

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Wednesday, 23 August 2006

(Extract from book 11)

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Joint committees

Drugs and Crime Prevention Committee — (*Assembly*): Mr Cooper, Ms Marshall, Mr Maxfield, Dr Sykes and Mr Wells. (*Council*): The Honourable S. M. Nguyen and Mr Scheffer.

Economic Development Committee — (*Assembly*): Mr Delahunty, Mr Jenkins, Ms Morand and Mr Robinson. (*Council*): The Honourables B. N. Atkinson and R. H. Bowden, and Mr Pullen.

Education and Training Committee — (*Assembly*): Ms Eckstein, Mr Herbert, Mr Kotsiras, Ms Munt and Mr Perton. (*Council*): The Honourables H. E. Buckingham and P. R. Hall.

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Family and Community Development Committee — (*Assembly*): Ms McTaggart, Ms Neville, Mrs Powell Mrs Shardey and Mr Wilson. (*Council*): The Honourable D. McL. Davis and Mr Smith.

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Law Reform Committee — (*Assembly*): Ms Beard, Ms Beattie, Mr Hudson, Mr Lupton and Mr Maughan. (*Council*): The Honourable Richard Dalla-Riva, Ms Hadden and the Honourables J. G. Hilton and David Koch.

Library Committee — (*Assembly*): The Speaker, Mr Carli, Mrs Powell, Mr Seitz and Mr Thompson. (*Council*): The President, Ms Argondizzo and the Honourables Richard Dalla-Riva, Kaye Darveniza and C. A. Strong.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Ms Buchanan, Mr Dixon, Mr Honeywood, Mr Nardella and Mr Smith. (*Council*): Ms Argondizzo, Hon. C. D. Hirsh and Mr Somyurek.

Public Accounts and Estimates Committee — (*Assembly*): Ms Campbell, Mr Clark, Ms Green and Mr Merlino. (*Council*): The Honourables W. R. Baxter, Bill Forwood and G. K. Rich-Phillips, Ms Romanes and Mr Somyurek.

Road Safety Committee — (*Assembly*): Dr Harkness, Mr Langdon, Mr Mulder and Mr Trezise. (*Council*): The Honourables B. W. Bishop, J. H. Eren and E. G. Stoney.

Rural and Regional Services and Development Committee — (*Assembly*): Mr Crutchfield, Mr Hardman, Mr Ingram, Dr Napthine and Mr Walsh. (*Council*): The Honourables J. M. McQuilten and R. G. Mitchell.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Ms D'Ambrosio, Mr Jasper, Mr Leighton, Mr Lockwood, Mr McIntosh, Mr Perera and Mr Thompson. (*Council*): Ms Argondizzo and the Honourable Andrew Brideson.

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Deputy Speaker: Mr P. J. LONEY

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Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

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Mr E. N. BAILLIEU

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

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Mr P. J. RYAN

Deputy Leader of The Nationals:

Mr P. L. WALSH

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Carli, Mr Carlo	Brunswick	ALP	Maxfield, Mr Ian John	Narracan	ALP
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Ingram, Mr Craig	Gippsland East	Ind	Thwaites, Mr Johnstone William	Albert Park	ALP
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Jenkins, Mr Brendan James	Morwell	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wilson, Mr Dale Lester	Narre Warren South	ALP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wynne, Mr Richard William	Richmond	ALP

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Wednesday, 23 August 2006

The SPEAKER (Hon. Judy Maddigan) took the chair at 9.32 a.m. and read the prayer.

RULING BY THE CHAIR**Member for South-West Coast: comments**

The SPEAKER — Order! Prior to getting under way, during question time yesterday the member for South-West Coast refused to withdraw a comment when asked to by the Speaker. Whilst a number of his colleagues said he had withdrawn, *Hansard* records his refusal to do so. In effect I should have suspended the member for South-West Coast immediately. I advise all members that any further breaches will be dealt with by immediate suspension. In future if any members wish to raise matters similar to those raised by the member for South-West Coast, it should be done in writing to the Speaker.

Mr Baillieu — On a point of order, Speaker, I do not know, obviously, what discussions you may or may not have had with the member for South-West Coast, but I certainly distinctly heard the member for South-West Coast say, 'I withdraw'. I do not know whether you have had those discussions.

The SPEAKER — Order! In relation to that, I certainly did not hear it and *Hansard* has not recorded it, but I do acknowledge as I reported that some of the member's colleagues did say that, and that is why I am taking no further action in relation to the member for South-West Coast at this stage.

PETITIONS**Following petitions presented to house:****Ferntree Gully Primary School: historic buildings**

To the Legislative Assembly of Victoria:

The petition of residents of the municipality of Knox draws to the attention of the house:

The Association for the Preservation of Ferntree Gully Primary Schools Historic Buildings

The association's objective is to ensure that the original Ferntree Gully Primary School teacher residence and classroom, both built in 1883, the classroom built in 1901 and a third classroom built in 1937 are retained and maintained in good condition for the benefit of the local community.

The petitioners therefore request that the Legislative Assembly of Victoria:

retain the buildings aforementioned for use by the local community

that funding be available by the government of Victoria to ensure that the buildings are preserved and maintained in recognition and respect of our past heritage and for the benefit of future generations.

By Ms ECKSTEIN (Ferntree Gully) (218 signatures)**Gas: Raymond Island supply**

To the Legislative Assembly of Victoria:

The petition of the residents of Raymond Island draws to the attention of the house the desire to be included in the natural gas reticulation rollout for regional towns. The petitioners therefore request that the Legislative Assembly of Victoria calls on the state government to provide funding for Raymond Island to be reticulated through the state government's Rural Infrastructure Development Fund.

By Mr INGRAM (Gippsland East) (139 signatures)**Planning: Glen Waverley development**

To the Legislative Assembly of Victoria:

The petition of residents of the City of Monash, CSIRO Site Redevelopment Action Group, draws to the attention of the house that we object to the application for review by VCAT of the City of Monash's decision to refuse granting a planning permit lodged by Associated Town Planning Consultants on behalf of Premier Developments for the proposed development at 57 Kinnoull Grove, Glen Waverley, being part of the former CSIRO site.

VCAT reference no. P1851/2006; City of Monash reference no. 33891.

The petitioners therefore request that the Legislative Assembly of Victoria ask the Minister for Planning, Rob Hulls, to call this review in from the VCAT hearing because:

1. The Glen Waverley community deserves to be constructively engaged in the entire redevelopment of this important infill development known as the CSIRO site (57 and 59 Kinnoull Grove). The redevelopment on this part of the CSIRO site (57 Kinnoull Grove) should be considered in context of the rest of the former CSIRO land parcel (59 Kinnoull Grove) which were sold to the developer as a package. The approval for a planning permit for 57 Kinnoull is premature, pending the plans for development of 59 Kinnoull Grove.
2. This 13.9-metre high, 20-metre wide, three-storey (plus semi-basement car park) development of nine flats is inappropriate to the 95 per cent single-storey and single-dwelling Kinnoull Grove location. It is more suited to a central precinct activity centre where shopping, amenities and public transport are available. Kinnoull Grove is a quiet no-through-road residential

street and not such an activity centre. We believe this is not in accordance with the Melbourne 2030 plans.

By Ms MORAND (Mount Waverley) (304 signatures)

Water: Wimmera-Mallee

To the Legislative Assembly of Victoria:

The petition of concerned residents of the Wimmera-Mallee of the state of Victoria draws to the attention of the house the urgent need for water for household use and for firefighting this coming summer.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria urges the Minister for Water to hold over the environmental flow bulk entitlement to the Wimmera and Glenelg rivers this year to allow the water to be used to fill house dams and strategically placed dams for firefighting.

By Mr WALSH (Swan Hill) (1055 signatures)

Tabled.

Ordered that petition presented by honourable member for Ferntree Gully be considered next day on motion of Ms ECKSTEIN (Ferntree Gully).

Ordered that petition presented by honourable member for Swan Hill be considered next day on motion of Mr WALSH (Swan Hill).

Ordered that petition presented by honourable member for Gippsland East be considered next day on motion of Mr INGRAM (Gippsland East).

DOCUMENTS

Tabled by Clerk:

Audit Act 1994 — Report of the Auditor-General — Results of special audits and other investigations — Ordered to be printed

Melbourne City Link Act 1995 — Melbourne City Link Twenty-second Amending Deed

Victorian Privacy Commissioner — Mr C's Case: Report of an investigation pursuant to Part 6 of the *Information Privacy Act 2000* into Victoria Police and Department of Justice in relation to the security of personal information in the Law Enforcement Assistance Program (LEAP) and E*Justice databases — Ordered to be printed.

MEMBERS STATEMENTS

Anne Horrigan-Dixon

Mr WYNNE (Richmond) — I rise to pay tribute to the outgoing executive officer of the Fitzroy Learning

Network, Anne Horrigan-Dixon. Anne has worked for her community in North Fitzroy and Fitzroy for more than 20 years, and in that time she has opened her home and her heart to less fortunate members of our community. Following her work as coordinator of the Holden Street neighbourhood house, Anne was involved in campaigns to establish a playground in Park Street and to save the local library and of course she was involved in the Fitzroy High School battle.

A skilful activist and administrator, Anne led the Fitzroy Learning Network for 12 years. During that time she advocated at the highest levels of state and federal governments in support of refugees and asylum seekers. When the Howard government refused support for temporary protection visa holders, the Fitzroy Learning Network stepped into the breach. Under Anne's leadership new arrivals were equipped with English language skills, literacy and numeracy, computer skills, access to social networks, housing and legal support.

Anne's dedication to the job attracted volunteers as well as skilled teachers and community workers. Together they created one of the best support networks for refugees and asylum seekers anywhere in Australia. Anne has left a significant legacy in the Fitzroy Learning Network, which will continue to serve the many refugees and asylum seekers as well as the broader community, particularly public housing tenants on the Fitzroy Atherton Gardens estate.

I want to pay tribute to Anne, to sincerely thank her on behalf of the community and to wish her all the best in her future endeavours.

Disability services: student transport

Mr DIXON (Nepean) — The Bracks government has callously reduced funding to children who attend special deaf education annexes attached to some Victorian schools. Since this issue has been raised by the Liberal Party — which, incidentally, will reverse this cruel policy — the government has countered by saying parents of deaf children can now receive a \$2000 conveyance allowance. This insult shows just how out of touch and arrogant this government is. The \$2000 is on average only enough for one day's taxi transport every school week. Who now will pay for the other four days a week? The government has said it will not, so it is now up to the parents to pay.

As a result of this government's cruelty, parents have already withdrawn some children from their special education settings. Some parents have given up a job to drive their children to school, and others have been

forced to accompany their children or send their children unaccompanied on multiple public transport trips to and from school each day. Parents of hearing impaired children estimate that the government's decision to dump shared taxi services has already adversely affected 175 children. That number will grow as new children begin prep or transfer to year 7 in 2007. All this is for a miserable net cost saving of just over \$1 million a year. Surely a few political ads or glossy brochures or media advisers are not as important as some of our most vulnerable young people. I am perhaps asking too much of this government, which is all about winning the next election, not governing for all Victorians.

Lara Primary School: *Rabbits*

Mr LONEY (Lara) — On Friday, 12 August, I was fortunate enough to be the guest of honour at the world premiere of a new Australian film. The film, *Rabbits*, was a production of grade 3 at Lara Primary School. The premiere was held in the full Hollywood tradition: red carpet walk, stars in glittering gowns and tuxedos, spotlights, announcers and adoring crowds.

The film was produced as part of the school's environmental science program, which is done in cooperation with the Serendip Sanctuary and was focused on the locality's history as the place in which rabbits were first released in Australia. The film documents the subsequent effects on the environment and on the people of Australia of the release of those rabbits. It also shows the remarkable work that Serendip Sanctuary does in the local community.

This was a great film and a great function. My congratulations go to grade 3 at Lara Primary School and everybody involved with the project.

Water: irrigators

Mrs POWELL (Shepparton) — On 15 August Goulburn-Murray Water (GMW) announced an initial water allocation of just 7 per cent in the Goulburn system, with only a 40 per cent chance of receiving 100 per cent allocation by February 2007.

In a notice of motion yesterday I asked the government to urgently meet with farmers, the Victorian Farmers Federation, United Dairyfarmers Victoria and the industries affected by this low allocation to assure them there is assistance to enable farmers to remain viable in the long term. This assistance is also in need for small businesses in drought-affected areas in country Victoria. History shows us that when there is a drought

many people and many businesses and industries suffer alongside our farmers.

In question time yesterday the Leader of The Nationals asked the government to compensate regional water authorities this year to avoid their having to charge customers for water they will not receive. Yesterday I received a letter from the chairperson of Goulburn-Murray Water, Mr Don Cummins, highlighting the critical situation. He said:

You will be aware that we are confronting the lowest rainfall lead-up to any season on the Goulburn irrigation system even including the 2002–03 season when allocations reached only 57 per cent of water right.

GMW called all industry leaders to a meeting to explain water availability and the different options available to meet the needs of irrigators. While we all hope there are decent rains soon, the government must act immediately to assist farmers, milk companies, industries like SPC Ardmona, and companies that support the agricultural industries. We do not want to lose our farmers and orchardists because there was no support for them when it was needed.

Glen Huntly Primary School: Morris Gleitzman visit

Ms BARKER (Oakleigh) — I recently visited Glen Huntly Primary School and spent a very enjoyable time with one of the ambassadors of this year's Premier's reading challenge, Morris Gleitzman, who spent time talking to the students, telling them of his experiences and answering their many questions.

Grade 2C has sent me a thankyou for that visit and included the students' writing about this visit — and they have captured many of the wonderful things that Morris shared with them. I want to share it with members today. It goes like this:

M is for Morris Gleitzman, author, who visited GHPS for the Premier's reading challenge
 O — oysters, wrapped in spinach and dipped in chocolate, would be a favourite food
 R is for 'round Carnegie you might see him'
 R is for really! — it took him 10 years to think about, and finally finish, his favourite book — once
 I — in his imagination, he wanted to be a famous soccer player when he was small
 S — started writing books at 32 years old, after writing film and TV scripts

That spells 'Morris'. It continues:

G is for getting ready to publish his 25th book
 L — London where he lived as a boy
 E — Every year he reads 52 books

- I — Illustrations for Morris's books are done by someone else
- T — Ten seconds is all it takes for Morris to get to work (even with a 'cat jam')
- Z — Zany! Doesn't barrack for an AFL team
- M — Morris has his own reading challenge
- A — And when he's cooking, his fish fingers go black because he's daydreaming
- N — Nearly always told us things in a humorous way

That of course spells 'Gleitzman'. I just want to say well done to grade 2C — a fantastic class in a fantastic school. I am very proud to have Glen Huntly as one of my local primary schools.

Crime: Box Hill electorate

Mr CLARK (Box Hill) — The latest Victoria Police statistics show there has been a large increase in the level of violent crime in the cities of Whitehorse and Boroondara in 2005–06. In Whitehorse the number of assaults was up 25.8 per cent, robberies were up 23.6 per cent and total violent crime was up 28.2 per cent. In Boroondara there was a 16.7 per cent increase in the number of robberies and a 16.5 per cent increase in assaults. In both municipalities the statistics also highlight the growing problem of graffiti, with property damage offences up 22.1 per cent in Whitehorse and 28.9 per cent in Boroondara. Also of concern is a 71.4 per cent increase in Whitehorse in offences of drug cultivation, manufacturing and trafficking, raising fears of a return of drug problems at Box Hill and/or other centres.

These increases in crime are not just numbers in a report. They represent people who have suffered physical and emotional injury or whose property has been vandalised or whose bodies and minds are being destroyed by drugs. Many people tell me there are parts of Box Hill Central where they are not willing to go after dark. Increasingly people roaming our streets at night are graffitiing and vandalising shops, offices and homes, with the police constrained by lack of numbers and lack of effective statewide anti-graffiti laws.

Both uniformed and plain-clothes police working out of Box Hill, Boroondara and Camberwell police stations do an excellent job with the resources they have available to them. However, it makes it harder for them to do their job when the number of general duties police in our police stations has been cut by 748 officers over the past two years. It is no wonder that we hear reports of police stations across the state being forced to close their doors due to lack of police.

National Servicemen's Association: Whitehorse anniversary

Mr STENSHOLT (Burwood) — Last week I was privileged to attend the third anniversary meeting of the Whitehorse sub-branch of the National Servicemen's Association at the invitation of president Fred Nelson. The meeting was held at the Box Hill RSL and attended by 70 or more members and their wives. It is good to see the nashos come into their own and receive proper recognition for the contribution they made to our armed services.

I have had a bit to do with the National Servicemen's Association in the last few months, having welcomed members to their new state headquarters at the Camberwell RSL sub-branch, where I am an associate member. I was invited to address the state conference briefly, and I wish members well in their new Camberwell home. I know they are settling in well, because several weeks ago I was back at the Camberwell RSL sub-branch building witnessing the handover to the Salvation Army of the many children's toys that the nashos make every year. Let me say it was a great pleasure to see there rows and rows of toys — all toys handmade by the nashos and presented to the Salvation Army for children at Christmas time. I commend their wonderful dedication and generosity. I told them that there would be many children in my area that would have a better Christmas this year because of the gifts from the nashos. I also wish them well in their fundraising for a new memorial in Canberra to honour the service to the nation performed by national servicemen.

The National Servicemen's Association is a great organisation, representing what is best about Australia. The Victorian Parliament salutes it!

Rail: Gippsland line

Mr SMITH (Bass) — The Bracks Labor hypocrites who have bragged about the farce rail program for Victorians have again misled the people, and the Gippsland line to Traralgon is a prime example. The people were promised a faster and better service, but what they have is only two flagship services a day, one in the morning and one at night. What a disgrace it is that neither of them stop at towns like Nar Nar Goon, Tynong, Garfield or Bunyip, which are developing towns. Now we have a service that does not serve the people. Two public meetings, one on the Nar Nar Goon railway station and one in Bunyip, condemned the government for not listening to submissions from those towns.

The government says it has delivered more services, and it has, but the services do not stop to pick people up. The new services have been scheduled at times in the night and on weekends when very few people will actually use them. The services are there to allow the government to say it is providing more and faster services; this is nothing but an expensive PR exercise. How much has it cost for this non-service delivery? Originally it was to be \$80 million, and now it is up to about \$1.3 billion. What a waste of money! The service that was there could have just been improved; at least it stopped at the stations and picked up people. Students are now stranded at university stations — at Clayton and Caulfield — as the trains fly through and do not stop. What a farce!

Schools: Mitcham electorate

Mr ROBINSON (Mitcham) — State schools are great schools. The Bracks government's continued investment in public education is allowing schools in the Mitcham electorate to go from strength to strength.

Recently at Rangeview Primary School 79 students between years 3 and 6 were involved in the University of New South Wales mathematics competition. The school was delighted that 16 students achieved a credit in that competition, 10 students achieved a distinction, and one student, Michael Leask, achieved a high distinction. As the school's newsletter notes:

This is a superb achievement for all involved and for Michael of 3/4S ...

Equally, just down the road, Antonio Park Primary School is continuing to record high levels of achievement, particularly in reading. The recent school annual report records that at year 1, 93.5 per cent of students achieved 90 per cent to 100 per cent accuracy at level 15. This is significantly above the state mean and the like school group — LSG — levels.

The school newsletter reports:

... student and staff absences are below the state average in almost every instance and results of parent and staff surveys indicate that Antonio Park Primary School is amongst the top schools in the state in terms of parent and staff perception.

State schools are great schools, and the Bracks government's continued investment in these schools is allowing them to go from strength to strength and do the right thing by our children.

Water: recreation facilities

Mr SAVAGE (Mildura) — Last week, with the member for Swan Hill and a member for North-West

Province in the other place, I attended a meeting at Birchip called by the Wimmera Mallee Recreational Water Alliance. The alliance is chaired by Maurie Williams, and it is to be congratulated on its efforts to highlight the need for recreational water in remote communities.

When the Wimmera–Mallee pipeline is completed there will be adequate water for recreational purposes, but to date the alliance has not been able to meet with Grampians Wimmera Mallee Water. The following recreational areas are in need of urgent consideration for water: the Warracknabeal Weir Pool; the Brim Weir Pool; the Beulah Weir Pool; Lake Lascelles; Donald Caravan Park Lake; Lake Wooroonook; Watchem Lake; Tchum Lake; Green Lake; the Rich-Avon Weir Pool; Lake Batyo Catyo; and the Yarriambiack Creek.

Communities in remote areas suffer grievously during summer periods without any recreational water. There is no water anywhere at the moment because of the drought, but when the pipeline is completed it will make a significant difference. These communities cannot afford to pay the price of water that is being proposed. To date the alliance has not been permitted to meet with Grampians Wimmera Mallee Water, and I would urge that that does take place very soon.

I visited Tchum Lake at Birchip. The community work taking place there is phenomenal, and they are to be congratulated. It is an indication of how important these recreational areas are for remote communities.

Mornington Peninsula: business awards

Ms BUCHANAN (Hastings) — On 21 August the regional spotlight shone on local businesses with the Mornington Peninsula business achiever awards. I make special note of category award winners Coolart Plumbing, Balnarring Motors, Zen Living and Montalto's; employee of the year, Kelly Morris, from Nepean Optical Rye; and business of the year, the Rye Hotel.

Major sponsors, Leader Community Newspapers, Wizard Home Loans, the Victorian Employers Chamber of Commerce and Industry, Mornington Peninsula Shire Council, Mind Your Own Business and truelocal.com.au, are to be commended for their support of these awards, which recognise outstanding achievement among small business. I was proud to represent the Bracks government, a government that believes in supporting small business by working closely with them to help them succeed in a competitive marketplace and acknowledging and rewarding small

business by also being a major sponsor of these regional awards.

Well done to all the category finalists who have made a remarkable contribution in both their field and to their community, boosting local confidence and representing the highest standards.

Casey: community buses

Ms BUCHANAN — The southern villages of the city of Casey are gearing up for a mighty celebration with the arrival of the first of two community buses purchased from a Department for Victorian Communities community building grant. Committee members Lynette, Lilian, Keith, Mary, Peter, Pam, John and Bob have been busy organising bookings from local schools, groups and sporting clubs which are looking forward to bringing on more opportunities for residents around these local townships. The buses will give many residents a great chance to get out to other communities, access their community house and engage in healthy activities. I encourage all southern townships to get their bus bookings in early.

Planning: Melbourne 2030

Mr THOMPSON (Sandringham) — I wish to draw attention to the flawed, underfunded, unloved and increasingly unworkable Melbourne 2030 policy of the Labor Party. Melbourne 2030 has frequently been used to justify projects which bear no resemblance to the expectations of local communities. The Sandringham electorate has many examples where there is much dissension as a result of the uncertainty about the application of the Melbourne 2030 policy.

The task ahead for the residents of Victoria is to have a fresh start, build and develop a new metropolitan strategy and restore the confidence of the community in accordance with clear objectives and goals. The clear objectives outlined in the Liberal planning policy, which I strongly support, include the protection of existing neighbourhood amenity, capacity-based growth rather than arbitrary targets, the enhancement of Melbourne's role in our reputation as a garden state, and local community support for local outcomes. An important principle should be the maximum provision of open space.

Sandringham electorate is marked by a high level of residential amenity with much backyard garden space. That has been a feature of the area for decades and one which the residents strongly support retaining rather than seeing it become part of the Elwoodisation of the Melbourne metropolitan area.

Country Fire Authority: Diamond Creek brigade

Ms GREEN (Yan Yean) — Recently I had the privilege of attending Diamond Creek Country Fire Authority's annual awards. I want to put on record my congratulations to the award winners. The captain's award was won by Trevor Taylor, recruit of the year by Noel Farmer, and firefighter of the year and most valuable member — both trophies — by Brad Clarkson.

The brigade again had a very busy year responding to many calls locally and also sending strike teams to fires at Anakie, Highlands, Grampians and Kinglake. I want to put on record my congratulations and thanks to the Diamond Creek CFA for the work it does locally and across the state.

Country Fire Authority: Epping brigade

Ms GREEN — I also had the privilege of attending the annual service awards and firefighter of the year presentations at the Epping Fire Brigade. It was great to catch up with friends at that brigade and see the great work they do. In the past year they had 383 local calls and sent strike teams to Lancefield, Anakie and the Grampians. It was a real honour to see national medal presentations to captain Charlie Cleary and firefighter Peter Hutchinson. Lieutenant Robert Saitta received his 12-year long service award. The firefighter of the year was again won by local legend Frank Ciechowski. The encouragement award was won by Wayne Mark. There was not a dry eye in the house when Anthony Gray was presented with a special award. Anthony has had a great deal of adversity to overcome; he is a much-valued member of the brigade. Well done, Anthony! I was pleased to see the new pumper tanker, and I look forward to officially handing it over soon.

Rail: north-eastern Victoria

Mr JASPER (Murray Valley) — I express the extreme concern of residents in north-eastern Victoria about the unsatisfactory passenger rail services being provided to that part of country Victoria. With great fanfare the Minister for Transport announced additional services to be introduced to country Victoria but with only three extra services to the north-east including Benalla, Wangaratta and Wodonga from next month. The new train schedules even ignore the requirements of regular train users.

I am constantly receiving complaints about the poor services — trains not running to time, seating shortages, faulty airconditioning, carriages and toilets often not

clean, and engine breakdowns. The state government and the minister are effectively ignoring those of us living in north-eastern Victoria. To rub salt into the wound we see the so-called fast trains from Ballarat and Bendigo, sometimes now called farce trains. They were introduced at a cost of over \$700 million compared to an original estimate of \$70 million — just to save only a few minutes in travelling times.

Utilising Spencer Street station, now called Southern Cross station, for north-eastern Victoria passengers is now a disaster. I travelled to Melbourne last week from Wangaratta. Apart from the train being late, the arrival platform left a long walk to the main part of the terminal, with many passengers, particularly older people carrying cases, complaining to me. Adding to the annoyance of passengers, we passed the brand-new trains going to Ballarat and Bendigo, which were close to the main terminal.

As a long-time supporter of passenger rail services in country Victoria, the minister must immediately provide upgraded services to north-eastern Victoria to overcome the government's neglect of this part of the state and to bring passenger rail services back to those people.

Wattleview Primary School: principal for a day

Ms ECKSTEIN (Ferntree Gully) — On 17 August I had the privilege of being principal for a day at Wattleview Primary School in my electorate. I would like to thank the principal, Ms Helen Storr, as well as the staff and students for allowing me to spend the day at the school and making it such a valuable experience. The visit enabled me to experience first hand some of the issues confronting principals and teachers on a regular basis.

I would like to acknowledge the very important work, that often goes unappreciated, that principals and teachers do in our schools every day in caring for, educating and developing to their fullest potential the children in our schools. It is an important job and not always an easy one. Wattleview Primary School has a considerable number of students with disabilities and/or challenging behaviours and I would like to commend the school, teachers and integration aides for all their hard work supporting these students and their families.

I attended the staff meeting, a year 6 graduation planning meeting and a meeting of the presidents of the Knox school councils, as well as visiting most of the classrooms to see the work that the children were doing. It was also footy day, and it was great to see both the children and staff get into the spirit of the day and

wear their team colours. It was pleasing to see so many black-and-white magpies represented, and I am pleased to say that the principal and I are of one mind on this important matter. The children also enjoyed the special activities for footy day, including the longest kick competition, with prizes awarded at each year level, and pies and sauce for lunch.

Again, my thanks to everybody at Wattleview Primary School for a great day. I would like to acknowledge the presence in the gallery of the principal, Ms Helen Storr, who is joining me for a day in Parliament.

Ambulance services: north-eastern Victoria

Mr PLOWMAN (Benambra) — Mitta Mitta, the far north-east and the Upper Murray have a volunteer ambulance service which covers a very large, isolated, mountainous area between Mitta and Omeo and around the Dartmouth Dam. In 2001 a submission was made for a joint facility to be established in Mitta to house Rural Ambulance Victoria, the State Emergency Service, the Country Fire Authority and the police. The then Minister for Health, Mr Thwaites, said:

The government supports a policy of co-location where economic advantage can be achieved.

The emergency services commissioner, Bruce Esplin, supported it and said:

I will endeavour to keep you informed about the progress of the proposal.

Mr Esplin advised that the 2003–04 budget bid included a submission for the building. However, that is where it stopped, because Victoria Police decided to build a new police station at Mitta. In 2004 the Rural Ambulance Victoria area manager advised that a demountable building would be placed at Mitta. That was delivered, but unfortunately it was opposed by the locals because they deemed it ugly. The shire council has said that a long-term joint facility would appear to be the most appropriate solution. Clearly that is what is required and what this government needs to do for that isolated community, which does not have housing for the ambulance.

Seymour electorate: emergency services

Mr HARDMAN (Seymour) — I rise to inform the house of the improvements being made to the resourcing of our emergency services in the Seymour electorate, which I know is being replicated across the state. Last week I had the honour of handing to the Seymour State Emergency Service (SES) the keys to a new lighting trailer. The trailer can light up a huge area, with 8000 watts of light from an extended height of

about 9 metres, as well as providing power to other equipment. Eighteen of those trailers are strategically placed around the state.

The \$45 000 trailer is provided through the Bracks government's counter-terrorism funding and will be utilised by the SES to assist emergency services in the region. The task did not seem to worry the active and dedicated volunteers of the Seymour SES, who know that they will be called out a lot more and over a greater area to do the great volunteer work they do. At the handover the new SES rescue vehicle and the new uniforms of the dedicated volunteers were noticeable. Also on that day the minister and I turned the sod at the site of the new Kilmore Country Fire Authority station. It was great to see that the volunteers there will also get the facilities they deserve.

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

Mental health: beyondblue

Mr ANDREWS (Mulgrave) — This morning I was very pleased to join with the Minister for Health and the member for Caulfield in attending a breakfast organised by beyondblue, the national depression initiative. The breakfast provided an opportunity to reflect on the very positive work of beyondblue in mental health research, community awareness and education programs. Under the chairmanship of former Premier Jeff Kennett, beyondblue has played a leading role in reducing stigma and in bolstering community awareness and understanding of mental health and mental illness, especially of high-prevalence disorders such as depression.

The Bracks government is proud to have supported the formation of beyondblue in 2000. Funding support and commitments from our government total \$35 million to underpin beyondblue's very important work. With one in five Victorians suffering mental illness at some time during their lives, mental illness is everybody's business. As we seek to address the challenges of the future — to better provide for and better support those in our community who suffer mental illness and their families and carers — beyondblue and its work will continue to be an important part of our collective effort.

I congratulate the board of directors, especially the Victorian board members, Jeff Kennett, John McGrath, Caroline Hogg and Dr Paul Hemming, and the chief executive officer, Leonie Young. Mental health care is all about bringing light into the lives of thousands of Victorians, and beyondblue is an important part of that

mission. Sincere congratulations and thanks to all concerned.

