members in here now.

The main provisions also relate to the commonwealth's constitutional powers and referral of powers by the basin states which need to be able to carry out certain measures as part of the basin reform. The new Murray-Darling Basin Authority replaces the existing Murray-Darling Basin Commission. Under a seamless transfer the Murray-Darling Basin Authority will assume all existing powers, functions and operating rules of the commission. We have some concerns with the fact that the federal water minister is the final decision-maker and adopts the basin plan developed by the Murray-Darling Basin Authority.

There is also a ministerial council which will be chaired by the federal Minister for Water and will include one minister from each of the basin states of Queensland, South Australia, New South Wales and Victoria. There will also be a Basin Officials Committee which will comprise officials representing and appointed by each of the basin states and will be chaired by a federal representative to provide advice to the Murray-Darling Basin Authority on the basin plan.

It is also important — I think we have to be reminded — that there will also be a community committee. There is one now and I know there are people from my area who have been members of that. The Murray-Darling Basin community committee will be made up of appointments from the ministerial council and it will provide excellent advice from a community perspective. The basin plan — this is what we are really debating — is central to Murray-Darling Basin reform and aims to improve the health of Ramsar-listed and important environmental sites in the basin by managing the water resources as a whole.

There are many things that are going to happen under this new cooperative arrangement, and I think that is why we are not opposing it. It is important that it take place, but there are still many questions on which we

cannot get answers from the Minister for Water. He did not come up to the Wimmera last week; I hear he was overseas. The reality is that we cannot get answers from this Minister for Water. That is the reason why we believe this bill should be referred to the Legislation Committee of the upper house for detailed questioning on the possible impacts that the federal legislation will have on Victorian water users.

We know it will not have an impact on Melbourne water users, but it will have a big impact on country water users. In my understanding, if this bill and the federal water legislation had already been in place, water could not have been taken out of the northern catchment area and brought down here to Melbourne — taken from another catchment to Melbourne. Again there are many questions we want to put to the water minister, which is why this bill should go to the Legislative Council Legislation Committee. Hopefully the government will support that. If the government has nothing to hide, it should be very supportive of that.

Many people would not realise the electorate I represent is also in the Murray–Darling Basin area. Most people do not realise that the water that used to flow from the Grampians used to go up through, mainly, the Wimmera River and Yarriambiack Creek. It would go up through Lake Hindmarsh and Lake Albacutya, which I also remind members is a Ramsar-listed lake, which is why the people in the Hindmarsh shire in that area in particular, such as the people in Rainbow, are very keen for this type of cooperative arrangement to take place, so that they might see some water getting to the area.

My area, the northern area, is part of the area covered by the Murray-Darling Basin Commission, yet no water these days gets from there to the Murray River. My understanding is that many years ago it did and that is why the Wimmera–Mallee pipeline was built. I highlighted the need for that when I started here in 1999, and I have been pleased to see the government support it, but I have to emphasise that the northern Mallee pipeline started it. If that had not been built we would have run out of water in western Victoria a long time ago.

At the moment in the electorate I represent the Wimmera-Mallee storages are at the levels of about 6.5 per cent at the end of winter. The northern Mallee pipeline was originally funded by the previous federal Labor government and the coalition government in Victoria. It was continued under the federal coalition government, and now we have the construction of the Wimmera–Mallee pipeline. We need that to be moved along quickly, because there are enormous benefits to the environment and to the community to be gained from it. Importantly, it will see water in 17 500 kilometres of open channel transferred to about 9000 service points in 40 towns. You can see that if we store and distribute the water we already have more efficiently through pipelines, we do not always have to build new dams — and we can do that in most areas. You do not always have to build dams, but leadership is needed to make sure that where there is a requirement for dams, they are built. The Nationals are not opposing this legislation. We look forward to a great debate in the Legislative Council.

Sitting suspended 6.28 p.m. until 8.02 p.m.

Mr INGRAM (Gippsland East) — Acting Speaker, I seek leave to have an extra 10 minutes to outline my concerns about the legislation.

Leave granted.

Mr INGRAM — I thank the house for its consideration. I rise to speak on the Water (Commonwealth Powers) Bill. The bill, as discussed by other speakers, refers powers to the commonwealth Parliament, powers that this state has held since well before federation. The explanatory memorandum makes very clear what the bill is about where it states:

> … to refer certain matters relating to the Murray–Darling Basin and other water management matters to the Commonwealth Parliament so as to enable the Commonwealth Parliament to make laws about those matters.

I am going to raise a number of issues in this process. It is worthwhile noting the process that this bill has gone through. I have spoken on a number of occasions in this Parliament about our passing enacting legislation when the detail of the bill is contained in legislation in South Australia. In my view that is not something that this Parliament should be involved in. When passing legislation this Parliament should have the opportunity to go through in detail all the aspects of what we are dealing with. The powers we are discussing here are not contained in the legislation before the house; they are contained in the text of legislation which was debated in the commonwealth and which has been tacked on as a schedule to the South Australian legislation which was debated in that Parliament.

I have raised on a number of occasions in this house issues around section 100 of the constitution and the difficulty with a state transferring powers to the commonwealth, particularly with the commonwealth taking actions that potentially abridge the rights of states, or more specifically, individual rights contained

in section 100 of the constitution. I am not going to go back over that discussion — it is on the public record — but there are a number of issues I would like to raise specifically in relation to the legislation before the house.

Previous debates were predominantly around construction of the Snowy Hydro scheme. It is my view and the view of significant constitutional lawyers that that was unconstitutional, because the commonwealth does not have the power to enact legislation or take actions in relation to water management. This is an issue that I have a deep interest in, and while I am not a lawyer or an expert in constitutional law, I have received significant advice from constitutional lawyers and also spent 15 years studying this issue in a bit of detail, particularly with regard to the Snowy River. That has made me of the opinion that the actions that are contemplated in this legislation are in breach of the Australian constitution and may potentially leave future governments and the legislation that we are discussing in an extremely difficult long-term legal position.

My electorate contains the Snowy River, as all members are probably well aware, but a large portion of my electorate's northern boundary also contains the upper headwaters of the Murray River. The legislation before the house is in relation to the regulation and management of the Murray–Darling Basin and transferring those rights and powers across to the commonwealth. As most members of this place would know, because of the construction and management of the Snowy Hydro scheme, the Snowy is inextricably linked to the Murray and what goes on there. A large portion of the headwaters of the Snowy has been diverted into the Murray, so the management of the Snowy Hydro scheme is crucial to the management of the Murray and is clearly crucial to the management of the Snowy River.

I have previously commented and again make the point that I believe the transfer of the powers of the state to the commonwealth will gradually bring us to a point of no return which will see the last of our capacity in this state and this Parliament to determine what happens to our watercourses, rivers, streams and lakes and the vulnerable environments around them. It is my opinion that at the same time we will be handing over some very important rights which should continue to belong to the state of Victoria. Those rights are recognised and established by the Australian constitution. Giving away responsibilities may be one thing, but giving away rights, including individual rights, is quite another. I want to go into this in a bit of detail. Individual rights that are contained in the management of water — riparian rights and irrigation rights — are the rights of an individual to enjoy the river in their backyard. Section 100 of the Australian constitution states:

> The Commonwealth shall not, by any law or regulation of trade or commerce, abridge the right of a State or of the residents therein to the reasonable use of the waters of rivers for conservation or irrigation.

This is one of the few sections of the constitution that contains individual rights, and it is not just the rights of the state. In this Parliament we have the power to abridge the right of residents in relation to the management of water, but I believe, and the advice I have is, that we do not have the power to transfer those individual rights — not the regulations of this Parliament but the individual rights which are inherent in the constitution — to the commonwealth. They should remain under this Parliament unless we go to a referendum and change the constitution.

I have taken the liberty to go back into the history of this, and I hope I do not bore too many people too much. Going back to the Commonwealth of Australia Bill which was debated in this chamber in 1898, this section of the constitution was debated for about three weeks. There was an incredible discussion about whether it should be included in the constitution at all. South Australia believes the commonwealth should have control of the waters of the Murray–Darling Basin, an argument that it is still putting today, over 100 years later. The upshot of that was that the New South Wales members said they were not prepared to hand riparian rights, irrigation rights, individual rights, over to the commonwealth. The New South Wales members who were here representing their state in the constitutional debate, and the members from Victoria, whom I will quote in a minute, said they were not prepared to accept the commonwealth taking those powers. The problem with that is that if there is ever a challenge to the constitutionality of what we are doing here, we may find ourselves in the position that the state of Victoria has given up its constitutional rights to the commonwealth.

The commonwealth has proved that it does not have the ability to pass laws to abridge the rights of individuals. That is what we are doing. It is very easy to see, if you look at the current water debate in Victoria, that individuals feel their rights have been abridged by the state government's decisions. As I said earlier, the state government has the power to basically ride roughshod over people's rights, whereas on my reading of the constitution, the commonwealth does not.

Alfred Deakin is recognised as one of the fathers of the Australian constitution. In this chamber, he said:

> But if we believe the representatives of New South Wales in their statement, that the transfer of rights over these rivers to the federal government —

he was talking about the Murray–Darling Basin —

> would mean a certain hostility of the whole of the population of the western district of their colony, I venture to say, without the fear of successful contradiction, that any proposal in this constitution for the transfer of Victorian irrigation works to the federal government would mean the absolute hostility to federation of every farmer in the irrigable areas north of the Dividing Range. That is the test of how the Victorian farmer and agriculturist regards our irrigation works.

He went on further:

> Our business and duty as a convention is to frame a constitution suitable for the acceptance over the whole of Australia, and likely to be accepted by the whole of Australia. We are not here to draft an ideal system.

He made a large number of comments about the Murray–Darling Basin and whether it should be transferred across to the commonwealth. One of his other comments was:

> The state government takes that water, and distributes it where and to whom it pleases, and at whatever cost it chooses to incur. I do not contemplate the federal government having any control of irrigation in any part of Australia.

That was what the discussion was about. I do not necessarily think they have got it right by any means; I think probably they got it wrong, and in hindsight we probably should have gone back there. The problem with our constitution is that it is enshrined and can be changed only by referendum. If you read the intent of our forefathers at the time, you will see it was clear they had no intention of transferring Victoria's rights across, and they framed the constitution to stop that happening.

I will go on to deal with a discussion between Mr Dobson and Mr Reid. Mr Reid interjected on Mr Dobson and said:

> Don't you see the whole distinction between the rights of riparian occupiers in the same state and the rights of individuals in another state to the water of a river which begins and ends a long way from those individuals in that other state?

Mr Dobson replied:

> The honourable member puts before me the very crux of the whole matter, which he declined to deal with when on his legs. The whole question is — are the members of this convention willing to state in the constitution, as I think they ought, whether we will have states with riparian rights or not? Are we going to allow the humblest individual in a state to have his riparian rights, and yet declare that the whole of the individuals in a state —

another state — that is, South Australia —

> which happens to be below the watershed of this river in New South Wales are to have no such rights whatever?

The upshot was that after three weeks of debate the decision was to put into the constitution a clause which has explicit individual rights contained in it. It is one of the few sections of the constitution which contains that.

Basically here we are using the powers under section 51(37), which states:

> Matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law …

Basically we are using the power that is contained in section 51 of the constitution to transfer rights of this Parliament. I question whether we have the power to transfer the individual rights contained in the constitution. That is the advice I have, and I understand that is the advice the Victorian government has in relation to the Snowy hydro scheme — that those individual rights cannot be overridden by state or commonwealth control.

I will go on from that to say that because of the comments I have made to date I will not be supporting the legislation. I will be voting against it. I do not think it is something we should be doing. I fully support all actions taken to improve the health of the River Murray, and I have had significant discussion on this over a large number of years. I have been involved with organisations such as Native Fish Australia, and I am very passionate about trying to improve the health of the River Murray. I have had discussions on the health of the river and particularly what we are doing here with a number of state and federal ministers, particularly in relation to some aspects of the Snowy River. I believe there are lot of things we should do. We are doing some things but we should be doing a hell of a lot more to improve the health of the Murray–Darling Basin as a whole.

If you look at some of the issues that have been raised by the other members, you see it is clear that if governments are serious about fixing the problems of the Murray, there will be a loss of rights. There has been discussion about the north–south pipeline, about the purchase of large irrigation properties and about the impact of those on communities. I believe that many of those projects are necessary, and I fully supported the actions of Water for Rivers; I think it has done a good job of securing water entitlements. I know it has come under an incredible amount of scrutiny on a range of projects, but it is important that that is where the water

for environmental flows is sourced from. It is clear that if governments are serious about fixing the problems of the Murray, some of these communities will feel aggrieved by the government's actions, and there will be challenges in the future to what is going on. My problem is, if those challenges end up contesting the very right of a Parliament to make laws, that is a bigger problem than the issue of taking a challenge to a government doing it, which is what we have now.

I have spent many years looking at the challenges of water management, and I believe I have a reasonable understanding about what is required to return flows back to rivers like the Snowy but also the River Murray. The problems of the Murray will be solved when the communities of the Murray place the health of the river at least on a par with the importance of irrigation and the economic activity that is generated from that water. That is not the case at the moment.

I would like to raise a number of issues and measures that should take precedence over some of the current water projects and purchases. The problem is that water is such a political issue that the best proposals are often just too difficult to get through. I believe that a basin-wide assessment of the suitability and sustainability of irrigation and practices in each region should be undertaken.

Salinity-affected regions like those around Kerang were mapped 15 to 20 years ago and some sections were identified by the Murray-Darling Basin Authority as areas that should be removed from irrigation. I encourage any member of this place and members of the community to have a look at Barr Creek. If you look at the historical photographs of that area, you can see the change over time and that the salinity impact on the area is an ecological disaster caused by inappropriate land use in the region.

About nine years ago I was lobbied by Don Blackmore, the then chief executive officer of the Murray-Darling Basin Commission, to try to get state governments to make some changes, to identify the areas in that region that are causing most of the problems and to shut down some of the irrigation channels. Salinity has not been a problem during the last 10 years because of very low river allocations. The federal legislation focuses on salinity and not the bill before the house. Because of the drought the salinity impact has not been as great, but if we go back to a normal irrigation allocation season, we go back to the salinity impact problems on the Murray–Darling Basin.

It is my view that we should establish water-use standards, and they should be implemented across the basin. Governments must address the extensive use of precious irrigation water on lifestyle properties, particularly around large regional towns. One only has to drive around irrigation districts within 10 minutes of a regional community to see a large number of irrigation properties — many are small allocations — running a couple of Boer goats, an old grey horse and a great crop of capeweed, and that is about all they are running. These properties are owned by urban workers, and the water does not add value to the community through agricultural production or industry.

I have inspected and investigated many of the water projects that have been debated in this Parliament, and I have discussed my views with a large number of people. In my view the commonwealth takeover of the Murray–Darling Basin is not in the interests of my constituents or in the interests of Victoria. It is a major change to the constitutional powers in this country and should be done through a referendum. If the commonwealth believes it has the support of the Australian people to take over the management of water, it should put it to the people of Australia. It is probably something that would be supported as part of the current debate. There is a level of understanding that this is something we seriously need to do.

I listened to the member for Swan Hill, and I was going to say that I supported some of the things he said about South Australia, and it pains me to do it. About nine years ago I raised the problems with weirs and barrages with the current Minister for Water Security in South Australia. She is also the Minister for the River Murray, and a good Nationals member she is too. We had a lively and interesting discussion about it, and I must say that we probably disagreed on the subject. But there is a real issue about the management of weirs and barrages, and it is something that needs to be addressed. We need to change the way weirs are managed.

Basically what happens is that the water table is raised in and around those areas, creating artificial salinity pockets. There need to be major changes so that we reduce the salinity impact and also the evaporation that comes from the management of a river like that. Most of this infrastructure was put in for navigation, but it has now become recreational water. Irrigation pumps have been built because the water has now flooded back into large areas. They are extremely inefficient systems.

There are real opportunities in the Murray–Darling Basin. I go back to the point I made before, that there are good projects that need to be delivered to achieve water savings in both the Murray and the Snowy rivers; and a lot of those are good environmental projects, such

as managing the locks and weirs and closing off the oxbow billabongs to put them into a more wet-dry cycle. If we do that basin-wide survey of water use, we will find many areas which are not sustainable long term.

I disagree with what the member for Swan Hill said about rice or other crops. I question whether that is a sustainable use of a precious resource in some areas of outback New South Wales where you cannot grow wheat without irrigation. But there is also a large number of irrigation districts where there is no commercial production at all, and that is something we must address. There are easier ways to fix this problem than by transferring powers.

Mr LUPTON (Prahran) — It is a pleasure for me to make some remarks tonight in support of the Water (Commonwealth Powers) Bill and to say that this legislation enables us to give legislative effect to an intergovernmental agreement to reform the management of the Murray–Darling Basin in conjunction with our federal colleagues, the Rudd Labor government, and other state and territory basin governments. In essence this legislation sets in place a range of measures which enable the commonwealth to have appropriate constitutional powers but also maintain the appropriate arrangements in relation to Victoria's interests, protecting the water uses and entitlements of Victorians.

In March 2008 the Murray-Darling Basin governments agreed it was necessary to align the commonwealth's Water Act 2007 with the current Murray-Darling Basin governance arrangements, and the governments signed a memorandum of understanding (MOU) to this effect. In the MOU the premiers and chief ministers requested senior officials to prepare an intergovernmental agreement providing further detail on how these arrangements should be put in place.

At the Council of Australian Governments (COAG) meeting of 3 July this year, Murray-Darling Basin first ministers signed the agreement on Murray-Darling Basin reform. Through this intergovernmental agreement, governments committed to a range of initiatives; in particular to initiate a new governance regime for the water management of the Murray–Darling Basin to allow the basin plan to address critical human water needs and to extend the coverage of the commonwealth ACCC (Australian Competition and Consumer Commission) water market and water charge rules.

The referral of powers that is inherent in these agreements means the commonwealth will be able to manage the Murray–Darling Basin in an appropriate way in the interests of the entire area covered by the basin. But the new arrangements, importantly, strike the right balance between maintaining that important national leadership and the collaborative efforts between the commonwealth, the states and the territories, and protecting state sovereignty and in particular, from our point of view, the interests of Victoria.

The legislation we have before us simply gives effect to those agreements I have spoken of, but I think it is important as we debate this legislation to bear in mind just a little of the history that went before the introduction of this bill to the house. We all remember the proposition that was put to Victoria and other states back in the days of the Howard federal government that we basically cede all our water powers to the commonwealth, no questions asked.

Mr Crutchfield — 'Trust us'!

Mr LUPTON — As the member for South Barwon rightly said, they told us we should trust them. We did not. I think it was right that we did not, and I think the people of Victoria were right behind us in taking that particular position. It was a completely inappropriate attempt to take over a whole range of state water entitlements and arrangements which are, of course, necessary in order to protect the very important environmental, irrigation and social water uses here in Victoria. The Brumby government took the view — and the Bracks government before it took the view — that we needed to stand up to the Howard government and protect the interests of Victoria and water users. I have to say The Nationals are to be congratulated because they supported the Victorian government in that stance. They are to be congratulated for taking that position, along with the Victorian Farmers Federation and its irrigators group. Unfortunately The Nationals wilted on the vine, and unfortunately the Victorian Nationals decided they would fold over once the McGaurans up in Canberra decided to put a bit of pressure on them and get them to support their federal National-Liberal party colleagues.