Graeme Breydon

Mr MERLINO (Monbulk) — I rise to join with the Minister for Tourism in expressing my sincere condolences at the sudden passing of Graeme Breydon, chair of the Emerald Tourist Railway or, as most people know it, Puffing Billy — a much-loved icon of Melbourne. If there is one word to describe all the staff and volunteers at Puffing Billy, it is passion. I think there is something about steam trains that brings out terrific enthusiasm and joy in people. The chair of the board was no different.

Graeme joined the Puffing Billy Preservation Society as a 10-year-old in 1964. He joined the board in 1989 and became chair a decade later. As chair, Graeme was determined to improve the Puffing Billy experience. Services were improved, which included, for example, extending the line to Gembrook and adding dining services. He addressed long-term issues in redeveloping the workshop areas, and as he was an enthusiast at heart he took great pride in the restoration of the G42 locomotive.

As a local representative I travelled on Puffing Billy a number of times. Every time I did so Graeme was there, either outlining the benefits of a particular new service or new infrastructure on show, or praising the work of the volunteers at an awards function. He clearly loved the railway and its people. He was a stellar volunteer giving all of his time on an honorary basis. I know he will be sorely missed by everyone at Puffing Billy. I extend my sympathies to Andrew Stephens, the new chief executive officer and fellow train enthusiast, to the marketing manager, David Eaton, and to all the staff and volunteers. Finally, to Graeme's former wife, Elsa, and daughter, Fiona: I am very sorry for your sad loss.

Rail: Sydenham line

Mr SEITZ (Keilor) — I rise to congratulate the Minister for Transport for listening to the appeals of the people in my electorate of Keilor and to my own representations to improve train services on the Sydenham line. An extra train runs in the morning and another in the afternoon, and next month we will also have extra trains at the weekend. This will allow some 2000 more people to use the train service on the Sydenham line to Watergardens station, which is a very popular station used by rail commuters.

A second step has now been started, and that is the expansion of the permanent car park at Watergardens

station, which is of great importance because patronage on that train line, and particularly at that station, has increased by some 10 per cent, which shows how popular that service is. While it is being expanded there will be some inconvenience for commuters. However, I ask them to bear with us while construction takes place on a permanent car parking facility at the railway station. I commend the Bracks government for listening to my appeals and to the representations made by the community in my electorate.

The DEPUTY SPEAKER — Order! The Minister for Agriculture has 35 seconds.

Castlemaine: community radio station

Mr CAMERON (Minister for Agriculture) — I raise a matter affecting my electorate. The people of Castlemaine want a local radio station, which is now a problem, because the Bendigo-based Radio KLFM has pulled out of Castlemaine, which had been a long-term plan. The former volunteers at Castlemaine want a radio station. Complaints have been made to the federal regulator, but the regulator is very slow and appears to be quite useless at this point. I urge the federal government to pull its federal regulator into line, because the people of Castlemaine deserve a local radio station.

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

MATTER OF PUBLIC IMPORTANCE

Schools: government record

The DEPUTY SPEAKER — Order! The Speaker has accepted a matter of public importance submitted by the member for Nepean proposing the following matter for discussion:

That this house condemns the Bracks government on its failure to maintain Victoria's schools, provide adequate funding and support to kindergartens and provide a choice of educational settings in government schools and notes positive alternative policies to reverse those failings.

Mr DIXON (Nepean) — Nothing is more important to the public than education. That is why some serious issues need to be addressed, and I intend to address them this morning, both in a negative sense in identifying the problems and in a positive sense in identifying some of the solutions to those problems.

First, I wish to talk about school maintenance. When I visit schools — and I have visited a lot of schools recently — the first thing anybody wants to talk about,

including parents, principals, teachers and school councillors, is school maintenance. They also want to talk about education, teaching and learning, but maintenance is always the first issue they want to raise. It is evident when you visit schools that maintenance is an issue.

When this government came to power in 1999, according to the Auditor-General the maintenance backlog in Victorian schools was \$130 million. This year, according to this government's own figures, that amount is now \$250 million — and \$50 million has been taken away from that as it was allocated in the budget. On anyone's reckoning that is almost a doubling of the maintenance backlog in seven years, and that is obvious when you visit schools.

Part of the drift from government to non-government schools is I think attributable to maintenance, and that is what schools are saying to me. When parents are driving around, checking out local schools that they might want to send their child to in a suburb or in a town, the way the school looks is often the first influence on the decision they will make. They often will not enter the school, even if there is great education going on in that school, if it does not look well maintained, if there is paint peeling and asphalt that is crumbling. They do not even bother to go inside that school to understand what is going on in there.

The government has also recently undertaken a maintenance audit, and I have had a number of complaints about that audit and the way it has been carried out. I have a letter here from a coalition of a number of school councils — there are about 30 school councils — that wrote to me. Some of the problems the councils had with the auditing process were, for example:

The validity of listing only 'non-functioning items' which appear in the audit report has raised a great deal of concern, especially when you consider the example of one of our schools ... a roof that was leaking was considered 'functioning' and has not been identified to be fixed, while the rain damaged carpet below the roof was deemed 'non-functioning' and will therefore be replaced.

To add further insult to injury, I am aware of some schools where the principals have said to me that the maintenance auditor did not even get on the roof. The auditor was not allowed to get on the roof, so how could he actually find the problems on the roof? If the problem with the carpet being damaged was identified, the audit said that 2 square metres of that carpet could be replaced. That is just ludicrous; it just does not work. The reality is that, if a school is given \$130 to replace 2 square metres of carpet, it is just not going to do it. It

is not worth the bother of chasing the quotes, filling out the forms and doing all the paperwork to get somebody to come and replace 2 square metres of carpet.

Another concern was in regard to the fact that an appeal can only be lodged against items which are not already listed in the audit. For example, if an area of concrete has been listed in the audit, then it is impossible for schools to list another concrete item, even if it is in a separate area or clearly has not been included in the amount recognised on the audit list. I could go on; this group of 30 school councils sent a whole lot of examples of the problems they had with the maintenance audit.

We have announced our policy that the \$200 million remaining maintenance backlog will be eradicated in our first term of government, and once that is done it means that the ordinary, everyday maintenance money that schools get each year in their budgets should be enough to keep a lid on the maintenance and do the everyday work that is necessary. At the moment schools are fighting a losing battle on that \$200 million of major maintenance that the government has identified, and we will commit over those four years an extra \$200 million to correct that maintenance backlog.

I now move on to preschools. A petition will be presented to this Parliament today with 34 000 signatures. It is one of the biggest petitions tabled here in recent history. It is asking the government to consider moving preschools from the Department of Human Services to the Department of Education and Training. The government is totally isolated on this issue. Every other state and every other political party in this state has said that this needs to be done for the good of the education of our children in preschools. There will be a protest outside. A lot of people are worked up about this. They cannot understand why this government is the only one out of step with all other governments and all other political parties in Australia. According to this government it is right and absolutely everybody else is wrong. Parents do not like that attitude, because there are good, sound educational reasons to support what they are asking for, and we have recognised that in our commitment. We are committing \$730 for every four-year-old child starting immediately next year, which will basically make preschool free for all four-year-old children from then.

We will then have a four-year transition period from the Department of Human Services to the Department of Education and Training. It is a complex issue, and it needs to be addressed carefully. We need to recognise that every single community, every single preschool, is

set up in a way that is unique. Various organisations manage preschools, various groups own the buildings the preschools are located in and various schools have preschools associated with them or even on site in some cases. There are a lot of models, and we need to carefully consider the issues and come up with models — not just one model, but models — that suit the various communities in that transition period. It is very important that that flexibility of delivery is maintained. We recognise that, and it will be worked out over those four years. We are listening to the people of Victoria, we are listening to the 34 000 people who have signed this petition, and we know it is a huge issue for them. We have listened, and we have reacted through our policy.

Choice is very important within our government school system. We have some fantastic things going on in our government system, and the system needs to be recognised and needs to be enhanced. It is very important that the government system offer choices in specialised education that reflect what parents want for their young people. Going back to the drift from government to non-government schools, one of the reasons a lot of parents are making that decision is that they often do not have access to good research. They are not really aware of the excellence available in the government system and do not know that some of the other things they are seeking from the non-government system actually do exist in many government schools. I think we need to recognise, manage and organise our government system in a way that offers real choice, so that parents can make an informed choice about whether they are going to send their child to a government or non-government school.

Going back to my first point about maintenance, once parents have looked at the outside and inside of the school buildings and are able to say, 'Yes, this is a well-maintained school', then they will start to look at the type of education and the education setting that has been provided by the government system. But first of all they have to get in that front door.

In Melbourne there are two selective entry schools — Melbourne High School and MacRobertson Girls High School — and they take 500 students between them each year. Each year 5000 Victorian young people sit the entrance exam for those schools, so 4500 of those students miss out on a place. They want to go to a selective entry school but are denied a place because insufficient places are offered. Because both these schools are located almost in central Melbourne, many students do not even bother to apply. It is not feasible to travel in from the outer suburbs or even closer suburbs

because of the cost of transport and the inconvenience of the transport.

The Liberals have announced that we will have more selective entry schools which we will spread around Melbourne, and we will also establish one in Geelong because there is a critical mass of people there who would appreciate that type of education. The other three will be spread around areas of Melbourne so there is far better access for students and for parents who want their child to go to a selective entry school. These are straight-out schools of academic excellence and they concentrate on that and cater for that. They enhance the quality and the perception of government education.

There are also specialist schools, and this government has talked about a few specialist schools that specialise in, say, aerospace or it might be sport. The budget mentioned the Maribyrnong specialist sports school. But it just seems to be paying lip service because not a lot is really happening. If anything is happening, it is happening because of the schools and their efforts, but I think in a formal sense these schools are not being recognised as such. I believe these schools need to be recognised for their organisation and for their autonomy. They need to be encouraged to spread their work out to other schools throughout the education system. It is important that we formally recognise and encourage young people to go to such schools, even though the school may not be their neighbourhood school, if they are offering a teaching method or a specialised curriculum or some sort of organisational structure that is providing excellence in education.

On the subject of technical colleges, it was interesting to note the minister's recognition a couple of weeks ago that the closing down of Victoria's technical schools was a mistake. I know the government has announced four technical education centres. It is ironic that one is going to be in Heidelberg. I lived across the road from the Heidelberg Technical School, which was closed down by the Kirner government. Now Heidelberg is about to get another tech school back.

The government has been dragged kicking and screaming to this position. The call for these technical schools has been massive throughout Australia. At the last federal election the federal government announced the establishment of 25 federal technical colleges throughout Australia. The state has come on board with four, and the Liberals have also announced that we will build five. They will be in the Hoppers Crossing, Frankston, Ballarat, Kilsyth and Narre Warren areas. The major difference in our colleges is that they are going to be from years 7 to 12 and not just years 11 and 12, because Victoria has a very bad retention rate in the

middle years — year 7 to year 10 — and I think it is very important that our technical colleges start from an early age. They need to be very closely associated with local industries and the skills that are needed in those local industries and the local community. These technical colleges should reflect the need for those skills and have a very close relationship between the local industry and the tech schools.

There is one other point on that, too. A couple of people have asked, 'What is the difference between a secondary college that has some trade subjects and a technical school?'. A technical college needs very specialised equipment and the whole school is geared towards not just one path but is geared towards training in those trades. The specialised equipment that is needed is very expensive, and also the specialised rooms and teachings areas cannot be provided in an ordinary secondary college. They are expensive and they are specialist, but they are needed.

Finally, part of the choice theme in this matter of public importance today is the fact that our government system caters for a number of students and provides for all sorts of needs and learning difficulties. In my members statement this morning I briefly addressed the transport needs of deaf children. As I said earlier today, the 175 students who have been seriously affected by the government's decision to cut shared taxi arrangements, which will increase each year as students start in the system or change schools, is having a serious effect on some very vulnerable young people in our schools. I have about 30 case studies where parents have taken their children out of the school because they can no longer get them to that school. The government has said, 'We have given them \$2000'. The reality is that \$2000 just does not cover the costs of the vast majority of those parents. It averages out as one day a week when they can get their child at no cost to the school or to the deaf facility.

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

Ms BARKER (Oakleigh) — I am very pleased to participate in this matter of public importance today on education. I have a very different view — a very good view. It is a very opportune time to again reinforce and indicate what the Bracks government has actually done. It has made a record massive investment in education, which is our no. 1 priority and will remain our no. 1 priority.

Since 1999 we have been getting on with the job of rebuilding the government system, and it is important to say that. We are rebuilding the system after many years

of neglect. We are investing in government schools with more teachers, staff, better facilities, new schools, support for innovation and excellence, new programs, a greater diversity of schools and smaller classes. What we have is a comprehensive response to making sure that our students get the best start in life.

As I said, I welcome the opportunity to place again on record what our investment is. Since 1999 we have invested an additional \$6.3 billion in education and training. We have spent over \$2 billion in capital investment in schools and TAFE. We have funded new facilities or major renovations for over 900 projects at 687 schools. Almost half of our schools have had major work and, most importantly, we have put over 6200 additional teachers and staff back into our schools.

We should just compare the spending on capital works over the last three years of the Bracks government with the last three years of the coalition government. Our average capital investment in the last three years has more than tripled the previous government's average in its last three years of office. Since 1999 we have built or approved 57 new and replacement schools. The member for Nepean referred to the maintenance issue. Since 1999 we have put an additional \$400 million into maintenance, and in 2006 alone we have put an additional \$100 million into maintenance. We are getting on with the job of modernising other schools which were very much neglected by the previous government.

In this most recent state budget we announced an additional 9 new and replacement schools and at least 33 school modernisation projects. We have just released our new Building Futures program, so that we can be very confident that every school we build, rebuild or modernise is designed to ensure that the absolute centre of our focus, as it always has been, the centre of every endeavour we make in education, is our students and their educational outcomes.

It is worth repeating the massive commitment the Bracks government has made to investing in education and training since 1999 — \$6.3 billion in additional funding — which has of course resulted in far better outcomes. We now have the lowest primary classes sizes on record, the lowest secondary class sizes since 1993 — —

Mr Perton interjected.

The DEPUTY SPEAKER — Order! The member for Doncaster has been in the chamber for about

3 minutes. His presence has been noted. I would prefer not to note it again.

Ms BARKER — Our achievement improvement monitor (AIM) tests are consistently showing Victoria at or above the national benchmarks in reading, writing and mathematics at all the year levels measured. Again I point to that additional \$6.3 billion and, importantly, to the additional 6200 teachers and staff in our schools. It is a far better record than that of the previous government which closed more than 300 schools and sacked 9000 teachers. You just cannot ignore the figures. The previous government closed more than 300 schools and sacked 9000 teachers. I repeat that we have employed an additional 6200 teachers and staff and put an additional \$6.3 billion into our education and training system.

I note what the member for Nepean and the Liberal Party are saying about technical colleges and how they say they wish to provide that choice. As the member said, those colleges will cater for students from years 7 to 12. It will mean that children — they can be aged 11 and 12; they are still children at that age — will be streamed into technical colleges before they have had any real opportunity to exploit their full potential. I have a very strong view on this. It is nonsense to suggest that it is possible to know what a child can achieve — and in most cases what they want to do with their future working lives — based on what they have done at the age of 11 or 12. The idea that streaming children aged 11 and 12 into technical schools will supposedly deal with the skill shortages is nonsense.

I have absolutely no problem with encouraging young people to enter a trade or to do more training. In fact I speak from personal experience, because I have been married for 35 years to someone who was an electrician for most of his working life. I have no problem with young people entering a trade. I actually encourage them to actively explore every possibility for their future, not only when they are at the secondary level but once they have completed year 12 or a year 12 equivalent, to give themselves the opportunity to continue training and learning as they progress through life. To indicate, as the member for Nepean has done, that you can stream students from year 7 is just ridiculous. It is about going back to the 1950s.

Contrast this to what the member for Nepean said about having four new select-entry secondary colleges. His words were, and I wrote them down, that they would be about 'academic excellence' — but those schools would be for students in years 9 to 12. So it would be okay to say to a child aged 11 or 12 who is in grade 6, 'You are going to go to a technical school', but if they

happen to be academically excellent they would enter the select-entry schools from year 9. Why would the opposition not allow them to do their first two years, as the government is doing, and then look at what their opportunities are and where they should be going?

What our technical education centres will do is provide new senior secondary campuses for students at years 10, 11 and 12, and that is most appropriate. It is appropriate to allow them that opportunity. They may wish to go to the other select-entry schools from years 9 to 12, or they could then properly consider their opportunities to enter the technical education centres. As far as I am concerned, this business of streaming children at ages 11 or 12 is about going back to the 1950s. It is a half-baked, populist, so-called policy, and I absolutely condemn it. I think it is absolutely ridiculous!

This government has recognised that we need to provide those technical education centres. That is what governments should do. They should continue to investigate and look at ways in which we can provide appropriate and proper educational outcomes for all children — and not just a few but all of them. What we are doing is not only providing the capital works, the ongoing maintenance and new technical education centres but offering a range of choices. We need to ensure that children stay at school or return to school and are supported at school so that they can go on to university, TAFE or apprenticeship training or get a job.

One of the great things that I am very pleased we have done, and it is something that is very popular, is introduce the Victorian certificate of applied education (VCAL). We now have over 12 000 students undertaking that certificate. VCAL is a hands-on option for year 11 and 12 students that offers practical, work-related experience and learning. Importantly, like the Victorian certificate of education (VCE) the VCAL is an accredited certificate. It gives students who want it another option of an accredited year 12 certificate. It is most important that we keep children at school by offering them those opportunities.

We have a huge range of other programs that offer choice and opportunity at the secondary education level. Recently we have guaranteed a place at a school, a TAFE college or an adult education provider to all Victorians under 20 so that they can complete year 12. Again it is very important that we pick up some of those young people who have, for whatever reason, missed out on doing year 12. Government schools can now offer the International Baccalaureate, providing yet another alternative at year 12 level. We have the VCE,

we have the VCAL and we now have the International Baccalaureate.

We have 27 select-entry accelerated learning programs in schools, and it is important to note that that is what they are — programs in schools. They are not distinct schools, they are within the entire school itself, so young people who want to undertake accelerated learning programs can be given that choice and have those programs available to them. It is not just the 27 schools that are listed as select-entry schools that provide accelerated learning programs — with another six to begin next year.

I refer, for example, to South Oakleigh Technical College, which while not technically in my electorate is part of my area. That school offers an accelerated program, even though it is not one of those 27 schools. But what the school has done is work very hard to ensure it has a range of programs, opportunities and choices for all children who go to the school. There will soon be a skill centre at the school in the automotive area, which again is offering further choice to young people in a range of areas.

We have specialist instrumental schools, which have been well-known for many years. My son actually attended one a long time ago — that is, McKinnon Secondary College.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The conversations at the table are both disrespectful and distracting. I ask members to either take themselves outside or lower the volume.

Ms BARKER — Nothing distracts me, Deputy Speaker, from our record investment of an additional \$6.3 billion in government education.

The DEPUTY SPEAKER — I was actually referring to the Chair!

Ms BARKER — We offer the innovation and excellence program in the middle years, where clusters of primary and secondary schools work together to develop those very interesting and necessary ways to engage year 5 to 9 students. Each cluster has at least one experienced teacher to support this important work, and all Victorian schools are participating in the program.

The member for Nepean referred to problems in schools. Maintenance and capital works in schools will always be ongoing. Both my children, who are now

beautiful adults, went to government schools throughout their school lives.

Mr Kotsiras interjected.

Ms BARKER — The member for Bulleen interrupts, and I will put on record that I am now a grandmother; yes, I have a beautiful granddaughter. What I am saying is that throughout all the years that Jim's and my children were at school there was never a time when there was not something that needed to be done at the school — painting, repairing, cleaning out spouting, or whatever it might be; that is what we contributed as parents and we were very happy to do so.

There is no government secondary school in my electorate. Of course Murrumbeena secondary was closed, but never should have been. But the following schools in my electorate have received funding: Murrumbeena Primary School, \$2.8 million; Carnegie Primary School has received \$100 000 for its school improvement program, \$100 000 in toilet upgrade funding, plus a massive investment in its physical resources management system funding; Glen Huntly Primary School has received over \$400 000 for a new hall; Hughesdale Primary School, \$150 000 funding for a toilet upgrade, a new portable this year, and \$250 000 between 1999 and 2002 in funding; Amsleigh Park Primary School, \$110 000 this year for the junior toilet block upgrade, and between 1999 and 2002 over \$500 000.

There are many examples of the work that is being done within the schools in my electorate. While I recognise, and I have said all along, there will always be more to do in schools, the great pleasure of being part of the Bracks government is that we are investing and will continue to invest additional funding in our schools.

Mr Perton — What? To make them sell chocolates and lamingtons to get the basic things?

Ms BARKER — Give over! The member for Doncaster just cannot say that. Fundraising in schools has always been part of the school community. It is the part that you do; it is what you do.

Mr Perton interjected.

Ms BARKER — It is not to do that, and the member for Doncaster just does not — —

The DEPUTY SPEAKER — Order! The member for Doncaster is out of his seat and disorderly.

Ms BARKER — The member for Doncaster has selective memory loss, I think, in terms of what went on before we came to government in 1999. Again, I repeat, we are proud of our record in education and training. We are delivering on our election commitments. We are maintaining a financially responsible fiscal position, but at the same time we have put a massive investment of \$6.3 billion into the education and training system. We care about outcomes and what happens to all of our students, and our investment is working.

Mr Perton interjected.

Ms BARKER — The member for Doncaster says what I am saying is rubbish. You cannot avoid the figures: it is an additional \$6.3 billion. The outcomes are there. We have improved outcomes, and we have also improved the wide variety of pathways for our students to take when they leave school.

Mrs POWELL (Shepparton) — I am pleased to speak on the matter of public importance that has been submitted by the member for Nepean and say The Nationals will be supporting the comments made by the member for Nepean.

The Nationals agree that the Bracks government has failed to maintain Victoria's schools and preschools over the last seven years. It was interesting to hear the remarks of the member for Oakleigh, who is obviously very passionate about education, when she talked about the billions of dollars that have been put into education. While the government may have done that recently, it is obvious that there has been neglect of the schools over the past seven years. And it is not just the Liberal Party and The Nationals that are saying that.

I went to the parliamentary library to get some press releases of comments made in the media about schools right across Victoria. Quite a large number of comments were made, but I will read from only two newspapers. One was from the *Age* of Tuesday, 11 October 2005, and written by Mr Brian Caldwell, who is managing director of Education Transformations and former dean of education at the University of Melbourne. In part he said:

There is now broad agreement that the overall state of facilities in Victorian government schools is deplorable. Tackling the problem should be the top priority for the Bracks government if it is to save the state system of education, especially at the secondary level, given that more than 40 per cent of senior secondary students are now bypassing a government school to attend a non-government school. However, there is more at stake, because the wellbeing of the nation is dependent on our schools being able to deliver on requirements in the early years of the 21st century.

I have travelled to 33 nations for professional purposes over the past 15 years and have visited schools in most. I have come to the conclusion that, overall, the condition of schools in Victoria is the worst among those in developed nations.

An article from the *Age* of Monday, 10 October 2005, by Shane Green and Caroline Milburn is headed 'State's school buildings the "worst" in country'. It says:

Victoria's state school buildings have been declared among Australia's worst, with students and teachers working in decrepit rooms.

Dingy toilets and shabby classrooms, including portables built more than 30 years ago, head the list of substandard conditions. Faced with a daunting list of decaying buildings, the Bracks government is considering a radical solution, under which new Victorian schools could be funded and built by private companies.

The government's answer was not just to look at asking for private companies to help fund the schools but to use the \$600 million from the sale of Snowy Hydro, which it had contemplated before there was an outcry and it had to change its mind about that. But it was going to use that \$600 million to upgrade schools in Victoria. It was in the last budget, but unfortunately no schools were identified, no projects or programs were identified, and I am not even sure if any audit was carried out to find out what was the highest priority. The government then had to remove that \$600 million which it hoped to get from the sale of Snowy Hydro; and so it should, because state public schools should be funded under the state government's core budget. The government should not be selling off assets to pay for our children's education.

When I spoke to my colleagues a number of them told me they had different schools in their electorates for which they needed support and had not been able to get support. I received a letter and a visit from the school council president of one school in my electorate. He has been frustrated by the lack of response from the Department of Education and Training over the last four years. The school is trying to get 35 defects — and some of those major — rectified.

Another example is the Tatura Children's Centre, which is a not-for-profit organisation which has a preschool, child-care centre and toy library. It is managed by a volunteer committee of management, but it will have to put up its fees if it cannot get any state government support.

In rural Victoria at the moment, we do not want parents deciding not to send their children to preschools because of lack of funding. As we are going through issues like drought and some of the distances that some

people have to travel to take their children to preschool, we do not want to make it easier for them not to send their children to preschool.

The government has made a number of concessions because of community anger. There was a rally in 2004, which I attended, in the Queens Gardens in Shepparton, as a result of which the preschools wanted me to present a petition, and I did so, with 391 signatures. They wanted pay parity and were also asking for the transfer of preschools from the Department of Human Services to the Department of Education and Training. This has been a policy of The Nationals. We went to the last election with this policy, and we are really pleased that the kindergarten and preschool sector supports it. I was pleased to hear the member for Nepean saying that is now a policy of the Liberal Party.

I am just urging the government to do the same thing, because it is important that we take kindergartens or preschools out of the Department of Human Services and put them into the Department of Education and Training. Being in the Department of Human Services means that preschools have to compete for resources with hospitals and other health services, which need massive funding. We want to make sure the government puts those preschools where they belong, which is in the Department of Education and Training, to allow preschool teachers to gain parity with primary school teachers, because they do the same courses; to give them a career path so they can move upward if they wish; and to attract our brightest and best to teach in kindergartens or preschools, knowing they have that career path. The early years of a child's life are crucial in determining how they will develop and the values they form. It is also a child's first experience of learning, and it is vitally important to make sure that lifelong learning starts in preschools.

The Nationals also believe that the Department of Education and Training should be responsible for the provision and maintenance of preschools and for the salaries of teachers. We have heard a number of people talk about fundraising — for example, the member for Nepean was talking about how preschools and many other schools have to fundraise. I have been a member of a preschool committee, and we had to fundraise for carpets. Some of the parents on those committees do not always have the skills to run preschools. They are usually there only for the year their child is at the preschool, so they do not provide the ongoing support that is vital. It is important that the government put into place some funding so that parents can actually form advisory bodies to preschools but not necessarily manage them. In Victoria, parents contribute 46 per

cent of the total cost of preschool education through fees, fundraising and voluntary contributions. Victoria and New South Wales are the only states where preschool education is not staffed and funded by state education departments.

The Nationals think that the Victorian government should look at ensuring that parents do not have the added burden of employing the teaching staff and maintaining the preschool grounds and buildings. Those things are a burden on volunteer parents, who do not necessarily have the skills to manage huge budgets.

The Nationals also support the co-location of preschools with primary schools where that is practical and where the community supports it. We think there are a number of advantages to that approach, particularly for parents in country Victoria. A number of mums or dads are able to take their children to preschool and to primary school at the same location, and therefore they are not travelling to different destinations which can sometimes be long distances apart. There is also the opportunity for sharing all sorts of facilities such as libraries, playground equipment and toilets. That makes it easier for preschools and primary schools to keep their fees low and easier for the parents, who may have children in the same family going to both the preschool and the primary school. It also allows the child in preschool to move quite well into the primary school sector.

There are a number of issues The Nationals would like to make some comment about, and one is student travel. We support very strongly the provision of free school bus travel for all students attending the nearest appropriate government or non-government school. We also acknowledge the need for greater support for children with special needs, and we will provide that support. We believe there should be extra funding for student welfare coordinators in primary schools and special schools. The Nationals also want to comment about the trade skill shortage in country Victoria, which is not being addressed by this government. We heard the member for Nepean talk about technical colleges being closed under the Kirner Labor government. Those programs have not been replaced. We still have one of the worst trade shortages we have seen in this state. My husband is an auto electrician.

Mr Smith — A good man!

Mrs POWELL — Yes, thank you! He was educated through a technical college, and he said we will rue the day that we ever closed our technical colleges. I hear that comment right across country Victoria. We really need to make sure that those of our

children who are capable with their hands as well as their heads have an opportunity to move into a skilled trade and be exposed to jobs in country Victoria.

Mr HARDMAN (Seymour) — I always enjoy speaking on education, because it provides me with the opportunity to talk about the great things the Bracks government is doing to rebuild the education system in Victoria and to remind Victoria about the damage the Liberals and The Nationals did to state education when they were in government from 1992 to 1999. Whether it be kindergarten learning, primary schooling, secondary schooling or training, the Bracks government's record stands in stark contrast to the Liberal Party, which tore down education and which still, while in opposition, runs down the Victorian state education system.

We have heard them in here today, and we have heard them out there, carping and whingeing and coming out with a stack of rhetoric and platitudes about what they might do one day if they get back into government. But we on this side are building up education in Victoria. We are rebuilding education, we are taking a holistic view of education and we are looking after people even before they start school. We are giving them the best start in life. We are taking them through kindergarten, we are increasing the participation rates in kindergartens, we are lowering primary school class sizes, we are increasing retention rates in secondary colleges, and we are increasing apprenticeships and traineeships. The Bracks government is turning Victoria around in education. The Liberal Party just cannot wait to get back in one day and tear it down again.

The Liberals sacked 9000 teachers when they were in government — 9000 teachers! Many of them were my friends, and many of them were my colleagues. I will never forget or forgive the Liberal Party and The Nationals for the damage they did, and neither will anybody else who was affected by their arrogance.

The Liberals, in their time in government, increased class sizes; the Bracks government has lowered class sizes. We now have the lowest class sizes ever on record in Victoria. Why would Victorians ever choose to listen to the Liberal Party about what possible alternatives it might have for education in Victoria? I have seen the Liberals' web site, which is lacking in substance and lacking in initiative. They have nothing in there; it is an absolutely appalling education policy. I ask this question: what are they not saying in the Liberal Party? They are not saying how many more teachers they want to sack, they are not saying how many more people they want to force out of the state

education system, and they are not saying how they are going to cut class sizes.

Mr Perton interjected.

The DEPUTY SPEAKER — Order! I ask the member for Doncaster to restrain his enthusiasm for a few more minutes, when he shall have the call.

Mr HARDMAN — It is always a pleasure to speak when the member for Doncaster is in the chamber, because he knows absolutely nothing about education, despite all his time as shadow education minister. It is quite interesting to see that the Liberals say on their web site that maintenance funding for schools was up during their time in office and that there was only a little bit of maintenance to go when they left. The Liberal candidate for Seymour is now going around the electorate saying the same things, having his photo taken pointing at things or writing letters to the editor. Those problems were there when the Liberal Party was in government. They were not fixed when the Liberals were in government, and yet Liberal Party members still want to go around saying those things.

On two occasions I can think of — at Kinglake West Primary School and Alexandra Secondary College — the school council president or the principal had to write back to the newspapers, basically saying: do not take any notice of the rot the Liberals are going on about. What is actually happening in our school is fantastic. We have a great school here. We do not want the Liberal Party to continue to talk down education in Victoria'. That is what they have been saying, in the nicest possible way. You can be as ignorant as you want to be on that side of the house — you are there because you are!

The ACTING SPEAKER (Mr Ingram) — Order! The member for Seymour, through the Chair.

Mr HARDMAN — The Liberals can be as ignorant and arrogant as they want to be on that side of the house, but by the same token they will always be remembered for that arrogance.

In trying to find fault, the Liberals also typically ignore the fantastic record the Bracks government has of rebuilding our schools. In the last three years, for example, it has spent three times the amount of money in capital works that the Liberal Party spent in its last three years. I do not think inflation has gone up by that much. When you look at the examples of projects on the ground in the Seymour electorate, for example, you will see there is a very good — —

Mr Perton — It must be a marginal seat.

Mr HARDMAN — It is not as marginal as the seat of Doncaster. The Liberal Party member for Doncaster still does not understand that the state government is now investing in schools. In fact in the Seymour electorate it has invested \$32 728 695 in capital works over the last seven years. Do you know how much of that has come from the federal government? It is \$6.4 million. I thought the federal government was supposedly trying to share a little bit in the rebuilding of our schools! But no, it is the Liberals and The Nationals again, the mealy-mouthed, weasel-word, do-nothing Liberals — —

Mr Smith interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Bass!

Mr HARDMAN — Another interesting area — and an issue for the government — is the credit it deserves in the area of information technology. I have to give some credit to the former Liberal government. When it was in power it had some good education policies and it started up some good pilot programs. I remember visiting a school in Apollo Parkways one day to have a look at what the government was doing in IT and education.

Earlier on the member for Doncaster interjected, saying, 'You should not have to fundraise for IT'. I have some sympathy for that point of view, but I know that these are realities. I am a bit pragmatic in that way. I can remember that at that time the schools were all going for it, and our school raised funds for computers. Most of the money may have come from Rotary club grants or from fundraisers and working bees or other events where the funds raised would typically be used for new computers.

Since we have been in power the Bracks government has invested around \$100 million each year into IT. The best example of our investment in information and communications technology is the \$89.3 million VicSmart broadband initiative. That has enabled 600 upgrades to exchanges right across the state so that all schools will be able to access the Internet. By the end of 2008 all schools will have 4-megabits-per-second high-speed Internet. That is about 64 times the speed that many of those schools in my electorate were on, because their exchanges were not upgraded and probably were not going to be for a long time. That is also great for the students, because it will improve broadband access in their communities, meaning their parents will be able to afford to have broadband on at home as well so that the children can do their project work as well as their class work.

Access to the Internet and broadband also means that as a tool the computer becomes far more powerful, and you can use it for things such as videoconferencing, emailing and correspondence between partner schools. Teachers can get on a computer and do some professional development, schools will have better and more efficient financing systems and students will be able to look up different resources in a timely fashion in order to complete work and do research. It is a very positive initiative, a great initiative. Across the Seymour electorate — and I am sure it is right across the state — computer pods have been funded for all of the secondary colleges. Yea High School has invited me to come and have a look at its new computers in the near future. It is very proud of what it has been able to achieve, and I am sure that some of its own funds and fundraising has been directed to making sure that it has the best facilities for its kids.

In regard to the technical education centres, I note that the Liberal Party has cottoned on to that idea as well as to our specialist education settings. It is good to see that the Liberals see the innovation that we have introduced as worthwhile, although of course they would like to take it a little bit further. I have had a look at what the Liberals are doing. It would probably consist of one year's worth of initiatives, and they are going to have to make a lot of cuts to pay for their other undeliverable promises.

Kindergartens, which are mentioned in the matter of public importance, are very important, which is why we have rebuilt them. We remember the \$19 million cut by the Kennett government. We remember the low participation rates of students at kindergarten. Now there are higher participation rates in our kindergartens, giving our kids the best start in life. We have the lowest class sizes, we have increased retention rates and we have more people staying in training and education longer. Those are the results of the Bracks government's investment in education. That is ongoing, and there is still more to be done, but we are aware of that, and we are going to govern into the future.

Mr PERTON (Doncaster) — It is a pleasure to join this debate and a pleasure to follow my friend the member for Seymour. I note the little boy in the gallery, who is probably one of the reasons that the member has a commitment to education, just as I do. However, as I listened to the first half of the member's speech I was struck by the thought that I was happy he is a member of Parliament and not in a classroom anymore. Clear thinking is obviously not a big component of his abilities. However, the second half of his speech, obviously under the influence of his wife and son, was

more moderate and more measured and something that can take us forward.

His comments on the great achievements of the Kennett government in information technology and the like show that in fact there is a degree of wisdom on both sides of politics in this area. I think it is probably a sad thing that we cannot bring the two sides of politics together to agree on a longer term vision for education. I do not think that will be the case. I notice the member for Tullamarine has entered the chamber, and she will just be following the script.

There is a sad thing about the Labor Party. When you talk to individual members it is clear that there is a great love of education and children, just as there is on our side — my friend the member for Mordialloc, who will be following me, has just such a personal commitment. But the sad thing about the Labor Party in government, and not just in this state, is that it has handed over administration of the education system to the left of the party, and consequently the ideologues run the education system. The ideologues are against competition, the ideologues are against high standards in education and the ideologues in the Labor Party, who have been given power over education, are about dumbing down and levelling down.

The sad thing about that is that the drift from the state system continues unabated. If I were the Minister for Education and Training and I set myself a goal as a Labor education minister, it would be that at the end of my term as minister there would be a higher percentage of children in state education, not a lower percentage. But the drift to the independent and Catholic systems continues unabated.

The reason for that is a strong and valid perception that this government does not place its highest priority on the best education for all children, as the member for Oakleigh tried to say, but it is committed to the union and its membership. The union and its priorities have greater sway than the needs of the children. There are times when the views of the union coincide with the needs of the children — I acknowledge that — and my work with Mary Bluett, Fred Ackerman and Peter Paul in relation to kindergarten policy was a demonstration that there are times when the union's interests are aligned with the interests of children. But the government should have as its first commitment a commitment to children and not to its union buddies.

There are many principals around the state who are hampered in their ability to provide the best education for the children in their schools because of intransigent union officials who are not prepared to allow principals

to exercise appropriate management in schools and to discipline under-performing teachers. If the state system were to operate in the best interests of children we would have empowered school councils and principals as was sought by the Kennett government. Self-governing schools, self-managing schools: that is the model of high-achieving countries around the world and countries that are moving ahead.

Ms Barker interjected.

Mr PERTON — This is a highly competitive world. The member for Oakleigh, representing an electorate in the manufacturing sector, knows too well the pressures on the Australian economy and on jobs in her electorate. The competitors we face include China and India, where you literally have tens of millions if not hundreds of millions of children working hard in schools that have high levels of scholastic expectation. But in this state we have let a lot of the scholastic standards slip. Spelling has deteriorated right across the system. The member for Oakleigh can visit schools, just as I do, and she would be able to verify that.

Ms Barker — No.

Mr PERTON — There is a huge problem in mathematics. There is a problem when people can enter teacher training institutions with what used to be regarded as a fail in English, and then go on to teach children with that standard of English. If the member for Oakleigh wants to defend that, let her do so. Highly accomplished principals in many schools are having to engage in remedial English and mathematics training of teacher graduates in order to try to achieve appropriate standards for their schools.

I turn to the precise terms of the matter before the house. It refers to the failure of the Bracks government to maintain Victoria's schools. The member for Seymour talked about the money that was being spent in his electorate. That is a symbol of the marginality of his electorate rather than the government's commitment to maintenance of schools. I could take him to Birralee Primary School in Doncaster and to Donvale Primary School. I could let him look at the portable classrooms at East Doncaster Secondary College and then let him tell me that this is a government that has achieved high levels of capital and maintenance.

But, Acting Speaker, it is not only Liberal electorates that suffer. Let me take you to Pascoe Vale Girls Secondary College, which is in a deep, safe Labor electorate. The array of portable classrooms at that school would make you think you were visiting a

refugee camp in the 1950s and not a high-performing secondary school for girls in the northern suburbs.

Last year I visited Middle Indigo Primary School. The toilet facilities were so bad that the urinal drained into the soil in the schoolyard; on a wet, rainy day kids could not play in the schoolyard because of the stink that emanated from the toilet. I took several camera crews to Caulfield Junior College to not only have a look at the concrete cancer destroying the school building but to see the toilets that were so bad that children were waiting until they went home to avoid going to the toilet in the afternoon. The stink was so bad that grown men could not stand the smell without dry retching. Those are the conditions that many children are taught in, and it is inappropriate.

If we had a rational system for capital allocation and maintenance, where people believed that capital and maintenance funding were allocated on an objective basis and on objective criteria rather than on the basis on which it is currently done — that is, on the basis of the political needs of the government —

Mr Nardella interjected.

Mr PERTON — It is true. I ask the honourable member why the regional managers recommendations on school capital and maintenance are protected under cabinet privilege. When I sought documents through the freedom of information process, the departmental regional recommendations were stamped 'cabinet in confidence'. I ask the honourable member to address himself to this question: is it an honest and transparent system if the government has to protect those documents from disclosure to the public?

The children of this state deserve better. They would do better were both sides of politics able to sit down together and work out the common ground and work on common goals to improve our education system.

Mr Nardella — Your nose is growing!

Mr PERTON — The member is a part of the problem. A government that is committed to old-fashioned socialism, old-fashioned union dominance and putting the students second and its political needs first, is the reason that this matter of public importance ought to succeed today.

Mr LANGUILLER (Derrimut) — From the outset I have to declare my interests: I am the parent of four children, so I guess on that basis I have done my own observations or, if you like, empirical work on what is in the best interests of a child and, in the plural sense, children.

I am very confident that this government has done exactly what needed to be done. That is why I strongly believe in the importance of the model that coordinates all of the systems and all of the services that are associated in one form or another with the development of a child. It is important to retain the coordination of kindergartens, playgroups, family day care centres, maternity and health centres and other services that in one form or another contribute to the important development of a child. We know, and scientific studies in all walks of life have now confirmed, that what we do in the early part of a child's life and development is absolutely significant in terms of what will happen to that person's development in the future.

I want to make a couple of observations as a parent and a member of a government that has done the utmost to ensure that kindergartens in this state have not only received additional funding but have focused on developing a system which is good for children. The principles and policies have been guided by what is in the best interests of a child. The first thing I observe in my journeys around my electorate and around the state — and also as a parent — is that children who have been through kindergarten end up being better prepared for schooling. It is a fact that children who have been through kindergarten end up being better students for a whole range of reasons.

Another matter I want to raise in passing is that it is my judgment as a male that it is important to continue the effort of including and increasing the number of males in the work force in kindergartens. The overwhelming majority of staff are females, but it is important to work towards a work force that is more balanced in terms of gender. This government is committed to that. A friend of mine who is a single parent commented to me how important it is to be able to have males involved as role models in her kindergarten, the name of which I will not mention. This government is working in that direction because this government wants to deliver the best services in the best interests of children.

I want to focus on a couple of other important matters and reflections. It is vital to focus on early childhood development and the integration of the models, systems and services that are provided — kindergartens, child care, playgroups, maternal and child health services and others. Very importantly — at the end the day I have to base my views to a large extent on the fact that, as I said, I am a parent of four children — children learn through play. It is essential to retain that exercise of playing and learning through playing. It is very important in early childhood that children continue to play. I register my concern — I am very respectful about this, because it is necessary to have a healthy

debate in relation to what is important for children — about wanting to transform early childhood centres and kindergartens into schools in the structured, regimented and disciplined sense of the word. It is fundamental that we retain kindergartens where children can continue to play and can mingle with others and mix through play. I recall as an ex-student of physical education at the then Footscray Institute of Technology how important it was to be able to do all sorts of things through play and through sport.

The other important thing I want to register is that children gain confidence about learning and are best nurtured through emergent curriculums. One of my younger sons is an example of that. Learning in kindergartens is an exercise in the dynamic between the kindergarten teacher and the child. Kindergarten teachers are now better funded than before. They are now more supported than they were under the Kennett government. They can take full advantage of interacting with each and every individual child, learning with them, working from that and using the experience and individuality of the child. It is fundamental that we continue to value each and every child, and I commend kindergarten teachers and workers, because that is exactly what they do.

When it comes to kindergartens, parents and teachers know who their friends are. Their friends are on this side of the house and not that mob on the other side of the house. We did not rip \$11 million out of the system. The Liberal government of the time did that, and the president of the Liberal Party then is the person who is now the Leader of the Opposition. We have made kindergartens more affordable, with a 220 per cent increase in fee subsidies for low-income families. We have increased kindergarten funding by 109 per cent since we came into office, with an annual budget now of \$140 million. We have increased funding so kindergarten teachers are now paid better salaries, bringing their entry-level salary into line with those of primary teachers. These are some of the things we have achieved and continue to achieve in relation to kindergartens.

Let me just bring the following to the attention of the house. Because it has been questioned in the course of the debate on this matter of public importance it is relevant to ask: what has this government done in relation to capital funding?

Mr Wynne — How long have we got?

Mr LANGUILLER — We have a couple of minutes. Let me register what the government has done. We have invested \$30 million in capital to build more

than 50 new children's centres and kindergartens, to help kindergartens and other children's services renovate their premises and to pay for kindergartens and other children's services to carry out minor capital works. Let me refer to them.

In the electorate of the Leader of the Opposition for the moment the government has put resources into St Dunstan's Anglican Kindergarten in Camberwell for airconditioning. I refer to the electorate of the honourable member for Caulfield, where, incidentally, we have a very good candidate, a man of principle and courage who is doing tremendous work and has been the driving force in ensuring that this government continues to increase funding: Mr Steve Cusworth. We have done a lot of good work in the Caulfield South Kindergarten and have assisted it with funding for flooring and shade sails.

In Benalla we have helped. There we have another good candidate who will drive government policy and make sure that kindergartens work and grow there and everywhere in the state — that is, of course, a member of the other place, Mr Rob Mitchell, who has done a tremendous job.

I am very proud of the track record of a government that has recognised the significance of child development. Consequently all those services are integrated. Child protection, maternal health and the Office for Children — all those services — ought to remain integrated under the same umbrella.

Mr KOTSIRAS (Bulleen) — It is a pleasure to stand to support the member for Nepean on his matter of public importance because people on this side of the house, unlike those on the other side, care about education. From the outset, it was interesting to note that members on the other side of the house kept repeating what happened in the years 1992 to 1999. They said that at that time the current Leader of the Opposition was the president of the Liberal Party in Victoria. They forget to mention what happened in the 1980s under premiers Cain and Kirner. They forget to mention that Mr Bracks was the adviser to then Premier Kirner when schools all lost money or were closed — and there was no money for maintenance. They forget to mention that Mr Bracks was advising then Premier Kirner on the education needs of Victoria.

Mr Wynne interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member for Richmond!

Mr Wynne — Provocation, Acting Speaker.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Richmond!

Mr KOTSIRAS — Now they talk about 1992 to 1999 but they forget about the 1980s. Can I just mention that their mates in the Australian Education Union (AEU) did a survey. They found that after seven years almost 50 per cent of schools are worse off, almost 75 per cent need major upgrades, and 92 per cent are underfunded and forced to raise money.

Mr Smith — Who said that?

Mr KOTSIRAS — The AEU did the survey. It found that 83 per cent of schools need to replace old equipment. I have seen first hand that many government schools have very poorly equipped science rooms. Yet this government is doing absolutely nothing to ensure that our kids are given a good education in science and mathematics. Under this government we have seen the Department of Education and Training lose its direction, motivation and drive for excellence.

Most schools are trying to provide a good education. We have many, many good teachers in our system. The vast majority are excellent teachers who are trying very hard to provide top-quality education to all students. We have parents who are giving up their valuable time to also assist the schools to provide that education. But they face enormous challenges, and the biggest are the challenges that have been put there by the Labor government. It is a pity, because as I said the vast majority of teachers and parents are working very hard and giving up long hours to ensure that our students have a good education. As a result of the challenges put there by the government, education standards and outcomes have suffered.

We hear from members on the other side that participation rates have gone up but they mention nothing about outcomes, excellence or results. All that they talk about our participation rates, which are fine in themselves but they must be combined with outcomes and results, students must strive for excellence and the government must ensure that every child is given the opportunity to have the best education and it must provide every child with appropriate pathways.

I will give some examples from my electorate of Bulleen. Templestowe College, the only government secondary school in my area, has had some maintenance problems. Last year it was found that a brick wall on the eastern side of the school was going to collapse. The school advised the department, asking it to provide some money to ensure that the wall does not collapse on students. Now, eight months later, the

school has not received any money. Last week I raised the matter in the chamber. I thank the local newspaper, the *Manningham Weekly*, which published an article about the dangerous situation that students are placed in. I quote from that article:

A Manningham school is pleading with the state government for urgent assistance after a wall on the eastern side of the school building was deemed in danger of collapsing.

Templestowe College principal David Tyson said the wall had a 'structural error that needs correcting'.

'It's been like this since the school was built in the late 1970s, but it was only discovered late last year after a routine inspection', he said.

'The wall hasn't been pinned to the building properly'.

...

Mr Tyson said the school had been requesting funding from the state government for eight months.

'Hopefully, we might hear back in the next few weeks. It can't be left this way ... The situation needs urgent attention. It can't remain like this ...

As I said, eight months have gone by and the school has not received money to fully secure the wall. I raised it in the chamber and it was mentioned in the local newspaper and — surprise, surprise! — now the government has found the extra money it needs to ensure that the wall does not collapse. I have to ask: why is the government reacting to publicity? It should be looking after the interests of our students. It should not be responding because a matter appears on the front page of a local newspaper but rather because it wants to help to ensure the safety of our students.

The toilets at some of our schools are absolutely appalling. You can find better toilets in Third World countries. It is very uncomfortable for students to go into some toilets, and the smell from some of them is disgusting. Yet the government is doing nothing to ensure that we have clean toilets in our schools. All that the parents are asking for is clean toilets, yet the government is not providing them.

Another issue that I raised with the Minister for Education Services in this house relates to disability funding. I asked the minister to ensure that a child who attends Doncaster Secondary College receives funding to make sure that he completes year 12. Months have gone past and the mother, the child and the school have not yet received any indication from this government as to whether the funding will become available to ensure that the child will continue his education up to year 12. If this government claims that it cares about the education system and students, surely it should provide

the money necessary to ensure that he completes year 12.

What are members of the opposition asking of the government? We are asking the government to ensure that the maintenance backlog of \$250 million is dealt with. Should members on this side win the election on 25 November, we will make sure that in the first term of government the \$250 million will be given to schools to ensure that the backlog is taken care of. Members must keep in mind that in 1992 there was a backlog of \$675 million, which was left by the former Cain and Kirner governments. This was reduced to \$130 million by the Kennett government. Under this Labor government it has been increased to \$250 million.

What we are saying is that in the first term of a Liberal government that \$250 million in maintenance will be dealt with, and all schools will be provided with the funding to make sure our kids are able to attend schools which ensure their safety and where they can receive a good education. We will reopen five technical colleges. Members should remember that it was the Cain and Kirner governments that closed the technical colleges. They felt that everyone should be equal and should aim for the same low standards, and they refused to say that children are different and need to be given different pathways.

We will also establish four new selective entry secondary schools for students in years 9 to 12. There are currently two, and we will increase that by an additional four. We will also allow schools and principals to develop specialist and selective entry programs within mainstream government schools. We have the plans and the ideas to ensure that education goes forward. The matter of public importance before the chamber is correct and should be supported by government members.

I know the member for Mordialloc is passionate about education, but unfortunately she is hamstrung; she is unable to say anything different from what the minister has requested her to say, which is a pity. I also understand the member for Seymour is passionate about education, but he too is restricted in what he can say because the minister has advised him that he must keep to the script. That is very unfortunate, because everyone cares about education and educational outcomes, and everyone cares about ensuring that we have the best education system in Australia that will give the best possible education to our students.

It is unfortunate that the government is playing politics with our children and their education, and for that

reason in the last seven years education has suffered as a result of this Labor government, which cannot see beyond its mates.

Ms MORAND (Mount Waverley) — It is a pleasure to join the debate on the matter of public importance raised by the member for Nepean. The opposition has no credibility in raising education in this house this morning. It shows amazing hypocrisy by raising this subject in here today. It is really sad that most of the contributions to the debate from members of the Liberal Party and The Nationals have taken the opportunity to run down the public education system, especially the member for Doncaster. He trots out the old conspiracy theories of union control, which is old-fashioned rhetoric and rubbish. Members of the Liberal Party and The Nationals seem to have collective amnesia, because when they were in coalition they closed more than 300 schools. As other members have already said, they also reduced teacher numbers by 9000. Why have they not mentioned those facts?

Mr Smith interjected.

Ms MORAND — I take up that interjection. We have put on an additional 6200 teachers. During his period he reduced the number by 9000 —

The ACTING SPEAKER (Mr Ingram) — Order! The member for Bass can assist the Chair by keeping quiet.

Ms MORAND — Actions speak louder than words. That is a good, old-fashioned saying, and one that can be applied very well to the Liberal Party and The Nationals. Our actions speak much louder than their empty rhetoric. In their contributions to debate they always fail to mention the achievements of this government, and that is no surprise, but I want to remind them of a few of those achievements.

An additional \$6.3 billion has been invested since 1999, and there are an additional 6200 teachers and staff. I did not hear any reference to those facts during opposition contributions. The additional 6200 teachers have resulted in a significant reduction in class sizes. Prep to year 2 class sizes are down to an average of 21 students, which compares to 24.3 students in 1999. Secondary class sizes are now the lowest since 1993. In 2004, 85.2 per cent of 20 to 24-year-olds in Victoria had completed year 12 or its equivalent. This is an improvement from 82.9 per cent in 1999. As I said, facts are much more important than empty rhetoric.

We saw capital investment resulting in nearly 700 schools receiving capital works. Education remains our no. 1 priority, and there is great leadership from two

outstanding ministers in their portfolios. My colleagues have given comprehensive examples of other investment; I do not want to go into any more detail about that, but I want to take the opportunity to talk about the choice of educational settings provided by this government. I am going to run through some examples of the educational settings offered in Victorian schools.

First of all, we have 27 select-entry accelerated learning program schools across Victoria and another 6 will begin next year. Examples include Balwyn, Box Hill, Brighton, Brunswick, Dandenong, Mordialloc and University high schools. Accelerated learning incorporates four years of learning into three years, through years 7, 8 and 9. It is a great option to have. The Victorian College of the Arts Secondary School is an internationally recognised centre of excellence for the performing arts, and the minister has just announced an exciting multimillion-dollar redevelopment of this school. The Bacchus Marsh Science and Technology Innovations Centre, opened in 2005, promotes expertise in sustainability.

For students across the state the Gene Technology Access Centre, which opened in 2004, provides specialist knowledge and experiences of the very latest developments and technologies in genetic science for teachers and students. It is supported by the Walter and Eliza Hall Institute of Medical Research, the Department of Microbiology and Immunology at the University of Melbourne and University High School. There is also the spectacular \$6.4 million Victorian Space Science Education Centre in Strathmore, opened in 2006, which provides teachers and students with an immersion experience in a high-tech space exploration and stimulation environment. The curriculum at VSSEC has been developed in conjunction with NASA Education, the European Space Agency, Victoria University, RMIT University, La Trobe University, Monash University and Macquarie University, and it is a great innovation.

We are also proud of our specialist instrumental music programs at schools like Blackburn High School, Strathmore Secondary College, University High School and McKinnon Secondary College, which are backed by our \$13 million instrumental music teaching program across government schools. There is also the Alpine School in Dinner Plain and the Rural Learning Centre at Marlo, which is currently under construction and which I am sure you are aware of, Acting Speaker. I am also proud to speak about the Sir John Monash Science School currently being developed as part of the Monash University science, technology, research and innovation precinct. This is a cutting-edge project that

will reinforce Victoria's position as a leader in the delivery of high-quality education. It will be a specialist maths and science school for students in years 9 to 12, and I am looking forward to that project commencing; it is not far from my electorate.

I also want to speak about the Leading Schools Fund, which is a great initiative for Victorian schools. It began in 2004 and has a budget commitment of \$80 million for capital works and \$70 million for additional teaching staff. Through the fund the government has employed 450 additional teachers and developed new buildings and upgraded existing facilities at 160 government secondary schools. I specifically want to mention Brentwood Secondary College. I had the pleasure of visiting the school last year with the Premier to announce Leading Schools funding for that school. It is always a great pleasure to visit the school, because I am a former student. It is led by a fantastic principal in Vicki Forbes and it has wonderful staff. It is currently undergoing a \$2.5 million building project to update the science, commerce and general purpose classrooms. In addition the Premier announced that the Leading Schools Fund would allow for three extra teachers and \$550 000 in capital funding for new classrooms, which are currently under construction.

During the visit we talked to the teachers about what the new learning centre will do. It will provide flexible working spaces and an information, communications and technology capability that will allow students to work with teams of teachers on different projects that will develop the students thinking and learning skills. I want to refer to the last edition of Brentwood Secondary College's newsletter, in which the principal, Vicki Forbes, talked about the visit she made to the Harvard Graduate School of Education in Cambridge. In it she said that she was extremely privileged to have been given the opportunity by the Department of Education and Training to attend this very prestigious leadership course. She talked about the 140 participants attending the course. Most were principals from various states within the USA, although approximately 15 per cent were from other countries including New Zealand and Australia. In the newsletter she said:

A real highlight of the course, among the many, was when one Harvard professor acknowledged the Victorian government school system as a leading example of public education.

She went on to say:

I departed Harvard with an enormous sense of pride in our school and our school system.

What a great endorsement of our great education system by Vicki Forbes, the principal of Brentwood Secondary College.

The establishment of the literacy improvement teams was a great initiative in this year's budget. It will employ 45 specialist literacy teachers who will work closely with classroom teachers in government schools. We have already made a significant investment in literacy initiatives, with an estimated 9 out of every 10 students at or above the national literacy benchmarks. But for various reasons some groups of students are not performing as well as others, and these teams will provide expert advice and assistance on classroom programs to improve literacy levels in those schools where reading and writing skills are falling behind, particularly between years 3 and 8. A panel of literacy specialists is going to provide advice on programs to further assist outcomes in all schools. Another great initiative in the budget is the School Start bonus, which more than 66 000 families across Victoria will benefit from.

Education is extremely important in my electorate. I refer to the capital improvements that have been made in Mount Waverley in the last few years. There has been \$5 million for Mount Waverley Secondary College, \$7.8 million for Glen Waverley Secondary College and \$3 million for Brentwood Secondary College, as I have just outlined. Since 1999 there has been an increase of 18 per cent in enrolments in government schools in Mount Waverley. The schools have also shared in an additional \$100 million of maintenance funds over the last two years, and every school has received an upgrade through the Schoolyard Blitz program.

Finally, I am proud to be part of a government that does not just talk about education but actually delivers. The past seven years have seen the tangible outcomes of that commitment in the rebuilding of our schools. We are not about empty rhetoric, we are about action, and I am very proud to be part of that effort.

Mr SMITH (Bass) — It is a pleasure to join the member for Nepean in supporting the matter of public importance (MPI) on education. Education is very important as far as the Liberal Party is concerned, and we Liberals are all fully supportive of this MPI. It is unfortunate that in the state of Victoria education is now in the control of the socialists and their socialist agenda, which is to dumb down our kids. We are all very much aware that in Victoria, according to the international benchmarks, our literacy and numeracy levels are the lowest of any Australian state. You have to be very concerned that this has been allowed to occur

under the socialists who are running the system we have in Victoria.

Apart from the literacy and numeracy problems we have, you only have to look at our school buildings, which are in such very poor condition — and my electorate has probably got a number of the worst schools in that respect. I have been pleading with the Minister for Education and Training, and I am pleased to see the minister is at the table, to deliver some new schools in my electorate. The minister has promised me one — it is in the Pakenham area at Heritage Springs — and I thank her very much for that. But that is probably because both the other schools in that area are 50 per cent over capacity and their facilities reflect the number of students they should have, not the number they do have. When the new school is built, and it is due to open in 2008, it will be filled immediately. We are looking for more schools in the area.

If the minister were aware, she would know that the number of private schools in the area — Beaconhills College, St Francis Xavier College and Kurnai College — are also holding huge numbers of students. The new Lutheran school in Pakenham has been built to house 1200 students, yet all we have in that area are two miserable state schools that have great teachers but are very much over capacity. Beaconhills has 1200 students at the moment and St Francis Xavier has about 1200 students — and at another campus it is holding about 800 or 900 students. It appears that because people in that area cannot get their kids into state school they are choosing to send them to some of those private schools. People talk about government schools being great schools, but the private schools are also very good schools, and people are voting with their feet. They know that the government is not contributing at all to the private school system.

I cannot believe the neglect of our government schools. In my electorate there are a number of schools that need a complete rebuild, Nar Nar Goon Primary School and Garfield Primary School being two that need an immediate rebuild. In recent times we have seen some of the photographs we have been provided with that show the way the school buildings are just rotting. The insides of the buildings are starting to fall down, and they are generally in a very poor condition. It is not a good learning environment for kids, and it is not a good thing for the teachers, who really care about the kids, to have to teach in those conditions. They are appalling.

One of the worst schools as far as conditions are concerned is at Inverloch, but the minister will not do anything about it. We have pleaded for that school to be

bulldozed and a brand new school built on that site. It is a good school and it has a great principal, a great school council and a great team of teachers, but what it does not have are buildings that they can feel proud to invite people into. In fact it is a growing and expanding area. San Remo is another primary school that is in very bad condition and should be rebuilt. It was built in the early 1930s — it may have even been a bit before that — and all it has had stuck onto it is a couple of very old portable classrooms that are not in good enough condition to be used by our kids. I implore the minister to do something about the condition of the schools in my electorate, because what is there is just not good enough.

We also need, and I have spoken to the minister before about it, a technical school in the area. It has taken us Liberals to say that we are going to put five technical schools — for years 7 to 12 — in Victoria in our first term in government, which will start after the election on 25 November. We will put those schools in place because we are lacking them. We are very much aware that the Premier was previously an adviser to former Premier Joan Kirner when Labor closed down the technical schools. The Minister for Education and Training has admitted that we need technical schools in Victoria. We need proper technical schools, and we need to go back to training our kids to go into the trades. They want to be able to work with their hands as well as their minds. They are not kids who are necessarily of an academic stream. We had the member for Bentleigh — —

Ms Barker — Oakleigh!