The Victorian Nationals rolled over and said, 'We're going to throw out the interests of Victoria and its water users, we're going to support the Howard Liberal federal government and we're going to change our opinion and our stance'. They decided they would support selling out Victorians and our water entitlements. It is an absolute disgrace that they did that, but of course that is just what you expect from The Nationals in Victoria — and that, I might say, was even before they entered into a coalition with the Liberal Party. They did it of their own accord, simply because

their Nationals colleagues in coalition with the Liberal Party in Canberra got on the telephone and said, 'Listen, you've just got to support the federal government on this. Sell out Victoria's interests and change your opinion'. They then came into this place and said, 'No, the Victorian government should just fold over and agree to everything the Howard commonwealth government wants us to do'. Of course that was not what we did, and it was right that we did not do that.

Once the Rudd government was elected we were able to enter into substantial negotiations with that government, and as a result what we were enabled to do was get an agreement that did in fact protect Victoria's interests and Victoria's sovereignty where it matters, while cooperating on a national leadership approach to make sure we have the right water management for the Murray–Darling Basin. In addition to the $1 billion food bowl modernisation program the Victorian government is carrying out in Victoria to modernise our irrigation system and bring it into the 21st century, and as a result of our negotiations with the Rudd Labor government we now have up to another $1 billion — in addition to our $1 billion — to make sure that stage 2 of the food bowl modernisation program will go ahead, that we secure the future of Victoria's irrigators, the future of the Goulburn-Murray system and the future of our food bowl, and that we have a productive and long-term future for our irrigation system while continuing to ensure that we have more water for our environment, that our rivers are protected, that our rivers are more healthy as we go forward and that all water users in Victoria have proper entitlements. That is precisely what a state government should be doing. I am delighted to be here in this chamber tonight supporting this legislation, and I commend it to the house.

The ACTING SPEAKER (Dr Sykes) — Order! I thank the member for Prahran for that enlightening presentation. I now call upon the member for Shepparton in the drought-stricken north-central area to present her view.

Mrs POWELL (Shepparton) — I am pleased to speak on the Water (Commonwealth Powers) Bill 2008. I will firstly put on record that the purpose of it is to refer various state powers relating to the Murray–Darling Basin and other water management issues to the commonwealth. The other states — New South Wales, Queensland and South Australia — and the Australian Capital Territory must now also introduce similar legislation.

The member for Prahran in his contribution to the debate said what a disgrace it was that the Liberals and The Nationals have sold out. I think the disgrace is that the Brumby government could have signed this agreement, or a similar agreement, in January last year but decided to hold out from signing it off. All the other Labor states signed off on it — every other Labor state — but the Brumby government stuck it out to make sure it got the water it needed from the Goulburn system to go down to Melbourne to look after Melbourne's water needs, because it did not have any other plan.

The Brumby government had no other plan for looking after Melbourne's water supplies, so it held out and stalled the plan. The Brumby government did not sign off, and now we have less money coming to the area and a lesser plan than the one the Howard coalition government put forward in January 2007. As I said, the Brumby government was the only Labor government that did not sign off on that agreement. Why did it not sign off? It was waiting until it signed off on taking water from the Goulburn system to go down to Melbourne. There was no other reason!

I represent the Shepparton district in the beautiful Goulburn Valley. It is one of the largest irrigation areas in Australia. It is well known as the food bowl of Australia, and water is vital to its existence and to its economy. What this government is trying to do is take the confidence out of the Goulburn Valley by saying it is going to take water from the Goulburn Valley and bring it down to Melbourne. You have to remember that Melbourne has other opportunities and other alternatives.

This is the worst drought on record that my community and other communities around Victoria are going through. We have farmers who are leaving their farms and irrigators who are leaving their orchards. They are doing so because they now lack the confidence that this government can represent them properly and make sure they have the water they need to provide the agriculture and the food — the fruit — that this country needs. The Minister for Finance, WorkCover and the Transport Accident Commission said, 'We're going to give you the upgrades if Melbourne gets some benefit'. What a cheek! Melbourne already gets a benefit: it gets good quality fruit, food and fibre from the country areas. The water that is being used in the Goulburn Valley and surrounding country areas is being used for dairying, agriculture and growing fruit. These irrigators are not drinking this water, which is obviously what this government thinks they are doing. They are not wasting the water. They are actually putting it on the ground and helping to grow the economy.

The Goulburn system at the moment is going through the worst drought on record. It has had 13 per cent water allocation and yet it is going to pay for 100 per cent of its allocation. The Murray–Darling Basin has 23 rivers. One of those is the Goulburn River. It is not included in this plan. Again, a cynical person would say it is because Melbourne wants to be able to take the water from it. That is why it is not in this plan. But the Murray-Darling Basin Commission river audit found that the Goulburn River is in the worst condition of all of 23 rivers, and yet this government wants to take water from the Eildon storage and send it down the Goulburn River to the Sugarloaf Reservoir.

The people around Victoria are saying that enough is enough. This government is not listening to country people, to business people or to anyone. Government members will find out at the next election how much the Victorian community cares about people and businesses in country Victoria. I can guarantee that a lot of people will change their vote at the next election.

Until now the Murray–Darling Basin has been managed by the Murray-Darling Basin Commission, and now it will be managed by the Murray-Darling Basin Authority. The authority will assume all existing powers, functions and operating rules of the commission and will develop, implement, monitor and enforce the basin plan. The federal water minister will be the ultimate decision-maker on the basin plan, which will determine any future action in the basin. You have to ask the question: will the government include Melbourne's entitlement to the 75 000 megalitres of water from the north–south pipeline in the calculations for critical human water needs in the future? It will increase the amount of water needed by 21 per cent, which will mean it will reduce the chance of an irrigator to have an allocation in dry years. Again, the government says it will only take the water from savings and not from irrigators. This is the very reason we are trying to support our irrigators, because the government's own plan will reduce the allocation to irrigators.

We have heard other speakers talk about the food bowl modernisation plan. That started when a few people from the Shepparton district went to the government and said they would do a deal involving $2.2 billion for one-third of the savings. Boy, how they were dudded! They now have $600 million from this government, $300 million from Melbourne Water, $100 million from Goulburn-Murray Water.

The Victorian government's brochure *Protecting the Food Bowl's Future* states:

> It will not be irrigators' water that goes to Melbourne, it will be water that is currently lost from the system.

Again, we have the government saying one thing and actually doing another. The government is giving them less money but taking more water, and it is taking 75 000 megalitres of water from a stressed system that gets lower rainfall and it is going to an area that has higher levels of water in its storages and higher rainfall. It is an absolute disgrace, and country Victorians are now rallying and telling the government that this is a disgrace.

But the government does not even stand by its own savings. There have been discussions about the amount of savings this food bowl modernisation will achieve. The disclaimer in the brochure states:

> This publication may be of assistance to you but the state of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

What a cheek! All this money spent and all these glossy brochures going out there saying, 'This is all the information we have got, and these are the savings we have got', and then the government puts a disclaimer on that brochure, saying, 'Do not rely on our figures. We do not really have our facts at our fingertips'. It is an absolute disgrace.

The report that was submitted to the government did not reflect the majority of the submissions that went to the food bowl modernisation report. Most of them said, 'We do not want the pipeline. Go ahead with the modernisation, but we do not want the pipeline'. In fact there was a discrepancy in the water savings figures in that report. Page 11 of the report states that there is 900 gigalitres in losses. Pages 45 and 46 of the same brochure says in a table that there is 850 gigalitres in losses. In that same year the Goulburn-Murray Water report said that the losses for 2007–08 amounted to approximately 390 gigalitres of water. Look at the difference: 390 gigalitres that Goulburn-Murray Water said is the actual loss, and here is the government saying, 'We are going to take water from you because we have got all these savings to be found and there is 900 gigalitres'.

This is having a huge effect on irrigators. The government also says that some savings will be achieved through the phasing out of Dethridge wheels, because there is a 10 per cent error in measurements of allocations using Dethridge wheels. The Goulburn-Murray Water report has said that the error is

about 6.9 per cent, so there is a discrepancy of 50 gigalitres of water. Some water may not be accounted for through the current use of the Dethridge wheels, but the amount cannot be counted as savings. Those farmers are using that water for production. If they lose that water they will have to buy the same amount of water on the market, and the government's involvement will increase the amount of money that people will have to pay for water.

The commonwealth plan was initiated under the Howard coalition government. This government should have signed off on it then. It is a shame that it did not, because we would have had a better deal with all the water staying in the basin and for the benefit of the irrigators and the environment. This government stands condemned for not signing that agreement and for waiting until it got its own benefit.

Mr NARDELLA (Melton) — I support the Water (Commonwealth Powers) Bill, and I cannot let the member for Shepparton try and rewrite the history of the food bowl and this government's support for country Victorians, for irrigators and for looking after the environment and our waterways. She said the Labor government should have signed the agreement in January 2007. That would have meant that we, along with The Nationals, would have sold out the Goulburn irrigators under the Howard government. It would have meant that the irrigation upgrades to the food bowl irrigation district would have been $1 billion short. It would not have been the 425 gigalitres that we were putting in place; it would have been half of that, because coalition members were selling out to their people and their party up in Canberra. They were looking after Canberrans and the commonwealth Parliament first. They were also looking after the South Australians first.

Only last weekend The Nationals were at the Plug the Pipe rally in Yea, cheering on the three senators from South Australia. They were agreeing with Senator Xenophon and the Liberal and Green senators from South Australia about the north–south pipeline. That is where their hearts lie: in South Australia. They want to represent Adelaide. Why are they here? On this side of the house we represent the irrigators and the interests of all Victorians. We do not represent the South Australian senators or the people who come here under false pretences without the knowledge of what we are struggling to do. Through this legislation we are making sure that the rights of irrigators, farmers and all river users in Victoria are protected. That is what this legislation is about.

But the member for Shepparton went on further to try and rewrite history. She said that the Minister for Finance, WorkCover and the Transport Accident Commission said, 'You will get the upgrades if Melbourne gets the water'. What a fabrication that is, because the irrigators themselves — and this is where she is trying to rewrite history! — unlike The Nationals, put their thinking caps on. They asked themselves, 'How do we achieve greater water savings and get more water into the system? How do we get other people to pay for it? What do we need to do to balance this out and to work this through? How do we negotiate this?'. By putting their thinking caps on they came up with the food bowl irrigation modernisation project. They said that part of the deal of stage 1 is that Melbourne gets 75 gigalitres, the environment gets 75 gigalitres and the irrigators get 75 gigalitres of the water savings. We should understand that Melbourne at the moment uses 385 gigalitres a year.

Mr Walsh interjected.

Mr NARDELLA — Yes, it does. Melbourne uses 385 gigalitres of water a year. The seepage and the evaporation that occurs in the food bowl irrigation district is over 800 gigalitres in a full year. These farmers put their thinking caps on — unlike The Nationals, who just cannot think — and said this was a good deal, because Melbourne Water users would pay for the irrigation upgrade and they would get the benefit. There would have to be $100 million put through the Goulburn-Murray irrigators — —

Mr Walsh interjected.

Mr NARDELLA — This is on the bill. It is about irrigation and providing water to the Murray. Maybe the member for Swan Hill does not want to listen to it, but it is absolutely true.

The government listened to the irrigators. That was the deal they brought to us. But we value added to that deal. We then held out on Howard and The Nationals in Canberra and said — unlike The Nationals down here, who represent South Australia and their Liberal cohorts — that we wanted more for Victorians, and we got more. We got an extra billion dollars of irrigation upgrades in the food bowl irrigation district area. Yet The Nationals have come in here tonight and said, 'You could have got more'. They would have sold out at zero dollars for the 30 pieces of silver they were prepared to take from the commonwealth government.

The ACTING SPEAKER (Dr Sykes) — Order! The member for Melton should relate his comments to the bill.

Mr NARDELLA — That is what The Nationals are all on about. The member for Shepparton was trying to rewrite history in her contribution.

The Brumby Labor government is committing more water to the Murray. That is what we have done and is what our strategic approach is all about: 425 gigalitres of savings in the food bowl irrigation district. That is, 175 gigalitres — this is real water — goes to the irrigators; 175 gigalitres of real water goes to the rivers in that area. But the Liberal Party and The Nationals oppose this measure. Why? Because they are trying to make themselves relevant. Is it any good to the people they represent? Absolutely not! The VFF (Victorian Farmers Federation) and the irrigators from this irrigation district support the government, because it has been supporting them. We have been out there, hand in hand with the VFF, with Simon Ramsay and the irrigators from the Goulburn Valley, which is the food bowl irrigation district.

The people who have walked away and said, 'We do not care about the irrigators; we do not care about the environment; we just want to score some simple political points', have been The Nationals and the Liberal Party. They might come to the debate on this bill and say, 'Yes, we support it', but in fact they do not. What they intend to do is to take the bill into the other house and then do a sleazy deal with the Greens to refer this legislation to the Legislation Committee of the upper house, which will further delay the legislation. That demonstrates that the only people who care about irrigators are government members.

The member for Lowan, whose speech I was in the chamber to hear, talked about the Wimmera–Mallee pipeline. The government has put in $668 million to undertake those works — some 4000 kilometres of the 8000 kilometres of the pipeline; we are six years ahead on that project — which demonstrates the commitment of the Bracks and Brumby Labor governments to irrigation and to farmers within this state.

Members opposite just want to play politics with the farming community and the irrigators, instead of looking at real solutions. I end my contribution with this: opposition is hard, but I will tell members a secret. It is hard if you are lazy. It is hard if you are not prepared to think. It is hard if you go into a sleazy deal with the Greens. It is hard if you think it is easy to go into coalition with the Liberal Party and The Nationals and that things will just fall in your lap. But it is not hard if you are prepared to do the hard work, get off your bum and not be lazy.

Mr JASPER (Murray Valley) — That was the most disappointing speech I have ever heard in the Legislative Assembly. The bluster and the boisterous comments coming from the member for Melton were absolutely outrageous — I nearly called for a set of earplugs. It was ridiculous of him to utter those sorts of comments and untruths. A lot of his comments were not even true. Has he been up to northern Victoria? Has he been up in that irrigation area? Has he gone and talked to people who are being affected by what is happening in the Murray–Darling Basin? I suggest the answer is no.

All that the member for Melton has done is yell out comments and ridiculous statements attacking other members of Parliament, without there being any truth in what he was saying. I believe he should withdraw many of the comments he made about those members who have spoken before him. What he needs to do is go and analyse what he said. I hope he reads his speech, because if he does he might find a lot of what he said was not true, and I believe it should be corrected — for instance, he should go and talk to a member for Northern Victoria Region in the Council, Kaye Darveniza, because she said the South Australian senators had it wrong, that they should not be taking water from the distressed Goulburn system. That is what they are talking about.

We are talking about a distressed system in northern Victoria that does not need water to be taken from it to service people in metropolitan Melbourne. That same member for Northern Victoria Region is seeking to defend the government, and yet she has said that those South Australian senators are taking water from a distressed system. If it is a distressed system, why are we taking water from it and piping it down into Melbourne? As I said, I suggest the member for Melton rethink what he has been saying.

I listened with a great deal of interest to comments made by the member for Gippsland East, and I think a lot of what he said made sense — of course it distresses me to say that about the member for Gippsland East! We need to analyse those sorts of comments, and perhaps we need to be analysing in a broader sense what we are doing in Victoria. Are we giving away some of the constitutional rights that we should be retaining? We will need to be careful because we are passing a lot of our water rights to the federal government, and perhaps we should be analysing that situation.

I also listened to the contribution of the member for Prahran. That was a disappointing commentary. He did not have any understanding of what he was talking

about. The comments he made in attacking The Nationals were not even true. If there was some truth in them, I would have to say, 'He was right', but he was absolutely wrong. He should not have come into this house accusing us of things he knows nothing about, and about which he has no truthful comment to make. However, time is marching on, so I should get on to the legislation.

Mr Ingram interjected.

Mr JASPER — We can comment on the contributions of some of the previous speakers. It is important to look at what they said, because a lot of it is not accurate. It was totally wrong for them to come in and make those sorts of comments.

The purpose of the Water (Commonwealth Powers) Bill is to give effect — I think we should get back to that — to the agreement on the Murray-Darling Basin reform entered into with the commonwealth, New South Wales, Victoria, Queensland, South Australia and the Australian Capital Territory on 3 July 2008. It amends the Murray-Darling Basin Act 1993 to provide for the carrying out of an agreement, and repeals all provisions from the act containing any former agreement revoked by this new agreement.

It is interesting to look at the information contained in the legislation and what it refers to. I listened to the remarks of the lead speaker for the coalition parties — the member for Swan Hill from The Nationals, who made an excellent contribution in that regard. The Murray-Darling Basin Authority will be set up, with a chairman, a chief executive, and four part-time people with specialist water knowledge. The ministerial council will be chaired by the federal water minister and will include one minister from each of the basin states. There will also be a Basin Officials Committee, comprising officials representing and appointed by each of the basin states and chaired by a federal representative. It will provide advice on the basin plan.

The bill also talks about a Basin Community Committee and the basin plan itself. It is interesting that it also extends the Australian Competition and Consumer Commission's role in relation to setting water market and charge rules. The bill is comprehensive in what it does.

We have areas of concern that should be mentioned, particularly if the federal minister is the ultimate decision-maker on the basin plan and will determine any future action taken. We need to mention, of course, the entitlement of 75 000 megalitres going on the north–south pipeline, and other members have already referred to that.

I want to go back in history a little bit, because we need to understand that what has underpinned the supply of water in the Murray system has been the Snowy scheme — one of the great architectural and design engineering feats of the world — backed up by Dartmouth Dam. I suggest to the house there would not be much water in the Murray River currently if it had not been for Dartmouth Dam and the Snowy scheme. We need to understand that the water brought down through the system supports the flow of water into this area. I come to the issue that I think is of great importance but on which I have had no support from the government, Goulburn-Murray Water or, indeed, the Murray-Darling Basin Commission — that is, the building of dams. We need to look at extending the dams we have in Victoria, particularly Lake William Hovell, and building Big Buffalo dam.

Ms Duncan — You are so cute.

Mr JASPER — It is a fact. The member for Macedon should come up there and learn something.

Ms Duncan interjected.

Mr JASPER — The member should listen because she may be able to learn something about these sorts of issues. It is tremendously important that we understand that we still have water in the Murray system because of dams. I put to you, Acting Speaker, a rhetorical question: why do farmers have dams on their properties? The answer is that they have dams on their properties to hold water and they use that water when it is required in times of dry.

Ms Duncan interjected.

Mr JASPER — It is like having a bath without any water in it. The member should try it; she will not get very far. She will change all her hairdo — and everything else, I might add — if she does that.

I suggest that what we need to consider in all the activities taking place and the changes being implemented by the government with the establishment of the new authority is what happens with water, how we can retain water, what we should do with it in the future and how we should allocate it.

The responses I have had in all the representations I have been making, particularly to the Minister for Water, are that there is a cap on water which was established in 1992 and that should not be changed. I suggest to the house that the cap on water has really

nothing to do with the availability of water in, say, building the Big Buffalo dam. We have the Lake Buffalo dam holding about 24 000 megalitres. If you were to extend it to the Big Buffalo dam, we would have 1 million megalitres of water or more. We would collect the water when we have rain. As surely as night follows day it will rain again, and we would be able to save that water and use it. I am not suggesting that we should not be economical with the use of the water — I see what Melbourne is doing in restricting and reducing its consumption — but it is critically important that we have water there to use when it is required. That is the issue. What I have been saying for a long time is that the cap has nothing to do with the allocation of water that is coming down through the system. We are not looking for more water for irrigators. What we want is to make sure that we underpin the supply of water for rural cities and towns, for environmental flows and even to assist irrigators so that they can produce in the food bowl of Australia what is required.

The new authority should be able to revise the negative thinking that I have been getting from the Minister for Water for so long. Over the past 12 to 18 months I have written a myriad of letters to the Minister for Water, and every time he replies with the same issue.

An honourable member interjected.

Mr JASPER — Yes, his issue is wrong. The water minister is like a robot: he gets all that information and he rolls it off. I am sick of hearing it, because some of the premises he has based his arguments on are wrong. He needs to come out and learn something else. He certainly could learn something. He could come up and talk to the people in the area and get a different perspective from the one he is getting from the bureaucrats. As far as I am concerned, if you look at Big Buffalo — —

An honourable member interjected.

Mr JASPER — What did Bolte do? He bought all the land there so that we could build Big Buffalo. I get people coming in to my office and saying, 'We know where the second stage was to go'. The government is going to spend $8 million on strengthening the wall at Lake William Hovell. Why do we not consider extending the dam by raising its height to contain more water? When we get rain the dam fills in a few days, and within a week it is filled to overflowing. We need water going down through the system, but let us retain it when we get the rain and use it when it is required. That is the issue that I am putting to the Parliament and the issue that we have to think about in the future. The people who do not live in our areas do not understand it. Every person I talk to in my electorate, except the Minister for Water and the bureaucrats, supports building Big Buffalo and extending Lake William Hovell. They are the people I am talking to.

Ms Duncan interjected.

Mr JASPER — The member for Macedon interjects. She should go and talk to people in my electorate and ask them about it. They will tell her. The people who have lived in the area know more than some of the members opposite know. I say to them: get out, learn something, learn from somebody else what should be done. I believe they would find out.

The Minister for Water has come into the house. He is like a robot; there is no doubt about that. The bureaucrats give him all the information and he rolls it off each day. I am sick of hearing the same thing. Why does he not come and listen? He should talk to people who understand that we need to have dams — —

The ACTING SPEAKER (Mrs Fyffe) — Order! The member's time has expired.

Ms DUNCAN (Macedon) — It is a pleasure and quite amusing to follow the member for Murray Valley. I could go on and on about his proposition to build a dam to extend Lake Buffalo. He talks about speaking to the people in his electorate.

Mr Jasper interjected.

Ms DUNCAN — That is right; no-one opposes it. Next time I want a bit of advice on water perhaps I will come up and speak to some of the member's neighbours and I will ignore all the advice from the CSIRO, from Monash University, from every academic in this country and from every climate change scientist on earth. I will ignore all of that — —

The ACTING SPEAKER (Mrs Fyffe) — Order! I ask the member to speak on the bill.

Ms DUNCAN — We will ignore all the advice that we get about water allocation and we will instead go and speak to the member for Murray Valley's neighbours.

I am happy to speak in support of the Water (Commonwealth Powers) Bill. We have had a wide-ranging debate in the course of debate on the bill, and I am pleased to address some of those contributions that have been made previously and, in support of what the member for Melton said earlier about some of the contributions that have been made, which are a fairly poor attempt to rewrite history.

Inevitably The Nationals will say they support this bill, but — and we get this all the time. The 'Yeah but, no but' reminds me of the British comedy *Little Britain*. The Nationals say, 'We support the bill except we want to take it to the upper house and do something with it'. I do not know what they want to do. They want to send it off to a committee. They want to travel around Victoria — the travelling National show. The deputy chair of the Scrutiny of Acts and Regulations Committee in the last meeting did not even mention this as an issue. It is interesting that The Nationals should have this position.

Mr Nardella interjected.

Ms DUNCAN — The member for Melton was right when he talked about the lazy opposition. They do not even propose an amendment to the bill. They say they support the bill but then say, 'We are hanging out for some relevance. We will take the document and wheel it around Victoria for a few months so we can get some relevance because we are seriously being deprived'.

It is interesting to hear the history of the signing of this agreement. Members of The Nationals are telling this house that the government could have signed the document in 2007. I am very pleased that the government did not sign the agreement and so is the Victorian Farmers Federation. The member for Shepparton must have gone to a different school to me. Although I was not good at mathematics, I know the difference between $1 billion and zero. I commend the bill to the house.

Mr RYAN (Leader of The Nationals) — It is not often that I am taken by surprise by the member for Macedon.

Mr Crutchfield interjected.

Mr RYAN — I will not disappoint you this time either. I was anticipating another 4 minutes of contribution by the member for Macedon, but the government has been caught a touch short. This legislation should be called the Terry Moran bill. In the final analysis it is all about Terry Moran. I have even spiked the interest of the member for Melton, let alone the Minister for Water, who is at the table, so I will return to that tale during the course of my contribution this evening. I want to make it very clear that Terry Moran is a very decent guy who is an absolute professional, who in his time in Victoria in my dealings with him always treated me and my party with great fairness. That situation has not changed. That is the way I view him.

This legislation is fundamentally modelled around the then Prime Minister's $10 billion plan announced by John Howard in 2007. The then Premier, the Honourable Stephen Bracks, leapt to the rostrum on the occasion of the announcement by the then Prime Minister to say that the Victorian government strongly supported what the Prime Minister had proposed. That was Mr Bracks's commentary. The Nationals said, 'No, you should not support it because there were elements of the legislation that were not in the interests of Victorians at large and Victorian irrigators in particular'. So it is that we took a position against Victoria signing up to the then Prime Minister's plan. Not surprisingly, as those opposite would now be accustomed to, the fact we took that position created some interest in certain parts of Australia, more particularly in Canberra. That in turn resulted in some negotiations being conducted with the then Minister for the Environment and Water Resources, Mr Turnbull, who is known to many in this place. In the course of a sequence of events, that resulted in a meeting being convened in Mildura just before Easter 2007. The member for Swan Hill was there, the member for Mildura, as he now is, was there and I was in attendance, as was Minister Turnbull, the Deputy Prime Minister, Mark Vaile, and a number of federal advisers. That meeting resulted in some correspondence been written to The Nationals. It was directed to my great friend and colleague the member for Swan Hill. The letter was dated 11 April 2007 and I have previously tabled the letter before the Parliament so it is on the public record. In the course of the letter the federal minister gave assurances about reliability and security of supply in Victoria. He said:

> The Australian government will also maintain the existing arrangements under the current bulk entitlement regimes and water plans until completed under existing Victorian legislation.

I remind the house that this is back in April 2007. The then minister said that in terms of financial support for the Goulburn system:

> … the large size and the age of irrigation infrastructure in the Goulburn-Murray system will inevitably attract significant investment from the Australian government.

Then — and this was the sticking point for the Labor Party — he went on to say that he agreed with the proposition that the Victorian Nationals had advanced to him, and it was this: piping water from north of the Great Dividing Range was something that should not and could not be supported. Minister Turnbull agreed with us and in the course of the letter to which I have just referred he set out his confirmation of the fact that the commonwealth was prepared to support funding for

the Goulburn system and for the irrigation upgrades but only on condition that the Victorian Labor government entered a memorandum of understanding that would mean that it could not pipe water from north of the Divide. The letter we had from Minister Turnbull confirmed that the only basis upon which the then federal coalition government would provide the hundreds of millions of dollars for support for the irrigation upgrades would be on the understanding that the savings, whatever they were, would stay north of the Divide and would be divided equally between the environment and the irrigators. Therein lies the sticking point. That is why the Labor government would not sign up to the $10 billion plan that the then Prime Minister had proposed.

Interestingly, we have the now Premier talking about the Prime Minister's plan being something hatched on the back of a postage stamp, and making similar commentary on the apparent deficiencies of the arrangement that had been proposed.

Mr Nardella interjected.

The ACTING SPEAKER (Mrs Fyffe) — Order! The member for Melton has had his turn.

Mr RYAN — Coming back to the point at which I started, this is where Terry Moran's place in this whole thing becomes very pertinent. At the time the correspondence by then Minister Turnbull was written to us in The Nationals, Terry Moran was the head of the Department of Premier and Cabinet in the state of Victoria. He was working for Mr Bracks. In November 2007, Mr Rudd won the election on behalf of the Labor Party at a federal level, and Labor assumed power at a federal level. Guess what was amongst the first things that Mr Rudd did? He came to Victoria and pinched Mr Terry Moran back to work for him — took him back to Canberra. All that happened in the context of a longstanding association between Mr Rudd and Mr Moran. They had been working together for a number of years, particularly back in their days with the Queensland government. They are great mates, great professional associates. All that resulted in the circumstance where, lo and behold, the Victorian government out of the blue suddenly decided that it would be a very good idea if it signed up to the national water plan.

As I have postulated on previous occasions in this house, all this occurred at what Mr Brumby and Mr Rudd tell us was a breakfast meeting held in South Australia one morning some months ago. Who was in attendance, dare I ask rhetorically? Was Mr Rudd there? Yes, he was. Was Mr Brumby there? Yes, he was. But who else was there? Mr Terry Moran was there. Was he sitting on the couch with Mr Brumby on behalf of the Victorian government on whose behalf in turn he had been constructing the argument against the Victorian Labor government signing up to this national water plan, or had he shifted across to the other couch to sit with his new employer, Mr Rudd, who was most concerned that Victoria should sign up to the national water plan? We all know now what happened. Mr Moran had his day. Mr Brumby rolled over like an absolute wimp. After all the commentary we had heard about this apparent agreement that had been hatched on the back of a postage stamp, when push came to shove, he absolutely rolled over.

I have made inquiries as recently as yesterday of eminent organisations such as the VFF (Victorian Farmers Federation) to have them explain to me the difference between the agreement which was originally proposed by the Prime Minister's plan as opposed to that which the Labor government of Victoria has now signed up to, and the answer is: virtually nil. There is no difference between them. Victoria held out simply because it knew that if it had signed up under the former federal coalition government it would not get the money for the Goulburn Valley improvements. That is why it would not sign up. It would not sign up because it knew that, very sensibly, the coalition government also took the view that we still take, and that is fundamentally this: piping water from north of the Great Divide, which the Labor government in Victoria swore it would never do — —

Mr Nardella interjected.

The ACTING SPEAKER (Mrs Fyffe) — Order! The member for Melton will cease interjecting.

Mr RYAN — That was the promise it took to the election in 2006. It knows, as everybody else knows to this day, that piping water from a system that cannot supply its own needs and sending it down a dirty great big garden hose 80 kilometres long to a city which can and should provide for its own needs is just absolutely stupid public policy. That is why it did not sign up now, and shame on members that they come in here and say otherwise.

Mr DONNELLAN (Narre Warren North) — It is an honour today to be speaking on the Water (Commonwealth Powers) Bill 2008. As we know, the purpose of the bill is to initiate a new governance arrangement for water management in the Murray–Darling Basin, allowing the proposed plan to address planning for critical human water needs by referring our powers to the commonwealth, and

extending the coverage of the Australian Competition and Consumer Commission water market and water rule charges to all water service users.

I think it is something that the opposition is supporting, but from what I understand it wants to grab the bill in the upper house and take it for a rain dance around the countryside before actually passing it. I guess part of that rain dance might be intended to try to find the right place for a dam. If we are going to build a dam — and the opposition has not indicated where it is going to build a dam, if it is going to build a dam — whose seats and whose land will be affected by the proposition of building a dam? We have had one proposed for the Maribyrnong River and we have had suggestions of the Macalister River, but at the end of the day we really do not have a very clear plan from the opposition of what it will do on water, which to me appears to be a hope and a prayer and a bit of rain dancing.

We held out on this agreement because, from what I understand and from the details I have seen, we got a better deal by holding out. We held out for all of Victoria and especially, obviously, for the irrigators, more than anything else. I note there were suggestions of Terry Moran and others flip-flopping on this. The only people I have seen change their mind and their policy along the way have been The Nationals, and they have obviously done that for various reasons. I will not comment on why.

The north–south pipeline proposal is a major investment in irrigation, which is about the only way this would work. It is a billion dollars worth of investment. I think that is a great contribution to the future of irrigation up at that end of the state, and I commend the bill to the house.

Mr THOMPSON (Sandringham) — I was reminded during the contribution of the member for Melton of the Elvis Presley song *A Little Less Conversation*. Interestingly, the lyrics go:

> A little more bite and a little less bark
> A little less fight and a little more spark

The member for Melton was certainly making his feelings known on the matter before the house.

Fundamentally, for the purposes of section 51(xxxvii) of the Australian Constitution, the bill enables the transfer of powers from Victoria to the commonwealth in order to be able to deal with the Murray–Darling Basin. It must be understood that the Labor Party has been in government in Victoria for 19 out of the past 26 years, and yet we confront a water crisis in this state of a magnitude that strongly condemns the ineptitude of the Labor Party in government in terms of providing basic infrastructure for the people of Melbourne. What was once the garden state is now a desolate state as a consequence of the failure and lack of vision of successive Labor governments.

Water now concerns many Victorians, and I would like to put on the record a letter I received recently from a pharmacist, who as I understand it is not politically aligned. In September he wrote to me:

> Water is a national issue — no longer can states do their own thing in ignorance of their counterparts. The Murray–Darling system is subject to so much political, emotional and scientific debate at present. The solutions are not rocket science but common-sense thinking. The vision of people who devised the Snowy Mountains scheme so many years ago is a lesson to you to show the same vision beyond the next election for the long-term benefit of our wonderful country.

He went on to comment on the capture of fresh water from the Gippsland region:

> To capture fresh water in excess of environmental flows from three Gippsland rivers would provide for the future needs of Melbourne and pour enough water into the Murray system to save the South Australian lakes and the Barmah State Forest, curbing the salination problems along the way.
>
> And this would be at a fraction of the cost of the Wonthaggi desalination plant, with its ongoing costs of electricity from polluting brown coal in the Latrobe Valley.
>
> The attached article from Ken Davidson in the Melbourne *Age*, admittedly with a minor error, provides irrefutable evidence of the folly of a $3.l billion desalination plant.

Mr Ingram interjected.

The ACTING SPEAKER (Mrs Fyffe) — Order! The member for Gippsland East will cease interjecting.

Mr THOMPSON — This was a letter from a local pharmacist from Black Rock who has turned his mind to the matter of the provision of water for the future of Melbourne.

An article in the *Age* of 24 September makes a number of remarks on the volume of energy use in the proposed desalination plant. It has also been noted that there has been increasing pressure on the state government to adopt recycled water for drinking use. That particular proposal continues to grow, with a United Nations-sanctioned research group warning Victoria's desalination plant could be one of the most energy hungry in the world. There are problems with the Labor Party's approach to the solution of the water crisis in Melbourne.

Historically the vision of previous governments was the establishment of the Thomson Reservoir, which was meant to provide in perpetuity for Melbourne's water supply needs, linking into Cardinia, Upper Yarra and the other reservoirs in Victoria, including Sugarloaf, Yan Yean, Greenvale and Maroondah, all forming part of an elaborate network of aqueducts and canals feeding into the metropolitan system — with over 40 metropolitan reservoirs. Now Melburnians are being forced to shower with each foot in a bucket in order to keep their gardens alive and their vegetable gardens going. Not only is this affecting the people north of the Divide, despite the historic principle of water from the Goulburn never being diverted south to Melbourne, but it is the result of the lack of vision on the part of the Bracks and Brumby governments to provide important infrastructure for Victoria's water needs into the future.

A range of other comments have been made over a period of time. Over a decade ago the then Liberal Premier Jeff Kennett said that water was going to be one of the main issues of the 21st century. Yet we still do not have one extra litre of water coming into the Victorian system because of the lack of leadership in this state on the part of the current government. That stands as an indictment. As I said, Labor has had the reins for 19 out of the past 26 years, and yet Victorian sporting ovals are going dry, Victorian gardens are dying and there has been a lack of strategic vision.

I alluded before to the Elvis Presley line of a little more action and a little less conversation. As a result of the failure of the then Bracks government to sign up to the federal proposal, there has been a delay of 21 months in the implementation of the scheme in Victoria. It was suggested in the *Australian* of Friday, 17 October, in a report by Siobhain Ryan entitled 'Murray-Darling reform laws stall':

> Canberra has abandoned a 1 November deadline to enact laws to support its reforms for the drought-stricken Murray–Darling Basin.
>
> As the lower lakes and the Coorong near the mouth of the Murray reach crisis point, ministers from the Murray-Darling states and the ACT will meet in Canberra next month, having failed to meet the timetable to refer powers to the commonwealth set down by the Council of Australian Governments in July.

This is a patent and blatant failure on the part of the government to address the problems when it had the opportunity to do so. It is 21 months too late in dealing with an issue it could otherwise have addressed at a sooner time, providing litres of water to Victorian householders.

It was only a decade or so ago that a great Victorian lifesavers, Tammy van Wisse, swam the Murray River. Her brother is an outstanding triathlete, who has been in the Hawaii triathlon. He will have the chance to match her record — not to swim down the Murray River but ride his bike down it! That would demonstrate the lack of vision, the lack of leadership and the lack of planning on the part of the Brumby and Bracks Labor governments.

There has been an inadequate level of focus on the provision of water infrastructure in this state, and the Labor Party has been at the reins for 19 out of the last 26 years. It has had the reins of government but has failed to provide adequate water infrastructure for the people of Victoria, and it is going to be a very long hot summer ahead for Victoria.

Mr HOLDING (Minister for Water) — It is with great pleasure that I sum up on the Water (Commonwealth Powers) Bill 2008. I thank members for their contributions. It is fair to say that as with any debate about water, this one has attracted a wide range of speakers. However, the number of speakers has not necessarily been reflected in the quality of contributions those of us on the government side have had to endure over the last couple of hours.

We have had the opportunity to canvass a broad range of government infrastructure projects insofar as they are seen to relate to this piece of legislation, which essentially implements the agreement, the memorandum of understanding and the intergovernmental agreement that has been reached between the commonwealth government and the Murray–Darling Basin states.

We have to recognise how far we have come. In January 2007 states were confronted by the take-it-or-leave-it approach of the then federal government that laid down a comprehensive commonwealth takeover of state-based arrangements. States were presented this proposal on a take-it-or-leave-it basis. All Australians can say, 'Thank goodness' that the Victorian government at the time had the vision to stand up and say that this was not an appropriate approach to improving water management arrangements in the Murray–Darling Basin, that we could do better by building on some of the high-quality institutional arrangements that existed at the time, particularly Victoria's historically conservative water management arrangements, and involve key stakeholders and key jurisdictions in providing a solution.

That was the approach the Victorian government took at the time. It is fair to say we got absolutely no support at all from the parties opposite. They advocated at the time that we should sign up to the commonwealth's plan as quickly as possible and move on. That is not the approach the Victorian government took, and over time other states came to see the wisdom of the Victorian government's approach in looking to improve the offer that was made to the states.