Mr SMITH — Oakleigh — it is pretty close! The member for Oakleigh's husband is an electrician. He went to a technical school and has been very successful in what he has done and the things he is able to do. There are also some of us on the other side. I went to a technical school, and I am very grateful that I was able to spend probably 25 years of my life teaching kids as apprentices to get through their plumbing course and become plumbers. All of them except one, who was the most academically trained kid, were successful and ended up running their own businesses. The kid who was smart was too smart. In fact, the worst thing that happened to him — or probably it was the best thing that happened — was that he became a plumbing inspector, and if you have ever asked a plumber about plumbing inspectors, you will know that he really did not go very far up the tree. The rest of the kids, who set up very successful businesses, went to technical schools, as they were called at the time, which was important. I must have put 25 or 30 kids through their time, and I feel very proud of that.

Kids now do not have an opportunity to get an appreciation for the trades — whether it is plumbing, carpentry or electrical work, or even motor mechanics, bricklaying, plastering or building. They do not have the opportunity to go to a technical school, where they can learn right from the start. They could do an academic stream at a technical school to let them see what it is like, but then let them get into the trade wing. Let them do some fitting and turning, or whatever they call it now, so they are able to make things with their hands and have an appreciation of being able to do it. That is why we are talking about technical schools. The federal government has committed to building four more technical schools in the state of Victoria. But it should not be up to the federal government to be providing technical training, it should be up to the state government. I am pleased that the minister is here to listen to what I have to say. The minister recognises that there is something missing from our education system here in Victoria, and it is that kids need to have some technical training.

This government has been very critical of the Kennett government and the Kennett era. People tend to forget, and members in this chamber should remember, that we inherited a huge debt. This state —

Ms Kosky interjected.

Mr SMITH — You can play your violin, Minister, but the fact of the matter is —

Ms Kosky interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The Minister for Education and Training!

Mr SMITH — This state was in a very poor financial position when the Kennett government took over. The truth of the matter — and the minister will be able to confirm this — is that in the past 25 years Labor has closed more schools in the state of Victoria than the Liberals have, but nobody talks about that. All this government ever talks about is how many schools were closed under Kennett and how many teachers were sacked, but as I said, the truth of the matter is that there have been more schools closed under Labor in the past 25 years than there have under the Liberals.

We also need to talk a bit about kindergartens. The Liberals have put out an extremely good policy in regard to kindergartens, and we are going to do something about them. We have listened to what the teachers and the parents have said as far as kinders are concerned. I wonder whether the minister was out on the front steps of the Parliament before, talking to the preschool teachers, parents and kids — or was she

hiding in here because she is not prepared to listen and not prepared to front up and talk to them about the problems they have in their schools?

We have recognised them and we have listened to them, and we are going to do something positive about kindergartens. They are going to become part of the education system. Look at the badge I am wearing now — ‘Preschools to education’. That is what we are looking at providing. The minister sees that on my forehead! That is what we are going to provide, but what is she going to provide to kids here in the state of Victoria? I support this MPI.

Ms MUNT (Mordialloc) — I am hoping to talk a bit of sense after the nonsense we have heard for the last 30 minutes — apart from the contribution by the member for Mount Waverley, who actually spoke some sense.

I am pleased to stand up and take the opportunity to speak about education in Victoria, because as a government we have a proud record. I am going to go through it, particularly as it applies in my electorate, to show just how good it is. Every indicator that I have looked at shows signs of health, signs of vitality and signs of the rebuilding that it has taken many years for the government to do. I would like at this stage to commend the Minister for Education and Training for all the work she has done for education in our state. She has done an absolutely sterling job.

Our government’s record over the past seven years is absolutely exemplary. It really shows that education is our no. 1 priority. That is not just words and not just rhetoric. We have put money behind it, we have put thought into it and we have worked on it, and it really is starting to show results.

Education is a passion of mine, because it is the way that the state can give a fair and equal quality start to every child in Victoria. It does not matter if a child comes from Dandenong, Kew, Toorak or Footscray; if we put a really good state education system in place, it gives that child every opportunity to go on and succeed. For a lot of children that is the only opportunity they have to go on, be educated and succeed, because they have all sorts of other impediments to their development that can hold them back. I truly believe in state education, and I think what we have done to re-energise and re-fund it has been a positive for every child in Victoria.

I am going to go through quite a few facts to back that up, because I think they speak volumes.

Ms Barker — Repeat them.

Ms MUNT — I will repeat them over and over. Normally I do not like speaking in facts and figures, because often they are boring — but in this case they are not, because they paint a picture. Here are some facts. Under the Liberals from 1992 to 1999, 9000 teachers were sacked; under Labor from 1999 to 2006, 6200 new teachers have been employed. Under the Liberals from 1992 to 1999, the average number of children in each primary school class was 25.4; under Labor from 1999 to 2006, that has been reduced to 22.4 children. As a mother myself, I know the great benefits in that first year of primary school education of low class sizes and teachers having the ability to concentrate on every child to give them the very best start. Under the Liberals from 1992 to 1999, the year 12 completion rate was 82 per cent; under Labor from 1999 to 2006 the completion rate has increased to 85 per cent.

We have heard members opposite say that we only talk about participation and do not talk about excellence. It is very hard to do well and excel if you are not even participating. I think participation is the framework that has to be in place to allow children to succeed. From 1992 to 1999 the Liberals closed 300 schools; from 1999 to 2006 Labor has invested an extra \$6.3 billion in education and invested \$2 billion capital works in schools and TAFEs. The government has appointed new specialist literary teachers in every primary school in Victoria and developed a new curriculum so that children can be educated for the 21st century. More than 195 000 students from prep to year 9 — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Ingram) — Order! The Minister for Education and Training and the member for Bass should cease interjecting across the chamber.

Ms MUNT — More than 195 000 students from prep to year 9 are registered in this year's Premier's reading challenge, and they will read thousands and thousands of books. That is just another indicator of our commitment to education in this state.

We are also interested in skilling Victoria, because we know that we are the manufacturing capital of Australia. Manufacturing is the backbone of our economy; it is what gives us our strength. Victoria now has the highest number of apprentices per capita in Australia. We are talking about technical schools, but we still have the highest number of apprentices per capita in Australia. The system is working: people are being educated and being skilled, and they are going into industry. We are educating and skilling our future

work force to ensure the economic vitality and strength of Victoria.

I would like to go through what has happened in schools within my electorate of Mordialloc, where I have lived for many years. My children went to school during the Kennett years, and I recall what was happening to the schools in my electorate during that time. The local member was scouting around the electorate trying to find schools to close down. I remember that very well. I contrast that with the capital works that have been carried out in schools in my electorate since 1999, which include toilet replacement at Mordialloc Primary School, \$131 000; modernisation of Mordialloc Primary School — which really was a complete rebuild — \$2 million; stage 2 of Cheltenham Secondary College, \$2 million; stage 1 of Cheltenham Secondary College, \$1.7 million; general classrooms for Cheltenham Secondary College, \$600 000; stages 3 and 4 of Cheltenham Secondary College, \$4.3 million; a computer pod for Cheltenham Secondary College, \$70 000; a toilet upgrade for Parkdale Secondary College, \$140 000; a computer pod for Parkdale Secondary College, \$91 000; and recently Parkdale Secondary College has received approval to begin the process of rebuilding. Mentone Girls Secondary College has also been substantially rebuilt, with millions of dollars being allocated. Basically that means that every secondary college which is in my electorate or serving my electorate has been or is being completely rebuilt. That is huge; that is millions and millions of dollars.

Through the Leading Schools Fund \$600 000 has also been provided to Cheltenham Secondary College for building works and \$500 000 to Parkdale Secondary College for building works and three extra teachers over three years. We have rolled out a Schoolyard Blitz program which has provided \$5500 per school, and every school in my electorate has been given funding for extra sporting equipment.

There are not only government schools in my electorate but also some large and prestigious private schools, and I would like to point out that over the past few years since 1999 enrolments in government schools in my electorate have increased. In my area, where there is strong competition from private schools, I think people are voting with their feet for government schools. As I said, those schools have been substantially rebuilt and resourced.

I want to briefly speak about kindergartens because they have been mentioned by other speakers. I recall what happened when the Kennett government came into power. I had a child at a local kindergarten, and the

very first act of the new Kennett government was to cut all government support for three-year-old children's kindergartens! We should not trust the Liberals or anything they say. Any government that can do that as its first act is a government that cannot be trusted. It has no thought for children. We should not be fooled; there are no policies. We should not and cannot trust them. We will have more of the same if another Liberal government is elected.

Once again I congratulate the minister for all she has done for education. We can be trusted, we do have policies, and we will put them in place. That is a point of difference, believe me, from the opposition.

Mr THOMPSON (Sandringham) — In an Australian Education Union survey released earlier this year a number of key results were revealed. The survey concluded that almost 50 per cent of Victorian government schools are worse off; around 75 per cent need major upgrades; 92 per cent are inadequately funded and are forced to raise funds for essential educational programs; 83 per cent need to replace inadequate equipment; and there is a desperate need to find qualified specialist teachers.

When the Kennett government came into office in 1992 there was a maintenance backlog of some \$600 million — that is the statistic. I visited schools in my electorate and in other areas during 1992 and 1993, including Coburg Secondary College, where walls had been punched in and grass was growing out of the spouting. It reflected the major decay in the education system after 10 years of being administered by a Labor government. In addition, schools in my own electorate were seriously run down. The Kennett government set upon a program which did not work on rhetoric but on improving outcomes in a tangible way. Most schools in my electorate were recipients of significant maintenance funding to provide an appropriate learning environment for students.

According to a range of national and international reports, there is a very strong correlation between the school buildings, the learning environment and student outcomes. Most of the objective research that has been undertaken supports the view that student academic achievement improves with improved building condition and that individual factors such as lighting levels, air quality and temperature and acoustics have an effect on student behaviour and outcomes, although there is limited quantitative evidence, according to this report, available on some of those factors. It is indisputable that the quality of the built environment does have an impact on learning outcomes.

I want to highlight some of the key issues that have been impacted upon by a lack of funding within my electorate. Sandringham College, which is one of the major schools in my electorate and which covers three campuses, has significant issues that have not been addressed during the last seven years of this Labor administration. The Hihett campus has major electrical issues, and the condition of its music learning area is an absolute disgrace. Generally, across all three school sites, there are rotting windows and poor facilities. At the Beaumaris campus the heating needs to be upgraded and rotting windows are a major problem. I remember attending a working bee back in 1993 or thereabouts at which there was a sense of disbelief amongst parents in the electorate when they turned up to a working bee with a can of paint and were expected to paint over rotting window frames. This was after 10 years of administration by a Labor government.

Then there is the Sandringham East Primary School, which in a letter to the minister asked the questions, among others:

1. What else can we do to convince you that we are indeed a school in need?
2. How can we convince our school community that they have not been forgotten when we are compared with other schools who have received substantial funding?

Under the Labor government the commitment to maintenance of schools in Victoria has fallen behind. There was a \$600 million maintenance backlog in 1992. That was seriously worked back under the former coalition government, and now under Labor it has dropped back again. Following the absence of the Snowy money coming through, the upgrading of schools in Victoria will be put further behind.

In relation to Sandringham East Primary School, there is a mish-mash of facilities which includes mod 2 classrooms, relocatables, an old wooden classroom, a Bristol and an ageing core brick building. Much work needs to be done.

In relation to Beaumaris North Primary School, a number of issues were drawn to my attention last year, which included the toilet system; the roof, which was lifting and in urgent need of replacement; and the internal painting, which was appalling — and it has not been painted for 13 years. There was a range of other issues which the school community was concerned about where the Department of Education and Training had failed to sufficiently fund the school — so it has been left to the parents.

The Beaumaris Primary School requires a lot of work to be undertaken, which is valued at up to \$250 000. The Black Rock Primary School requires major works that relate to holes in floors and walls; gutters needing repairs; the oval shed needing to be rebuilt; doors needing replacement; floors needing repair; worn carpet; and a range of other concerns, including veranda posts rotting, door hinges shattered and windows needing assessment. The list goes on in relation to the needs of a number of local schools. We sought to lead a deputation to the minister, but the reply we got from her was that:

... no useful purpose would be served by me receiving a deputation from the school at this time.

There is no light on the horizon for the Sandringham East Primary School community.

There are further commitments on the part of a future Liberal government in relation to education that are relevant to the matter now before the house. The first important point I would like to make is that under a Baillieu Liberal government Labor's school maintenance backlog of \$250 million would be eliminated within the first term of government. A Liberal government would commit to an open and transparent funding basis for school maintenance by regularly updating the maintenance database and making the results publicly available. Under the Labor government the school maintenance backlog has nearly doubled from \$130 million to \$250 million.

In addition, educational initiatives under a Liberal government would include reopening five technical colleges in areas such as Hoppers Crossing, Frankston, Ballarat, Kilsyth and Narre Warren. A number of students would excel in a technical school environment where they had the opportunity to develop vocationally based skills and contribute to the strong output of the manufacturing sector of the Victorian industrial base. Moorabbin is an area that has more industrial positions than any other precinct in the Southern Hemisphere. It is important that there be appropriate opportunities for the development of skill sets that enable students to contribute to the work force in a productive way.

In addition, a future Liberal government will commit to preschool education by making it more accessible and affordable for families. Under a Baillieu government a grant of \$730 per year on fees for four-year-olds at kindergartens will be provided from the start of 2007, paid directly to kindergartens. This initiative will be funded by the reallocation of Labor's School Start bonus of \$300 to prep children and \$300 to year 7 children. Unlike Labor's \$600 payment that is unaccountable, a Liberal government will invest in our

children's future, making funding accountable and kindergartens accessible.

There is a range of other key initiatives in the education sector which a Liberal government will be committed to, and it will work strongly with all sectors of the school community to improve learning environments and outcomes. I have had the privilege of serving on school councils within my electorate for 10 and 12 years at Sandringham Primary School and Sandringham Secondary College and for one year at Black Rock Primary School. I understand the aspirations of the principals, teachers and parents and have seen many outstanding voluntary contributions made by members of those communities.

But I come back to the key point of my contribution — that there is a very strong correlation between the impact of school infrastructure on student outcomes and behaviour. The failure of the Bracks government to properly address the school maintenance backlog, allowing it to double from \$130 million to \$250 million during its periods of office, shows a lack of resolve and commitment on the part of the Bracks government to properly address these matters. It has focused on spending money on spin — earlier in the year the figure of \$80 million was mentioned. If this sum of money had been deployed just to improve the learning environments of a number of schools, it would have had a positive impact on the learning outcomes of students in the state system.

Earlier speakers in the house today have noted that there has been an increase in the transfer of students from the state system to the private system. There has been an increase in the number of state school students who have transferred across, and there has been insufficient provision for state students in this state. A Liberal government is strongly committed to the provision of quality learning environments for all students in this state, both in the independent sector and in the state system, which in turn, as I indicated, have an irrefutable impact upon the learning outcomes of students in Victoria.

Business interrupted pursuant to standing orders.

STATEMENTS ON REPORTS

Outer Suburban/Interface Services and Development Committee: building new communities

Ms BUCHANAN (Hastings) — I would like to address the report of the Outer Suburban/Interface

Services and Development Committee on its inquiry into building new communities, which was tabled in this house recently. The terms of reference of this inquiry were based around the very important aspects of community strengthening, community engagement and social capital — the foundational issues of a civilised democratic and caring society.

I would like to echo the sentiments of the committee chair, the member for Melton, that this report is the culmination of a fascinating and uplifting engagement with many communities across Victoria. This inquiry received an incredible number of submissions, participated in an exhaustive number of public hearings, and visited many communities, both around Victoria and interstate, as well as New Zealand — and some of the committee members actually went overseas.

The committee has made 40 recommendations. I would like to briefly focus on four of them, the first being recommendation 3.8, which is that:

... local government in Victoria investigate the suitability of 'community precinct committees' as mechanisms to provide ongoing opportunities for community engagement and participation.

This recommendation arose as a result of some very proactive work done by the New Zealand government to empower local communities and enhance local decision-making opportunities. We here in Victoria have seen how communities, particularly many disadvantaged communities, have actively embraced this concept through the very successful neighbourhood renewal program. We are at the commencement stage of such a project in the township of Hastings, and already this project is kicking goals in terms of community interest and participation. Pam Ford, the project coordinator there, is consolidating great links between local and state governments, individuals, residents, groups, organisations and schools.

The second recommendation I want to highlight is 4.8, which is that:

... the Victorian government, in implementing A Fairer Victoria, move towards the development of funding models for community strengthening with greater flexibility and time frames of a minimum of three years. As part of this, monitoring and evaluation requirements for projects should be well targeted and provide opportunities for learning, dialogue and networking between projects and stakeholders.

This is being borne out by the fact that many of the projects in relation to community building and social capital that the Bracks government has introduced show that you cannot throw money at a township for 12 months and then walk away from it; it is worse than

actually getting involved in the first place. That longevity of presence allows communities to become self-sufficient, to have their own decision-making processes and to become stronger in terms of their capacity to care for each other.

The third recommendation, 5.5, is that:

... the Victorian Government develop a comprehensive, practical guide for community organisations to involve people with disabilities as volunteers.

It has been said that if one is to progress the belief in the value of a broader and more inclusive volunteer base, then that must encompass people with disabilities. Such a guide would cover practical information and tips that would cover issues such as accessibility, communication, induction and recruitment, and could well be similar in format to those that committee members saw had been developed by organisations in the United Kingdom.

This aspect is becoming more urgent, given the current strain on many non-government organisations because of the federal government's welfare-to-work laws, through which many disabled people are now being forced to participate in volunteer activities to meet their mutual obligation requirements — those three nasty words — to prevent their payments being slashed for up to eight weeks. This mandatory requirement has seen many groups in my electorate overwhelmed by distressed residents fronting up for fear of losing their only source of income, and these groups have been given no extra resources to cope with this deluge of inquiries.

The final recommendation, 6.4, is that:

... the Victorian government provide broadband capacity to all metropolitan and interface neighbourhood houses and learning centres, ideally as part of its rollout of broadband to schools across the state.

The committee heard numerous instances of residents, particularly older residents, having a whole new world of information and social and support networks open up when they had the opportunity to use computers and go online. One submitter made the powerful statement that:

Technology underpins effective citizenship. If you cannot email, you cannot find a job now — it's as basic as that.

It is pertinent to keep this statement in mind in view of the recent decision made by Telstra not to increase broadband. The impact that is going to have across Victorian communities will be disastrous. It is pertinent to note also that it was this state government that negotiated the deal with Telstra to get broadband rolled

out to schools, and if there is the possibility of linking that into community houses as well that is going to be of greater benefit to the broader community.

There are many individuals and groups across Victoria that have a passion to better their communities for their residents in the social, economic and environmental areas. There are many individuals and groups that have been exceptionally innovative in their approach to engaging their communities and bringing them into healthy decision-making processes. There are many practices that have been developed by this government that have been taken on by other Victorian states and other countries, because in many respects this government has been leading the way in groundbreaking community building projects.

I want to commend all the members of the executive team of the committee for the fantastic work they have done, in particular the work of the chair, because — —

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

Public Accounts and Estimates Committee: budget outcomes 2004–05

Ms ASHER (Brighton) — I wish to make some comments on the Public Accounts and Estimates Committee's report on the 2004–05 budget outcomes. I have had one previous opportunity to speak on the contents of this report, and I have previously covered the performance of the Department of Innovation, Industry and Regional Development in relation to major projects, in particular on the film and TV studio and the synchrotron. I note that the committee looked forward to the Auditor-General's report on the film and TV studios, and whilst I know that under the standing orders I am not at liberty to comment on that report, it has been tabled today, and I am sure it will be the subject of a range of comments.

I want to look at page 250 and at the committee's responses to the disaster called the regional fast rail project, which the government originally promised in the 1999 election at a cost it put at \$80 million. This committee has been particularly useful in terms of public exposure of the mismanagement and waste of money in terms of cost blow-outs in relation to this project.

I also want to refer to page 251 where — I have commented on this previously in the house — the committee and indeed various government departments seem to have invented new terminology in an attempt to conceal an appalling performance on major projects.

Instead of the word 'delay', we have now seen the use of the word 'extension'. At page 251 the report says:

The committee reported extensions advised by the department to original dates set for completion of construction works across the fast rail project's four corridors in its April 2005 *Report on the 2003–04 Budget Outcomes*.

The revised dates at that time were then specifically referred to as extensions. The department and the departmentally dominated committee can refer to extensions — 're-phasing' was another piece of terminology in these reports — but they are delays. They are delays that the committee cannot hide and that it has felt it is its responsibility to report to Parliament. More importantly, they are delays with which the public is familiar.

The committee also makes reference to the Auditor-General and an interim report to the Parliament on the fast rail project in December 2005, and makes reference to that particular report looking at significant delays and cost revisions — in other words, cost blow-outs.

I note that the committee went on to say at page 252:

The committee welcomes the Auditor-General's decision to recommence this audit —

that is, the interim audit —

and recognises the intensity of the task faced by the department in managing the project's remaining development tasks.

The committee then went on to say that it:

is also mindful that more than \$700 million of public funds will have been spent on the project by mid-2006. The committee considers that the related accountability obligations of the department require Parliament to be provided with an independent assessment, of the manner in which the project has been planned and managed, in a timely manner.

The 'timely manner' refers of course to the Auditor-General's next report to Parliament. Today we have had that Auditor-General's report tabled in Parliament. Again, I am completely familiar with the standing orders of this place that only permit me to comment on reports by parliamentary committees, but the Auditor-General's report makes very interesting reading on the mismanagement of this particular project.

This is something that the parliamentary committee has flagged, and not just in the committee report to which I am referring. It has been constantly flagging it in reports to the house since it commenced in this term of government. We have this extraordinary circumstance

where a committee dominated by Labor members of Parliament has been forced — I assume against its will, but it is obviously having to deal with facts — to report to Parliament time and time again about the problem with this project, a project that was meant to have been completed in the government's first term and that was originally set to cost \$80 million.

We have seen substantial delays — the project is still not quite finished — and obviously a significant cost blow-out. In the end, in exasperation, these Labor members have now had to resort to: 'Oh well, the Auditor-General has got a very big task; we await the Auditor-General's report'. Indeed, I note that the project's finishing date at that stage was mid-2006; we are past that, and we are still waiting for progress on this particularly badly managed major project.

Public Accounts and Estimates Committee: legislative framework for independent officers of Parliament

Ms CAMPBELL (Pascoe Vale) — I rise to speak on the Public Accounts and Estimates Committee report on a legislative framework for independent offices of Parliament, which was an important contribution to enhancing the Victorian government's and the Parliament's continuing work towards improving and restoring the function and independence of our key public watchdogs.

This report played an important role in assisting the Parliament to discharge its scrutiny and accountability function. It also has given the opportunity to the government to reflect on further improvements that can be made.

I go to the government's response to the committee's recommendations, which were recently tabled in the house. Recommendation 1 states:

The legislation relating to each officer of Parliament be amended to provide that both houses of the Victorian Parliament pass a resolution appointing the Auditor-General, the Ombudsman and the Electoral Commissioner, based on the recommendation of the appropriate parliamentary committee.

The government intends to give this recommendation further consideration and examine how and in what form that input could take place. That is an important start for the Parliament becoming more involved. It was shown with the appointment of our next Auditor-General that one parliamentary committee was able to work in a bipartisan fashion with the vision of having a good Auditor-General in Victoria to ensure that there is accountability for taxpayers' expenditure.

That good appointment process that worked extremely smoothly could be adopted in a similar fashion for the Ombudsman and the Electoral Commissioner. The reason we made that recommendation was that each of the three officers of Parliament would be enhanced if the appointment process had more involvement by the Parliament. I welcome the government's response to the committee's report that there will be examination into what form that input could take.

Recommendation 4 states:

The recruitment and appointment process for officers of Parliament should be finalised well in advance of the state election and as close to the middle of the election cycle as practicable.

Now that parliaments are going to be elected every four years we have the wonderful opportunity to ensure that, if it is practicable, the appointment of the independent officers of the Parliament will be made about mid-term. This is quite useful, because these officers are of such critical importance to the Victorian public that any suggestion that their appointment was political could lead to such a perception becoming reality. We want to avoid that. The government supports the recommendation, and it aims to ensure that so far as is reasonably possible appointments will be made in the middle of the election cycle.

Recommendation 5 states:

No officers of Parliament should be eligible to take up a position within the Victorian public sector until after a period of at least two years from the completion of their appointment as an officer of Parliament.

I am pleased with the government's response. It supports the recommendation that an independent officer of Parliament should not be permitted to take up another position within the public service within a period of two years. However, it made a good point when it stated that it did not believe an independent officer should be prevented from taking up another independent office during that period. That is something to which the committee had not given a huge amount of consideration, and the government's response enhances the recommendation.

The watchdogs of taxpayers funds and of this Parliament have been enhanced by legislation brought in by the Bracks government. It was elected on a platform of transparency and accountability. The response to this report is a welcome response.

Economic Development Committee: standardbred breeding industry

Mr DELAHUNTY (Lowan) — I rise to speak on the second report of the Economic Development Committee's inquiry into the viability of the Victorian thoroughbred and standardbred breeding industries. This interesting report makes 11 recommendations which complement the 30 recommendations made in the earlier report.

The Victorian standardbred breeding industry has achieved a position of market leadership in Australia, but it is important to recognise that we need to do more work to make sure that we maintain our strong position in the coming years. Improvements are required. This report notes that not a lot of submissions were received. Unlike the inquiry into the thoroughbred breeding industry, a limited number of submissions were received in relation to the standardbred breeding industry. However, it was an interesting committee to be on and an interesting report to be a part of. I have been in this place for nearly seven years, and this was one of the better committee reports that I have been involved in.

Back in 2005 an economic impact study initiated by Harness Racing Victoria (HRV) estimated that industry to be worth \$700 million to the Victorian economy and the breeding industry to be worth in excess of \$200 million. Evidence presented to the committee made it clear that maintaining a large annual foal crop in Victoria is critical to the industry being able to supply enough horses for Victoria's extensive race program and maintain wagering growth. The report discusses some of the weaknesses, including tax, syndication and equine research. These are similar to the weaknesses in the thoroughbred breeding industry.

We made extensive visits around the state, overseas and interstate and had many meetings with people such as Harness Racing Victoria, the Australian Harness Racing Council, the Standardbred Breeders and Studmasters Association and the New South Wales Standardbred Breeders Association in Sydney. We visited Yuruga Bloodstock at Great Western. Unfortunately I had to pull out of that visit, because the Deputy Prime Minister was in my electorate, but Anne Jacobson and Darren Jacobson did a great summary of artificial insemination and other matters for the members of the committee. We also visited Alabar at Echuca, in the member for Rodney's electorate. It is one of the leading studs not only in Australia but around the world.

One concern raised during the submissions relates to track rationalisation. We met with some of the people involved with that. The report notes the clubs that have been rationalised by Harness Racing Victoria: Boort, Gunbower, Hamilton, Ouyen, St Arnaud, Wangaratta and Wedderburn. In the report we highlight that in 2005 the Auditor-General drew attention to circumstances where in his opinion Harness Racing Victoria had not accorded with their obligation to consult with clubs adversely affected by the V3 process. In our report we say that the committee agreed with the Auditor-General that a greater consultation process was warranted. We are pleased to see that there is some work going on, with HRV and some of the clubs looking at alternative proposals, whether they be at Hamilton or Wangaratta. We encourage HRV to talk with the other clubs affected, because they are very important to the social fabric of our country communities.

In finishing I would like to thank the other members of the committee: the member for Mitcham was the chair; and from the other place the Honourable Ron Bowden, a member for South Eastern Province, was the deputy chair, and the Honourable Noel Pullen, a member for Higinbotham Province, was a very valuable member. I would also like to compliment our research officer, Jonathon Gurry, who picked up the cudgels at a late stage and did an excellent job. Editor Frances Essaber did a great job, and the office managers were Andrea Agosta and Mary Pink. Professor Andrew Clarke did some research for us. We thank them for the work they did.

We made 11 recommendations on such things as improving skills in artificial insemination; the impacts of drought; equine research funding, which we believe should be increased to about \$5 million; and Victorian stamp duty, which should be cut to the New South Wales rate of 2.5 per cent. In doing so we said there is a need to scrutinise horse insurance providers to ensure that they are all paying the appropriate rate of stamp duty. This is a good report and well worth reading.

Rural and Regional Services and Development Committee: regional telecommunications infrastructure for business

Ms GREEN (Yan Yean) — It gives me great pleasure to speak on the report by the Rural and Regional Services and Development Committee on its inquiry into regional telecommunications infrastructure for business. I think it will be a very valuable contribution to an area that is not only full of potential for business but also full of problems in rural and regional communities. The terms of reference, which are listed at the front of the report, outline the potential

benefits to Victorian regional businesses that the committee was asked to consider and report on to Parliament. They include improved access to telecommunications infrastructure and services, in particular broadband services. They also highlight any impediments that may stop businesses from realising this potential.

I read this report with great interest, because the terms of reference, although they relate to rural and regional Victoria, have a great deal of resonance for and are equally applicable to suburban interface communities such as the one I represent. They are struggling and falling through the cracks when it comes to the provision of decent, modern broadband Internet services. This is affecting businesses in my area, including the many home-based businesses that are growing there, with its proximity to Melbourne and great lifestyle. I am particularly talking about people in the suburb of Doreen. Although they are less than 30 kilometres from Melbourne, various carriers constantly tell them they are in a rural area and cannot get a service. One estate, which is now home to 3000 to 4000 people — and a number of other estates such as Laurimar — is struggling because the people there only have access to dial-up Internet. I recently spoke to a family with a home-based business. The family includes a mum who is a student and two or three children who are also studying. They are all competing for one dial-up line in the house. It is just not good enough in these modern times.

Across the road from that estate is the Plenty Valley Christian School, which is a service provider and a business. There are 800 students from prep to year 12 at that school, and they were not able to participate in the Premier's reading challenge last year — I hope that has been rectified this year — because there was not sufficient online time to get them signed up. Students at that school and in the rural and suburban interface are missing out on opportunities because they do not have access to this technology.

Mill Park Lakes, the estate where my office is and which is only 24 kilometres from Melbourne, has no access to modern broadband services. My electorate office staff have struggled with this. It is just not good enough. I suggest that members refer to the findings of and recommendations in this very good report. The first recommendation, which I wholeheartedly support, is:

That the state government urge the commonwealth government to retain Telstra in majority public ownership.

The second recommendation is:

That the state government urge the commonwealth government to ensure Telstra's wholesale and retail arms are fully separated businesses with unique board membership.

Recommendation 7 is another one which is very important:

That the state government encourage the commonwealth to legislate a minimum speed and performance definition for the use of the term 'broadband'. This should be in line with international standards.

There is a range of recommendations and findings along those lines which should make the federal government think twice about selling Telstra. We really have very poor service provision. Many of my local residents, such as Peter Verbyla of Yan Yean, who has written to me on numerous occasions, cannot get access to broadband because there are no pairs left in the exchange in Mernda. The state government has done a lot in this area by providing broadband access and upgrading all our government schools across the state. I know some non-government schools are buying into this.

I am very concerned that there are minority reports attached to this excellent report. I think it is just political point scoring by the Liberal Party and The Nationals. They are standing up for their mates in Canberra and do not have the courage to stand up for telecommunications, consumers and businesses in this state by doing the right thing and supporting the majority. I congratulate the committee on its work.

Public Accounts and Estimates Committee: budget outcomes 2004–05

Mr WELLS (Scoresby) — I wish to speak about the April 2006 report of the Public Accounts and Estimates Committee on the 2004–05 budget outcomes. I focus on the home detention pilot program, on which the report begins on page 290. Referring to the Department of Justice, it states:

The home detention pilot program commenced in January 2004. The department's annual report describes the program as:

... an innovative sentencing option to help keep non-violent offenders out of prison. As a pre-release option for prisoners it enables offenders to be released on parole and still have their whereabouts monitored.

Or so they say. The report quotes further from the annual report of the Department of Justice:

As at 9 December 2005, 117 home detention orders have been granted with 12 per cent made at the front end. There are currently 18 active home detention orders with five prisoners awaiting release onto the program ... The breach and

revocation rate for home detention orders is 4 per cent, with 92 orders having been completed.

The report goes to state that an evaluation will be undertaken by the University of Melbourne. I read with great interest in the *Herald Sun* today that the government has decided to expand the home detention program. The Liberal Party wishes to recommit its commitment — —

Mr Hulls — Recommit its commitment?

Mr WELLS — That is right. Members of the Liberal Party will abolish home detention, because we consider it a soft option and not in the best interests of keeping Victorian communities safe. We believe that home detention sends the wrong message to the community and is disruptive of families. We consider that it puts women in a very difficult situation, because on many occasions the spouse has to sign off to allow a person to come out of prison and serve the rest of their sentence at home.

There are two sorts of home detention. The first is the front end. Members of the opposition still do not understand why if a judge has determined that a criminal has committed an offence so severe that he should go to jail the judge then says, 'You should go to jail because of the offence that you have committed but instead we will send you to home detention'. Most people in the community would say, 'If a judge thinks you should go to jail, then to jail you should go'.

The home detention that bothers members of the opposition even more than the front end is, of course, the back end. We are concerned that the Adult Parole Board of Victoria will make a decision about who will go into the home detention program. In other words, if a criminal has been sent to prison for a minimum of 12 months and a maximum of 18 months, at some point the members of the Adult Parole Board of Victoria can undermine the magistrate or judge and say, 'We believe that you have been good and that you should spend the rest of your sentence at home under home detention'. That is not what the sentencing magistrate or judge said initially; they said it should be a minimum of 12 months in jail. We do not understand why the Bracks government is so keen to undermine the judicial system of magistrates and judges. Not even the sentencing magistrate or judge has any sort of role to play in having a sentence fulfilled. This simply does not make any sense.

I guess when we have grave concerns about the home detention program we should look at the New South Wales system. In New South Wales, of the 250 convicted criminals who completed a home

detention order in 1999–2000, 38 per cent were issued with 158 sanctions, 55 per cent of which were breaches for alcohol and drug-related matters. So it seems, on the New South Wales evidence, that as the system gets up and is running it will not work in the long term.

Members of the opposition are also concerned that if there is a breach of home detention and a police officer sees someone who is on home detention at a hotel, for example, and the rules and conditions of home detention are that a person is not allowed to go to a hotel, the police officer cannot take the person back to the police cells for an assessment. The person has to go back to the adult parole board, which then has to issue a warrant for the police to be able to pick up that person. Talk about a cumbersome, bureaucratic process!

I mention quickly the case of the Donnelly family. In that case the criminal spent two years lying and deceiving and making excuses. He even had his parents protecting him. For that person to be released into home detention without the knowledge of the Donnelly family is an absolute disgrace. Once again it shows that the government does not care about the victims of crime in this state.

PRIVILEGES COMMITTEE

Complaint by member for Preston

Mr BATCHELOR (Minister for Transport) — I move:

That:

- (a) the house endorses the report of the Privileges Committee on the complaint by the member for Preston and its findings of a breach of privilege and contempt; and
- (b) the house notes that the Privileges Committee accepted that Mills Oakley Lawyers has a practice that all outgoing correspondence is to be checked by a partner but that practice was not adhered to in this case; and
- (c) in recognition of the house's belief that the findings are a very serious matter, the Speaker is directed to:
 - (i) inform Mills Oakley Lawyers and the solicitor concerned of the decision of the Legislative Assembly; and
 - (ii) place a prominent notice in the *Law Institute Journal* to remind all members of the legal profession that the Legislative Assembly values the rights and obligations of members of Parliament and will not allow parliamentary privilege to be undermined, and to advise that the Legislative Assembly will take any action necessary to protect the rights

and privileges of the house and members now and in the future; such notice shall be in the following terms:



PARLIAMENTARY PRIVILEGE

Following a recent finding of a contempt of Parliament involving the legal firm Mills Oakley, the Parliament wishes to advise that:

- (a) the Parliament regards Parliamentary Privilege as a vital part of the democratic process;
- (b) Parliamentary Privilege affords Members of Parliament the ability to debate matters in Parliament in a manner that allows them to fulfil their role as elected representatives and law makers without fear or favour;
- (c) the Parliament will not allow Parliamentary Privilege to be undermined;
- (d) the Parliament will take whatever action is necessary to protect Parliamentary Privilege in the future; and
- (e) the report of the Privileges Committee can be found at www.parliament.vic.gov.au/Privileges_Committee/

Judy Maddigan, Speaker.

At the outset I refer to a submission provided to the house by Mills Oakley Lawyers in relation to the facts as they see this matter. I have had discussions with other parties and yourself, Speaker. As I understand it, the submission can be made available in an electronic form that is suitable to Hansard. Therefore I seek leave to have it incorporated in *Hansard*.

Leave granted; see submission page 3036.

Mr BATCHELOR — In moving this motion on this occasion, I note that the house has not had to deal with such matters of recent times. In some respects scholars of Parliament will look back on this occasion and examine how the Parliament handled this particular issue. This is an issue that has two perspectives. First, Parliament is asserting its right to protect the privileges of parliamentarians that unambiguously exist and should continue to exist. The other element to this is that Parliament is unambiguously asserting the rights of local members of Parliament to pursue constituent matters. People will have different views and interpretations that they will express during the course of the debate but they are essentially the two elements of the issue, which comes to Parliament today by virtue of a report of the Assembly's own Privileges Committee.

Just by way of background and introduction to this motion, it was in February 2006 that the member for Preston lodged with the Speaker a complaint relating to an alleged breach of parliamentary privilege. The complaint related to a letter dated 21 January 2006 from Mills Oakley Lawyers to a Mr John Cannard, who was a constituent of the member for Preston. The letter in question threatened legal action against Mr Cannard if the member of Preston, a member of this chamber, repeated certain allegations in the house. On 28 February 2006 this complaint was considered by the house and it resolved to refer the matter to the Privileges Committee for consideration.

The Privileges Committee has now released its report and it is available on the parliamentary web site at www.parliament.vic.gov.au. I recommend that people who are interested in this get either a hard copy or an electronic copy so that they can see the full context of the committee's report.

According to paragraph 15 of the Privileges Committee report, the letter in question was a clear attempt by Mills Oakley to interfere with the provision of information to the relevant member of this Parliament, the member for Preston, in carrying out his duties as a member of the Legislative Assembly. This action was a contempt. A contempt is defined in *Erskine May* to be:

... any act or omission which obstructs or impedes either house of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such house in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results ...

The circumstances of this contempt are particularly serious in that it potentially interfered with the ability of members of Parliament to receive full and frank information from their constituents. As I stated in February in my contribution to the debate on whether to refer the matter to the Privileges Committee, the freedom of political communication is one of the most important democratic protections that Australia has. It is well worth protecting.

It is recognised in section 19 of Victoria's Constitution Act 1975 and is also based on article 9 of the UK Bill of Rights, which says:

The freedom of speech in debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament.

This privilege gives members of Parliament the freedom to debate subjects of their choosing and the freedom to say in Parliament what they wish to say without the risk of incurring any legal liability. This privilege protects members against legal actions

alleging defamation, whether in libel or slander. It means that members can engage in debate in an open and frank way, and we certainly do that here in this chamber.

The circumstances of this matter are unusual in that the letter sent by Mills Oakley was not actually addressed to a member of Parliament, nor was the threat of litigation made against the member. However, in determining the issue the Privileges Committee took into account the fact that the member had previously spoken on the matter in question in the house, and the committee said there was a very real likelihood that he would do so again and concluded that there was a reasonable expectation that the information provided by Mr Cannard would be used by the member as part of his parliamentary duties. In other words, it is necessary to extend the protection of privilege beyond the actions directly aimed at members of Parliament and to protect third parties in some instances to ensure that the freedom of political speech of members of Parliament is not stifled by restricting their access to information.

Despite the fact that there have been few, if any, findings of contempt in this Parliament over the past 100 years, we should not shy away from acting against such behaviour if and when it occurs. In order for members of Parliament to carry out their functions properly, open access to information is vital, particularly information from their constituents. If access to such information were allowed to be unreasonably diminished as a result of threats directed at constituents, it would open the door for unscrupulous parties to use strategic threats of litigation to restrict public participation in the parliamentary process.

For this reason it is important that the Parliament remain vigilant in protecting the rights of individuals to speak freely with their parliamentarians and for those parliamentarians to speak freely in this house. Accordingly I endorse the findings of the parliamentary committee and wholeheartedly support the resolution before this chamber today.

Mr COOPER (Mornington) — There is probably nothing more important in the transaction of business in either house of this place than the privileges that are afforded to members of Parliament to enable them to speak freely and frankly on issues that have been brought to their attention by anybody, but particularly by their constituents. The case we have before us today relates, as the Leader of the House has said, to a matter that was brought to the attention of the member for Preston by a constituent who was concerned about a matter and sought to have the member for Preston make representations on his behalf. The member for Preston

carried out his duties as a member of Parliament in bringing those matters in here and raising them.

The objective of the Privileges Committee was not to discuss or debate or come to any conclusions in regard to the content of what the member for Preston raised, or indeed the content of what his constituent raised. The task before the committee related to whether or not there had been an attempt to nobble the member for Preston and to stifle his ability to bring that matter into this place and raise it freely and frankly. There was no doubt in the mind of any member of the committee that that attempt had been made by the letter the constituent of the member for Preston received. That letter is an appendix to the report of the committee, and I think it is worthwhile quoting from a couple of points in it. I want to go on and demonstrate a couple of other matters following that. The letter, which is on the letterhead of Mills Oakley Lawyers, is dated 21 January. In talking about the allegations the letter states, in part:

We are instructed that those allegations have been made verbally in the hearing of a number of other residents and Mr Michael Leighton, Minister of Parliament for Preston.

I think most people, whether or not they are members of Parliament, would have immediately heard an alarm bell ringing if they had been vetting that letter, because clearly there was an elementary error. The letter goes on to say in its penultimate paragraph:

We request that you make an immediate and formal apology to Mr Wellard for your false allegations and cease to make those allegations immediately. We hereby put you on notice that, should your false allegations be repeated in any media, or by Mr Leighton in Parliament, or by yourself or any other person, we will bring action against you to recover the damages suffered by our client.

Having attended most but not all the meetings of the Privileges Committee to discuss this issue, it was obvious to me that it was a blatant and clear attempt by the person who wrote the letter to try and shut down the ability of the member for Preston to raise that particular issue in this house.

It is important to have a look at the letter, which is dated 21 January. If members would like to look at their calendars they will see that 21 January was a Saturday, not a normal business day for anyone other than perhaps members of Parliament or bookmakers, but it is certainly not a normal day for legal firms to be open. It would appear that the person who wrote the letter was working on a Saturday. The other point that needs to be made is that the letter states at the top that a partner of the law firm involved is responsible for this matter, but that partner did not sign the letter. As it turns out, and as we have now seen from the submission that has been

put to this house and incorporated in the report from Mills Oakley Lawyers, no partner wrote the letter, signed the letter or posted the letter. I want to quote from the submission by Mills Oakley Lawyers, because I think it is important in the house's consideration of this matter. In part the submission from Mills Oakley says:

- (a) That the solicitor who wrote, signed and posted the offending letter did so in breach of the firm's unequivocal policy that all outgoing correspondence must be approved and signed by a partner; and
- (b) That, prior to publication of the committee's report, Mills Oakley Lawyers had no reason to expect that a finding would be made against the firm, rather than against the solicitor concerned, and had no opportunity to present evidence or other material or to make submissions to the committee in relation to any such finding.

It went on in its submission to say:

The firm has a policy that all outgoing correspondence must be submitted to and approved and signed by a partner of the firm. The solicitor concerned did not comply with this policy in respect of the letter which is the basis of the relevant breach of privilege and contempt.

Further on in its submission it said:

... in practical terms, Mills Oakley Lawyers had no opportunity to prevent the commission of the contempt. The firm had no opportunity to stop the sending of the offending letter and no opportunity to modify its terms so as to avoid its constituting a breach of privilege or a contempt of the Parliament. The offending letter was not submitted to any partner and, in fact, was not even seen by a partner or anyone else at the firm until after it had been raised in the Legislative Assembly.

Then it went on to make some points about its inability to put any evidence itself before the committee and said, in my final quote from this submission:

The written material provided to Ms Thomson —

Ms Thomson is the lawyer who wrote the letter and was an employee of Mills Oakley Lawyers at that time —

requesting her attendance at a meeting of the committee advised her that the proceedings were confidential and that authority to publish oral evidence or written submissions rests with the committee and not with individual witnesses or authors. Ms Thomson advised the chairman of partners of Mills Oakley Lawyers that, in addition, the committee had verbally cautioned her not to discuss her evidence or the proceedings with anyone else. Ms Thomson advised the chairman that she understood that she could not show the transcript of her evidence to anyone. The chairman advised Ms Thomson that she should comply with those requirements.

As a result, Mills Oakley Lawyers could not be aware of the evidence or any other aspect of the proceedings before the committee and had no reason to expect that the committee was considering a finding against the firm until the committee's report was published on the web site of the Parliament.

Sitting suspended 1.01 p.m. until 2.02 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Public transport: smartcard tender

Mr MULDER (Polwarth) — My question without notice is to the Premier. I refer to revelations of a calculated strategy of unethical, immoral and potentially illegal behaviour by the Transport Ticketing Authority to leak bidders financial information in order to manipulate the outcome of the smartcard tender. I ask: if the Premier is not prepared to take responsibility for this fiasco, can he tell the people of Victoria who will take responsibility?

Mr BRACKS (Premier) — I thank the member for Polwarth for his question. As the member probably knows, this matter has been through two probity audits already. Our government has referred this matter to the Auditor-General. It was our government that chose to do it. As it is the responsibility of the Auditor-General to report to this Parliament, those matters will be investigated by the Auditor-General and the report will be delivered to this Parliament in accord with the privileges. The timing is a total matter for the Auditor-General.

The Auditor-General will decide the form, the details and the conclusion of the report. Those matters will be delivered to the Parliament as is the responsibility of the independent statutory officer that the Auditor-General is.

Bledisloe Cup: Melbourne 2007

Mr MILDENHALL (Footscray) — My question is to the Premier. I refer the Premier to the government's commitment to ensuring that Victoria remains the major events capital of Australia. I ask the Premier to detail to the house the most recent example of the government delivering on that commitment.

Mr BRACKS (Premier) — I thank the member for Footscray for his question. The member for Footscray was right; major events deliver something like \$1 billion in economic activity in Victoria each year. That is the biggest input to any economy in Australia

for major international events and of course is arguably one of the biggest in the world. In this year's budget an additional \$52 million over four years was provided to the Victorian Major Events Company to attract even more significant blockbuster international events for Victoria.

This morning I was very pleased to be at the Melbourne Cricket Ground for an announcement that further reinforces our commitment to ensure that Victoria remains the major events capital of the country. World class Rugby Union, in the form of the Bledisloe Cup, will be returning to the MCG in 2007 for the first time in some 10 years. That is a great outcome for the Victorian Major Events Company, and I congratulate Sir Rod Eddington, Peter Abraam and the team which negotiated with the Australian Rugby Union for the next Bledisloe Cup — the only Bledisloe Cup that will be held in 2007 — to be held at the MCG.

It is worth reflecting that 10 years ago a record crowd for a Bledisloe Cup was recorded at the MCG when 90 119 people attended. It attracted some 27 500 visitors to Victoria, including almost 9200 visitors from overseas, and an economic impact of around \$61 million for the state. That was 10 years ago. Of course, with the redeveloped MCG, the greater capacity and the greater interest for this great world-class event, we expect that to be increased even further with many people from interstate and overseas from New Zealand coming here to watch the Bledisloe Cup.

That forms part of a package over the next four years that we have now with Rugby Union. The package also includes a test match against France or South Africa in 2008, a test match against a likely opponent, which we think will be Italy at this stage, in 2009 — I repeat for the member for Coburg: Italy in 2009! — and also a further Bledisloe match in 2010 at the MCG again. This is a four-year package with significant economic benefits, and significant interstate and overseas visitor numbers will be accrued as part of this. As well there will be a package for community Rugby programs around the state, which we have negotiated with the Victorian Rugby Union.

I am very pleased that the major events company has delivered again. I congratulate the Minister for Tourism for his work with the major events company. This means not only that we are the major events capital of the country but that we will certainly remain so with these extra events which will occur in Victoria over the next four years as well.

Rail: regional links

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to the Auditor-General's report released today which confirms that about \$170 million of componentry costs for the fast rail project were 'incorrectly left out' of an already inflated project budget, and I ask: did that blatant mistake in budgetary management occur at the direction of the government, or is this shambles yet another example of the historical fact that Labor simply cannot manage money?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. I am very pleased to say that this major project for Victoria, which is the first and significant major upgrade of regional rail services for 120 years, will deliver a 41 per cent increase in services, 287 extra weekly services and 114 extra weekend services; and also, as the Auditor-General indicates in his report, it will deliver more frequent, faster and better services for Victoria. On page 6 of the Auditor-General's report he indicates that this is really delivering better services for Victoria.

The budget has increased from \$556 million to \$750.5 million. As the departmental response indicates, we believe that those contracts which were entered into prior to us coming to government should not be calculated as part of this project, and that is reasonable. We also believe that would cover — —

Honourable members interjecting.

The SPEAKER — Order! I ask members on my left to cease interjecting in that manner.

Mr BRACKS — There are also system-wide requirements for safety following Waterfall which apply across the whole of the rail system in Victoria. This is a great project for Victoria. I have to say that there is a choice here: the choice is between a government that wants to continue to fund and resource more regional rail services and an opposition that will no doubt close these services down if it gets the chance.

Tertiary education and training: rural and regional

Ms DUNCAN (Macedon) — My question is to the Minister for Education and Training. I refer the minister to the government's commitment to training young people in regional areas to meet the skill needs of local industry, and I ask the minister to detail for the house what the government is doing to deliver on that commitment.

Ms KOSKY (Minister for Education and Training) — I thank the member for Macedon for her question and indeed her great interest in and contribution to regional Victoria. As everyone in the house knows, this government is absolutely committed to delivering for all Victorians right around the state, including regional Victoria as well as metropolitan Melbourne. We have released two major statements this year on the need for skills in relation to economic development. The first statement is *Moving Forward — Making Provincial Victoria the Best Place to Live, Work and Invest*. The second is *Maintaining the Advantage — Skilled Victorians*. Both those statements make it very clear how we intend to deliver on skill needs right across Victoria, including provincial Victoria.

This year alone, to put this in a clear context, an additional \$6.6 million has been made available to TAFE institutions for delivery of vocational education and training in regional Victoria. Regional Victoria also received 45 per cent of all additional funding made available to the TAFE system for pre-apprenticeship training. In 2006, this means an additional \$2.7 million will be provided for an extra 490 training places in regional Victoria. There are of course many young people who are in need of that training in regional Victoria.

Putting this in a local context, this means five additional pre-apprenticeship classes being conducted in the Goulburn–Ovens region, including Wangaratta and Shepparton, in areas such as building and construction and automotive engineering. In Gippsland this means nine additional classes in automotive engineering, building and construction, hairdressing and child care — and I could go on for quite some time. Of the \$12 million allocated for TAFE equipment in 2006, almost half has been provided to regional TAFE institutions to further develop their equipment so that it is at the cutting edge of technology.

One of the things that I am most proud of is our four new technical education centres (TECs), the first of which will open in Wangaratta. Of course we know why the TECs are important. It is because they will focus particularly on year 10, 11 and 12 students who want to develop their vocational skills. We know that Wangaratta is experiencing significant skill shortages in a range of areas including manufacturing, agriculture, forestry and fishing, health and community services, hospitality, construction, transport and storage. They are what the TEC in Wangaratta will focus on delivering so that those skill shortage areas are addressed.

I am very pleased to tell the house that I have been working very closely with the member for Murray Valley — and he has been working very closely with me — to ensure that the new TEC in Wangaratta will build on the very positive work that the secondary schools are doing. I understand from the member that the community has now identified the position of the TEC at the TAFE site and that planning works are well under way.

There is only one threat to this TEC in Wangaratta opening at the beginning of next year. A proposal that was released on the weekend would shift all the expenditure on that TEC in Wangaratta to a metropolitan site in Melbourne. That is Liberal policy. It would shift all the dollars that have been allocated to that site at Wangaratta to a metropolitan site. I am sure that the member for Murray Valley was never consulted about this, and I am absolutely convinced that he would be in complete disagreement with the policy of the opposition. It is another demonstration that the Liberals do not care about regional Victoria.

Honourable members interjecting.

Mr Cooper — On a point of order, Speaker, in accordance with your previous rulings the minister cannot use this question as a vehicle to attack the opposition. I also draw your attention to the fact that the minister has now been speaking for well over 4½ minutes, and I ask you to get her to wind up.

The SPEAKER — Order! I uphold the point of order, and I ask the minister to return to answering the question.

Ms KOSKY — We are very committed to regional Victoria, and I can assure the member for Murray Valley that this side of the house will continue to work with him to make sure that that TEC is up and running, despite the position of the opposition.

Rail: regional links

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer him to the Auditor-General's findings that Labor's fast rail project has had more massive financial blow-outs and that time savings for passengers will be 'at best modest and in most cases negligible', and I ask: if the Premier is not prepared to take responsibility for this fiasco, can he tell the people of Victoria who will?

Mr Brumby interjected.

The SPEAKER — Order! The Premier, without the assistance of the Treasurer.

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. Regional fast rail has been a great boon for regional and country Victoria. The executive summary on page 6 of the Auditor-General's report says:

The draft timetables deliver a significant increase in the number of weekday and weekend train services between the regional centres of Ballarat, Bendigo, Geelong and Traralgon, and Melbourne. The timetables also extend the hours during which services run on these corridors.

He went on to say:

The timetables also deliver the government's express journey times on all the fast rail corridors.

We agree with the Auditor-General!

Melbourne Markets: relocation

Ms D'AMBROSIO (Mill Park) — My question is to the Minister for Agriculture. Can the minister advise the house of how the government's plans for the development of the port of Melbourne and the wholesale fruit and vegetable market will underpin the future development of Victoria's important agricultural and rural industries?

Mr CAMERON (Minister for Agriculture) — I thank the honourable member for Mill Park for her question and for her ongoing support for these two vital interrelated projects for the continued development of this great state. Certainly we need to see an expansion of the port of Melbourne for the food and fibre industries across Victoria. If we want to continue in future decades to see ongoing increases in exports, then we need to see the expansion of the port of Melbourne.

Nearly half the produce that goes through the port of Melbourne is in fact food and fibre. When you have a look at all the exports of food and fibre and their importance to this state, you realise that some 86 per cent of those go through the port of Melbourne. That is how important the port of Melbourne is to the ongoing future of our food and fibre industries. If you take the dairy industry, for example, 97 per cent of dairy product in Victoria is exported through the port of Melbourne. I can tell you this, Speaker: there might be some people on the other side of the house who are not fussed about the dairy industry, but on this side of the house we are fussed about the dairy industry. In the red meat industry, 87 per cent of the meat exported from Victoria goes through the port of Melbourne. There might be some people opposite — not the lot up that end over there, but the other lot — who are not interested in the red meat industry, but we on this side certainly are.

Have a look at horticulture! Some 68 per cent of horticultural product that is exported out of this state goes through the port of Melbourne. Victoria is the leading state when it comes to the export of horticulture. Our exports are almost twice the size of Queensland's — so do not believe what those Queenslanders tell you, Speaker, when it comes to the export of horticulture. But the wholesale market area is of course needed as part of the expansion of the port of Melbourne, and in addition to that the wholesale markets themselves have come to the end of their useful life.

Honourable members interjecting.

Mr CAMERON — Those opposite say no. It is very odd, then, that their position a couple of years ago was that the markets had to go north. Mrs Flip got Mr Flop to do a flip-flop, and he did a flippity flip-flop.

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to return to answering the question.

Mr CAMERON — I will tell you what, Speaker: we are focused on what is a very important industry, being the horticultural industry. The present site down there is only 33 hectares; it is constrained, and there is a huge demand for warehousing. When you go out to Epping, with over 130 hectares, those issues can be addressed and key blockages can be removed in what is going to be a very important expansion.

Can I thank The Nationals for their support of the markets being moved out north, and I certainly urge The Nationals not to buckle at the knees to their Liberal masters! Between 1993 and 2001 the turnover of the markets doubled to \$1.5 billion. At the moment the turnover is \$1.7 billion. These projects are necessary for the horticulture industry, they are necessary across the whole of the food and fibre industries, and it is this government's plan to get on with the job.

Rail: gauge standardisation

Dr NAPHTHINE (South-West Coast) — My question without notice is to the Premier. I refer to the Auditor-General's finding that after five years 'no physical works have commenced on any component' of Labor's rail standardisation project, despite the fact that \$14.2 million has been spent on consultants and materials, and I ask: if the Premier is not prepared to take responsibility for this fiasco, can he tell the people of Victoria who will take responsibility?

Mr BRACKS (Premier) — Could I thank the member for South-West Coast for his question. Is it not a pity — and I think the Auditor-General reflects this in his report, if you read it in detail — that the previous government sold off rail freight in this state? What a ridiculous decision it was! The reason the standardisation has been held back is that the previous government flogged off the system.

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Bulleen to cease interjecting and calling the Premier by name.

Planning: green wedges

Mr NARDELLA (Melton) — My question is to the Minister for Planning. I ask the minister to outline to the house the importance of Melbourne's green wedges to the city's environmental health and social wellbeing and to detail what the government is doing to preserve these vital open spaces.

Mr HULLS (Minister for Planning) — I thank the honourable member for his question. As most members of this house would know, in a world first the Bracks government certainly implemented legislation in 2003 to protect Melbourne's unique green wedges. The green wedges that surround Melbourne are the lungs of our city, as we all know. They contain priceless environmental assets that were in need of protection after the unbridled approach to development during the Kennett years.

Following the introduction of the 2003 legislation the Bracks government has worked very closely with local councils, peak bodies, and environmental and community groups to develop management plans that recognise the unique features of each particular green wedge. Most Victorians, I would expect, value our unique green wedge areas. They provide, as we know, for valuable agricultural activity. They contain very important natural resources. They provide protection for our water catchments, and they serve as great recreational and tourism facilities for Victorians as well as for interstate and international visitors. They are very much valued by Victorian families and indeed businesses.

Many highly regarded environmental and industry leaders have spoken out strongly in support of our green wedges. A professor at RMIT, Associate Professor Michael Buxton, who is a planning and environment expert, said in relation to our green wedge legislation that it is the most far-sighted environmental

planning decision in Australia's history. These views are widely shared right across the community, but sadly there are those who would throw out protection for green wedges and who would give green wedge protection the red light. There are those who would actually choke the lungs of Melbourne and ensure that there are no limits on development in green wedges.

Giving the red light to green wedges, as we know, gives the green light to unbridled development in green wedge areas. What does this mean? This in turn would mean that we would be taking a wrecking ball to the beauty of areas like Mount Macedon, the Mornington Peninsula, the Yarra Valley and the Dandenongs. Sadly, in an exclusive interview with the Leader newspaper the Leader of the Opposition made it quite clear that green wedges would be thrown out by the opposition.

Mr Cooper — On a point of order, Speaker, the minister is now clearly debating the issue. I ask you to bring him back to answering the question and confine his remarks to government administration.

The SPEAKER — Order! I uphold the point of order. I ask the Minister for Planning to relate his comments to government business.

Mr HULLS — Anyone who wants to throw out the very important green wedges legislation that has been introduced by this government will absolutely destroy these beautiful parts of the city and these beautiful parts of Melbourne. That appears to have been made quite clear in what the Leader of the Opposition has said. We on this side will continue to support green wedges, and we will continue to agree with the federal Treasurer who said, in effect, that the Leader of the Opposition has only loopy policies.

Mr Cooper — On a point of order, Speaker — —

The SPEAKER — Order! I trust the Minister for Planning has completed his answer.

Mr HULLS — Not yet.

The SPEAKER — Order! In that case, I ask the Minister for Planning to confine his comments to Victorian government business, or I will sit him down.

Mr Cooper — That was to be my point of order.

The SPEAKER — Order! I know.

Mr HULLS — The matter of Victorian government business is that we on this side of the house do not support loopy policies that would abandon green

wedges in this state. We support viable policies and we actually stand up for the environment. We will not support loopy policies that would abandon green wedges, and that is why we agree with the view of the federal Treasurer about the Leader of the Opposition.

Central City Studios: performance

Ms ASHER (Brighton) — My question without notice is to the Premier. I refer to the Auditor-General’s findings that Docklands film studio has failed to meet its performance indicators and to gross mismanagement by the Department of Innovation, Industry and Regional Development, with taxpayers now being forced to further prop up this white elephant, and I ask: if the Premier is not prepared to take responsibility for this fiasco, can he tell the people of Victoria who will take responsibility?

Mr BRACKS (Premier) — I thank the Deputy Leader of the Liberal Party for her question. I just wonder if the Deputy Leader of the Liberal Party is referring to a past Liberal policy when she is referring to these matters or whether she is referring to current Liberal policy. I indicate to the member that far from being a white elephant, this studio has achieved \$300 million of new production, a 56 per cent —

Honourable members interjecting.

The SPEAKER — Order! I ask the members for Nepean and for Scoresby to cease interjecting in that manner. The Premier to continue.