Now we find that the extraordinary position the opposition parties take is, firstly, that somehow this agreement represents nothing more than the arrangements that were offered to us in January 2007, that it represents no fundamental change in those arrangements at all, while at the same time they advocate referring the legislation off to some upper house inquiry in the belief that somehow, in substitution for action, we should have further discussions, further investigations and further inquiries. They cannot have it both ways; they cannot say it is essentially the same arrangement that was offered to us in January 2007 and that they advocated we sign up to posthaste. Now that we have introduced the legislation they say it is the same arrangement but that instead it should be sent off to an upper house inquiry for yet more delay and yet more discussion.

We take the view that we have substantially improved these arrangements through the intervention of the state government. We have improved them by ensuring that state governments have a role to play through the Murray-Darling Basin Ministerial Council. Under the original Howard-Turnbull plan there was no ministerial council. Then that government amended it and included a consultative council. We have actually got a ministerial council in place that has a meaningful role to play.

That is a substantial change. It is a substantial improvement in the operation of the Murray-Darling Basin arrangements because it ensures that states will continue to play a serious role in setting public policy in the Murray–Darling Basin. That is something Victoria sought and is something we achieved. It is something John Howard was not willing to offer and Malcolm Turnbull was not willing to offer. It is something we have achieved through our negotiations — Premier Brumby's negotiations — with Prime Minister Rudd and the Minister for Climate Change and Water at the commonwealth level, Senator Penny Wong. It is a good outcome for Victoria and represents real progress.

At the same time those opposite seem to be saying that the only basis of our hold-out was some attempt to ensure that water could come down the north–south pipeline in accordance with our food bowl modernisation strategy. I make the point that the proposition that you can invest in irrigation upgrades and then share those savings with urban communities is not a proposition that is supported just by the state government here in Victoria, it is not a proposition that has been advocated just on the public record — recorded in *Hansard* — by just Damian Drum, a member for Northern Victoria Region in another place, but it is a proposition that was originally advocated and endorsed by none other than Malcolm Turnbull when he was commonwealth Minister for the Environment and Water Resources.

The Honourable Malcolm Turnbull used the Goulburn-Murray irrigation district as the example where substantial water losses occur, where savings can be made by investment in irrigation infrastructure and where those savings can be shared with urban communities. That was the exact proposition put by Malcolm Turnbull. It was true when he was minister for water; it is equally true now that that he finds himself in opposition at the commonwealth level as Leader of Her Majesty's Opposition.

It is always ironic to hear those opposite condemn the proposition that water can be saved by investing in irrigation upgrades and then shared with urban communities, because their own side advocated these exact arrangements when they were in government at the commonwealth level. We now have the absurd proposition of those opposite saying in all their public explanations that they believe we should progress with the irrigation upgrades in the Goulburn-Murray area, but they do not believe any savings are going to be achieved. We now have the absurd proposition of members opposite saying that we should spend $1 billion on stage 1 of the food bowl modernisation project and a further billion dollars on stage 2 of the project, but also saying they do not actually believe that water savings are going to be made. Why would you invest $2 billion upgrading irrigation infrastructure if you do not think there are savings to be made?

Dr Sykes — On a point of order, Acting Speaker, the minister is misrepresenting the position to the Parliament. This side of the house has never said there will be no water savings, which is what the Minister for Water has said. He is misrepresenting the situation.

The ACTING SPEAKER (Mrs Fyffe) — Order! That is not a point of order.

Mr HOLDING — To quote the Leader of the Opposition, he said the savings are problematic at best.

That is how he described them. In the same breath that they say we should be spending the money, they are dissing the proposition that you can actually achieve water savings. We make it clear that we think this is an important piece of legislation. We think it is important and that it should progress. We think it should progress quickly through this Parliament so that we can build on the agreement that was reached with the commonwealth government through the memorandum of understanding and more recently through the intergovernmental agreement. That is what Australians expect of all Murray-Darling Basin jurisdictions, and that is why we have introduced this legislation into the Parliament. That is why we want to see it progress in a rapidly through the Parliament, so we can move on in implementing the new set of institutional arrangements which will provide a greater level of commonwealth leadership in the Murray–Darling Basin but at the same time an appropriate and responsible role for state governments to play in ensuring that they continue to be closely involved in arrangements in the Murray–Darling Basin.

We support this legislation. We want to see it progress through the Parliament. We do not want to see it referred off to an upper house inquiry for yet more delay and yet more obfuscation. Instead we should progress with implementing this important piece of national reform.

The SPEAKER — Order! The house will divide on the question that the bill be read a second time. I request that members take their allocated seats in the house, and I ask the Clerk to record the votes.

The Clerk — The member for Gippsland East?

Mr Ingram — No.

The Clerk — The Nationals Whip?

Mr Delahunty — Nine ayes.

The Clerk — The Opposition Whip?

Mr Kotsiras — Twenty-two ayes.

The Clerk — The Government Whip?

Mr Langdon — Forty-three ayes.

The SPEAKER — Order! There being only one vote for the noes, under standing order 165(7) I declare the motion carried.

Mr INGRAM (Gippsland East) — Speaker, I would like my dissent recorded.

The SPEAKER — Order! The dissent of the honourable member for Gippsland East will be recorded.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL

Second reading

Debate resumed from earlier this day; motion of Mr ANDREWS (Minister for Health).

Mr LANGUILLER (Derrimut) — It gives me pleasure to rise tonight to speak in support of the Health Professions Registration Amendment Bill 2008. Speaker, you would know that this bill has a lot in common with the one debated previously, with perhaps not the level of excitement or passion it generated, but there is one common thread. Like the previous bill, this has a fundamental purpose, which is to protect the public or to protect the interests of the people in Victoria. My colleagues in the government argued passionately about the Water (Commonwealth Powers) Bill, and this bill, which might sound insignificant, is also important.

The bill amends the Health Professions Registration Act 2005 in relation to matters relating to fees, registration, transitional provisions relating to proceedings under repealed provisions and the growth of pharmacy ownership for friendly society-type companies.

Acting Speaker, you would be aware that the main purpose of the Health Professions Registration Act 2005 is to protect the public by providing for the registration of health practitioners and a common system of investigations into the professional conduct, performance and ability to practice of registered practitioners. The act provides the legislative framework under which 12 registration boards, including the Medical Practitioners Board of Victoria and Nurses Board of Victoria, will regulate the respective professions and protect the public.

The act came into effect in July 2007. Since that time the Council of Australian Governments (COAG) has agreed to establish a national registration and accreditation scheme for health professionals. This is a good bill that will assist in protecting the public and in the registration of professionals.

Of interest to me as a member of the Scrutiny of Acts and Regulations Committee (SARC), to which legislation is often referred, is clause 8 of the bill, which will extend the board's current capacity to meet via alternative means of communication — namely, teleconferencing or videoconferencing — to make certain decisions. It is important that members are aware that boards often have to make decisions. As I understand from the briefings provided to me, there are times when boards are unable to make decisions because they cannot meet. This important provision, which will now be incorporated into the principal act, will facilitate discussions or meetings at board level if and when urgent decisions need to be made.

I can recall very good briefings being provided to various committees, and members welcomed them because they addressed precisely what was indicated earlier — serious risks to public health and safety. Alternatively, they dealt with the suspension of the registration of a practitioner or a student pending an urgent investigation or hearing. This will be facilitated by an appropriate provision to be inserted in the act.

It is important to recognise the position adopted by the Australian Medical Association in Victoria, and I quote from the AMA's issues paper on the bill which says:

> The Health Professions Registration Amendment Bill makes generally important but inconsequential changes to the act.
>
> The bill will reduce the administrative burden on medical interns by not requiring them to reregister partway through their internship.
>
> AMA Victoria recommends that the Health Professions Registration Amendment Bill be passed without amendment.

We have before us a bill on which I expect there will be interesting discussion, and I am sure there will be a robust debate in the chamber tonight. I look forward to the contributions of other members, including the member for Burwood.

As part of the background to the legislation it is important to register that this government spends over $40 million on workforce initiatives to recruit and retain the best health workforce. Members on this side of the house in particular will remember that this government has added of the order of 2500 doctors and 8800 nurses to the hospital system since it came into office in 1999. We also remember that in the recent 2008–09 budget this government committed $55 million to build our workforce. That is an extraordinary effort, which is in stark contrast to the decisions made by the previous government.

More than $20 million has been provided over two years for projects that develop teaching infrastructure for Victorian university medical students, predominantly in rural areas. During the Parliament's recent visit to Churchill in Gippsland I was reminded by Monash University about the good work that has been done there by its medical division — the training that is provided and the opportunities that are now being created in rural and regional areas for students, for future practitioners, for nurses, for medical professionals and others.

I am proud that this government is genuinely committed to ensuring that everybody in every community in Victoria has the opportunity to access university. Universities are able to train professionals and retain them within their regions. Funding of $35 million over four years has been provided for early and postgraduate places to train up to 211 additional doctors by 2012 to meet future workforce challenges, especially in rural and regional areas. This is great news for Victoria and for regional and rural areas.

This will come on top of our 2006 commitment to an additional $40 million over four years to increase medical specialist training positions. As a result of this commitment, in 2008 we saw an additional 92 medical specialist training posts in our hospitals and health services.

In conclusion, this is a good bill for the health profession. It provides uniformity. COAG will continue to work to ensure that happens and that the required level of harmony is maintained. Boards will be facilitated to make experienced decisions when and if required.

Incidentally, I commend the minister and the government on providing a good report compatible with the Charter of Human Rights and Responsibilities Act, and it is important to recognise that this bill equally meets the expectations of that charter. With those few remarks I commend the Health Professions Registration Amendment Bill to the house and wish it a speedy passage.

Mr CRISP (Mildura) — I rise to speak on the Health Professions Registration Amendment Bill. The purpose of the bill is to seek to amend the Health Professions Registration Act 2005 in relation to a

number of procedural matters such as fees, registration and transitional provisions relating to proceedings under repealed provisions. It also extends the period under which the growth of pharmacy ownership for friendly society-type companies is limited.

It is interesting to note where we have been during this long progression we have had with health professionals registration. The last lot of reforms got under way with an act that was passed in 2005 and that commenced operation in 2007. Under that act the Victorian Parliament repealed 11 separate health professionals registration acts and created one act under which 12 health professions are now regulated in Victoria. There were further amendments made to the Health Professions Registration Act in 2007. It has been a long-time ambition to have a single method of health registration throughout Australia. Queensland was meant to be the lead jurisdiction on this, but I notice that in this particular case Victoria has got somewhat ahead.

I will focus a little later on some of the cross-border issues that arise, as my electorate has health professionals on both sides of the border. Initially, though, the provisions within this bill provide for the fixing of certain fees by the responsible boards, and they allow nurses specific registration as midwives, taking away the need for annual renewal of registration. Within our academic system now there are some graduates who go directly to being a midwife rather than going through general nursing and doing midwifery as a postgraduate course. The bill also were increases the period of provisional registration to recognise the changing qualification environment, and it enables responsible boards to suspend the registration of a health practitioner by modern methods of communication, including teleconferencing and so on. The bill backdates the powers relating to investigations, inquiries, hearings and proceedings, and of course it deals with our pharmacy issues.

The pharmacy provisions are rather interesting, as they provide for limits on the number of pharmacies a private pharmacist can own. It has increased the capped number from three to five. The bill also strengthens the unprofessional conduct provisions within the act. It should be noted that the location of pharmacies is controlled through the federal legislation via the pharmaceutical benefits scheme approvals. However, the standards of practice are set by the Victorian board; there is an overlap in some of these responsibilities.

The bill caps at six the number of pharmacies a friendly society can own. If, before the date of royal assent of the bill, a friendly society owned less than six pharmacies, then it can acquire ownership of six in the ensuing four years. If friendly societies merge, there are some issues there. It is interesting to note that we have only a couple of friendly societies in Victoria, so although this bill is tidying up some things and I think the public has some concerns about the loss of pharmacies to other retailing areas, that is certainly not what is being discussed here.

The bill provides for four main amendments to the act, in my view. Firstly, the bill gives the government explicit fee-charging powers in relation to examinations for international practitioners for registration and for accreditation of tertiary courses required for the eligibility of graduates for registration. Without such amendments, these fees would not remain GST free.

Secondly, under the repealed 1994 Medical Practice Act a grant of provisional registration existed to allow interns on graduation to be registered for a 15-month period from their December graduation through to March. The Psychologists Registration Board of Victoria has a two-year provisional registration pathway to general registration. The amendment will reduce the administrative burden on boards with respect to registration.

Thirdly, the bill addresses an omission in the act which prevents the Nurses Registration Board of Victoria from granting the renewal of registration to direct-entry midwives, as I said earlier, who are following the modern tertiary pathways.

Finally, the bill allows boards to use modern communications, including teleconferencing, in relation to suspending a health practitioner under section 30 of the act where there is a serious risk to public health and safety. That is something we hope we never see done, but it could occur.

There is an opportunity to have a country focus when looking at this bill and talking about health professionals. Staff recruitment and retention is something that is absolutely vital in country areas. If we are short of health professionals as a nation, we are most short of them in country areas, and cross-border issues hinder the recruitment of staff. Following a conversation with the health minister I am looking forward — as everybody is — to 2010, when all the cross-border issues with health professionals will disappear. Gone then will be the days when a doctor is seeking a position and a community somewhere in Australia wants to recruit that doctor, only to find that there are very clumsy systems for recognition of interstate doctors.

Country people see these registration issues as yet another source of frustration and also discrimination because of where they live. They often do not have a doctor down the road. A case in point at the moment is Ouyen, where the local practitioner is preparing to leave. The replacement practitioner is stalled in the system, and we are beginning to worry that Ouyen will be without a practitioner for a short period. I think it is going to be impossible to avoid that in Ouyen's case, but going forward we need to ensure that that does not happen in the future.

I would also like to talk about recruitment and retention, because I firmly believe if you train in the country, you retain in the country. I am supporting very strongly a health professionals initiative that is under way in Mildura in a partnership between the health service providers up there — the Sunraysia Community Health Service, the Mildura Base Hospital, La Trobe University, Monash University and a number of others — to upgrade the health professional training in that area. It will require solving an accommodation issue and also getting some better teaching facilities. Although this is essentially targeting a commonwealth program, it is something that I am very pleased to support and I am sure the state is very pleased to support.

At the moment we have a dental training facility in Mildura that will increase access to public dentistry as it is constructed over the next 12 months. That will also ease some of the pressure on dental waiting lists in Mildura, as it will offer both training and service delivery.

The Rudd government has made a commitment — and I am sure the Victorian government is partnering and supporting this commitment — to train another 50 000 health professionals over the next few years. Where those health professionals are most needed, I believe, is in the country. Again, if you train in the country, you retain in the country.

The commonwealth government has also made a commitment to close the gap relating to the life expectancy of Aboriginal people. Currently the gap in life expectancy between Aboriginal and non-Aboriginal Australians is 17 years. If that gap is going to be bridged, then we need to train Aboriginal people to deliver Aboriginal health services, and we are going to need to train those people in the country. I have had previous experience in a health service, and we found that if you sent Aboriginal people out of their country areas to be trained, you generally had them back on the next bus; that was in a New South Wales situation. They are just not able to adapt to city training. If we are going to close that gap as a nation, we are going to have to train people in the country to undertake those services and to provide the leadership that is needed. Victoria can play a role in supporting this initiative, because you cannot have a national effort to bridge or close that gap of 17 years in Aboriginal life expectancy without everybody making their contribution. That contribution, I think, can be very strongly supported by the health service training facilities being located in country areas. Naturally, I am promoting the facility in Mildura as best I can.

The Nationals in coalition are not opposing this bill. However, we note the great need for health professionals, and we note that any actions that make recruiting and training health professionals better for country people are to be applauded. I just hope that 2010 rolls on very quickly; then we will have a fully national scheme and we will not have people facing multiple expenses in registering in many states in order to work across borders or suffering the frustration of delays in accepting employment because their registration is clogged up. Competent professionals are being impeded in their careers by various state registration boards and a very clumsy national recognition system.

Business interrupted pursuant to standing orders.

Sitting continued on motion of Mr ANDREWS (Minister for Health).

Mr STENSHOLT (Burwood) — I rise to support the Health Professions Registration Amendment Bill, which basically has several objectives. The first is to make minor amendments to ensure the continued smooth operation of the Health Professions Registration Act, as described by previous speakers. Like those speakers, such as the member for Mildura and the member for Derrimut, I think the proper regulation of health professions is very important, particularly in terms of the harmonisation of registration across the many jurisdictions we have in Australia.

Following on from what the member for Derrimut has said, I can provide some reassurance to the member for Mildura. The government is very serious about supporting the health professions in Victoria. I remind him that we have already done this in terms of nurses right throughout Victoria. The government has not been closing hospitals — it has been opening and improving hospitals — but most importantly it has been providing people to run those hospitals. It has provided 8800 nurses, so every hospital around Victoria has more nurses. I can reassure the member for Mildura

that there are also more doctors — 2500 extra doctors — right around Victoria.

Mr Crisp — I'll have one! Where are they?

Mr STENSHOLT — Go down to your local hospital, and you will find them. You will find nurses there. You will also find them in the universities and training colleges of Victoria.

Mr Crisp interjected.

Mr STENSHOLT — Once again the member for Mildura is saying, 'What is the state government doing?'. I am very pleased that he is praising the federal Rudd Labor government but he should be praising the Victorian Brumby government as well. In our last budget we spent $55 million building up the Victorian workforce, including $20 million on projects developing teaching infrastructure for Victorian university medical students, predominantly in rural areas. We also committed $35 million over four years for early and postgraduate places to train 211 additional doctors by 2012 to meet future workforce challenges, once again especially in rural and regional areas.

I will also briefly mention that the bill makes rearrangements in terms of caps for ownership of pharmacies, which other members have spoken about. I commend the bill to the house.

Mrs VICTORIA (Bayswater) — The bill before us, the Health Professions Registration Amendment Bill, seeks to tighten up the Health Professions Registration Act 2005 with regard to a number of procedural matters. This includes things like fees and registration, and transitional provisions relating to proceedings under repealed provisions. It also extends the period under which the growth of pharmacy ownership for friendly society-type companies is limited. I note that this move is not opposed by the very hardworking Maurice Sheehan and all those at the Pharmacy Guild of Victoria.

The existing Health Professions Registration Act came into effect last year. This one act now regulates 12 health professions, including medical practitioners, nurses, pharmacists, psychologists and physiotherapists — and I will come back to that particular profession in a moment.

One of the biggest questions about this bill regarding registration is that the national approach, which was signed off at the meeting of the Council of Australian Governments in March this year, was supposed to have commenced in July this year, but it will now not commence until July 2010. We all applaud the fact that this will be a far more streamlined approach to registration, but it is a shame that it will take so long to commence. Queensland was touted as the jurisdiction that would lead this cause, but interestingly enough it has not come before even the Queensland Parliament as yet. There has been a little bit of hamstringing, if you like, of the national scheme, but I am pleased that it is coming into being.

The bill gives the government explicit fee-charging powers in relation to examinations for international practitioners, for registration and for accreditation of tertiary courses required for the eligibility of international graduates. The first amendment intends to make the fees for these examinations free of GST, which is a very good move. Another provision in this bill enables relevant bodies to specify a period of up to 24 months, as opposed to the usual 12 months, for a person to gain provisional registration, which is used quite a lot for people coming in from overseas or interstate. Both these amendments can be seen as slightly lowering the hurdles that are put in front of many international practitioners who have come to work in Victoria.

However, this lowering of the hurdles is massively circumvented by the lack of a national framework. If people wish to come to Australia to work, they can generally go to other states where it is much easier for them to get registered. The hurdles are not limited to cost. In some states you do not have to complete examinations if you happen to be from a particular country — the United Kingdom, Canada and the United States of America are prime examples, as their degrees are recognised.

The amendments in the bill are minor but necessary to ensure that fees charged by boards remain free of GST for examinations for registration and course accreditation for tertiary providers and other registration matters of a technical nature. However, they do nothing to address the following example.

A constituent of mine who is a UK-qualified physiotherapist came to see me. He studied physiotherapy in the UK, which is certainly a very developed commonwealth country, and came to Australia as a new graduate on a working holiday. He found it quite easy to get limited registration to work as a physiotherapist. However, when he wanted to become permanently registered in Victoria, he was required to undergo a test process of written and clinical examinations — together costing a staggering $4300 — through the Australian Physiotherapy Council. He needs to be registered in Victoria through the Physiotherapy Registration Board of Victoria.

What he found very interesting and quite disturbing was the fact that if he had gone to Western Australia first, it would have cost him almost nothing. If he had registered in Western Australia and then transferred his registration to Victoria, which is quite legal and above board, he would have saved almost $4000, not to mention the time and stress involved in completing the exams. This is a case of a qualified person with a degree that is recognised in some places and not recognised in others, with the cost difference of about $4000. He was particularly perplexed and quite amused about the differences between the states. I wonder if an amendment to allow health practitioners from certain specified countries could be given some leeway in order to promote health practitioners coming to work in Victoria as opposed to discouraging them. I wonder whether that has been contemplated.

The demand for physiotherapists has grown steadily in recent years. This can be attributed to lots of different reasons, including the result of an underlying demand for health services, an ageing population and the recognition that physios play an important role in patient care, rehabilitation and sports medicine. Recruitment difficulties exist right around the country but are dominant in rural and regional areas and also in the public sector here in Melbourne. The net immigration of physiotherapists to Victoria during 2005–06 was approximately 12. In New South Wales it was about 49, so it is more than triple the amount. One can only say that perhaps that is due to cost and also the things that have been hampering us in that procedure.

In conclusion I do not oppose what this bill sets out to achieve, but I do believe until now we have been making it unnecessarily difficult and expensive to fill some of the vacancies that exist in Victoria. I think this bill is a step in the right direction.

Mr LIM (Clayton) — I do not think anybody in this house is more connected or related to the health professions that I am. Two of my brothers-in-law, one of my brothers and one sister are doctors, and two of my sisters are practising midwives, so I am very pleased to rise and support the Health Professions Registration Amendment Bill. The registration and accreditation of health professionals is one of the most important forms of consumer protection undertaken by the state. In registering various health professions Parliament and government are saying to consumers of health services that professionals such as doctors and nurses are safe, skilled and competent practitioners.

We are saying that they have undertaken prescribed education and training to achieve registration, that they have attained and continue to hold required levels of competencies — in some cases being required to undertake continuing education — and that those who have undertaken specialist education and training will be identified through specialist registration or endorsement. We are also saying that health professionals will act ethically, professionally and competently and that there are processes for reviewing this, including complaints initiated by the aggrieved consumer and that sanctions are available, including the loss of right to practice. Bad practice can be literally a matter of life and death; therefore the registration of health practitioners is one of the most critical legislative and regulatory responsibilities undertaken by the state.

This bill amends the Health Professionals Regulation Act 2005. The COAG (Council of Australian Governments) has previously reached agreement to establish a national registration and accreditation scheme for health professionals. A new national registration scheme is due to be operational by July 2010; however, it is important that in the meantime health practitioners operate under modern legislation with the strongest possible protection for the public. Ultimately it makes sense to move to the COAG model rather than having a separate system in each state and territory and the barrier that puts in place to health professionals. In the meantime we need to provide Victorian health service consumers with the best legislation possible.

I would like to address a specific nursing issue in the bill. As I mentioned earlier, two of my sisters are practising midwives. Direct entry to the nursing profession for midwives has been a vexed issue. Instead of initially training as a general nurse and then undertaking a postgraduate qualification in midwifery, there are midwives who undertook their initial nurse training specifically as midwives. These midwives have to reapply for registration each year rather than just renew it, as other nurses are able to do. It is unfair and probably reflects the prejudice of general nurses to the specialist branches. This bill removes that anomaly.

The bill extends the provision for provisional registration from 12 months to 24 months. This is particularly important for psychologists. Psychologists do not gain registration on the basis of their four-year honours degree. The profession has moved to registration on the basis of a two-year postgraduate masters degree or, increasingly, a three-year doctorate. However, there are still some psychologists who take a different route. Upon completion of their undergraduate degree they do two years supervision under a registered psychologist, and this amendment will assist those people.

The bill also amends some of the other disciplinary procedures. Under the individual health registration acts which existed prior to the 2005 act, some health professionals facing disciplinary action could avoid it if they allowed their registration to lapse. While this loophole was closed off from 2005, it would be possible for someone who had faced disciplinary action prior to 2005 to escape the net in the face of pending action. This allowed the boards to take action against such person. I commend the bill to the house.

Mr DELAHUNTY (Lowan) — I will give a little bit of history about the Health Professions Registration Bill. In November 2005 the Health Professions Registration Bill was debated in this house. It was a fairly contentious issue at that stage. Dr Mark Yates was the president of the Victorian branch of the Australian Medical Association. He worked in Horsham, and obviously contacted his local members of Parliament about the concerns the AMA had. Psychologists were also concerned about the implementation of that legislation. The Australian Nursing Federation also expressed concerns about the way in which the legislation was enacted, and particularly about the haste with which it was being enacted. After all, the legislation was not going to be implemented until 2007, which was nearly two years away.

Importantly the theme of the legislation was to have a common registration system and a common system for investigations. I think all of us would have to agree with that. As we know, at that stage there were 11 registration boards, and the legislation of 2005 set up a twelfth — that is, the Medical Radiation Practice Board.

Whether they are in Victoria or anywhere in Australia, health professionals have to be registered. We want to ensure that there is safety and, importantly, quality for consumers in services that health professionals provide. In my previous role as The Nationals spokesperson for health I have always said that country Victorians are entitled to top-quality health care in their communities and that top-quality specialist services should be provided across the region. Therefore The Nationals were supportive of many of the provisions of that legislation.

However, we did have some concerns about the investigation of complaints and how they would be implemented, particularly in relation to appeals going to the Victorian Civil and Administrative Tribunal. The AMA expressed concern about not allowing legal representation. Importantly, I think we are all keen to see some emphasis on assisting health professionals, some of whom experience difficult times when retraining and undergoing further education to ensure quality services for our consumers. Therefore we were very supportive of wanting consistency, not only here in Victoria but across the country.

The member for Mildura spoke about border anomalies in relation to registration and accreditation of health professionals. It is unfortunate that there will no action on that situation until 2010. I note that the Queensland Parliament has still has not enacted any legislation to get anywhere close to what we achieved back in 2005.

Mr Andrews interjected.

Mr DELAHUNTY — The Minister for Health informs me that the legislation is currently before the Queensland Parliament.

Like other members on this side, The Nationals will not be opposing the Health Professions Registration Bill. The bill seeks to amend the Health Professions Registration Act 2005 in relation to a number of procedural matters, such as fees, registration and transitional provisions.

Through the 2005 act the Victorian Parliament repealed 11 separate health professional registration acts and created one act under which 12 health professional bodies are now regulated. They include medical practitioners, nurses, pharmacists, dental care providers, chiropractors, osteopaths, optometrists, podiatrists, Chinese medicine practitioners, psychologists and medical radiation practitioners.

Importantly The Nationals heard concerns that when that legislation changed in 2005 we were going to operate under three systems: the old system; the new system, starting in 2007 — which we have got; and then we were hoping to have a national scheme which COAG (the Council of Australian Governments) agreed would be implemented by all the states.

But as we know, the scheme is not up and running in this year, 2008. We know that it came into effect in July 2007 and that COAG has signed an intergovernmental agreement to establish a national registration and accreditation scheme for all health professions. I understand that was signed on 26 March 2008 by federal, state and territory ministers. A commitment was made to have a national scheme in operation by 1 July 2010. We only hope, particularly for the sake of those members who live along the South Australian border, as I do, and those along the New South Wales border, that we have something in place by then.

There are a couple of parts of the legislation I want to talk about briefly. The bill addresses an omission in the act which has the effect of preventing the Nurses Board of Victoria from granting a renewal of a registration to direct-entry midwives who do not have a general nursing qualification. Currently such nurses have to make a fresh application for registration each year. That is bureaucratic and creates more red tape. It is difficult enough to get nurses into the system now, without creating more hurdles, so we welcome that amendment.

The other area on which I did a lot of work with the minister when he was the parliamentary secretary relates to the sunset clause restricting the ownership of pharmacies by the friendly societies. A lot of concern was raised at that stage by the Pharmacy Guild of Australia, and I think it is only fair that we have a common system in relation to the number of pharmacies owned, whether they be owned by private members who are members of the pharmacy guild, by members in general or by friendly societies.

All these people do a great deal of work, particularly across country Victoria, and I want to compliment the chemists in my electorate. Many of them not only own the pharmacy, but they have depots in other small towns which provide excellent pharmaceutical services. They do it by having the staff in their offices get the prescriptions, fax them to Horsham or one of the other centres, and then later in the day the distribution is done by car back to the depots.

I want to congratulate those pharmacies in my area. They do a great deal of work to provide some pharmaceutical services to our remote areas. I look at places like Murtoa — I know the minister was there last week — Rupanyup, Dimboola, Rainbow, Jeparit and all those smaller towns. Dimboola now has a good pharmacist living and operating there, so that pharmacy is providing a great service to the Dimboola community.

I know from talking to the pharmacy guild that it is happy with the amendments included in this legislation which will restrict the friendly societies — and there are only two of them, I believe — to be able to increase the number of pharmacies they own by 30 per cent by November 2008. That continues the sunset clause which was supposed to finish on 16 November 2004, as I understand it, but according to the conversation I have had with representatives of the pharmacy guild it is comfortable with those amendments.

In the last couple of minutes I have left to speak on this bill I would like to talk about a lot of the good work that is done in my electorate. I know I have the largest electorate in the state. I could fit 76 of the other 87 MPs' electorates into my electorate. But the reality is that my area has five major health services. I want to compliment all of them. West Wimmera Health Service, based in Nhill, has other facilities at Jeparit, Kaniva, Goroke, and Rainbow. We also have the Edenhope and District Hospital, the Wimmera Health Care Group covering Dimboola, Horsham and others, and the Western District Health Service, which is based at Hamilton, covering Coleraine, Merino and Penshurst. There are great facilities in those towns.

We have also the Casterton Memorial Hospital. I went to a celebration there a couple of weeks ago to commemorate 100 years since its establishment, and I want to compliment Cr Karen Stevens and the health service down there for the excellent presentation they put on and for the good work they are doing.

There are also four bush nursing centres in my area, being at Lake Bolac, Balmoral and Harrow, where they opened a newly refurbished centre, which is a great facility — Jeff Hambry did the opening because he tipped in a few dollars to help people in that area; and I know the minister is coming to Dartmoor in a couple of weeks to open an expanded service there, right down in the south-west corner of my electorate.

There are some concerns, though. The recruitment and retention of doctors and other health professionals is of major concern to us. I know, because I live along the South Australian border, that we are being raided by the South Australian government for some of our doctors. I also know from the experience of talking to our health services that they are being raided by Queensland, which is having enormous troubles with its health industry. As we can see, it has only just introduced this legislation in its Parliament, but it is offering more assistance in order to retain doctors and to recruit doctors from Victoria. If we are going to hold onto those excellent health professionals, particularly doctors, we need to lift our game.

The other concern is in relation to the training of health professionals. In my electorate we have the Ballarat University, which is based in Horsham, and also RMIT, which is based in Hamilton, both of which are doing great work in training nurses. If the minister wants to hear some great success stories about them, there are some great case studies. I think we should promote them where they have been trained in the area, and they are now working there.

Also Deakin University is doing a lot of work in the training of doctors. All that was started, I must say, by the previous federal coalition government, with the

support of this government. We must not forget it was started by the former federal government, because we know that is where the main responsibility lies.

Mr SCOTT (Preston) — I will make a very brief contribution, as it is late at night. I am glad to rise in support of the Health Professions Registration Amendment Bill 2008. As mentioned by previous speakers, it amends the Health Professions Registration Act 2005. I will briefly touch upon three elements of the bill.

Firstly, the changes to the provisions relating to the registration of midwives who are not nurses remove the anomaly that existed by which they were forced to reapply for registration every year. Secondly, the amendment to section 130 allows boards to communicate by means such as teleconferencing and videoconferencing in circumstances where there is a serious threat to public health. Thirdly, the changes to the limitation in section 9(4) allow the granting of provisional registration. As noted by previous speakers, that is important, particularly for psychologists. It is an excellent bill, and I commend it to the house.

Mr ANDREWS (Minister for Health) — I am very pleased to provide some concluding remarks in terms of debate on this important set of arrangements. I begin by thanking the members for Caulfield, Derrimut, Mildura, Burwood, Bayswater, Lowan and Preston for their contributions to the debate on this important bill.

As has been discussed broadly in the debate, the bill makes some small but, can I say, important amendments to ensure the continued smooth operation and proper functioning of the Health Professions Registration Act 2005. I suppose they are changes that in many respects are housekeeping matters by nature, but they are all about making sure that our boards can effectively carry out their duties under that act, none of which is more important than their duty to protect the public.

Without going into the detail of the housekeeping amendments that are made in the bill, I think it is important to say it is critical that the Health Professions Registration Act remain responsive to the needs of, I suppose, contemporary practice, but also the bill remains able to effectively support the transition to the new national registration and accreditation scheme.

We have heard from, I think, each member who has made a contribution to the debate on the bill of their support for a national scheme and all the benefits that ought to flow from that. I am pleased to say our state is leading the way, as has been noted by a number of speakers, whether it is in terms of our own act probably most closely reflecting the ultimate national scheme as that which will be up and running by 1 July 2010, or indeed in a broader sense both me representing Victoria but also the New South Wales health minister, John Della Bosca, leading the process of consultation with registration boards and other stakeholders.

These are important matters, and they are being given the appropriate attention that is needed to bring about a national scheme in which portability of skills will be easier and quality and safety can perhaps be maintained and guaranteed at a higher level, together with for the first time a truly national focus on health workforce challenges and issues. One does not have to go very far in terms of a proper discussion about challenges in health before coming across a whole range of workforce issues. A proper national response to what are almost universal challenges across all settings, across all parts of our country, is very important. It is pleasing that members from all sides of the house are supportive of our transition, our move towards that national process.

Finally, there is some history to other elements of the bill that deal with the way that we regulate the ownership of pharmacies in our state, most notably issues in relation to friendly societies and their ability to own pharmacies, as has been alluded to by other members. Four years ago for the first time in our state's history we put in place caps on friendly society-owned pharmacies pursuant to a broader review of the Pharmacy Act as it was then, and pursuant, again, to national competition policy and our obligations under that.

We extended the total number of pharmacies that could be owned by guild pharmacists, or for-profit pharmacists if you like, and similarly for the first time we put in place ownership restrictions in terms of friendly society pharmacies. There was a four-year sunset clause, and the government has determined to remake a range of caps so that we would continue to have both a capped or regulated community pharmacy from an ownership point of view and, similarly, we would continue to have capped ownership of a friendly society pharmacy. It is about limits on various positions within markets and pharmacy ownership regardless of the model under which the pharmacy business is owned, and that is important as we go forward.

Some have indicated that various stakeholders in this debate are very pleased with this outcome. I think it is best to reflect that this is a balanced outcome. The Pharmacy Guild of Australia may well have sought that we go further, and the Australian Friendly Societies

Pharmacies Association, or the two friendly societies, most notably impacted upon by these measures — the continuation or remaking of a cap — certainly would have liked us to go down a different path. When those on both sides of the debate might have liked us to go a little bit further, that perhaps indicates to all of us that we have struck the appropriate balance to take us forward.

These are sensible arrangements in terms of pharmacy ownership and with sensible growth caps going forward, as well as a range of other important housekeeping matters that underpin the effective, and indeed enhanced, operation of the Health Professions Registration Act. With those few words, I commend this sensible set of arrangements to all members.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

LOCAL GOVERNMENT AMENDMENT (COUNCILLOR CONDUCT AND OTHER MATTERS) BILL

Council's amendment

Returned from Council with message relating to amendment.

Ordered to be considered later this day.

COMPENSATION AND SUPERANNUATION LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 11 September; motion of Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission).

Mr WELLS (Scoresby) — I rise to lead the debate on the Compensation and Superannuation Legislation Amendment Bill and say at the outset that the coalition will not be opposing this, although we do have some concerns which I will raise during the debate.

There are five main provisions in the bill. First, it provides that only a natural person with a serious injury caused by a transport accident, and not a corporation, can claim damages under the Transport Accident Commission scheme, which we support. The second provision is that the making of a valid claim for compensation within the statutory time frame is a prerequisite before seeking an impairment assessment for accessing TAC benefits and common-law damages. This overturns a recent Supreme Court decision in *Byrne v. Transport Accident Commission* (2008) VSC 92 and applies to all future assessment applications irrespective of when the accident occurred. We believe that is reinstating the initial intention of the original legislation.

The third main point is that the bill preserves the provisions of the Accident Compensation Act, which permit injured workers who have a whole-person impairment of between 5 and 9 per cent to continue to access compensation for non-economic loss by removing the sunset clause which was to have effect on 2 December 2008. We support this provision of the bill.

The fourth provision is the one that we have concerns with, and when the minister is summing up maybe he can address some of our concerns.

The fifth point is that it provides that actions taken by the TAC and the Victorian WorkCover Authority (VWA) to recover damages from third parties are not restricted by the provisions of the Wrongs Act 1958 with respect to personal injury and non-economic-loss claims and negligence. This provision applies with respect to all third-party actions for which a judgement or settlement has not been determined at the time of commencement of the act. Existing decisions are preserved.

Our concern about this provision in the bill is that when the Wrongs Act was amended in 2003 the intent was to try to decrease the cost of public liability. My concern is that public liability costs will increase as a result of the amendments that are being made. The coalition has some concerns about that particular part of the bill. Our concern is that in tougher and tighter economic times public liability costs will increase for community groups holding, for example, community festivals or carnivals. I hope the minister will clarify that part later, and perhaps some costings may have been done. I will come back to that issue at a later point.

The fifth point relates to the Emergency Services Superannuation Board offering insurance under the defined benefit scheme to police members on leave without pay and for the duration of their shiftwork. This

comes about as a result of their enterprise bargaining agreement and it makes common sense that they should be offered insurance.