Mr BRACKS — That represents a 56 per cent increase in new production activity in Victoria, which is also a 41 per cent increase in full-time employment in relation to the introduction of the film studio and what it has produced in new production in this state. It has achieved the aims that were set for the film studio itself, which were really to encourage good international and domestic film and TV production.

Steps have already been undertaken to ensure that the recommendations contained in the Auditor-General’s report are adopted, including, of course, addressing some of the issues around the key performance indicators which have been identified by the Auditor-General. This has been an unmitigated success in bringing new film —

Honourable members interjecting.

Mr BRACKS — I have no doubt that in all things there are choices, and I have no doubt that, if the Liberal Party had retained government in this state, we would still not have a film studio for Victoria. We now

have significant extra production, significant extra full-time employment, and film and TV have been revived under this government.

Employment: rural and regional

Ms NEVILLE (Bellarine) — My question is to the Minister for State and Regional Development. I refer the minister to the government’s commitment to making regional Victoria a great place to work, live and raise a family, and ask the minister to detail for the house the most recent regional employment data that demonstrates the government’s delivering on that commitment.

Mr BRUMBY (Minister for State and Regional Development) — I have a clipping here from 1997 with the headline ‘Forgotten’. It is talking about country Victoria — forgotten!

Mr Kotsiras interjected.

The SPEAKER — Order! I have already asked the member for Bulleen to stop referring to ministers by their names in his continual interjections. If he persists in doing so, I will remove him from the chamber. The Minister for State and Regional Development to continue.

Mr BRUMBY — The Bracks government has been committed since its election to growing the whole state. We have been committed to pro-business, pro-investment and pro-jobs policies. In response to the question I have been asked today, I can advise the house that there is more good news in relation to jobs and investment in provincial Victoria. Last week the Australian Bureau of Statistics released its regional labour force figures, and I am proud to say we have now achieved a milestone that we set for provincial Victoria. Since the election of the Bracks government in 1999 we have now seen more than 100 000 new jobs generated in provincial Victoria.

I want to put this number in context. In a little less than seven years, 100 000 new jobs have been generated. In the whole of the period of the former Kennett government — that period when the now Leader of the Opposition was the state president of the Liberal Party, the toenails era of Victoria — there were just 40 000 new jobs generated. So 40 000 new jobs were generated in that seven years, and 100 000 have been generated under the Bracks government.

The unemployment rate has dropped by more than 2 percentage points under the Bracks government, and I am pleased to say that the participation rate in country Victoria — in other words, the percentage of people of

working age who are actually in the work force — is the highest ever recorded. Not only have we seen more jobs, but also we have seen the unemployment rate come down and we have seen more people move into the labour market than ever before. Just to go back to that forgotten era — —

Honourable members interjecting.

The SPEAKER — Order! The Minister for State and Regional Development should not allow himself to be distracted.

Mr BRUMBY — I will not be distracted by the renewal element of the state Liberal Party — nor will the federal Treasurer, apparently.

Mr Baillieu interjected.

The SPEAKER — Order! The minister, returning to answering the question.

Mr BRUMBY — The only person — —

Honourable members interjecting.

The SPEAKER — Order! The minister, without interruption from members on my left.

Mr BRUMBY — The only person standing up for the Leader of the Opposition is the bloke who gave the toenails to Victoria. No-one else is standing up for the Leader of the Opposition.

The SPEAKER — Order! I have already asked the Minister for State and Regional Development to return to answering the question, and I ask him to address his comments to Victorian government business.

Mr BRUMBY — As I said, the government is committed to generating jobs, and in many ways jobs are the single most important thing to families across this state. The Minister for Agriculture has answered questions today about the importance of giving the Melbourne Markets a major new investment and moving them closer to where the produce is grown in provincial Victoria. That is about new investment and it is about new job opportunities. The Bracks government is moving the Transport Accident Commission to Geelong, and that is about jobs, opportunities and good public policy.

I should say, too, that I will be talking a bit more today on the renewable energy target which the government has set. As I said yesterday, this is \$2 billion worth of investment.

An honourable member interjected.

Mr BRUMBY — A subsidy. Standing in stark contrast today to that period of the 1990s — the toenails era — are places like Portland and Warrnambool in the electorate of the member for South-West Coast. Portland was virtually a ghost town.

Dr Napthine interjected.

Mr BRUMBY — That is interesting — things were going well! The unemployment rate was more than 12 per cent in the 1990s, but apparently 12 per cent is going well. I know that area pretty well, and I would say Portland is booming today. One of the reasons it is booming is because of the jobs at Keppel Prince, the jobs at Vestas and the hundreds of jobs that have been generated through the wind farm industry.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition and the member for South-West Coast!

Mr BRUMBY — There are hundreds of jobs there, and those jobs would be lost if this target were removed. On this side of the house we stand for investment, we stand for jobs and we stand for growing the whole state, and we have policies that achieve that. What our opponents stand for are policies which would destroy jobs and destroy the future of towns like Portland and Hamilton and much of western Victoria.

PRIVILEGES COMMITTEE

Complaint by member for Preston

Debate resumed.

Mr COOPER (Mornington) — Prior to the luncheon adjournment I had been putting on the record part of the submission that has been made to the house by Mills Oakley Lawyers. I had been underlining the fact that in its submission the firm said quite clearly that whilst it has a policy in place with regard to the issuing of correspondence, in this case that policy had not been adhered to.

What the house must now consider is that, whilst there is a clear case that a contempt of this house and of the privileges of the member for Preston has occurred, we have to make a decision about who in fact committed it. The letter went out under the letterhead of Mills Oakley Lawyers, and Mills Oakley Lawyers has made it quite clear that the offending contents of that letter were not only not approved by the firm but they certainly would not have — —

Mr Haermeyer interjected.

Mr COOPER — That is the whole point. The Minister for Manufacturing and Export, who is at the table, says they were signed by the firm. In actual fact they were not signed by the firm. It is a pity that the minister at the table was not here prior to the luncheon break; if he had been, perhaps he would be better acquainted with the facts. But other people, including the members of the Privileges Committee, understand how this whole process occurred. The fact is that the letter is signed ‘Mills Oakley’ —

Honourable members interjecting.

The SPEAKER — Order! The minister and the member for Preston can have a turn later, if they would like to.

Mr COOPER — It was in fact signed by the solicitor who wrote the letter, and, as the submission of the firm says, the supervising partner did not have the opportunity to see the letter or to vet its content.

Mr Leighton interjected.

Mr COOPER — The member for Preston is going to have a go at this later, and I would suggest he wants to listen to what I am saying, because it might help him.

Honourable members interjecting.

Mr COOPER — It might help him, because he is not a member of the Privileges Committee. The Privileges Committee heard all the evidence and has in fact considered this matter. We found that the member’s privileges as a member of Parliament have in fact been interfered with or that interfering with them has been sought. What I am coming to now is just who is responsible. Do we in fact hang, draw and quarter — if I can put it in those sorts of terms — the legal firm, or do we address our concern at the person who in fact did the action — that is, the solicitor who worked for the firm? I have a view that we should be looking at the issue of the person who wrote the letter rather than at the company, which did not have an opportunity to vet that letter and to say whether it approved of it.

I am aware that on 9 March, in a letter signed by the chairman of partners, the firm wrote to the member for Preston and expressed the firm’s unreserved and unconditional apology for that correspondence. I think that sets the record straight with regard to where the firm stands. That does not, of course, mean that that is the end of the matter. Nevertheless the firm, at the first opportunity it had available to it, said that it did not wish to be associated with the question of the way in

which that correspondence had attempted to dissuade the member for Preston from fully and diligently discharging his duties as a member.

On 1 May, under the signature again of Mr Moulton, the chairman of partners, the firm wrote to the secretary of the Privileges Committee, and said in part:

Whilst senior practitioners are expected to conduct their files, it is the policy of the firm that correspondence be signed by a partner.

Unfortunately, no-one, apart from Ms Thomson —

that is, Ms Jeanette Thomson —

saw the letter dated 21 January 2006 before it was posted and indeed it was only when the complaint came to light that any partner saw the letter.

We do therefore have a situation here where the firm was left completely in the dark until the matter became public. When the matter became public the firm made a submission to this house. It is in fact quite true that the firm did not have the opportunity to give evidence and was not even able to view the transcript of the evidence given by its then employee. It is only now that the firm has been able to make a submission to the house, which the Leader of the House has moved be incorporated in *Hansard* as part of the considerations of this house.

Accordingly I move to the latter part of the motion, particularly the requirement that a notice be published by you, Speaker, in the *Law Institute Journal* to remind all members of the legal profession that the Legislative Assembly values the rights and obligations of members of Parliament and will not allow parliamentary privilege to be undermined. I doubt very much whether there would be any member of this house who would object to those words.

However, the first two lines of the notice state:

Following a recent finding of a contempt of Parliament involving the legal firm Mills Oakley, the Parliament wishes to advise —

and it then goes on to make five points. Having regard to what I have just been saying about this matter, I propose an amendment to the motion and therefore move:

That in the notice to be placed in the *Law Institute Journal* the words ‘the legal firm Mills Oakley’ be omitted with the view of inserting in their place the words ‘a solicitor employed by a Melbourne law firm’.

The reasons for moving this amendment are to ensure that, in terms of the publicity given to this in the *Law Institute Journal*, the firm is not found to be the primary cause of the problem. It is quite clear from the evidence

that has been received by the Privileges Committee and from later information provided to this house by the firm that it would be unfair for us to name it in such a way before its peers in the areas in which it practises.

We think that is reasonable and fair, given that this house is attempting to guarantee as much as possible that all legal practitioners are aware of the requirements of parliamentary privilege and of the seriousness with which this house regards breaches of that privilege.

Members' privileges, as I think most members would be aware, are not without their responsibilities. Nevertheless the way in which the member for Preston was acting in making representations in this house on behalf of one of his constituents was certainly not outside his area of responsibility. He was acting responsibly in dealing with the issues raised with him. It is important that all members of the legal profession understand this clearly.

Since this issue has come out into the public arena following its consideration by the Privileges Committee, I have had another issue drawn to my attention which does not involve either house of this Parliament but does involve the Tasmanian and federal parliaments. It relates to a member of our Victorian community who is now being threatened with legal action, and it is an issue he has referred to the Speaker of the House of Representatives; and in association with a member of the House of Assembly in Tasmania it has also been referred to the Privileges Committee of the Tasmanian Parliament.

In reviewing the issue he raised with me and the way in which it erupted, I remain surprised, firstly, that so many people are ignorant of the laws of slander and libel. Secondly, I am surprised that so many practitioners in legal firms seem not to be full bottle on this issue, so they leave themselves open to a significant belting by the parliaments they offend. This should not be seen by anybody, whether by the media or by people in the community, as this Parliament — or any other house of Parliament — being precious about what it does. This is a big issue in relation to making sure that every member of this place can stand up and make representations without fear or favour on behalf of their constituents. It is also important that when this or any other Parliament considers a breach of privilege it directs its ire and its anger over that breach exactly at the right person.

I have been a member of this place since 1985, and this is the first time an issue like this has come up before the Privileges Committee. I became a member of the committee in 1991, so I have spent a fair time on it. In

that light you could say the Privileges Committee might have had its training wheels on or required a learners permit! Hopefully, as the Leader of the House said when he addressed the house earlier today on this issue, the decision that this house makes will become a part of the learning process for all members of Parliament throughout the country.

I repeat that it is important we ensure, in expressing our concern and our anger over the attempt to silence a member of this Parliament, that we do not do it in a way that means somebody is going to be unfairly treated. That is the reason why I have moved the amendment.

As a member of the Privileges Committee I commend the committee, as I am sure other members of the committee will do, on the work it carried out in investigating this issue. It has gone on for quite some time. I am glad it has come to a conclusion, and I hope in making its final decision today this house comes to the correct conclusion. That is the reason why I am asking all members in this place to support the amendment I have moved.

Mr MAUGHAN (Rodney) — The matter before the house today is very important. I am sure that in years to come the decision made today will be referred to by legal practitioners, law firms, universities and other parliaments. I want to say right at the start that The Nationals, firstly, support the motion that is before the house and, secondly, support the amendment that has been moved by the member for Mornington.

As has already been indicated by the two previous speakers, the issue of privilege, which allows democratically elected members of Parliament to speak openly and freely in this place on issues that concern them and their constituents, is a fundamental tenet of the Westminster system of democracy which we all hold very dear and should preserve at all costs. We are talking about a very important principle.

This is also an opportunity to remind ourselves how fortunate we are to live in a free and open society where we are able to democratically elect our members of Parliament who in turn then form the government. That is a privilege that we too often take for granted in this country. We need to remind ourselves that there are hundreds of millions of people in other parts of the world who are still striving to achieve the sorts of freedoms that we have. This is one of them, and it is a very important and fundamental tenet of our democracy. Elected members of Parliament should be able to stand up in this place without fear or favour and express their views or those of their constituents

without any sort of threat or impediment to their doing so.

In this case two very important questions needed to be considered. I share the view expressed by the member for Mornington that the Privileges Committee, of which I am honoured to be a member, dealt with this matter in a very impartial and non-political way. I thank my colleagues on that committee for the way this matter was dealt with.

As I said, two questions needed to be resolved. The first was whether the immunity afforded by parliamentary privilege extends to the communication of information to a member or members by other persons. That is a principle that had not been tested in this place. I think it is an important principle that really needed to be considered. The second one was whether the threat of adverse action against a constituent could be considered an improper means to influence a member of Parliament in the performance of his or her duties. The committee grappled with both those questions and came up with the conclusions that are in the report that is before the house today.

I do not intend to go through all the detail of the case, because they have been well covered by the Leader of the House in his address and by the member for Mornington. I intend to refer to the findings of the committee, which are on page 6 of the report. The committee concluded that the letter to the constituent from the law firm concerned intended to prevent the constituent from communicating freely with his elected representative — in this case, the member for Preston — and also to prevent the elected representative from speaking in the house. The committee found that there was an attempt to restrain the member for Preston from being able to express concerns of his constituent in this place.

The committee also found that the provision of information by the constituent to the member for Preston to use in the house as part of his role in representing his constituents was in fact a proceeding of the Parliament. That is an important consideration. It is not just what goes on physically in this chamber that is considered to be the work of the Parliament but what goes on outside under certain conditions as well.

The committee found that the member's acting in his role of representing his constituents was a proceeding of the Parliament and was therefore protected by parliamentary privilege, so the action by the solicitor acting under the name of the law firm constituted an attempt to interfere with the provision of this information and was therefore a breach of privilege. In

relation to the question of whether the threat of adverse action against a constituent could be considered an improper means to influence a member of Parliament in the performance of their duties, the committee found that in this case a contempt had occurred, and it made some notes explaining that.

As most people in this place well know, contempt is a very serious offence. This house has a range of penalties that can be applied to someone who commits an offence of contempt. They range right up to imprisonment. My understanding is that that has not been done in the 150-year history of this house, but I have had a look at the provision for imprisoning somebody. That penalty is still available to the house if a contempt occurs and the house believes it is serious enough to imprison someone. Contempt is a very serious offence, and there are serious penalties for it. There are many out there in the legal profession today who are probably unaware of the powers of this house and the fact that it will jealously protect its privileges.

In this case the solicitor concerned clearly acted outside the established practices of the law firm concerned. The member for Mornington documented that very well. We have a submission from Mills Oakley Lawyers, the law firm concerned, explaining to my satisfaction that the solicitor acted in this case of her own volition without following the unequivocal practices of that firm to have such a letter, firstly, approved by a partner and, secondly, signed by a partner. That did not happen in this case. While the solicitor certainly — and I think inadvertently and without having proper knowledge of what the offence of contempt is — took this action, the law firm was not part of that.

I agree with the arguments put by the member for Mornington and therefore support the amendment he has put forward. I think it is fair to say that this was a clumsy attempt by a relatively inexperienced solicitor — certainly inexperienced with regard to the knowledge of parliamentary privilege — and the letter was sent without the knowledge, approval or signature of a partner of the law firm concerned.

The Nationals support the action proposed by the government — that is, that the house endorses the report of the Privileges Committee; that the Speaker write to the firm concerned, informing the firm of the decision of the house; and that the Speaker place a prominent notice in the *Law Institute Journal*, asserting the importance of parliamentary privilege and advising that the house will take whatever action it considers necessary to protect that privilege. That is the action that has been proposed today, and as I say, The

Nationals support both the motion before the house and the amendment moved by the member for Mornington.

I would go one step further and suggest that law faculties in Victorian universities should now take a little more interest in teaching their law student about the law of privilege and contempt so that the students are well aware of it. I suggest that most young law graduates are not fully aware of the powers available to this house and the things that they need to be careful about when they are writing letters to clients or other people with whom they are attempting to deal. To sum up, The Nationals support the report of the Privileges Committee, we support the motion moved by the Leader of the House and we support the amendment to that motion moved by the member for Mornington.

I conclude by saying that I regard it as a privilege to be involved in this matter of privilege before the house, which is about a most important issue that will be looked back on in the years ahead.

Mr LEIGHTON (Preston) — In a parliamentary democracy the elected representatives must be allowed to speak without fear and without favour on behalf of the communities and constituents they represent. If our elected representatives were coerced into not speaking, then our democratic system would fail. As members of Parliament we would not be able to faithfully discharge our responsibilities as legislators, as representatives and especially as advocates for the communities we represent.

On 28 February, I told the house that there had been an attempt by the law firm Mills Oakley to prevent me from speaking in the house on a matter relating to the Summerhill Residential Park. In a letter dated 21 January to a constituent, Mr John Cannard, Mills Oakley said in part:

We hereby put you on notice that, should your false allegation be repeated in any media, or by Mr Leighton in Parliament, or by yourself or any other person, we will bring action against you to recover the damages suffered by our client.

This was a threat clearly aimed at gagging me. The Privileges Committee agreed with that, finding in summary that, firstly, I had been speaking on the Summerhill matter and intended doing so again, and secondly, that the threat of adverse action against a constituent may be considered an improper means of influencing a member if it is reasonably likely to have the effect of preventing the member from carrying out their duties and fulfilling the obligations of their role.

The committee found, thirdly, that the provision of the information by the constituent to me was directly

connected to the business of the house and therefore protected by parliamentary privilege. Fourthly, the committee found that the letter from Mills Oakley to my constituent was intended to, one, prevent the constituent from communicating freely with his elected representative, and, two, prevent the elected representative from speaking in the house. Fifthly, and therefore in conclusion, the committee found that a breach of parliamentary privilege and a contempt of the Parliament had occurred.

Put simply, the Privileges Committee found that there was an attempt to gag me and that this was a breach of parliamentary privilege. That fact even Mills Oakley conceded in its submission, which has now been incorporated in *Hansard*, where it said in part:

... a serious contempt was committed.

The right to speak without fear or favour in this chamber is precious and must be protected. Indeed, it is protected by parliamentary privilege. This is not because of some elevated importance we have as individuals but because of the importance of the institution of Parliament. The people give us the authority and power to make laws on their behalf. They expect us to advocate and represent on their behalf. These rights and responsibilities are as important today as they were in previous centuries.

The proposed penalty — if I can call it that — is quite constrained, being the endorsement of the report of the Privileges Committee together with an advertisement in the *Law Institute Journal*. I have had a close look at the House of Representatives decision in 1955 in the Browne and Fitzpatrick privilege case, where that house jailed two journalists. That decision was upheld by the High Court. I would be uncomfortable with the idea of a Parliament in this day and age voting directly to jail people. I cannot see the point in fining the firm, say, \$10 000 or \$20 000. What to me is much more important is the message that we send out both specifically to the legal profession and to the public in general. I believe that the advertisement will warn the legal profession. In passing, I mention that the federal Parliament has its own Parliamentary Privileges Act, and I wonder if that is a matter that the Victorian Parliament should investigate.

In deciding the penalty I draw to the attention of the house several other matters that I believe the house should consider in making its determination. The first is that Mills Oakley has priors, if you like. They have previously been found guilty of professional misconduct. They had a total of \$127 760 in fines and

costs for a serious offence of failing to bank cheques in their trust account.

Mr Perton — On a point of order, Speaker, this is a debate on the report of the Privileges Committee and it is restricted to that report. Now the member is bringing in an extraneous matter which has not gone before the Privileges Committee and he did not choose to give evidence to the Privileges Committee on this matter. What he is trying to make now are very serious allegations.

Mr Haermeyer — They are not allegations, they are the truth!

Mr Perton — It is interesting. This is a very serious debate about defending the privileges — —

Mr Savage interjected.

Mr Perton — It is to defend — —

The SPEAKER — Order! The member for Doncaster will address the Chair, not engage in discussions with other members. I ask the member for Mildura to be quiet.

Mr Perton — The matter of privileges is a very serious matter, as the member for Preston said earlier. People have been imprisoned for — —

The SPEAKER — Order! The member needs to restrict his comments to the point of order rather than debating the issue.

Mr Perton — Absolutely. Speaker, I put it to you that it is irrelevant to this debate what other conduct this firm has undertaken that the member for Preston has chosen not to present by way of evidence to the committee and it is extremely prejudicial. In terms of the seriousness of this debate, he should not continue down this line and you should constrain him to the terms of the report and the evidence given to the Privileges Committee, particularly given that he is the complainant and had the opportunity to give the evidence.

The SPEAKER — Order! The member is required to restrict his comments to the matters relating to the Privileges Committee and the motion before the house.

Mr LEIGHTON — The Clerk of the Senate, Harry Evans, writing in the Law Society of the Australian Capital Territory's report dated April 2006, had this to say in respect to another aspect of contempt:

These principles would not be forgotten if lawyers remembered that contempt of the Parliament is the exact equivalent of contempt of court.

In my view such an error might be forgivable if it were a small law firm, but Mills Oakley is a large city law firm with a range of specialists and experiences. I have carefully read the submission from Mills Oakley. In my view the firm has hung out to dry the lawyer and author of the letter, Jeanette Thomson. The firm refers to her as 'an employee solicitor'. She was in fact a senior associate, and her experience includes publishing articles and being a member of the Law Institute of Victoria's litigation committee. The firm argues that she did not comply with its policy. I ask: where were its procedures, and where was its supervision? I regard its submission as undignified.

Mills Oakley has made a point of saying that it apologises, and I seek leave to incorporate its letter of apology in *Hansard*.

Leave granted; see letter page 3040.

Mr LEIGHTON — This letter is not a genuine and sincere apology. Far from being unreserved and unconditional, it is conditional and contradictory. It is an attempt to appear to make an apology without making an admission of liability. On the one hand it apologises to Mr Cannard for its letter conveying to him the impression that it was about dissuading me from fully discharging my duties as a member of the Legislative Assembly. On the other hand it denies that its letter to Mr Cannard had the intent of restricting my speech in the house. The firm also claims its letter to Mr Cannard was intended to caution him, but it could only act as a caution if in fact he came to see me to persuade me not to speak in this house.

The Mills Oakley letter claims it is acting on behalf of its client, Stephen Wellard. It is disgraceful to say that somebody instructed you to commit this contempt. I hope Mills Oakley has also apologised to Mr Wellard rather than billing him for the letter.

This is not just a matter for my constituent, John Cannard; it is an attempt to intimidate all the residents of Summerhill and, by extension, all Preston residents and indeed all citizens of this state. This attack on the Westminster parliamentary system must not be allowed to go unchallenged. Our citizens must have confidence that they can raise matters of concern with their members of Parliament without the fear of legal action being taken against them. For this reason I endorse the report of the Privileges Committee and the placement of the advertisement in the *Law Institute Journal* as a

very strong message to the legal profession about the importance of parliamentary privilege.

Mr McINTOSH (Kew) — In many respects I agree with the member for Preston and other speakers. What is true in relation to this motion is that, as far as we members of Parliament are concerned, and indeed as far as the people of Victoria, on whose behalf we act and speak in this place, are concerned, interfering with a member of Parliament's right to freedom of speech in this place is probably the most serious form of contempt of a Parliament you can possibly imagine.

The privilege of an individual member's freedom of speech is exercised and upheld by the Parliament. Traditionally — not in any selfish vein, but collectively — we in this place all stand for the right of every single member of Parliament to speak their mind without any form of interference from outsiders. Accordingly I agree that there is clearly demonstrable evidence of a contempt of the member for Preston's right to freedom of speech in this place, and I do not think anybody demurs from that one iota.

I agreed with the member for Preston when he talked about Harry Evans, the Clerk of the Senate, who said there was a great similarity — and I think he used the word 'same' — in the law between contempt of court and contempt of Parliament. The right of witnesses, counsel and judges to speak freely about all issues with absolute privilege is akin to the same freedom we exercise in this place. Most importantly that similarity comes from a strong and fundamental tradition which goes back centuries to the origins of our Westminster system in the United Kingdom. We have brought those traditions into this place as part of our democracy, and we uphold them still. What is most important in dealing with contempt of Parliament is that we also look at contempt of court in order to maintain the same rigorous standards that courts maintain in upholding their rights.

At the end of the day, collectively and individually we have to uphold our rights, and there is no doubt that the Parliament is the only arbiter of what happens in this place and of the impediments that are placed in the way of members of Parliament, because if the Parliament does not uphold those rights, nobody else can. The courts clearly cannot, because it is a fundamental part of our rights that anything that happens in this place is non-justiciable. That does not mean we should not look to the courts and to the law relating to contempt to determine how we should deal with this matter.

Whatever else is true, the High Court has been very clear in recent years about contempts of court, whether

they have been civil or criminal. Essentially there is now no such animal as a civil contempt. The High Court has said that all contempts of court should be treated as criminal in nature. Two things flow from that. Firstly, the burden of proof on an accuser must be of the highest possible standard beyond reasonable doubt. Secondly, and most importantly, contempt of court is a mens rea offence. It is not just the act, you have to deal with the guilty mind, and in many respects the guilty mind is the most reprehensible part of contempt of court.

I suggest we have to deal with contempt of Parliament in this circumstance in the same way, deciding beyond reasonable doubt and with no element of doubt in relation to the proof of that evidence — and most importantly, there has to be a guilty mind. It distresses me to say that we should be treating this as a very serious matter. The member for Preston mentioned the most closely aligned precedent that we could possibly use in this place to determine what we should do, and of course that is the Fitzpatrick and Browne case in 1955 in the federal Parliament.

That case involved two journalists who were found to be interfering with the right of a member of Parliament to speak. The Labor member for Reid had been the subject of a number of scurrilous accusations in a local Bankstown newspaper. Notwithstanding the divide between Liberal and Labor, there was no doubt that there was a strong cross-party alliance formed to determine the outcome and determine a penalty. As the member for Preston has said, they found guilt and they also imposed a very draconian penalty — six months in jail — which of course is an unbelievably strident position.

The then Prime Minister, Robert Menzies, in moving the motion of contempt in relation to those two journalists, pointed out that the Parliament should, like a court, observe natural justice and that two things should flow from that. Firstly, there should be a right for a person who is accused of a crime to be heard in relation to those charges. Secondly, what automatically flows from that is that the person should be able to obtain legal representation or to have another representative if they choose — legal or otherwise — to speak on their behalf in front of the accusers, whether it is the Privileges Committee or, more particularly, this place.

I note that as a result of discussions with people in this place — and I will not go any further than that — Mills Oakley has been given the opportunity of making a submission to this Parliament, which I have read a number of times and in detail, and I am very grateful

that has occurred. It does us a lot of credit that we have permitted that to occur, but it does not do us any credit that the Privileges Committee heard from the employee solicitor at Mills Oakley — and that is what she was; senior associate or otherwise, she was an employee — about this behaviour but did not choose to hear from the firm of solicitors.

Secondly, there was no right of representation or right to make a submission to the committee in relation to these matters. There appears to be clear evidence which has been accepted by the committee that the letter was not an action of the firm — in fact it appears not to have been on anybody's suggestion, but a frolic of the solicitor's own. The most important thing is that that creates in my mind a significant doubt in relation to whether a contempt has occurred. We need to prove this issue beyond reasonable doubt, and we also need to be able to establish a guilty mind. In relation to this matter both those aspects are equivocal. In this case it does us no credit to turn around and look at this and say, 'Yes, a contempt has occurred'.

We are unable to establish on the material that has been presented before us who is actually guilty of that contempt, and it would be difficult for us and dangerous — a word the courts often use — for us to proceed to conviction on that equivocal evidence. Firstly, we would be denying a right to be heard, and secondly, the evidence is equivocal. The submission we have seen today from Mills Oakley certainly suggests it knew nothing about it and demonstrates that it was a frolic of the employee solicitor and a frolic of the employee solicitor alone.

I agree with the tenor of the motion, which is that an advertisement be placed by the Parliament advising the legal profession of the significant nature of contempt of Parliament and the dangerous course that solicitors may take, whether in partnership or practising individually, if they challenge any individual member of Parliament's right to freedom of speech in this place.

Another matter I raise which is of profound concern is that it does us no credit to ignore the Fitzpatrick and Browne case. In that case there were large slabs of the transcript of evidence from both parties that clearly indicated a guilty mind. The journalists themselves admitted it was their intention to restrict the freedom of speech of a member of Parliament. That was stated in the house. Unless we have that evidence, unless it is clear and unequivocal, and unless we can demonstrate a guilty mind, we cannot proceed by innuendo, by suggestion or by conclusion or otherwise to actually convict someone, because the implications are profound — not only the implications of a conviction

but also the implications for the person's reputation amongst the profession.

At the end of the day it is dangerous to proceed down the line of suggesting that it was a firm or an individual, and most important — —

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

Mr NARDELLA (Melton) — I move as an amendment to the amendment moved by the member for Mornington:

That the words 'employed by a Melbourne law firm' be omitted with the view of inserting in their place 'then employed by Mills Oakley Lawyers'.

A matter of privilege, especially within the Westminster system of government, is extremely important. The right to free speech of members of Parliament in this or any other house, whether under the Westminster system or any other democracy, is sacrosanct. If it is not sacrosanct, if influence can be exerted on members of Parliament and they are then coerced or are stopped from performing their duties to the house and to their constituents, then that is a serious matter that needs to be dealt with and because of the separation of powers it can be dealt with only by the Parliament itself.

I was very honoured to chair the Privileges Committee, an all-party committee where there was no dissenting voice from the report. There was no dissenting voice regarding the procedures that the committee undertook and there was no dissenting voice in regard to the recommendations and findings. There was absolute unanimous agreement in regard to the findings. The report itself is very clear about the findings. It could not be any clearer, and for honourable members to refer to cases in other parts of the legal system is inappropriate. There was mention of innuendo, conviction and guilty mind. On the evidence that was presented to the committee, which the committee agreed to have presented to it, the committee found, as stated in the report at page 6, paragraph 24:

The letter sent by Mills Oakley Lawyers to Mr Cannard constituted an attempt to interfere with the provision of this information and is therefore a breach of privilege.