The first issue regarding the natural person with serious injuries caused by a transport accident being a natural person rather than a corporation requires part 2 of the Transport Accident Act 1986 being amended. Clause 5 inserts new subsection (1A) into section 93 of the act. It states:

> (1A) For the avoidance of doubt, it is hereby declared that the effect of subsection (1) is that any person, whether or not a natural person, cannot recover any damages in any proceedings to which that subsection applies unless the person is a natural person in which case the natural person can only bring proceedings in accordance with this section to recover damages in respect of the injury sustained by him or her or the death of a person specified in subsection (1).

This provision came about because of the Martino Developments Pty Ltd case, which I think is before the Supreme Court of Victoria. That is covered in clause 7 by the insertion of a new division 5 of part 11 and in particular new section 197(3) which states:

> Despite subsection (1), the amendment of section 93 by section 5 of the Compensation and Superannuation Legislation Amendment Act 2008 does not affect the rights of the parties in the proceedings known as Martino Developments Pty Ltd …

It then explains that a little further. The second-reading speech indicates that the situation with Martino Developments was that the Transport Accident Commission had received two claims for damages by corporations seeking damages in respect of the loss of the services of employees and directors. A third had been threatened but had not been lodged.

The first action issued by Martino Developments Pty Ltd in the Supreme Court is in respect of a director and shareholder of the company who was injured in a transport accident in 2000. The recent Martino Developments action is in addition to damages for pain and suffering and pecuniary loss damages, which have already been paid by the TAC to the individual director of the company who was injured in the transport accident. The issue was that the person who was injured in the accident received money for pain, suffering and medical costs, but then Martino Developments as a company sued the TAC for loss of income coming into that business — for example, the company may have had only one truck driver, perhaps an owner-driver. In that case the driver had an accident and could not bring any income into the company. The company felt it had been wronged and as a result it sued the TAC on top of other claims.

The coalition supports this provision, because you cannot have a situation where a company could sue the TAC for unlimited losses. As I said, the company suffered as a result of the injuries and it was unable to bring in revenue. That would be the situation for a number of sole traders or owner-drivers where the company suffered an economic loss but the individual was paid for the claim that was originally lodged. This amendment clarifies the situation, and the Liberal Party and The Nationals support that.

The second part of the bill relates to claims that are made within a particular time frame. The case of *Byrne v. Transport Accident Commission* was very sad. It involved a woman who was in a car accident and lost a foetus. The Transport Accident Commission originally rejected the claim, stating that it was out of time. Following the accident the plaintiff did not put in a claim for compensation or assessment for impairment within the required time frame. A court ruled that she could sue for common-law damages. This amendment means that in relation to future claims it will not be possible to sue for common-law damages if it is not part of an original claim for compensation or assessment for impairment.

As I said, it was a sad case. It related to a Ms Byrne, who in late February 1999 was five months pregnant. She claimed that on 27 February 1999 she was travelling as a passenger in a car driven by her husband in suburban Melbourne. She was wearing a seatbelt. She claimed that her husband braked heavily to avoid a taxi, which allegedly stopped suddenly ahead of them, and she was thrown against the seatbelt. She claimed that a few days later, as a result of that accident, she lost the foetus she was carrying.

On 29 May 2003 — some four years later — the plaintiff submitted a claim to the TAC for compensation under the Transport Accident Act 1986 in relation to the alleged accident, specifying her injury as a loss of foetus. On 5 June 2003 the TAC rejected her claim as being out of time. The plaintiff now accepts that the claim was out of time. On 28 October 2004, in response to a letter from the plaintiff's solicitors foreshadowing a common-law claim and referring to the absence of any assessment by the TAC of the plaintiff's degree of impairment within the meaning of the act, the TAC wrote to the solicitors asserting that an impairment determination could not be made in the absence of an accepted claim for compensation.

On 13 December 2004 the plaintiff issued a writ in relation to the alleged accident, claiming common-law damages for the loss of the foetus. The nominated

defendant, effectively the TAC, immediately objected to the maintainability of the action on the ground that the plaintiff had not passed through the gateways to common-law proceedings specified in section 93 of the act. It appears to be common ground that no such gateway is passed through unless and until the TAC has determined the degree of impairment of the person who was injured as a result of the transport accident under section 46A.

It was an unfortunate case, but I guess the point of it is that it may have been different had Ms Byrne lodged the claim at the time of the accident, not four years later. This particular amendment clarifies that very sad situation. However, it is my understanding that the claim that Ms Byrne lodged is able to proceed, or it may have proceeded, but not in her favour. At least this part of the amendment makes it very clear about future cases and the way they will be handled.

The third point is the removal of the sunset clause, which is clause 10. The amendment will ensure existing provisions as enacted in 2003 will continue. In effect it means that workers injured with spinal, leg and arm injuries, but assessed as having an impairment which is less than 10 per cent, will continue to have access to compensation for non-economic loss for pain and suffering.

With regard to the fourth section, the coalition has concerns with the issue where the TAC and the Victorian WorkCover Authority are able to recover damages from third parties not restricted by the provisions of the Wrongs Act 1958. We ask the minister to clarify some of the issues of concern because in 2002–03 the government made a number of amendments. There were three tranches to this legislation, the third being on 30 October 2003 with the Wrongs and Other Acts (Law of Negligence) Bill. The bill was introduced by the then Treasurer Mr Brumby, who said:

> As honourable members will be aware, in October 2002 the Wrongs and Other Acts (Public Liability Insurance Reform) Act 2002 came into operation.

The idea was that it:

> provided for caps on damages for non-economic loss and for loss of earnings;
>
> protected volunteers, food donors and good Samaritans;
>
> facilitated the use of structured settlements;

And it went on. The same second-reading speech to the bill also stated:

> In June this year Parliament passed the Wrongs and Limitation of Actions Acts (Insurance Reform) Act 2003. That act:
>
> > enacted proportionate liability for claims not relating to death or personal injury;
> >
> > instituted a medical threshold for access to damages for non-economic loss; and
> >
> > reduced the time period within which proceedings must be brought, subject to safeguards for children and other persons needing special provision.

It went on to say:

> These two pieces of legislation reflected a great deal of thought and consideration by many people both within and outside Australian governments on issues relating to the balance between the competing rights and interests of members of the community, both as injured parties making claims for compensation and as purchasers of insurance cover against liability for such compensation.
>
> There is already some evidence that our reforms to date are having an impact in terms of the affordability and availability of insurance.

That was part of the second-reading speech on 30 October 2003. A couple of pages later in the same second-reading speech it says:

> The bill excludes from the impact of its provisions relating to negligence and mental harm claims to which the Accident Compensation Act 1985, the Workers Compensation Act 1958 and the Transport Accident Act 1986 apply.

My understanding is that if a person were injured, they could still claim through the Transport Accident Commission and workers compensation and accident compensation acts. TAC and WorkSafe will now be able to claim against the third party if they are negligent. We believe there should be a punishment for a person who has acted in a negligent way — we have no qualms about that — but our concern is with regard to the costs of the public liability insurance, which is what the original act set out to regulate.

In summary on this particular part of the provisions, the bill allows the TAC and the Victorian WorkCover Authority to recover full damages from the negligent third parties. It would assist if we could have that clarified.

In the court case *Alcoa Portland Aluminium Pty Ltd v. Victorian WorkCover Authority* it was held that a third party could rely on the Wrongs Act provisions to reduce the indemnity amount payable to WorkCover. The bill we are dealing with now ensures that the Wrongs Act provisions cannot be used to reduce the indemnity damages payable to WorkCover in order to

maximise the amount recoverable from negligent third parties and minimise revenue leakage to the state.

However, as I mentioned, the effect of this will be to increase potential payouts by third party company employers, and that will probably result in increased public liability premiums. Whether it be at a community festival, community carnival or some show or exhibition somewhere in country Victoria, if a tractor runs over or hurts someone, or if a rubbish truck or some sort of machinery goes astray, then there will be a public liability claim somewhere. If the TAC and WorkSafe are going in to sue the operator of that machine, whether it be a private operator or whether it be the local council, they will need to have more public liability insurance as a result.

Mr Stensholt — You're reading it wrongly.

Mr WELLS — No, I don't think we are. Because if they are able to sue the third party for the negligence — —

Mr Stensholt interjected.

Mr WELLS — We understand that under the Wrongs Act and the changes that were made in 2003, the person who is injured can still claim against the Transport Accident Commission and WorkSafe, but what we are saying is that our understanding of the way this bill is going to work is that there will be a greater chance for the TAC and WorkSafe to be able to sue a third party for negligence. We understand there will be more chance that those two statutory bodies will be able to do that and that as a result, public liability insurance premiums will increase because councils and community groups will need to make sure their public liability insurance is sufficient to cover those claims, if they are made. If that is not the case, then the minister needs to clarify the situation, because our understanding is that the TAC and WorkSafe will be able to sue the third party for negligence. Is that not the case?

The ACTING SPEAKER (Mr Eren) — Order! The member will speak through the Chair.

Mr WELLS — If that is the case, then obviously the cost of public liability insurance for community groups must increase. I hope the government has thought about that consequence of the amendment. As I said, we are happy for the minister to clarify the point when he is winding up, but that is our reading of the bill. I hope, as I said, that it is not a consequence the government has not thought through in one way or another, because we are going through very tough economic times in which community groups are going to find it very hard to raise funds to cover increasing costs. If crowds at fundraising events are small, these groups will struggle, especially if they are hit with an increase in public liability insurance.

As I said, the changes to the Wrongs Act in 2002 and 2003 — which we accepted — were made as part of the state government's comprehensive overhaul of negligence laws to reduce the public liability insurance and professional indemnity insurance premium crisis in the wake of the collapse of HIH Insurance. But if the Brumby government is shoring up state revenue by ensuring that the TAC and WorkCover authorities can recover full damages, then we claim that this will impact on professional indemnity insurance and public liability insurance.

Mr Lupton interjected.

Mr WELLS — No. It is the ability to be able to sue the third party for negligence which will have a cost to it.

Mr Lupton interjected.

Mr WELLS — Yes.

Mr Lupton interjected.

Mr WELLS — Yes, and let us have it clarified.

The ACTING SPEAKER (Mr Eren) — Order! The member for Scoresby will speak through the Chair.

Mr WELLS — Whilst, as I said, no-one would condone letting negligent third parties off the hook — and we are very clear about that; they should be forced to pay appropriate damages — Victorian businesses stand to be hurt during these hard economic times as a result of that. We seek clarification on that point and would welcome the minister providing it.

The other point concerns the Alcoa payments to the TAC and to WorkCover. The amendments will allow the TAC and WorkSafe to recover full indemnity payments from a negligent party, and I have already discussed that. I have also already mentioned the issue with Alcoa. The issue arose out of an injury sustained by Gregory Husson on 26 April 2001 in the course of his work at the plant of the appellant, Alcoa, whilst he was an employee of Keppel Prince Engineering. On 3 January 2006 the trial judge gave judgement for Husson in the common-law proceedings and made consequential orders as to costs. As between Alcoa and Keppel, His Honour apportioned liability 20 per cent against Keppel and 80 per cent against Alcoa. He found that there was no contributory negligence by Husson.

In a subsequent proceeding the Victorian WorkCover Authority sought partial indemnity from Alcoa in respect of compensation paid and payable by it to Husson. The indemnity was sought pursuant to the Accident Compensation Act 1985 and the judgement in that case talked about a formula for that.

With regard to the police EBA (enterprise bargaining agreement) issue of leave without pay, we say the relevant provision makes sense. If a police member is on leave without pay and comes back and does a number of shifts — and we support flexible working shifts for police where they have the ability to come back to assist when other members are away for a variety of reasons — it makes sense for Emergency Services and State Super to be able to offer insurance to make sure that those police are fully covered.

With those few points, and as I stated before, we will not be opposing this bill.

Ms RICHARDSON (Northcote) — I am very pleased to rise to speak in support of the Compensation and Superannuation Legislation Amendment Bill 2008. In keeping with Labor's commitment to provide a fair and viable transport accident and WorkCover scheme, this bill contains a range of new provisions to protect these schemes from unforeseen decisions by the courts. Recently some long-held interpretations have been challenged in the courts, and provisions in this bill provide further clarification to better protect these schemes.

We all know how important these schemes are for Victorians injured either on the road or at work. Since being elected Labor has made significant improvements to the TAC (Transport Accident Commission) and WorkSafe, and injured Victorians are of course the beneficiaries of these world-class schemes.

I would like to take this opportunity to commend the work these schemes do to reduce injury in the first place. They often employ innovative means to convey important safety messages and as a consequence they achieve very impressive results. I particularly like the advertising campaign by WorkSafe that was launched in 2006 and emphasised that the most important reason for maintaining work safety was waiting for you at home. The boy waiting on the doorstep for his father to come home and play basketball with him was a great way to communicate this important message. This award-winning advertisement is now being used around Australia. As a 10-year motorcyclist, I particularly welcome the new TAC ad that highlights the need to look out for motorcyclists at intersections — although, having had a few motorcycle prangs, I must confess I get a little squeamish watching the actual impact.

Campaigns like these have played their part in reducing workplace and transport accidents. While Victoria has the best workplace safety record in Australia and the lowest injury rates on record, we still see almost 30 000 people seriously injured at work. It is particularly sad when people die at work, though thankfully here too we have been able to almost halve the number, which is down to 16 for 2007–08.

The flow-on benefit for businesses is not just in providing a healthy, safe workplace for their employees. Businesses also enjoy premiums that are 20 per cent less than rates in New South Wales and half those in South Australia. In fact over the past five financial years Labor has delivered five successive premium reductions, and we enjoy the second lowest average premium rate in Australia. Similarly we have seen a reduction in the number of injuries on the road, which have dropped by 25 per cent between 2001 and 2007 and in the past five years resulted in the five lowest road toll records. The WorkSafe and TAC schemes have been supported consistently by Labor and will be supported again with the passage of this bill through the house.

In particular, the bill amends the Transport Accident Act to ensure that a person and not a corporation can claim damages under the TAC scheme. Technically it is not possible for a corporation to recover damages from the TAC. However, the TAC remains at some legal risk, as has been evident from the recent filing by Martino Developments of a case in the Supreme Court. The company is seeking to recover damages following a transport accident involving a director and shareholder, Mr Angelo Martino. Mr Martino's earlier claim for general damages arising from his transport accident had already been settled by the TAC in August 2004.

The costs of such a claim and all future claims of this kind would be considerable, so this amendment makes it clear that a claim for damages from the TAC can only be brought by a person and not a corporation. There is also a transitional provision that will ensure that Martino Developments can continue with its case, and the legislation preserves the rights of any other company that may seek damages of this kind prior to the act's commencement.

The bill also amends the Transport Accident Act to ensure that a claim for compensation remains a prerequisite before seeking an impairment assessment to access benefits under TAC and common-law

damages. This amendment addresses the decision of Justice Cavanough in *Byrne v. Transport Accident Commission*. In this case Jane Byrne made no claim to the TAC for injuries she sustained in a transport accident in 1999. Under the act claims to the TAC must be made within three years of the accident. In October 2004 Ms Byrne asked that the TAC complete an impairment assessment, as such an assessment is a mandatory prerequisite to access common-law damages.

The TAC refused her request on the basis that impairment could not be ascertained in the absence of a valid claim for compensation. The court disagreed, which means that the TAC could incur future liabilities that are impossible to estimate. Therefore this amendment will make it absolutely clear that an assessment impairment must be preceded by a valid claim for compensation. Again, transitional provisions have been put in place to enable Jane Byrne, or any other person seeking an impairment assessment in this particular circumstance, to be able to do so prior to the introduction of the bill on 11 September this year.

The bill also amends the Transport Accident Act and the Accident Compensation Act to ensure that WorkSafe and the TAC are still able to hold negligent third parties accountable for contributing to a workplace and transport injury. This amendment will address the Husson case in *Alcoa Portland Aluminium Pty Ltd v. Victorian WorkCover Authority*. The decision in this case applied provisions in the Wrongs Act when calculating how much indemnity a negligent third party must pay to WorkSafe. These provisions were never intended for application in these circumstances, and this amendment addresses this point.

In reference to the member for Scoresby's query about the impact that this amendment will have on public liability costs, he needs to be aware that the Wrongs Act was never supposed to apply in the employment context, and therefore the point he raises is moot.

The bill also amends the Accident Compensation Act 1985 to ensure that workers who sustain an injury that is rated between 5 and 10 per cent impairment can still receive impairment benefits. On 2 December 2008 a sunset provision was due to remove this benefit; however, following an actuarial review, the cost of continuing this benefit was found to be affordable. This follows five years of the provision's operation and payments to workers who fell within this category. In 2003 Labor set this sunset provision to ensure that a review could be undertaken, and fortunately, thanks to the success of the scheme, this benefit can continue into the future. The kind of injuries that often fall between the 5 and 10 per cent impairment assessment include back, arm and leg injuries — injuries that are unfortunately all too common in the workplace. This is good news for those injured in this way.

Finally, the bill also amends the Emergency Services Superannuation Act. This amendment is relevant to the Victoria Police workplace agreement 2007 that provides an opportunity for officers to return to work for short periods while on leave without pay. The amendment will make it possible for insurance to be accessed and paid for that relevant period rather than for the entire period of leave. I understand that Victoria Police and the Police Association are entirely supportive of this amendment as it facilitates more flexible working arrangements for their members.

In conclusion, the amendments that affect the transport accident and WorkCover schemes are welcome additions that help protect these world-class compensation schemes. Along with the measures to improve conditions for those seeking more appropriate access to insurance they further demonstrate Labor's commitment to the future wellbeing of all Victorians. I therefore commend the bill to the house.

Mr RYAN (Leader of The Nationals) — I welcome the opportunity to contribute to the debate on the Compensation and Superannuation Legislation Amendment Bill. As has been indicated by the member for Scoresby, we as a coalition do not intend to oppose the content of this legislation. It is always interesting to view these pieces of legislation in a sense as being what were once known as omnibus bills because — —

Mr Cameron interjected.

Mr RYAN — I hadn't thought of it until you mentioned it, but I might now. The key feature of this form of legislation is that the TAC (Transport Accident Commission) and WorkCover through the two schemes intermittently mop up all those aspects of court decisions which fly in the face of what those who operate the two schemes regard as being the charter of the respective schemes, and basically that is what this bill is about.

Those who operate the schemes have a view as to how these things operate and should operate more particularly. Occasionally there arises a circumstance where courts within our jurisdiction here in Victoria have the temerity to disagree with the interpretation which is placed upon the operation of the schemes by those who run them. The persons responsible for the running of the schemes then exercise what is the ultimate form of solution by having the government

introduce legislation which effectively overturns what the court interpretation might have been and prescribes that the two schemes should operate in the sense that those responsible for it want it to operate.

Basically that is what underpins this legislation. It makes a series of changes which are intended to achieve the position where those operating the respective schemes have a view as to how they should work where the courts have made a decision that those interpretations are not right and have delivered judgements accordingly, and where those operating the schemes want the situation redressed by putting the issue beyond doubt.

As I have already indicated, while we do not oppose this legislation the basic principle at work here is something which I think we should all be concerned with from time to time in this place. It is the question of the extent to which a government of any persuasion is prepared to be guided by the courts on the proper operation of what a given statutory scheme ought be properly on the one hand as opposed to how those within government view the proper operation of those schemes in concert with those who have the responsibility of running them.

So it is we have this series of amendments in this bill. They have been canvassed extensively already in the debate, and I do not intend to go through all of them, but I indicate the degree of concern I have by referring to the case of *Byrne v. Transport Accident Commission.* Jane Byrne was injured in 1999 and ultimately instituted a proceeding in 2004. Those operating the scheme have always viewed the process to be such that another course of action should have been taken by her within a year of the accident having happened, and they have now moved to ensure, by this legislation, that the interpretation which they thought appropriate will now apply.

I emphasise that in so doing the judgement in *Byrne v Transport Accident Commission* is preserved and therefore the plaintiff in that case has not suffered a loss. Nevertheless this shuts off the prospect of anybody in the future being able to obtain access to the benefit of the court interpretation, and rather now being confined to the interpretation placed upon the running of the TAC scheme in the manner in which those responsible for that task see as being appropriate.

There are other elements of the bill about which there are measures of concern. The issue has been raised about the potential for an inadvertent outcome in all of this whereby conceivably there could be an increase in the premiums that are being paid by a variety of groups in the public arena because of the amendments now being made. As I understand it, that is an issue about which the government has given assurances.

I have not been here for the whole of the debate, but I have been advised the government's case is that there is no such risk. It will be interesting to see with the passage of time whether there is any outcome that flows from this amendment that achieves that unintended consequence of the prospect of a return to the position where a lot of organisations, small groups in the community, volunteer organisations in particular, are faced with the chance of an increase in premiums in the marketplace.

I make the observation particularly in the context of the times that we now face. With regard to other events happening across the globe, we are certainly in a very different world than we were in even four weeks ago. Issues of competition between insurers and the like were once regarded as having been settled and resolved, and there was nothing in the nature of the lack of competition between them which gave rise to the increase in premiums those years ago and which in turn led to significant amendments to common-law rights. We are now in a very different environment again in regard to the global crisis. Certainly insurers are not spared from it.

We will see in the fullness of time whether the assurances made by the government on this important point are borne out. Overall the amendments are intended to achieve the basic result of tightening the operation of the terms of the legislation to the extent which the government and those in charge of the respective schemes believe to be appropriate. We as a coalition do not oppose what is contained in the legislation.

Ms NEVILLE (Minister for Mental Health) — I thank all honourable members for their contribution on this very important bill before the house, and I wish it a speedy passage.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

STALKING INTERVENTION ORDERS BILL

Second reading

Debate resumed from 11 September; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Stalking Intervention Orders Bill 2008 is a bill to re-enact with minor changes the system of intervention orders currently applying in cases of stalking, pending the outcome of a review that the government has announced. The bill also seeks to bring search and seizure, bail and firearms provisions broadly into line with the Family Violence Protection Act 2008. The bill has a number of good points; it also has a number of problems and gaps. Overall we will be supporting the bill, but we certainly hope some of the concerns we have about its problems will be addressed by the government during the course of debate and that some of the gaps will be investigated and hopefully addressed as a result of the review that the government has announced.

The Attorney-General, in delivering his second-reading speech, told the house that the bill will preserve the current system of stalking intervention orders with minor changes until it can be comprehensively reviewed and that the bill makes minor and technical changes to the current system of stalking intervention orders, that the provisions have been reordered and in some parts rephrased in order to improve clarity, and that apart from weapons governed by the Control of Weapons Act 1990, the bill brings firearms, bail, and search and seizure provisions into line with the equivalent provisions in the Family Violence Protection Act.

In relation to the review, the Attorney-General told the house that the government intended to conduct a comprehensive review of the intervention order system for non-family members, and that the review will look at who should be able to obtain an intervention order against whom and in what circumstances. He said the review will also examine the extent to which some matters currently subject to applications for a stalking order could be resolved in conjunction with, or instead by, an alternative dispute resolution service.

The Attorney-General also repeated the point that was made previously in relation to the family violence legislation, that an important part of the review will involve examining the issue of violence in relationships between a person with a disability and their carer in a non-family-like situation, which falls outside the family violence protection legislation. Honourable members may remember this subject was given some attention during the course of debate on that bill, because a number of concerns had been raised about the extent to which people with disabilities could be subject to violent conduct by their carers and would not have adequate redress.

The bill before the house has a number of main provisions. It adopts a definition of stalking that is very close to the current section 21A of the Crimes Act 1958. That is introduced by clause 4. It provides for interim and final orders and for telephone and fax applications for orders, in a way similar to the Family Violence Protection Act. However, it does not contain provisions for police-issued interim safety notices as the Family Violence Protection Act does.

If the court is satisfied on the balance of probabilities that the respondent has stalked another person and is likely to continue, the court may make an order imposing any restrictions or prohibitions on the respondent that the court considers necessary. That is provided by clause 7.

Clause 9 provides that the court may suspend or revoke a firearms authority held by the respondent and that there is no right of appeal under the Firearms Act 1996 against the decision.

Clause 35 provides that the police may direct a person to surrender firearms, ammunition and/or a firearms authority if an intervention order is made against the person or a police officer is satisfied that there are grounds for making an order.

Under clauses 37 and 40, if a direction is not complied with or if police obtain a warrant, the police may seize the firearms, ammunition and/or firearms authority. If a final order is made and a person applies under section 189 of the Firearms Act 1996 and is declared not to be a prohibited person, the person can get back the seized items pursuant to clause 41. Under clause 42, if no final order is made, a person is also able to get back seized items.

Clause 32 of the bill sets the maximum penalty for contravention of an order as 240 penalty units and/or imprisonment for up to two years, and clause 31 contains a section 85 clause limiting the jurisdiction of the Supreme Court by preventing an appeal against an order made by the County Court or the trial division of the Supreme Court.

Stalking has become an increasing problem in recent decades in Victoria. Many people have been subject to considerable fear, or actual violence, as a result of

stalking conduct. The objective of the regime of stalking intervention orders is to enable people to seek an order restraining stalking conduct rather than be left without a remedy until conduct reaches a point where it constitutes an assault or some other offence, or where there is a specific tort committed or other grounds under which an injunction could be obtained.

Even obtaining an injunction in those circumstances would be a difficult process. This is an important area of law for protecting a number of people in the community who are subject to threats or at risk of violent or harassing conduct.

However, there are two forms of difficulty that can arise. The first form is if the intervention order regime proves to be inadequate. The second form of potential problem is if the intervention order regime proves to be open to abuse. In one instance it is not working effectively enough and in the other instance it is applying in circumstances where it was not intended to operate. Both forms of problem have emerged in relation to the existing stalking intervention order regime.

A number of people have made the point to us that it is all very well to have intervention orders but they are not much use unless they are properly enforced, and that if a person violates an intervention order then police and other authorities will intervene and will protect the person concerned. There is a fear that in a number of instances that is not happening. In that context the opposition is particularly concerned that the bill proposes to reduce the maximum penalty for a second or subsequent offence from five years to two years in a manner very similar to the reduction in the maximum penalty that was made under the Family Violence Protection Bill.

We canvassed that issue at some length in relation to that bill, and the opposition sought to move amendments to ensure there was an option for a five-year sentence to be sought by the prosecution through bringing proceedings for an indictable offence in the County Court while at the same time leaving the potential for a penalty of up to two years through a Magistrates Court proceeding. This was intended to give an additional option to the prosecution in particularly grave cases of the breach of an intervention order. Regrettably in relation to that bill, opposition parties were unable to persuade either the government or a majority overall in the Legislative Council to support our amendments. Accordingly we are not moving similar amendments in relation to this bill, but our point remains that we believe it would be better if the bill included the option of proceedings for an indictable offence bearing a maximum penalty of five years for the breach of an intervention order.

The converse concern about the bill is where proceedings for intervention orders are misused, and that is also a concern about the regime as it currently stands. Examples have been raised with us of situations where legislation is used as a tactic in neighbourhood disputes or disputes over property or similar matters in a family context. In some respects it is a very easy allegation to make that someone has engaged in threatening conduct that amounts to stalking. Orders can be obtained, for example, that exclude people from access to their own property, and that can be used to gain significant advantage over another person based on false accusations.

It often becomes difficult to prove what actually transpired, and the threat of seeking an intervention order — indeed the actuality of having obtained one — can be used to apply leverage to people to make a financial payment or to concede some other point. It is important that the stalking regime safeguards against that potential abuse. As I indicated earlier, we certainly hope that is one of the matters that is dealt with in the review, alongside the need to ensure effective operation and enforcement of the regime to protect those who have a genuine need for protection and are in genuine fear or risk as a result of stalking behaviour.

I will also raise some matters relating to the firearms provisions of the bill. Clearly it is important that where there is a perception of a threat or risk of violence against a person and where the perceived or actual perpetrator of that potential violence has firearms or a firearms authority, there be a speedy mechanism available whereby those firearms can be seized and whereby the use of the firearms against the person being stalked is prevented, and there are a range of mechanisms in the bill that are designed to allow that.

If there is a genuine risk of misuse of firearms, it is imperative that a quick decision can be made to take those firearms off the scene until the matter can be bought before a court and resolved. The opposition parties certainly support the provisions of the bill that allow that to happen.

However, it is also important that the issue can be decided before a court and that in cases where people have firearms for bona fide purposes and where a court, upon proper inquiry, finds that there is not a significant risk of those firearms being misused, that the owner of the firearms continues to enjoy their right to use those firearms in accordance with the law.

The opposition understands that the current legislation is not working in that manner. We have been informed that the police interpret the current act in a way that means they cancel a firearms authority or licence as soon as an intervention order is made and refuse to reinstate it even when the person is declared by the court to no longer be a prohibited person. In those circumstances the person with the firearms is required to go through the entire lengthy, expensive and time-consuming process of re-applying for their firearms licence. There are similar concerns about what happens when a final order is not made.

This bill offers improvements to the current situation in that its provisions allow for the return of firearms in circumstances where no final order is made or, if a final order is made, the person successfully applies under section 189 of the Firearms Act to be deemed not to be a prohibited person.

There are two aspects of the bill that I want to discuss further. Firstly, it is not clear from clause 41 of the bill whether it is possible for a person to be declared not to be a prohibited person at the time that the court makes the final order. It would seem logical that the court that assesses the intervention order and issues a final order should also assess whether the person should continue to be deemed a prohibited person. If that assessment is made by that court, then the person would not be forced to go through a separate, extended process seeking not to be considered a prohibited person. You would think the court that made the decision about the intervention order would be as well placed as any to judge whether or not the person should be a prohibited person. If those propositions are correct, it would seem logical and appropriate that the bill should operate in such a way that the person can be declared not to be a prohibited person at the time of the making of the intervention order, and hopefully that can be confirmed to be the case.

The second aspect that I raise deals with what happens when a person is directed by the police to surrender firearms, ammunition or a firearms authority. That situation is dealt with in clause 35 of the bill. It can arise if an intervention order has been made or if a police officer is satisfied on the balance of probabilities that there are grounds for the making of an intervention order and the police officer is aware the person has a firearm, a firearms authority or ammunition in their possession. In those circumstances the police can direct the person to surrender those items to the police officer either immediately or within a specified time period.

The question that arises is: if the firearms and other items are surrendered in those circumstances and then either a final intervention order is not made or a person is declared not to be a prohibited person, can the person get their firearms, ammunition or firearms authority back? My concern is that clauses 41 and 42 of the bill do not seem to cover that situation. Both those clauses apply if a firearm, firearms authority or ammunition is seized under proposed sections 37 or 40; however, there is no mention of what happens if firearms, ammunition or a firearms authority are surrendered on direction under proposed section 35.

My fear is that we will be in the anomalous situation where if someone complies with a direction of a police officer and surrenders those items, there is no mechanism for them to get those items back if there is no final order made or if they are declared not to be a prohibited person; whereas on the other hand if the person defies the direction of the police officer to surrender those items and then subsequently those items are seized under proposed section 40 because the person has failed to comply with a direction under proposed section 35, there is a mechanism whereby their firearms or other items can be retrieved later. That would clearly be a very anomalous operation of the legislation if that were the case. Again, I would ask the government to consider and address that concern during the course of the consideration of this bill, either in this house or while the bill is between houses.

In conclusion, as I said at the outset, the opposition parties support the bill because they believe on balance that it either continues the status quo or makes improvements to the status quo. However, there are the concerns I have mentioned about deficiencies in the bill; in particular the reduction in the potential maximum penalty for a second or subsequent offence, the gaps in not providing adequate and practical enforcement of intervention orders, and the legislation still being open to misuse in cases where there is not genuine stalking involved. These are matters that need to be addressed during the course of the review. I hope the other concerns I have raised, in particular in relation to the operation of firearms provisions, can be addressed during the course of this debate.

Debate adjourned on motion of Ms GREEN (Yan Yean).

Debate adjourned until later this day.

Remaining business postponed on motion of Ms NEVILLE (Minister for Mental Health).

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Land Victoria: property transfers

Mr CLARK (Box Hill) — I raise with the Minister for Mental Health, who is at the table, a matter for the Minister for Environment and Climate Change about the adequacy of the checks conducted at the land titles office as to the validity of land transfers lodged with it, and I ask the minister to take action to have the scrutiny conducted by the land titles office improved. My concern arises from a matter raised with me by a Dr John Helmer, who has been in dispute with a solicitor who used to act for him and his mother in family matters, including the handling of a transfer of land forming part of his late father's estate.

Dr Helmer tells me that the land titles office approved a transfer of property submitted by the former solicitor on 6 November 2003 and given the reference AC455050G. The transfer purported to be based on Dr Helmer's father's will, but an examination of the will lodged with the transfer would have shown that the transfer was not in fact supported by the will and was contrary to the trust over the land established by the will. It is now accepted by the former solicitor that the transfer was erroneous, but it remains a matter of dispute whether the erroneous transfer was due to innocent mistake, negligence, fraud or other reason. Despite this, the erroneous transfer has not been reversed.

What is beyond dispute is that the land titles office did not pick up the fact that the transfer was not supported by the will, even though the relevant documents were lodged with it. If an erroneous transfer could be registered on this occasion, on how many other occasions might invalid transfers have been registered by the land titles office? Such a transfer has the potential to cause enormous grief and cost to people who can be deprived of their interest in land without their knowledge by simple administrative action. If the land is on-sold to an innocent party, one party or the other will lose their entire interest in the land. At the very least, the original owner will be exposed to great cost and expense to get back their interest.

In the UK there have been several examples of gross fraud using forged land transfer documents. In one case a tenant paid £3 to access online the deeds on the Land Registry's website for the house he was renting, he copied the signatures to give himself a fake power of attorney and transferred the deeds over to his name. He then took out a mortgage for £140 000 and disappeared.

The question arising from Dr Helmer's experience is whether there are adequate safeguards in place to prevent similar fraud in Victoria, given how easy it was for an erroneous transfer to be registered in his case. The transfer in this case was also marked as duty free by the State Revenue Office, even though the SRO should have picked up that the transfer was not supported by the documents given to it. Dr Helmer has told me he has tried to get the land titles office to investigate how the title came to be registered but that it has refused to do so. This adds concerns about a cover-up to the concerns about the initial error.

I will be happy to provide further details of Dr Helmer's case if the minister would like them. I ask the minister to find out what has happened in this case, and to put in place measures to ensure that similar mistakes or worse cannot occur in future.

Victoria University: campus closures

Ms DUNCAN (Macedon) — The matter I wish to raise is for the Minister for Skills and Workforce Participation. The action I seek is for the minister to take all action necessary to ensure that the Victoria University campus at Sunbury remains an educational facility offering post-compulsory education for students in Sunbury and the surrounding areas. As I said in a letter to the Victoria University council last week, if the university is no longer interested in providing educational services to students in the west, and specifically in Sunbury, then it should allow a body which does have an interest to take over that responsibility.

At its council meeting last night Victoria University made the decision to close its Sunbury and Melton campuses. The announcement of the closure of the Sunbury and Melton campuses included the university's intention to make approximately 280 academic staff redundant. This will be the largest mass redundancy in Australian university history, and represents some 26 per cent of the university's academic staff.

The vice-chancellor of Victoria University argues that the reason for the closure is the need to spend more money on capital works. I respectfully suggest to the vice-chancellor that she not close the Sunbury campus and save the university a lot of money by continuing to operate that campus. In its press release the Victoria University council said that it is on track in offering the courses that students want at the campuses they prefer. I am of the view that if you offer courses that are relevant, students will attend. Students will attend the institutions that offer the courses that will get them the best results. I attended the then Footscray Institute of Technology for some years many years ago not because

I particularly wanted to go to Footscray but because that institute offered the course I wanted to do. Provided that the courses are relevant, the students will come.

The decision of the Victoria University Council is also premature in my view given the process being undertaken as part of the Bradley report and the commitment the federal government has made in regard to higher education. While financial management decisions rest with the university and the university council, they should remember the millions of dollars of taxpayers money that has gone into the Sunbury campus. Recently nearly $3 million was given by the state government for the music school, which is a brilliant new facility.

I have already had calls from members of groups that use this campus who are extremely concerned about their future and who have been told nothing. The Sunbury campus is a brilliant site, and although the vice-chancellor refers to it as a small outer suburban campus, there is nothing small about it. It is a large site close to the airport which provides excellent student accommodation. If Victoria University thinks it can sell this valuable community asset, I urge it to think again. I ask the minister to do all she can to ensure this facility continues.

Port of Echuca: upgrade

Mr WELLER (Rodney) — I wish to raise a matter for the attention of the Minister for Regional and Rural Development regarding the need for urgent funding to upgrade the historic port of Echuca precinct. The action I seek from the minister is to immediately commit funding for the project through the Regional Infrastructure Development Fund. A commitment now from the Victorian government would assist the Campaspe Shire Council to leverage additional funding from the federal government's Building Australia Fund.

Earlier this month the federal government allocated $20 billion to the fund and announced it would fast-track infrastructure spending in the wake of the worsening global economic crisis. The Prime Minister indicated he would have an open and transparent list of priority infrastructure projects by the end of the year. That being the case, it is critical that the Brumby government act immediately to increase the chances of Echuca securing funding from the Australian government for the port's tourism investment strategy.

At the Council of Australian Governments meeting on 7 October, state and territory leaders agreed with the Prime Minister, Kevin Rudd, to fast-track infrastructure spending. I urge the Victorian government to fund this major project at Echuca as a part of its pledge to immediately inject funds into infrastructure across this state.

The port of Echuca precinct is a key iconic tourism destination for visitors to the Murray River region, attracting around 60 000 visitors each year and contributing about $220 million per annum to the economy. The proposed concept plan for the precinct is an exciting initiative, but it cannot be achieved until funding is committed by both the Victorian and federal governments. An indicative cost of the concept plan is around $17 million and the tourism potential and economic benefits for the region are enormous.

The focal point of the strategy is the refurbishment of the wharf to its former glory. This is critical given a recent study by the Campaspe Shire Council which revealed that the wharf is deteriorating at a more significant rate than anticipated. The Campaspe Shire Council has demonstrated its commitment to the project, and it is now time for the state government to come on board. As soon as the Victorian government commits its share of funding, the task of obtaining funding from the federal government will be far more achievable.