Every member on the committee that I chaired found that to be the case. I do not need to go to the High Court or to the Victorian Civil and Administrative Tribunal. The Parliament charged the Privileges Committee to investigate this matter. The committee did so. It did so honestly, in an open way following precedent, custom

and practice, and that is the finding of the committee. There is no dissent.

In regard to the amendment I have moved, the letter, which is in the appendix to the committee's report, at page 7, is also extremely clear. Because the letter is on the letterhead of Mills Oakley Lawyers it has all the details of email addresses, partners and the rest of the things that go with these formal types of letters.

It is signed 'Yours faithfully' and then says in big bold upper case letters 'Mills Oakley Lawyers'. It is very clear. It was an attempt to influence the honourable member for Preston in a way that meant if he raised matters in this house — and the threat was here — then his constituent Mr Cannard would face legal defamation. That was affecting the role of the honourable member for Preston. The quote on page 2 of the report is extremely important. It is a letter to Mr Cannard from Mills Oakley Lawyers. It states:

We hereby put you on notice that, should your false allegation be repeated in any media, or by Mr Leighton in Parliament, or by yourself or any other person, we will bring action against you to recover the damages suffered by our client.

That is a direct threat to an honourable member of this house. It stopped any further discussion of this matter other than when this matter was brought to the attention of the Speaker, who then, as is detailed in the report to this house, referred it appropriately to the Privileges Committee. Therefore, it is appropriate that this amendment that details this particular case be agreed to.

In a democratic parliamentary system the rights of MPs are critical. These rights have been developed over centuries — not overnight, not over the last 50 or 100 years, but over centuries — and after civil wars, because the right of the Parliament to be supreme within a jurisdiction is paramount. If you look at the English Civil War, you see it was about members of Parliament having the right to represent their constituency and to perform their duties within the house without fear or favour.

It is absolutely imperative for us as a Parliament to make sure this situation does not occur again and that the legal fraternity — and that is what the motion is about — ensures its members are clearly aware of what has occurred in this particular case and that they are also told that they should not coerce, either directly or, as in this particular case, indirectly, members of Parliament in order to affect their performance, duties or responsibilities, whether they are members of this house or any other house in Australia — that is, the states, territories or federally.

This particular motion has precedents, 100 years ago and more recently, as has been brought to the committee's attention by the Clerk of the Parliaments, Mr Ray Purdey, with regard to the Senator O'Chee case in, I think, 1986.

I want to spend the rest of the time available to me for debate on this particular motion to sincerely thank every member of the committee; they performed their duties and undertook their responsibilities honourably. I also thank Ms Bridget Noonan and Mr Robert McDonald, who assisted in the responsibilities that we were given. I thank also Mr Ray Purdey, the Clerk of the Parliaments, who assisted the committee in its deliberations and its thinking on this very important matter.

I stress that this matter before the house will be seen as maintaining the rights of members of Parliament. It will be seen by other parliaments and other jurisdictions as safeguarding our democracy and the rights of members of parliaments throughout the world. It sends a clear message that we, as members of Parliament, cannot be threatened and any constituents who give us information cannot be interfered with so as to stop us performing our important duties in this house for the people in this state who we represent. I commend both my amendment and the motion to the house.

Mr PERTON (Doncaster) — This is, as all of my colleagues have said, a most serious issue. To take part in the debates and deliberations of the Privileges Committee is indeed an honour for any member of Parliament and it is a position of some trust. As the member for Melton has just said, all the members of the committee worked in a bipartisan way to do their best to get to the truth of this matter and to deal fairly with the complaint made by the member for Preston.

As the report and the transcript makes clear, I was very surprised by the conduct of the individual solicitor, firstly, in respect of the general attitude expressed in the letter on behalf of her client in making a threat to the constituent for the member for Preston and, as the committee found, by implication, to interfere in the communication between that constituent and the member for Preston and, again by implication, to interfere in the free expression in the Parliament of the member for Preston on behalf of his constituent.

On the other hand, unlike my friend the member for Preston, I do not think that the report and the evidence then goes to the next point — to show guilt on behalf of the firm or indeed the partners of the firm. As the material before the Parliament now shows, the solicitor completed the letter and sent the letter without it being

checked by any of the partners of the firm. Clearly that is a failing in the systems of the firm, but I think both the apology and the attitude of the partners show that they find the matter acutely embarrassing, that they do understand the importance of protecting the privileges of Parliament. Coincidentally I met one of the senior members of this firm at a function recently. That was made — —

Mr Lupton interjected.

Mr PERTON — I do not know why the member for Prahran is laughing. It is a serious debate. He likes to portray himself as a great civil libertarian in this house and outside. Perhaps if he sits as a member of the Privileges Committee and takes part in this debate, he ought to do so with an element of seriousness rather than the mirth in which he is currently engaged.

In hearing the evidence of the solicitor who wrote the letter, it became clear to me that there was little understanding or grasp of parliamentary privilege. There was not much evidence before the committee as to the understanding in other parts of the community, but a reasonable examination of newspapers and other media outlets over recent years usually demonstrates that journalists, for instance, have a great contempt for the privileges of the house. A member of the Parliament exercising his right to speak out on behalf of a constituent is often challenged to speak outside the house, usually by people with deep pockets who would then use the litigation road to attack the member of Parliament.

It is often referred to in the media as cowards' castle, but how simplistic that is. A member of Parliament must have an unfettered right to speak out on behalf of their constituent without the threat of litigation. One only has to go to Singapore, for instance, another commonwealth country, to see how defamation law is used to bankrupt members of Parliament and bankrupt opposition figures and put them outside the political process. A member of Parliament, having satisfied himself to a reasonable extent as to the facts described by his constituent, is entitled to put his views to the house. I recently took that same step myself on behalf of a constituent making complaints against public servants.

What is the solution? It became clear to me in the evidence that the solicitor had not only a bachelors degree but a masters degree in law. She had obviously undertaken studies in ethics, civil procedure and torts. One would have hoped that somewhere in the course of her studies she would have learnt something about the law of defamation, and in particular about

parliamentary privilege. My suspicion, in all fairness, is that if the letter had gone to one of the partners of the firm, as was the usual system, alarm bells would have rung. The solicitor would have been instructed to rewrite the letter in terms more respectful not just of the member for Preston and the parliamentary process but also of the constituent. As a member of the Privileges Committee I found objectionable not only the attack on the member for Preston but indeed the whole tenor of the threat against the constituent.

So in circumstances where it is clear that — in the words, I think, of the member for Kew — it was a frolic by a particular solicitor and not by the partners or other members of the firm, I think it is unfair for the motion to include the name of the firm and for the firm to come under attack. I strongly support the amendment moved by the member for Mornington, which reads:

That in the notice to be placed in the *Law Institute Journal*, the words 'the legal firm Mills Oakley' be omitted with the view of inserting in their place the words 'a solicitor in ploy to buy a Melbourne law firm'.

I understand that that was agreed to by a senior member of the government in this house, and the member for Rodney made it clear that that is so, but I also understand that the member for Melton went scurrying down to the minister's office at the behest of the member for Preston. I do not know what role the member for Prahran played, but it is clear that there are some Labor members in this house who want to go beyond the mere defence of the privileges of this house and the privileges of the member for Preston and make an attack against Mills Oakley. Indeed the attempt by the member for Preston to put matters on the record in this debate that he had not put in evidence to the committee indicates a level of research and investigation which shows that he personally has some sort of vendetta against the firm, for whatever reason, whether it is because of some relationship in his previous life as a union official or in some other matter.

Mr Lupton — On a point of order, Speaker, I have listened to the remarks of the member for Doncaster in relation to me and to the member for Preston. There is the evidence that was given in camera before the Privileges Committee, and the member for Doncaster is now attempting in some way or another to traduce members of the Privileges Committee by claiming that certain things were not done in the evidence before the committee, and that is improper and inappropriate.

The SPEAKER — Order! I ask the member to continue, but I believe he was going outside the motion, so I ask him to return to the motion.

Mr PERTON — I did not intend to go down a path that was improper.

Having heard the evidence in this case, and also with my general understanding of the views of the public and the media on the law of parliamentary privilege, it is my belief that you, Speaker, perhaps with other presiding officers and members of the Commonwealth Parliamentary Association, ought to prepare material for the universities to use in their tort courses, in their civil procedure courses and in their constitutional law courses. Having asked a number of law students and young solicitors whether they covered this area at all in their courses, it is my perception that the answer was no, or at least not to the extent that they remembered.

This is a serious issue, and it requires further education of the community. The other members of the committee did not share my desire for a more general solution, but I put it to the Parliament and to you, Speaker, that there is a more general problem and that as part of our general education processes we ought to let the legal profession know more clearly what its duties are in this respect.

Mr STENSHOLT (Burwood) — I rise to support the motion and the amendment proposed by the member for Melton to the amendment proposed by the member for Mornington.

The Legislative Assembly's privileges, as members will be aware, were inherited from the House of Commons through the Constitution Act. The privileges, rights and immunities which existed in the House of Commons when the Victorian Parliament was established 150 years ago apply in the Legislative Assembly. This shows that they are rights dearly held by parliamentarians. The right to freedom of speech of a parliamentarian is meant to be unfettered; it is not meant to be restricted. Anyone seeking to obstruct or impede the work of a member of the house, depending on the circumstances, can be found to be in contempt and in breach of parliamentary privilege.

It is very rare that such cases are brought before the house and the Privileges Committee, which then makes a finding that the house considers. Not many such cases arise. Indeed it was far more common two centuries ago than it has been in this century. I certainly agree with the member for Mornington that we much prefer it that way: we much prefer that the actions and activities of members of Parliament are respected, unfettered and not put under threat. This is a very unusual situation, almost a historic one, but one which, with regret, we have to deal with. It is the responsibility of all members of the house to deal with these matters firmly in order to

protect those privileges. The Privileges Committee produced a report on the complaint made by the member for Preston and has made a finding. The finding was, as you can see at page 6 of the report:

The letter sent by Mills Oakley Lawyers to Mr Cannard constituted an attempt to interfere with the provision of this information and it is therefore a breach of privilege.

That is the finding of the Privileges Committee, and it was the unanimous finding of all members. In that regard there is some attenuation, in that a subsequent letter of apology by Mills Oakley Lawyers to Mr Leighton was accepted, and that is actually referred to in paragraph 25 on page 6 of the report. However, the committee did find, irrespective of that, that the letter was intended to have the effect of preventing the flow of information and therefore constituted a breach of privilege.

I understand there are historically a range of instruments or a range of remedies that the house has used, and we would hope not to have to use the remedies which we used in the 19th century. In those days the Speaker could issue a warrant to seek the imprisonment of people, which was done in 1869 and 1900, which of course was still in the 19th century. The Serjeant-at-Arms was also directed on four occasions before 1876 to take people into custody. We have not proposed that, because it is now two centuries later, the 21st century. The proposal here is to recognise that a breach of privilege and contempt has occurred, to regard it as a very serious matter, to inform the firm of solicitors and the solicitor concerned of this decision and to place a prominent notice in the *Law Institute Journal*. The house has to take account of the circumstances of this particular case, and that is the practice when it comes to dealing with issues of privilege. I believe this is the appropriate course.

The member for Mornington has suggested an amendment to the minister's motion, the effect of which would be to omit the name 'Mills Oakley Lawyers' — that is, the name of the actual law firm — and replace it with the words 'employed by a Melbourne law firm'. I support the amendment to that amendment proposed by the member for Melton, which more directly reflects the report of the Privileges Committee, which of course says the letter was sent by the legal firm. The letter is signed 'Mills Oakley, Mills Oakley Lawyers'. But there is the apology, which notes that the solicitor, who actually came before the committee, was acting without following the normal processes of the firm. The suggestion that the notice should refer to the 'solicitor who was then employed by Mills Oakley Lawyers', I think, is the appropriate way for the house to go, so that that notice regarding

parliamentary privilege can be published in the *Law Institute Journal*. I support the motion, with the amended amendment, and I commend it to the house.

Mr SAVAGE (Mildura) — I rise to speak on this matter of privilege and to indicate that I view this as one of the most serious things I have seen in this place in the short time I have been here. Every member in this place has a right to speak on issues that concern the citizens of Victoria. I was offended by the remark made by the member for Kew when he said, ‘Treat this issue seriously’. I do treat it most seriously. This issue of privilege is very serious.

In my role as a member of Parliament I have been threatened many times by authorities, individuals and people with lots of money and lawyers. I have not been threatened via this type of breach of privilege, where it has been suggested I should not do things in the house, but my role as an MP is to defend people who have difficulty defending themselves, people who do not have access to lawyers and large legal firms, individuals who are oppressed by government instrumentalities and authorities, and even by people like the traffic camera office. There are lots of injustices out there. It is the role of every MP to take notice of citizens’ rights and make sure people are getting treated fairly.

If this issue goes unchallenged, it will encourage a multitude of people out there who, as I said, have access to legal opportunities to bully people and it will also make it difficult for us to maintain the privileges that we have as members of Parliament. Those privileges come with some responsibilities. We are not in a position to misuse that privilege. We do not have licence to misuse the right to privilege and to treat people unfairly in the way I have just described that others might adopt.

I was present when the member for Preston raised this issue, and I took an interest in the processes that preceded it. It is obvious that Mr Cannard is an individual who was oppressed unfairly by the letter that was written to him. It is dated 21 January, and it is worth noting — I know other members have quoted it, but I will repeat it — that it states:

As you are also aware, Mr Leighton has made numerous false and embarrassing allegations and name-calling of Mr Wellard under the protection of parliamentary privilege. He cannot be sued for defamation at this point because he has not dared to make those allegations outside of Parliament.

You are not protected from parliamentary privilege and can be sued for false and damaging allegations made about Mr Wellard which have the effect of besmirching his character and damaging his reputation.

The next paragraph contains the words:

... to Mr Wellard for your false allegations, and cease to make those allegations immediately.

There is a clear threat being transmitted in that letter from Mills Oakley Lawyers. When you look at that letter you see that it says at the top right-hand corner ‘Responsible partner, Mr Roger Jepson’, and it is signed ‘Mills Oakley’, which I understand is some clerical procedure because there is no such person as Mills Oakley. Apparently legal firms all sign letters this way so that they have some appearance of authority and give the impression that there is actually a person called Mills Oakley.

The letter from Mills Oakley, as other members have said, is a clear contempt of the privileges of this place and of the rights of the member for Preston. The letter of apology tendered by the member for Preston also has, I think, some unconvincing words in it. It offers an unconditional apology for ‘having conveyed the impression’. To me it went further than conveying an impression: it was saying, ‘We will sue you if you repeat these allegations and pass them on to Mr Leighton’. The law firm said in a letter addressed to Mr Leighton:

It was never the intention of Ms Thomson or this firm to endeavour to restrict your ability to speak freely and openly before the house.

I would dispute that. And in fact the Privileges Committee also quite clearly disputed that particular apology. It says in paragraph 24 of its report:

The letter sent by Mills Oakley Lawyers to Mr Cannard constituted an attempt to interfere with the provision of this information and is therefore a breach of privilege.

There is no doubt about what the Privileges Committee found, and it has been well canvassed in this Parliament.

I turn to the submission from Mills Oakley which was circulated today. The company is trying to evade its connection with somebody who quite clearly works for it, is employed by it and is named on the letter. There is also a responsible partner named on that letter. It is a bit like the captain of the *Titanic* when it hit an iceberg. He was not on the bridge but asleep in his cabin, and he said, ‘I am not responsible’. He is responsible; he is the captain.

When I was in the police force, I was the officer in charge of the Mildura station, which has a 28-day jail. It is a jail under the prisons legislation; it is not a jail under the police watch-house arrangements. I was not on duty when a prisoner was given a razor blade to

have a shave. He cut himself, and I was disciplined for that. I had to accept that responsibility. I did not say that I was not there and that somebody else gave it to him; it was my job to make sure that did not happen. This company did not make sure that that person did not write that letter, and that is the failing; that is the breach of privilege. The firm cannot say, 'We did not know; it was not our responsibility; it was not with our permission'. The responsibility of authority and of leadership is to accept that you have failed to do your duty when it all falls apart, and on this occasion it has fallen apart.

I do not support the amendment proposed by the member for Mornington. I do not believe that a vague notice in the *Law Institute Journal* is appropriate. The notice should name the company from which this breach of privilege originated, and it should have some reference to the situation that has occurred and to who is responsible for it. It is a failing of this company to fail to accept the fact that it should have been — can I say it? — man enough. If the firm has some reputation to maintain, it should have accepted that as a company it made a mistake. It should have said, 'We should not have done that. It is a breach of privilege. We are sorry, and we accept responsibility', instead of trying to offload the blame onto some junior solicitor who is employed by that company. To me that shows a very poor quality of leadership by this firm, and I do not think it brings its leaders any credit at all in this place. I will be voting against that amendment put forward by the member for Mornington, because I do not believe it is appropriate.

I get the impression that people have been nobbled here. This report is quite clear. Yet people are now backing away from this and saying, 'I think we should do this a different way'. I indicate that —

Mr Cooper — On a point of order, Speaker, I take objection to the words just used by the member for Mildura. There was a clear inference in those words. He said that somebody had been 'nobbled' in regard to this and then went on to say that people were backing away from the recommendations of the committee. I find that inference — and it was a very direct inference — absolutely objectionable, and I ask the member to withdraw.

Mr Maughan — On the point of order, Speaker, I also take objection to the suggestion that as a member of that committee I was nobbled. I certainly was not nobbled, and I resent the inference from the member for Mildura, and I ask him to withdraw.

The SPEAKER — Order! The member for Mildura did not direct his comments to any one member in the house.

Mr SAVAGE — As a member of Parliament I view the right to speak freely in this place as very important; that is the paramount view that I have on my role as an MP. I do not want to see a situation in which any member of Parliament is threatened in this way ever again. I want us to make sure that everybody is aware that members of this Parliament have the right to speak freely in this place without people threatening individuals who wish to make a protest to members of Parliament.

Mr PLOWMAN (Benambra) — I will be brief in my comments; I will say just two things. Nothing is more important than the right of the member for Preston or of any of us to be able to represent our constituents fairly and freely in this place. Nothing is more important — even if it means you actually go against the party you stand for. Your prime object is to represent the interests of your constituents. In that respect I greatly approve of the fact that the member for Preston has brought this to the Privileges Committee and that this has now come before the Parliament itself.

However, on the other hand, nothing is more important than that justice be done. The carriage of the amendment by the member for Mornington would see that justice is done, on the basis that the amendment to the motion before the house does not exonerate the law firm at all, but does not name it as being the responsible party. In this case there is no doubt that the responsible party is the solicitor who took that action against the constituent of the member for Preston. If that is the case, clearly that is where that responsibility should lie. On that basis I support the member for Mornington in putting forward his amendment.

It is right that any member should be able to represent the interests of their constituents and equally have free and fair access to the Privileges Committee. I served on the Privileges Committee and hold that committee in as high a respect as I do any other body of this state Parliament. That being the case, I think the report that has been put before this Parliament is certainly reflective of the attempt by that committee to do justice in this situation.

However, if we were to carry this motion, we would be laying the blame at the feet of a law firm rather than an individual. This whole issue has been the result of one individual's actions, and therefore those actions should be found to be the reason for this privilege issue coming before the Parliament. The member for Burwood made

a good point when he said that these sorts of actions rarely come before the Parliament, and they came before the Parliament much more over the last couple of hundred years than they do now. That is all the more reason why this Parliament should deal with this fairly and justly.

On that basis I support the amendment before the house moved by the member for Mornington, but at the same time I support and applaud the fact that this issue has been brought before the Privileges Committee and before the Parliament.

Mr LUPTON (Pahran) — As a member of the Privileges Committee I was one of those involved in the deliberations on this matter. I support the findings and the report of the committee. I do not support the amendment moved by the member for Mornington, and I intend to support the amendment moved by the member for Melton.

Parliamentary privilege is something that is fundamental to the proper working of our democratic system. While it is called parliamentary privilege, in a very real sense it is about the protection of citizens and of the democratic structures of our society. If we are not allowed or able to represent our constituents by saying what is necessary to advocate causes that need to be advocated and in a way that is unfettered and free from any interference or attempts at influence, then our democratic structures will be weakened and our democratic process will be threatened. It is very important that the member for Preston brought this matter of privilege before the Parliament and that this house referred the matter to the Privileges Committee for its deliberation.

Our Parliament derives its powers from section 19 of the Constitution Act, which provides that the Legislative Assembly shall have the privileges, immunities and powers that were held by the House of Commons as at 21 July 1855. Included in that are the powers in the English Bill of Rights of 1689, which provides for freedom of speech in all debates in a house of Parliament. Historically the major authority on parliamentary privilege is *Erskine May*. It states that privilege is the:

... sum of the peculiar rights enjoyed by each house collectively ... and by members of each house individually, without which they could not discharge their functions ...

It goes on to say that contempt is:

... any act or omission which obstructs or impedes either house of Parliament in the performance of its functions, or impedes any member or officer of such house in the discharge of his duty.

All members ought to take this matter very seriously. The committee needed to resolve two questions in order to determine the issues before it. The first was whether the immunity afforded by parliamentary privilege extended to communication of information to members by other persons — in this case the information that was provided to the member for Preston by his constituent. The second was whether the threat of adverse action against a constituent could be considered an improper means of influencing a member of Parliament in the performance of their duties — that is, the letter which was written by Mills Oakley to Mr Cannard and passed on to the member for Preston.

The committee obtained a number of pieces of advice and was well served by the Clerk of the Legislative Assembly and the committee staff. We found that we were empowered to protect the rights of members of Parliament in situations such as this. The conclusion of the committee's deliberation is that, given the right circumstances, it may be lawful for a house of Parliament to treat as a contempt any interference with the provision of information by a person to a member.

We then had to consider whether or not the terms of the solicitor's letter could be considered a threat to influence the member for Preston's conduct as a member or could impair his independence in the future performance of his duties. The committee found that those matters were proven. A number of pieces of evidence were considered by the committee in relation to these matters.

One issue that has arisen in the debate which is important to mention is that Mills Oakley Lawyers wrote to the member for Preston on 9 March to apologise for the earlier letter, explaining that it had not been the firm's intention in communicating with Mr Cannard to prevent the member for Preston carrying out his duties as a member of Parliament. In those circumstances the firm was attempting to apologise, although it was having a two bob each way. Nonetheless the important point about the letter is that Mills Oakley stated in the letter that it was not the firm's intention by writing to Mr Cannard to influence the member for Preston. That was important in the committee's findings, because the firm adopted the position that it was not its intention to influence the member.

The committee ultimately found that the letter had the tendency to influence the member and was a contempt, so we did not accept the assertion that it was not the intention of the letter to have that effect. But it is important that the law firm adopted that terminology in what it considered to be an apology.

The finding of the committee was that the letter was in fact a contempt. It is important to state the words of the letter that were regarded as particularly troublesome. The letter of 21 January 2006 signed by Mills Oakley Lawyers to Mr Cannard in part states:

We hereby put you on notice that, should your false allegation be repeated in any media, or by Mr Leighton in Parliament, or by yourself or any other person, we will bring action against you to recover the damages suffered by our client.

It was clear to the committee that in those circumstances there was some likelihood that a person receiving that letter would understand it to be intending to stop Mr Cannard from raising these matters with his member of Parliament and also some likelihood that the member for Preston might feel influenced in deciding whether or not to continue to raise these matters for fear that his constituent may be the subject of legal proceedings.

It is also interesting that in these circumstances the law firm has made a submission which has been tabled in Parliament today and will be incorporated in *Hansard*. The submission by Mills Oakley Lawyers is an extraordinary attempt to evade its responsibilities as a law firm and employer by casting all the responsibility for this on an employee solicitor. The firm says that it has a policy that all letters are to be signed off by a partner before they are sent out and that this policy was breached in these circumstances. The committee, while accepting that a partner did in fact not sign off on this beforehand, was unable to ascertain why this breach occurred. The point we need to consider here is that the policy was not enforced. It was breached by the firm. The firm's policy was not enforced by it, and it is ultimately responsible for the letter was sent out in its name.

It is for that reason that I do not find the amendment moved by the member for Mornington acceptable. As I have stated earlier, I intend to support the amendment moved by the member for Melton, because it is important in a case such as this that a policy of ensuring that contempts of Parliament do not occur as a result of letters that are sent out by law firms is in fact properly enforced. If we were to accept the member for Mornington's amendment, what we would really be saying to the law firms of Melbourne is that if they do not check their employees' letters, they can commit contempts as much as they like and we will not find them ultimately responsible for it. I do not think that is the message we want to be sending to the legal fraternity of Melbourne.

It is a very important part of the democratic process that members of Parliament must be able to advocate for

their constituents and raise causes, whether they are popular or unpopular, free from influence and interference. The member for Preston has done that in this case. There has been an attempt to influence the member for Preston in the performance of his duties. That is something this house should and will take strong exception to. I support the motion moved by the Leader of the House and the member for Melton's amendment.

Mr COOPER (Mornington) — I want to make a couple of points in regard to the amendment moved by the member for Melton to the amendment I moved. We are talking about a small number of words here, but they are words that are important. The amendment moved by the member for Melton in fact would reinsert the name of the law firm in the public notice that will be put in the *Law Institute Journal* by the Speaker.

The view that I have, and it is the view of my colleague the member for Kew and other members on this side of the house, is that it is fair and reasonable that the notice go into the *Law Institute Journal*. We also have no problem at all with the tenor of the debate, as we have clearly already said. But after looking at the issue of natural justice and who should be held responsible, I prepared an amendment. That amendment was given last night to the Leader of the House, and he informed me prior to this debate starting that he had no difficulty with it. Therefore I accepted the fact that my amendment would be agreed to by the government. Halfway through the debate it became clear to me in my discussions with the members for Melton and Burwood that they disagreed with the position of the Leader of the House and wanted to change the situation. We now have a situation where the member for Melton has prepared an amendment to my amendment.

We are talking about a form of words. The form of words in the original motion is 'involving the legal firm Mills Oakley'. My amendment would omit those words with a view to inserting in their place the words 'a solicitor employed by a Melbourne law firm'. The member for Melton's amendment would change those words to a form saying:

That the words 'employed by a Melbourne law firm' be omitted with a view of inserting in their place 'then employed by Mills Oakley Lawyers'.

It would then read, as I understand it:

... a solicitor then employed by Mills Oakley lawyers.

It is complicated, but I think I have got that right. I, the member for Kew and other members on this side of the

house have to work out whether the form of words proposed by the member for Melton would be more acceptable than the form of words in the original motion. We do not want to put this house through any more grief or any more twisting and turning. I think it would not be in the best interests of this house to see a division on this matter.

When the question is put on the amendment moved by the member for Melton the opposition will be voting no. I want to make it clear that we will not be dividing. We do that on the basis that we assume — and I think probably with some degree of reality — that the member for Melton might, when his amendment is put, have the numbers. I may get a shock on this, but he might have the numbers. Therefore, if he has the numbers, we will certainly reluctantly see that go through and become part of the motion.

Mr MAUGHAN (Rodney) — I want to make just a couple of brief comments. Firstly, the member for Mildura in his comments asserted — —

The SPEAKER — Order! The member for Rodney will need to address his comments only to the amendment moved by the member for Mornington or to the amendment moved by the member for Melton.

Mr MAUGHAN — I will speak to the amendment moved by the member for Melton and indicate that I was under no pressure whatever to support the member for Mornington's amendment, which I consider a much better approach. We have canvassed the issues. The contempt was certainly found. The question really is whether the firm concerned should be held entirely responsible for that. I hear what the member for Mildura has said on that issue, that the principal of the firm — the captain of the *Titanic*, as he indicated — should be responsible. That is a fine principle, but we do not apply that always and we certainly do not apply it with regard to this house. On the amendments that are before the house, the wording put forward — —

Mr Cooper interjected.

Mr MAUGHAN — We would have a lot of ministers going out.

The SPEAKER — Order! The member for Mornington has had his turn.

Mr MAUGHAN — I agree that the member for Melton's wording is certainly better than the original wording in the motion. Therefore The Nationals will not be opposing that amendment. I again assert that the amendment put forward by the member for Mornington would have been a better choice of words. I am

disappointed that while the committee has been bipartisan until now — in my remarks earlier I commended the committee on its bipartisan approach — that is not now the case. That is unfortunate.

Mr Lupton — That was changed by the member for Mornington.

Mr MAUGHAN — It was not changed by the member for Mornington.

The SPEAKER — Order! The member for Rodney, on the amendment to the amendment.

Honourable members interjecting.

The SPEAKER — Order! The members for Mornington and Prahran have had ample opportunity to put their points. They were heard in silence, and I ask them to do the same for the member for Rodney.

Mr MAUGHAN — Prior to rising to speak, the Leader of the House indicated that the government supported the amendment of the member for Mornington. So no change was made by this side of the house; the change came from the government.

The SPEAKER — Order! I ask the member again: it is a very narrow debate and he is required to address his comments to the amendment moved by the member for Melton to the amendment moved by the member for Mornington.

Mr MAUGHAN — I have indicated that The Nationals will be supporting the member for Melton's amendment. It is an improvement on the initial wording. We would have been more prepared to go with the amendment of the member for Mornington. Finally, I reject the assertions of the member for Mildura that anyone was nobbled to move in that direction.

Mr LEIGHTON (Preston) — I support the amendment moved by the member for Melton on the basis that the original letter was on Mills Oakley letterhead, it was signed by Mills Oakley, the finding of the Privileges Committee was against Mills Oakley and, most importantly — as the member for Prahran has pointed out — in the letter of apology to me, which has been incorporated in *Hansard*, Mills Oakley itself took responsibility for the original letter and never attempted to distinguish between itself as a firm and the individual solicitor. It was a firm taking responsibility for the letter, and that is why I will be supporting the amendment moved by the member for Melton.

Mr McINTOSH (Kew) — Just very briefly, I reluctantly support the position that the member for Mornington has advanced on the amendment moved by the member for Melton. I do so because as I understand the processes of this house that motion will be put first, and if it succeeds then the amendment proposed by the member for Mornington, which I much prefer, will essentially lapse. Reluctantly I am compelled to fall in behind the member for Mornington.

The SPEAKER — Order! The Leader of the House has moved the motion set out on the notice paper. To this motion the honourable member for Mornington has moved an amendment. He has proposed to omit the words ‘the legal firm Mills Oakley’ from the notice to be placed in the *Law Institute Journal* with the view of inserting in their place the words ‘a solicitor employed by a Melbourne law firm’. In addition the honourable member for Melton has moved an amendment to the amendment, proposing that the words ‘employed by a Melbourne law firm’ be omitted with the view of inserting in their place the words ‘then employed by Mills Oakley Lawyers’.