Victoria University: campus closures

Mr NARDELLA (Melton) — My adjournment matter is for the Minister for Skills and Workforce Participation. The action I seek is for her to have discussions with Victoria University, following its decision yesterday to close the Melton and Sunbury campuses, to force the university to institute transitional arrangements to retain higher education, TAFE courses and community activities at the Melton campus and to do what she can to stop as many of the 270 forced redundancies as possible.

Victoria University vice-chancellor, Professor Liz Harman, is destroying this great institution. She has presented a fait accompli to the university council regarding the campus closures and the 270 redundancies. Professor Harman and her sycophant management team announced the forced redundancies last week and then presented this fait accompli of the closures to the council yesterday. The council had to accept the proposal or take a no-confidence position with regard to the vice-chancellor, who would have been forced to resign if her decisions had not been adopted.

Professor Harman and her management toecutters took the easy decision in the Thatcher mould to implement

economic rationalist policies that weaken local communities by taking away a critical piece of infrastructure that adds to the social capital and lifelong learning opportunities available in the disadvantaged and growing areas of the outer west where greater access and equity are needed. She has form in the 2006 sackings and now these sackings two years later.

Professor Harman is selling and disposing of the heritage, the assets and the legacy of generations of western suburbs residents, students and communities who have built up this great institution. She is just selling it off. In two years time she will move on. She will leave once her contract ends, but her legacy, her disaster and her scorched-earth policy and practice will remain from her inglorious wasted term of office.

Since being appointed to Victoria University, Professor Harman's modus operandi has been to sell, sell, sell — like an auctioneer — the campuses under her control. She is shutting down the Newport VU campus, not caring about the students in automotive studies who have nowhere to go next year. Who will train the western suburbs motor mechanics in the future? Certainly not VU! Professor Harman does not care, does not undertake real consultation or listen to reason, and is callous about sacking 270 people, with real families, just before Christmas. This is heartless. This is the Christmas present awaiting 270 families this year, following in the footsteps of the Kennett government, which sacked 1600 school cleaners just before Christmas in 1993. It is cruel and heartless.

For an intellectual, Professor Harman has not done any hard thinking in conjunction with local communities, students, staff and other stakeholders to build this institution, not to disassemble it and weaken it, to sack great, committed hardworking staff at all levels, and to bring this great institution to its knees and into disrepute, where all staff are scared for their future and where VU will have real difficulty attracting staff in the future. It is a real tragedy that VU is disappearing into its own orifice and becoming unviable. In the near future it will be taken over and survive long after Professor Harman and her sycophantic managers are gone.

Specialist schools: review

Mrs VICTORIA (Bayswater) — I rise to ask the Minister for Education to implement without delay the recommendations of the specialist school review report by Saratoga Professional Services Pty Ltd to the Department of Education and Early Childhood Development, eastern metropolitan region (EMR).

The issue of specialised schooling and support is continually brought to my attention as parents fight for the needs of their children with autism spectrum disorder (ASD). According to a 2008 Australian study, there is an occurrence of ASD between 1.21 and 3.57 per 1000 children aged 6 to 12 years. Of the many tens of thousands of families living in the Knox and Maroondah areas, how many of them have children with ASD; and how convenient could it possibly be to send their children 20-plus kilometres away to school every day?

Children with ASD require special attention. Their educational needs are not strictly limited to academic subjects; it is also vital to improve their social skills, such as functional communication and joint attention. Importantly, it is vital that these children have a good, stable environment in which to develop their cognitive skills. Thus, the environment in which autistic children are educated needs to be structured in a way that supports and creates consistency for each child.

There is an autism-specific primary school in Wantirna Heights, but the nearest specialist secondary school in the eastern suburbs is at Bulleen Heights. This is a hole that needs to be filled.

The aforementioned report shows that the highest growth in demand for disability services is found with students with ASD. On page 19 the report notes the urgency for extra ASD provision in the EMR cannot be overstated, judging by enrolment data. Recommendation 4 also noted that the partnership between specialist and mainstream schools needs to be strengthened in their shared responsibility to provide for students with disabilities.

Whilst support is fantastic, ultimately it is vital that this government take action so that parents of children with ASD are able to, at a minimum, have an option as to whether their child continues at a specialised or mainstream school. The parents with whom I have spoken do not feel they even have this option.

Some in the industry believe integration is the way forward, but the reality is that many schools find it difficult to manage particular students without the proper resources, especially those who are a little bit older. An online survey conducted on my website over the last few weeks found that of the nearly 300 people who responded, 80 per cent said the education services for special needs children are severely lacking.

Ultimately the report by Saratoga makes many recommendations, including relocating Wantirna Heights to a larger site, and this could in fact be the

Ferntree Gully Secondary School site, which was abandoned over two years ago. Again I call on the minister to give parents of autistic children choices in their children's education and to implement the findings of this report without delay.

Trimble Construction and Design Services Pty Ltd: director

Dr HARKNESS (Frankston) — I wish to raise a very serious matter this evening for the attention of the Minister for Planning. As minister responsible for the Building Commission, the action I seek is that he request the commission to investigate and act upon complaints regarding the conduct of a kitchen and bathroom renovation company, Trimble Construction and Design Services Pty Ltd, which has been trading as Kitchen Centre and Kitchen Koncepts. The director of this company is Alistair Trimble of Ashwood. This company is now insolvent, leaving 60 creditors, including my retired parents, without payment or without contracted work being finalised.

In my parents' case, they signed a contract with this company on 18 March and in total made progress payments up to 95 per cent of the contract. Work finally stopped on 14 August. Over this period of time numerous phone calls were made to Mr Trimble, and most were unanswered. All deadlines agreed to were missed. Efforts to conciliate an outcome with the assistance of Building Advice and Conciliation Victoria proved futile, and the company went into liquidation on 3 October.

Discussions have occurred between creditors and the liquidator, Bruce Mulvaney and Company. Creditors are advised that this builder may have been trading for a period of time whilst insolvent, and may have demanded and accepted payment for works that were faulty and/or incomplete. Of great concern are allegations that he may have sold aspects of the business, including the freehold title to his offices and showroom, furnishings, display stock and stock on hand, to other companies of which he is a director and/or to a family trust.

The liquidator has agreed to sell $10 000 of plant and equipment to another company of which Mr Trimble is a director and the name of which suggests he is still involved in kitchen renovations. In fact this company, Kitchen Koncepts Pty Ltd, was incorporated on 16 September, only a few weeks before Trimble Construction and Design Services Pty Ltd, trading as Kitchen Koncepts, went into liquidation and after Mr Trimble entered discussions with the liquidator.

This man clearly intends to continue operating, continue his unethical behaviour and continue to betray the trust of ordinary hardworking people who have sadly tendered their life savings. This company needs to be investigated to determine whether this builder has breached the conditions of his building practitioners licence; whether he should be referred for prosecution for unprofessional building practices; whether he was trading whilst insolvent; whether he holds other directorships in companies, trusts or other investment vehicles; and whether he reassigned or sold assets of Trimble Construction and Design Services Pty Ltd to other companies, trusts or investment vehicles of which he is a director or in which he has an interest.

I also note that this man serves as a director of Stonnington Community Financial Services Ltd, trading as Windsor Community Bank, which is a branch of Bendigo Bank, responsible for the management and investment of moneys of many decent people. Surely this man's position on the bank's board must be of great concern to Bendigo Bank, which generally has a high reputation for probity, decency and accountability. This man should not be allowed to parade himself as a respectable member of one community whilst behaving in the most unethical manner and ripping off others.

On the face of it the actions of Alistair Trimble constituent gross and dishonest conduct and potentially criminal behaviour. On behalf of the 60 contractors and homeowners who have been ripped off by this individual, I will fight to ensure that he is properly and fully investigated, and that he is brought to book for any and all errant behaviour. I request that the minister do likewise.

Australian Native Landscapes: Coldstream compost facility

Mrs FYFFE (Evelyn) — My request for action is to the Minister for Environment and Climate Change. In August 2005 the then Minister for Environment, with great fanfare, granted Leastwaste special permission to sign and operate a contract for the processing of green waste at Coldstream on a former quarry site. The green waste is supplied by five councils: Yarra Ranges, Maroondah, Knox, Manningham and Whitehorse, which comprise Leastwaste. Leastwaste signed a contract with Australian Native Landscapes for the operation of the facility. Delivery of the green waste began in February 2006, which was the beginning of a nightmare for local residents.

Not only at Coldstream itself but also in Main Street, Lilydale, the Gateway housing estate, Victoria Road

and further afield, the air has been frequently polluted with an appalling stink that can be best described as a cocktail of silage, warm vomit and rotting hessian bags. Depending on the wind, cloud and other weather conditions, the odour swirls and moves around, sometimes for an hour or so and at other times for more than half a day. Residents have given up planning and organising barbecues because the smell is not predictable. They have lost the enjoyment of their gardens, the rural aspects they moved into the area for, and one family had their daughter's wedding reception ruined because of the smell. International visitors coming to the valley for its wine and food are wrinkling their noses.

Residents and locals are bewildered that authorities would let this go on for so long: more than 32 long months. Numerous complaints have been lodged with the Environment Protection Authority (EPA) and council. Many articles and letters have appeared in the local papers. Residents have rallied at Lillydale Lake and letters have been sent to ministers. Despite numerous complaints the EPA has been slow to respond. It is a toothless tiger. Despite issuing pollution abatement notices it has not stopped the ordeal.

A case has been heard by the Victorian Civil and Administrative Tribunal and the tribunal has reserved judgement. Regardless of the VCAT hearing outcome the situation has got to be resolved. Not withstanding the best efforts and substantial financial investment of Australian Native Landscapes the compost facility is not working. The government and the minister have got to intervene. If there is a question of compensation, those responsible for this appalling bungle of siting the compost facility at Coldstream must pay adequate compensation.

I have been told that Yarra Ranges Shire Council has ceased delivering green waste to the facility. Yarra Ranges, along with the other four councils, was a key driver of this facility. If this is not resolved, residents for the third year will not be able to plan and partake in what is their right — that is, the enjoyment of their gardens for barbecues, Christmas parties or even just a quiet drink outside.

I call on the minister to take action to end this nightmare by instructing the EPA to follow through. It has gone on for far too long, and the facility should never have been put on this site in the first place. When Leastwaste signed the contracts for this facility, the then chairman Cr Bob Beynon said:

> Leastwaste and its member councils have vigorously pursued this project and overcome significant challenges that could have stopped it becoming a reality.

This should never have become a reality. It is horrendous, it is a nightmare and it has been going on for far too long.

Consumer affairs: Roof Guys Pty Ltd

Mr LANGUILLER (Derrimut) — The matter that I wish to raise tonight is for the attention of the Minister for Consumer Affairs. It has come to my attention that a company around Melbourne called Roof Guys Pty Ltd, which operates in Victoria, has approached a number of older people in the community. Using door-to-door sales methods the company approaches vulnerable and trusting individuals, who, may I add, are having a difficult time given the current international economic climate. It appears that this company is taking advantage of particularly older members of the community.

The action that I seek from the minister is that he request Consumer Affairs Victoria investigate the allegations and the claims that have been made against this company. I understand that the company uses door-to-door knocking and puts undue pressure on individuals. It appears the company is not complying with the cooling-off period provisions that typically exist for this type of company engaged in repairing roofs or doing other work that may have to be undertaken. It seems that the contracts are worth thousands of dollars.

There are significant allegations being made against the company. They ought to be investigated because there is a good way of doing business and a bad way of doing business, and it appears that this company is not doing things properly. There ought to be a clear message to these types of companies — that is, if they are unethical, if they are not good citizens, they will be investigated and be subject to the full rigour of the law. I understand the minister is absolutely determined, as is the government, to protect consumers, vulnerable people and citizens and to ensure that companies of this kind that take advantage of vulnerable people in the community do not get away with it.

Again I ask the minister to ensure that a proper full and thorough investigation of this company take place. Given my experience over the years with Consumer Affairs Victoria, if the company has done what has been alleged today, it will be caught.

Sandringham: beach renourishment

Mr THOMPSON (Sandringham) — I raise a matter for the attention of the Minister for Environment and Climate Change through the Minister for Gaming

at the table. I seek an urgent meeting with the minister on behalf of the Sandringham Foreshore Group and other residents of Melbourne who are seriously concerned with the destruction of the Sandringham foreshore following the recent construction of a rock groyne near the end of Southey Street. Since the groyne was installed there has been an unprecedented level of cliff and beach erosion north of the groyne. This in turn is leading to the direct destruction of one of the great beaches of Melbourne.

The Sandringham Foreshore Group has done a brilliant job in reviewing and challenging the work undertaken by the government. It briefed two independent senior academics to evaluate the project and make recommendations. Dr Wayne Stephenson, senior lecturer in geography at the University of Melbourne, recommends the cessation of one-off crisis response management to hotspot erosion, as it only transfers erosion problems along the shore; the establishment of rates of cliff recession and the establishment of the severity of the threat to assets; the removal of groynes, walls, rip rap, fences and access points; attention to aesthetic and landscape considerations; an integrated plan for the whole foreshore; and an investigation of the feasibility of re-nourishment of the whole of Sandringham foreshore.

The report states:

> Such a response should seek to redress any deficit in the sediment budget and provide a integrated management response to erosion of the Sandringham shoreline while maintaining landscape and community values.

In a report prepared by Monash University's School of Geography and Environmental Science, Associate Professor Jim Peterson concluded:

> I urge the Sandringham Foreshore Association, coastal authorities and all interested stakeholders to draw attention to the scope for adopting the soft engineering approach based on locally well-tried techniques of beach renourishment. Not only immediate interests would be served, but also the evolution of policy and practice in stakeholder participation for coastal management in Victoria in general.

Interestingly an information sheet titled 'Middle Park beach renourishment', carrying the Victorian government logo and the City of Port Phillip logo, makes the following comments, inter alia, 'Why not groynes; impact on adjoining beaches leading to erosion; only moves problem to another beach; size of groynes create visual barriers; safety concerns'. The document suggests the preferred option is to renourish with 50 000 cubic metres of sand and to top up losses with a regular transfer of sand.

The Sandringham Foreshore Group seeks the development of a comparable option for the Sandringham beach. In addition the group is concerned about misrepresentation of its viewpoint through a version of minutes of meetings with the Department of Sustainability and Environment, produced by DSE, which do not reflect accurately all matters dealt with.

Nearly 5000 people have already petitioned the government on the beach renourishment issue. On their behalf and on behalf of the Sandringham Foreshore Group I reiterate a request for a meeting with the minister so that the matters raised can be wisely reviewed and acted upon in the interests of all Victorians.

Diamond Creek swimming pool: funding

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs. The action I seek is for him to provide funding for the Diamond Creek swimming pool under the seasonal pool renewal program. The Diamond Creek pool is in a beautiful setting. It is a 25-metre outdoor pool adjacent to the banks of the beautiful Diamond Creek. It is in what you would call a sport precinct, adjacent to the Diamond Creek skate park and near Coventry Oval.

The oval is currently being significantly upgraded under the WaterSmart grounds program, which will give all-round access and drought-proof the surface into the future for the football club and the cricket club.

The pool itself is owned by the Nillumbik council and well managed by the YMCA, along with the Diamond Creek community centre, where there is a gym and basketball courts. I have had many enjoyable times there with my family, timekeeping for the Diamond Creek swimming club. I know that not just families enjoy the pool but also a lot of active older people use the pool. If there were additional funds spent to upgrade the pool and allow it to be used more than just over the immediate summer period, it would be significantly well used and an even better asset to the Diamond Creek community than it currently is.

In the short time he has been the minister the minister has a history of taking a great interest of the sporting needs of the community in Diamond Creek and in he city of Nillumbik itself. I know he is committed to well-funded and well-researched applications. When those are put before him, we have had good results. I urge the minister to again look at this application from the Nillumbik council on behalf of the Diamond Creek pool, because it would be a great asset to have it used in

more months of the year for families, older people and the whole Diamond Creek community.

Responses

Mr ROBINSON (Minister for Consumer Affairs) — I appreciate the member for Derrimut raising an important issue in respect of the number of consumers who have had unsatisfactory dealings with the company known as the Roof Guys Pty Ltd. The member has quite correctly pointed out the tactics of this company as have been reported to Consumer Affairs Victoria (CAV). They typically involve door-to-door sales approaches to older consumers offering to do work around their roofs. The common element of the complaints that have been received are that high-pressure sales tactics are employed and the company is not fulfilling its obligations under Victorian law in providing for a five-day cooling-off period.

I can give the member for Derrimut some comfort, however, in advising that CAV has received some 13 written complaints about this company and has been involved in working through those complaints to the point where a number of them have been settled. The agency advises me that none has required prosecution at this stage.

However, it is maintaining a watching brief and it is hoped that the number of cases that have been reported to the agency represents an aberration, whether that is through one salesman or a period when that company was not doing the right thing. Certainly it is the expectation that it will no longer do that.

However, we urge Victorians who might encounter people working for the Roof Guys to exercise caution based on the complaints that have come in. I can assure the member for Derrimut that CAV will not hesitate to take enforcement action if it is not possible to get the company to improve its performance.

I appreciate the member raising this issue. This is the time of the year where more generally itinerant traders come into the state, and they historically have been quite difficult to deal with. Again their approach typically is to go door-to-door to approach older Victorians in their front yards and offer cut price, limited offer work which results in high-pressure sales tactics and people paying good money for very shoddy work. At any time consumers who have any questions should seek advice from Consumer Affairs Victoria.

The member for Box Hill raised an issue for the attention of the Minister for Environment and Climate Change in relation to land titles office procedures and safeguards against fraud. I will refer that matter on.

The members for Macedon and Melton both raised, for the attention of the Minister for Skills and Workforce Participation, an issue in relation to the Victoria University campus at Sunbury, the provision of courses and the recent announcements about redundancies for staff. I will certainly pass that matter on to the minister.

The member for Rodney raised an issue for the attention of the Minister for Regional and Rural Development in relation to a funding request for the port of Echuca precinct, and I will pass that on.

The member for Bayswater raised an issue for the attention of the Minister for Education in relation to specialised schooling support services in the eastern region with particular regard to autism. I will pass that on.

The member for Frankston raised an issue for the attention of the Minister for Planning in relation to the Building Commission and his request for an investigation into the activities of a kitchen and bathroom company. I will certainly pass that on. At the same time, I would encourage the member to make available to my office details of that case because it may require a Consumer Affairs Victoria investigation. I think some of the issues he raised probably go to the role that Australian Securities and Investments Commission would play in relation to insolvent trading. We will need to try to make sure that that matter is passed on to a number of agencies.

The member for Evelyn raised an issue for the attention of the Minister for Environment and Climate Change regarding the impact on the amenity of local residents of the Leastwaste facility in her electorate. I will have that matter passed on.

The member for Sandringham raised an issue for the Minister for Environment and Climate Change requesting a meeting with local residents involved in the Sandringham Foreshore Group in relation to beach erosion. I will pass that matter on.

The member for Yan Yean raised an issue for the Minister for Sport, Recreation and Youth Affairs in relation to a Diamond Creek pool funding request; that matter will be passed on.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 12.09 a.m. (Wednesday).