I will first put the question in relation to the member for Melton’s amendment to the amendment proposed by the member for Mornington. The question is:

That the words proposed to be omitted from the amendment moved by the member for Mornington stand part of the question.

Those who support the honourable member for Melton’s amendment should vote no.

Question defeated; omission agreed to.

The SPEAKER — Order! The question is:

That the words proposed to be inserted by the member for Melton in the amendment proposed by the member for Mornington be inserted.

Question agreed to; insertion agreed to.

The SPEAKER — Order! The question is:

That the amendment as amended be agreed to.

Question agreed to; amended amendment agreed to; amended motion agreed to.

HERITAGE RIVERS (FURTHER PROTECTION) BILL

Second reading

Debate resumed from 20 July; motion of Mr THWAITES (Minister for Environment).

Dr NAPTHINE (South-West Coast) — I rise to speak on the Heritage Rivers (Further Protection) Bill. Right from the outset I wish to make it clear that the Liberal opposition will support this legislation because the Liberal Party strongly supports the protection and enhancement of the special environment of our heritage rivers across the state. The bill has a twofold purpose, as set out in the purpose clause of the bill:

- (a) to prohibit the construction in heritage river areas of new impoundments, barriers and structures that impede the passage of water fauna; and
- (b) to amend the provisions relating to management plans for heritage river areas and natural catchment areas ...

That is the matter that I wish to address initially in my presentation. I am disappointed that the proposals in the bill will actually weaken the management plans for our heritage rivers. As I said, the Liberal Party strongly supports our system of heritage rivers. We are very fortunate in Victoria that we have a huge diversity of flora and fauna. We have a great river system and we need to protect, preserve and enhance that river system. Having certain sections of rivers classified as heritage rivers is an important component of that. Therefore, while the Liberal Party is supporting the bill, I am disappointed with clause 4.

The first thing that clause 4 does is substitute a new section for section 8(1) of the Heritage Rivers Act 1992. If I read section 8(1) of the Heritage Rivers Act and make a comparison between what is currently in the act and what is proposed by clause 4, members will understand why it is a disappointing change. Section 8(1) of the Heritage Rivers Act provides:

A managing authority of a heritage river area or natural catchment area must prepare a management plan for the area within 5 years of the area having been brought under the Act.

That is being deleted and replaced with the words in the bill, which are a significant watering down — if I can use the pun — of the current proposals. The new words are:

If requested by the Minister, a managing authority of all or part of a heritage river area or natural catchment area of the Catchment Management Authority for the area, must prepare a management plan in relation to the area, or any part of the area, within the time specified by the Minister that includes the matters specified by the Minister.

The significant differences are that under the current legislation a management plan must be prepared within five years; it is a legislative requirement. But under the new, watered-down, weakened legislation prepared by the Bracks Labor government there is no legislative time frame allowed and no legislative requirement for a management plan, and this will place in jeopardy the concept of having management plans for our heritage rivers and our natural catchment areas.

This change is not in the best interests of good heritage river management. It is not in the interests of the environment, and it is a change the government should reconsider. It should go back to what was proposed in the original legislation, because these areas are important. The Liberal Party values heritage rivers and recognises the need to have management plans. It is disappointed that the government is walking away from a commitment to have as a legislative requirement management plans for heritage rivers and natural catchment areas.

Once again we see the government speaking loud and long with its publicity campaign on how much it values heritage rivers and how important they are, but in actuality its legislation waters down the management plans and the management of those heritage rivers, and that is extremely disappointing.

I now move to the component of the Heritage Rivers (Further Protection) Bill to do with the prohibition of construction of new impoundments, artificial barriers and structures that impede the passage of water fauna. Again, when one looks at the reality versus the perception — and I will explain it as I deal with this bill — one will see that the government is fundamentally the emperor with no clothes because it is parading this legislation as being legislation which provides new-found protections for heritage rivers to stop them being dammed and to make sure they are protected well into the future. These rivers have very strong legislative protection now. Let us look at what the situation is at the moment. Clause 7 states:

For section 10(1) of the Heritage Rivers Act 1992 substitute —

some new words. Section 10(1) of the act is headed 'Land and water uses which are not permitted in heritage river areas', and covers heritage rivers across the state. It says that the following things are not permitted:

An impoundment, artificial barrier or structure that impedes the passage of water fauna must not be constructed in a heritage river area specified in Column 1 of Schedule 3 unless the Governor in Council by notice published in the Government Gazette, approves its construction in that area.

Those words sound very familiar. They show that for those rivers listed in column 1 of schedule 3 there is already a prohibition under the legislation which was passed by the Parliament years ago that stops them from having dams built on them. Let us have a look at which river heritage areas are listed in column 1 of schedule 3. They are the Mitta Mitta, Ovens, Howqua, Goulburn, Genoa, Bemm, Goolengook, Arte and Errinundra, Snowy, Suggan Buggan and Berrima, Upper Buchan, Mitchell and Wonnangatta, Thomson, Aire, Glenelg and the Aberfeldy river heritage areas. Fourteen of the 18 heritage rivers are already protected by legislation passed by this Parliament.

One that is already protected is the Mitchell River, and the government has been out in the community trying to prosecute a case that this legislation will protect the Mitchell River from being dammed. The fact is it is already protected under current legislation. That is 14 of the 18 rivers.

Then we get to schedule 4, which refers to a number of specific natural catchment areas and rivers. It says with regard to the Yarra River that you are not allowed to have new impoundments, artificial barriers or structures that impede the passage of in-stream fauna, and similarly for the Lerderderg River heritage area, so that is two more of the rivers.

Under the current Heritage Rivers Act, 16 of the 18 heritage rivers are already protected from dams. You have to ask what this legislation is about. Clearly it is more about show than go. It is more about creating perceptions and a political story than providing additional protection for our heritage rivers. I put it to you, Acting Speaker, that if the government was serious about protecting our heritage rivers, it would not waste money and resources on introducing legislation that is a duplication and is unnecessary. It would use those resources and the effort of the good officers who have provided excellent advice on this to implement on-ground works to improve the environment of those heritage rivers; that should be the priority.

As I said, 16 of the 18 rivers are already protected. The two rivers that are not covered by protection under the current legislation are the Wimmera River and the Big River. I will come back to the Wimmera River later, but it should be understood that when we talk about heritage rivers — the Wimmera River or any other river — there is not heritage river protection for the full length of any heritage river; it does not go from top to tail. Most heritage river protections are provided for parts of rivers. The part of the Wimmera River that is provided with heritage protection is to the west and north of Horsham. For those who go up to the

Wimmera River area and the west and north of Horsham, there is not much water in that area. If you go to Lake Albacutya or Lake Hindmarsh you will see there is not a lot of water in them at the moment. No person is proposing to put a dam on that part of the Wimmera River. There is no argument.

An honourable member interjected.

Dr NAPHTHINE — We are supporting this legislation! Even government members have been misled by their own propaganda. There are no proposals whatsoever to put a dam on the Big River. This legislation is an absolute nonsense. It is a political gesture with no substance. Yesterday in the house the Premier suggested that the Liberal Party was going to put a dam on the Mitchell River. Let me make it absolutely clear that there is no Liberal Party proposal to put a dam on the Mitchell River.

We do not have any plans to put a dam on the Mitchell River. We support and want to protect the environment of the Mitchell River. We are concerned about environmental flows in the Mitchell River. We are concerned about protecting the environment of the Gippsland Lakes. We will not be putting a dam on the Mitchell River, so let us get rid of that nonsense. That is a lie, a big lie perpetrated by the Premier, the Deputy Premier and the Labor Party. It is a lie that was driven by a political motive and has no substance. There you are, let us make it absolutely clear: no dam on the Mitchell River under the Liberal Party. In the time I have been a member of the Parliament for the Liberal Party, and that is now nearly 18 years, we have never had a proposal to put a dam on the Mitchell River, so this is an absolute nonsense. Let us absolutely make it clear — no dam on the Mitchell River under the Liberal Party — and let us also look at the issue of no dams.

When we talk about these heritage rivers, the perception the Labor Party would have is that these heritage rivers from their headwaters to their mouths are protected under the Heritage Rivers Act. That is just simply wrong. There are sections of rivers that are declared heritage rivers, and many of the heritage rivers have dams on them. I will run through a few: the Glenelg River has the Rocklands Dam on it; the Mitta Mitta has the Dartmouth Dam on it; the Goulburn River has Eildon Dam and Goulburn Weir on it; the Thomson River has the Thomson Dam on it; the Yarra River has the Upper Yarra Dam; and the Lerderderg River has the Lerderderg Weir on it. So let us not have any of this nonsense suggesting that there are no dams on heritage rivers. Heritage rivers are parts of those rivers.

Let us look at the position of the Labor Party with respect to dams. I quote from an article in the *Herald Sun* of Friday, 4 August —

Mr Nardella interjected.

Dr NAPHTHINE — It is actually an opinion piece written by the Deputy Premier! He might have plagiarised it from somewhere, but it is an opinion piece written by the Deputy Premier. There is the smiling face of the Deputy Premier on the article and there is an elephant next door to it — perhaps the two are interposed. The article says:

Some commentators are calling for the Bracks government to build new dams, but while we have not ruled this out in regional Victoria, we are not building a new dam —

in Melbourne. The Labor Party has not ruled out building dams in regional Victoria. Guess where most of these rivers are? In regional Victoria. Guess where most of the rivers in Victoria are? In regional Victoria. The Labor Party, through the Deputy Premier, who is also the Minister for Water, has said that the Labor Party's policy is that it could build new dams in regional Victoria where the rivers are. The Labor Party should not come in here saying that the Labor Party is a no-dams party, because that is not what the Deputy Premier, who is also the Minister for Water, has said. The Minister for Water has said he has not ruled out dams in regional Victoria. That was on 4 August, which is fairly recent, fairly current, fairly relevant, I would have thought, and I would suggest that all the members on the other side should perhaps add that to the briefing they have been given before coming in here to mislead the house on those issues.

It is interesting that in the same article — because this begs the question, if we have an issue of water supply, and we certainly do have issues of water supply throughout the length and breadth of the state, of where the water is coming from — the Minister for Environment, who is also the Minister for Water, should say:

Even the Melbourne Cricket Ground is using stormwater, collecting it from the roof of the grandstand to flush toilets and for irrigation.

That is fantastic. I think that is great, and it is a really good thing that the MCG is doing it, but what does the government do when there are state government projects like Federation Square? When the Labor Party took over the government of Victoria and the management of the Federation Square project, not only did it get rid of half a shard, it actually got rid of the water-saving components of the project. The water collection and saving components of Federation Square

were abolished by the Labor government. In the then Spencer Street station redevelopment there was a huge amount of roof area, but what did the Labor Party do? It scrapped the proposals to catch the water that fell on that roof and use it for water-saving projects. The Labor Party should not come in here talking about water conservation.

The MCG project is a private project run by the MCG Trust, but when it comes to state projects, how many schools have been built by the Labor Party with water-saving projects in them? The Labor Party should not come in here talking about water conservation. What we have here is a piece of legislation that is driven by politics; it is driven by propaganda rather than by substance. We know the substance of the issue is twofold. Firstly, 16 of the 18 parts of rivers declared heritage rivers that are subject to this legislation are already properly and adequately protected by the current legislation. The two rivers that are not are not even on the agenda anywhere for any dams, so the legislation achieves no further purpose on that.

Under previous legislation governments were required to have management plans for those heritage rivers and were required to implement those management plans within five years, but under clause 4 of this legislation that has been scrapped, and the minister may now have a management plan developed on a time frame that the minister may set. Rather than greater protection for our heritage rivers, what we are having under this legislation is a watering down of protection for our heritage rivers. This legislation is a farce. It is nonsense.

Mr Nardella interjected.

Dr NAPTHINE — But we are supporting it, because we are not silly enough to be tripped up by such a politically naive trap — and that is what it is. The proposals beg some questions about the management of water, because the whole issue relates to heritage rivers, whether we capture water from them and how else we deliver water to our communities. One of the rivers that I mentioned will be afforded additional protection under this bill is the Wimmera River, even though I have argued, and I think quite validly, that the section of the Wimmera River that is part of the heritage river west and north of Horsham requires no additional protection because there is hardly any water in it and there is no proposal to put on dam on it. But it again begs a question about the management of that river and the waterways in that area.

The Liberal Party supports the development of the Wimmera–Mallee pipeline. Indeed the Liberal opposition was the very first political party to make a

commitment to the pipeline, and we made that some years ago. That was subsequently picked up by the Labor government, and the federal government has always been a partner in that project. While that will provide for greater water security, there are things that need to be done in the short term. We have a real water crisis facing people in the Wimmera, because there is less than 7 per cent in the Wimmera system.

People are being told that there will be no dam fills, that there will be barely enough water for household requirements, that there will be hardly any water for community requirements and that there will be hardly any water for essential agricultural requirements. At the same time we are going to find the water authority charging full tote odds for water that people will not get. Given the enormous financial burden being borne by people in these dry seasonal conditions, being charged full costs for water they do not receive is something which the government ought to address. Special provisions need to be made by the state government to look after — —

Mr Nardella interjected.

Dr NAPTHINE — This is 100 per cent a state responsibility. This is about water supply, so it is 100 per cent a state issue. The member for Melton would not know about the situation — —

Mr Nardella interjected.

Dr NAPTHINE — The member for Melton is showing his ignorance and lack of care for people in the Wimmera-Mallee who are facing serious difficulties.

Mr Nardella interjected.

Dr NAPTHINE — The member for Melton should listen and learn something and show some compassion for these people.

The other issue in that respect is that the Minister for Water on 8 August announced that he would hold off making a decision about environmental flows to the Wimmera and McKenzie rivers until the end of this month. Some 3000 megalitres of water is available for an environmental flow, but given the lack of rain in August, I would urge the minister to work with Grampians Wimmera Mallee Water to reallocate that environmental flow to essential household, community and agricultural uses. The situation is absolutely critical. It cannot be put off any longer, and in these particularly difficult circumstances a higher priority must be given to household, community and essential agricultural uses rather than to environmental flows that

even local environmentalists believe will have little or no effect in terms of protecting the environments.

We had a situation where Bendigo had been on level 4A water restrictions for some considerable time. Now we have seen an increase in those water restrictions, so the people of Bendigo have the highest and most stringent water restrictions we have seen in Victoria for decades. They are facing a very harsh and dry summer. It is a sad indictment of this government, which has been in office for seven years and has known about the situation facing Coliban Water for some years, that it was only in May this year that it put forward a strategy to try and provide additional water for Bendigo.

It is also interesting that in early May the Leader of the Opposition went to Bendigo and announced that the Colbinabbin–Eppalock pipeline was a way of providing water for Bendigo. Less than two weeks later the government adopted the same position, having some weeks earlier criticised Don Erskine, who put that proposal forward. The government was strident in its criticism of Don Erskine and was in favour of a different option, but when the Liberal Party saw that the Erskine pipeline — or the Colbinabbin–Eppalock pipeline — was the way forward, the government changed its position. The real issue is why that pipeline was not built two years ago. The people of Bendigo should be asking why this government has done nothing for five years, during which there have been dry seasonal conditions, to improve the water supply and catchment in the Bendigo area.

The people of Ballarat will be asking the same question, because they are facing a water crisis. The solution put forward by the Bracks Labor government is to take water from the Cairn Curran Reservoir, about 70 kilometres north, and pump it uphill to Ballarat. The proposed solution is fundamentally flawed. It will be a very expensive pipeline to construct, at about \$150 million, and it will be enormously expensive to operate. On top of that, the Cairn Curran is at 5 per cent capacity, and there have been zero allocations to irrigators to the north on the Loddon River. Yet the government solution for Ballarat is to build a pipeline from a near-empty Cairn Curran reservoir and pump any water uphill to Ballarat. It is absolutely ludicrous, stupid, unworkable and expensive, and it will not deliver a drop of water to Ballarat.

Geelong is facing a water crisis, and the government's solution is to build a \$300 million pipeline to connect Melbourne water to Geelong. Now we find that Melbourne has a water crisis and there is not going to be enough water for Melbourne, let alone to supply

Geelong. When we asked the question of the Premier yesterday he ran 100 miles from the pipeline proposal. Here we are, after Labor's seven dry years in government, and we have the major regional centres of Ballarat, Geelong and Bendigo with no solution to their water crises. Fortunately the people will have a choice in November, because the Liberal Party has put forward constructive, positive plans that will double the water supply for Geelong and provide an extra 7000 to 8000 megalitres for Ballarat without any of these stupid government proposals. These plans will not involve damming heritage rivers, so we can happily support this legislation.

Mr Haermeyer interjected.

Dr NAPTHINE — If the minister had kept up to date with what was going on in the water industry instead of being away with his factional mates trying to stitch up his future, he would understand that there are other options. The Liberal Party has put forward those options in a strong and positive way. The people of Melbourne, the people of Geelong, the people of Ballarat and the people of Bendigo know the Liberal Party has real plans that can deliver a secure water future for their communities.

In summation, the Liberal Party supports this legislation. We believe there is no necessity to dam any of these sections of river that are being declared heritage rivers. We are disappointed that under clause 4 the government will water down the management plans for the catchment areas of heritage rivers, because we are strong supporters of the environment, we are strong supporters of heritage rivers and we want to see Victoria have the sort of diversity of environment and diversity of flora and fauna that we can be very proud of.

Mr WALSH (Swan Hill) — It is a pleasure to join the debate on the Heritage Rivers (Further Protection) Bill. Before starting my contribution to the debate I want to correct a couple of things for the record. The Nationals are going to oppose this bill. We do not feel that we are trapped by taking that position. We stand up for what we believe in, and we are not frightened to say what we believe in when doing that. It is not a matter of being trapped by not supporting this bill; we will not be supporting this bill.

I also put on record that when it comes to the Wimmera–Mallee pipeline John Forrest, the federal member for Mallee, has been the champion of that cause ever since he was elected in 1992. It has been a core project of John's to make sure that the pipeline is completed. He has seen the northern Mallee pipeline

built, and he has seen both the federal and state governments reluctantly come to the party. The state government eventually came up with the money to match the federal money to make sure the Wimmera and southern Mallee part of the pipeline is built. When we are writing history about who did what, John Forrest will be recorded as the man who has driven the Wimmera–Mallee pipeline and been its champion. He has been ably supported by, firstly, Tim Fischer, as a former federal Leader of The Nationals, then by the next federal leader, John Anderson, and now by the present leader, Mark Vaile. They have led the charge on making sure the federal government allocated \$167 million to assist with that project and then embarrassing the state government into matching that money.

The Heritage Rivers (Further Protection) Bill is just about political opportunism. That is all this legislation is about. It is about appeasing the government's Greens mates so it can get their preferences coming up to the state election. It is to protect a few ministers who are vulnerable to the Greens. This legislation is aimed at locking things up so that in the future if the Greens control the upper house it is going to be very hard for any other government to do anything realistic in this state. It is about a coalition between the Labor Party and the Greens. The people of country Victoria will see that for what it is — a government that is supporting a Greens party with some fairly loopy environmental ideas and some even more loopy social agendas such as giving drugs to drug addicts and those sorts of things.

The government cries crocodile tears about what is happening with heritage rivers. It is a pity the government did not have the same commitment to protecting Victoria's share in the ownership of Snowy Hydro. If this government had been serious about water issues, it would have supported The Nationals amendment to the Snowy Hydro bill that would have locked up Victoria's share of the Snowy Hydro, just as the government purported to do with the water authorities in this state. The Snowy Hydro bill was debated in the other place just this week, and again the government fell at the hurdle of supporting what we believe were some excellent amendments to that bill.

It is a pity the government did not have the same commitment to the environment when it came to the farm dams legislation. It could have put money and resources into flow management plans for streams across the state that are stressed because of the dry times we have had. But no, the commitment from the department that it would put people and resources into stream flow management plans has all evaporated; it has all been forgotten. There are effectively no

resources within the department to do that work, and nothing is being done except in relation to a couple of streams. We now have a situation where there is talk of a clawback of water for some of those streams without the base work being done. That is because the resources are not available to the department to do that work.

As I said, The Nationals believe this legislation is principally about window-dressing. Since being elected the state government has collected \$1.6 billion in taxes from the water authorities in this state, and it has reinvested very little of that in any real outcomes for Victoria. When the history of the Bracks government and its involvement in water is written, it will be recorded that the Bracks government failed Victoria when it came to its management of water and water efficiency. It has missed opportunities to invest in the future. There is no vision at all for any real outcome on water savings. It is all about ads. It is all about spin; it is not about substance at all. When history is written it will be recorded that we lived in a decade of prosperity, partly due to the good management of the federal government. History will record that the Bracks government has failed to invest that prosperity in the future of Victoria in lots of ways, but particularly when it comes to water management and water savings into the future.

As I said, it is all about ads and all about spin. We have *Our Water Our Future*, a major policy document about the future of water in Victoria, but if you actually lived in country Victoria you would want that document renamed *Our Water, The City's Future*, because all we are hearing is, 'We will build a pipeline from here to there to take water from the country to the city'. There is no commitment to creating real savings; it is all about how the government is going to rob Peter to pay Paul.

Ms Lindell — That is rubbish!

Mr WALSH — It is not rubbish, and the member for Carrum will get her opportunity later. It is about how the government robs Peter to pay Paul.

We heard the previous speaker talk about the Colbinabbin–Bendigo pipeline. That is an initiative that may be needed, but let us explore the other options before we do that. A member for North Western Province in the other place has put forward an excellent initiative for Bendigo relating to stormwater collection. Ten gegalitres of water could be saved every year and put back into the Bendigo water system. As our regional cities grow and Melbourne develops, they effectively become roofs. Using the roofs, the asphalt and the concrete an ideal harvesting resource could be set up.

As I said, the Honourable Damian Drum, a member for North Western Province in the other place, has put forward an excellent initiative to collect the stormwater of Bendigo, put it in a dam, add it to the recycled water in the pipeline from the treatment plant and pipe it back to be put in the reservoirs to be used. But no, the government will not entertain that at all. It does not believe that is an option. It is prepared to let that water run down the Bendigo Creek and do the environmental damage it does because it is running substantially more water than it used to, given the yield capacity of the concrete and the asphalt at Bendigo.

Coliban Water has known for a number of years that it had some challenges coming, but it has sat on its hands and not done anything. It could have been instigating an initiative to pipe the rural water system around Bendigo. The flume from Malmsbury to Bendigo leaks a lot of water, but no-one is actually doing anything about that. Coliban Water could actually lower the pressure of its urban system and fix the leaks in the system — and there is very good research to say you could save between 20 and 30 per cent of your water if you do that. But no, let us just opt for the silver bullet and build a pipeline from the Coliban over to Bendigo. Let us take water out of the rural communities of the Goulburn Valley to ensure that Bendigo has beautiful lawns. Let us not think about how we can have real savings in the system; instead, let us just rob Peter to pay Paul. The same thing goes on in other areas.

Ballarat has some water problems. Again the mindset is the same. Let us just run a pipeline out of the Cairn Curran Reservoir and take 18 gegalitres to Ballarat. Let us not worry about the fact that the Loddon River is one of the most stressed rivers in this state. Let us not worry about the fact that this year the diverters on Loddon River have had zero allocations. And let us go on and do a similar thing for Geelong.

If you look at the linking that is going on here, you can transfer water from Eildon to Bendigo or put it into the system where it can then effectively replace water that in turn will go to Ballarat and on to Geelong. So you find that, by stealth, Eildon water will be supplying all the major population centres of Victoria. Let us not worry about the recent threat to have a pipeline from Eildon to Melbourne, because it will be done by default through the other pipelines that will be built around this state.

Then we have the absolute doozey of all projects, the Gippsland water factory. Melbourne will not recycle its own water but will take recycled sewage to Gippsland and take back good water from the Thomson Reservoir as a replacement. So when we write the history of this

government it will be seen as a government that dumped its sewage on country Victoria in return for good water. It is not about how you might use it well into the future; it is about getting it out of sight and out of mind and dumping it on country Victoria, taking back good water as a replacement.

One of the rivers which is dealt with in the bill and which is quite contentious is the Mitchell River, given the discussion about whether a dam will or will not be built on the river. If we go to the Lindenow Flats, we see that the irrigators on that river, as I understand it, use only 2 per cent of the flow. In total 8000 megalitres is taken out of that river by the irrigators on the Lindenow Flats. When you compare that to Melbourne, which takes 70 per cent of its water out of the Yarra River, you can see that the amount the irrigators take out of the Mitchell River is minute.

Three years ago the Australian Bureau of Agricultural and Resource Economics surveyed 40 growers on the Lindenow Flats and found that they generated something like \$35 million worth of economic activity in the region. If you look at the downstream processors of the vegetables that are produced in that area, you find, for example, that Vegco Pty Ltd, which is one of the biggest in the area, employs something like 200 people in Bairnsdale. The true economic driver in the area around there is agriculture. Tourism and forestry might be very important to the area, but the key economic driver is agriculture, and it is principally the Lindenow Flats that produce the vegetable products that go into our salads throughout the year.

The challenge for those growers is that they have a production window of about 10 weeks, from about January to March, but at that time of year there is not always the continuity of supply they need from the river — something like 2000 megalitres — to allow them to irrigate. They do not want any more water out of the river; they want a reliable supply all year round. There has been constant discussion in the irrigation community along that river as to how they can achieve that constant supply. The suggestion that has been put forward, which The Nationals support, is to build a dam of somewhere between 10 000 and 20 000 megalitres on one of the small tributaries of the Mitchell River. It would be a dam not on the actual river but on one of the tributaries. That would provide continuity of water supply all year round for vegetable production on the Lindenow Flats and for all the value adding that goes on down there, and it would create employment for that community.

Some of the growers are fortunate enough to have been able to build their own off-stream storages to achieve

that, but the majority of the growers are unable to build their own storages because the Lindenow Flats area is flood prone. There are a lot of practical reasons for building a dam on one of the tributaries, in particular that it would supply everyone without creating the problems that would occur on the Lindenow Flats. As I understand it, East Gippsland Water wants to have an extra storage to supply the urbans in that area and is proposing to build an 800-megalitre capacity dam at a place called Woodglen.

I do not understand why East Gippsland Water and the irrigators in that community could not work together and identify a site on one of those tributaries to build a small dam that would give continuity of supply 12 months of the year in order to achieve the things they want to achieve. As I understand it the urbans use 4 per cent of the flow of the Mitchell River and the irrigators use only 2 per cent. We are not talking about increasing the consumption rate of the irrigators. All we are talking about is making sure they have continuity of supply, particularly through that critical period from January through to March.

Whenever I have talked to the irrigators down there they have told me they are bitterly disappointed in their local member, the member for Gippsland East. He does not want to support the people of his own electorate, does not want to support the industries in his own electorate and does not want to support the wealth creators in his electorate, who are actually generating the real jobs, in order to make sure the region prospers into the future. The Nationals do not shrink from saying they would support a dam being built on one of the tributaries along the Mitchell River. It makes good economic and environmental sense, and it would make for great outcomes for the community down there.

If this government were really serious about how it managed water into the future, it would start focusing on delivering real outcomes for country Victoria and country Victorian communities rather than just taking water from them and pumping it via a pipeline to the major regional cities, which are not spending the money or putting the effort into making water efficiencies in their own businesses. They just want to rob Peter to pay Paul.

Ms LINDELL (Carrum) — It is always wonderful on a Wednesday to follow the member for South-West Coast and the member for Swan Hill in debates on environmental and water bills put forward by the Bracks government. We are certainly very proud of the vast range of legislation in support of water reform that has been introduced throughout this term of Parliament. I have to say that once again The Nationals and the

Liberal Party cannot quite make up their minds. They had a very undignified squabble over who was the first to think of the Wimmera–Mallee pipeline.

Mr Jasper — It was not a squabble; it is a fact.

Ms LINDELL — I believe it was The Nationals, but unfortunately the member for South-West Coast wants us to believe it was the Liberal Party that first thought of the grand plan, which of course is now funded by the Bracks government. It is all about putting your money where your mouth is. Anyway, we will move past the revisionist history of the Liberal Party, which is trying to take the credit for some fine work by the Bracks government and some fine representations by The Nationals as well.

The Heritage Rivers (Further Protection) Bill implements an election commitment to prohibit the damming of all of Victoria's heritage rivers listed under the 1992 Heritage Rivers Act. The member for South-West Coast comes in here and says, 'We are going to support this bill, but you have to understand that it makes no difference'. What a load of rubbish and claptrap that is. The current act does not prevent the construction of dams on 14 rivers.

Mr Wells — That is not right.

Ms LINDELL — Sorry, it does not prevent the construction of dams on heritage rivers. The current act does not prevent the construction of dams on the following heritage rivers: the Glenelg, the Aire, the Goulburn, the Ovens, the Howqua, the Mitta Mitta, the Aberfeldy, the Thomson, the Mitchell, the Snowy, the Genoa, the Upper Buchan, the Suggan Buggan and the tributary of the Bemm. Any time that the government of the day has a whim to put a dam on any of those rivers, all it needs to do is go to the Governor in Council and Victoria will have a new dam. That is all that is required. The government of the day would not have to bring that proposal to the Parliament.

What this bill does is make sure there will be no dams constructed unless the proposal comes to the Parliament, it is debated here and in the upper house, and there is a show of democracy on the issue and there is legislative change. This bill makes a big change, and it is quite disingenuous of the member for South-West Coast to come in here and say, 'We support this bill because we do not want any dams, but it does not make any difference', because of course it makes a huge difference. There are no legislative constraints on the Lerderderg River or the Yarra River, or for the Big River and the Wimmera River.

Let us look at some of the indisputable facts when it comes to dams and water. The first is that dams do not create water, but they do change the flow of the rivers and result in damage to the environment. Here we are in 2006 with climate change having a dramatic effect on our weather and our rainfall.

Dr Sykes — The 100-year cycle.

Ms LINDELL — Here we have the 100-year cycle from the member for Benalla. Honestly, mate, go and do some reading. Go and inform yourself.

The SPEAKER — Order! The member for Carrum, through the Chair.

Ms LINDELL — We know The Nationals believe that if you build a dam, the water will come; that we do not have to change anything we do; and that we, as members of the community, do not have to do anything positive about how we use water and how we make changes to our daily use. The Nationals have the view that if we go out and do big things and build big dams with big pipes, then we can actually improve the quality of the water we have and we can make it easier for rural communities. It is not true. What we must do is change the way we use water. We have to be smarter, and we have to think much more laterally about what we do.

In my own electorate of Carrum at the moment there is a golf course that is mining the stormwater from the Mordialloc Creek when the creek is flowing at a certain height. It can store that water in a dam. We are trialling the storing of that water in the saline aquifers and then redrawing it. This is a pilot program funded by the —

Dr Napthine — A saline aquifer?

Ms LINDELL — Yes, a saline aquifer.

Dr Napthine — Why would you put it in a saltwater aquifer?

Ms LINDELL — Because it will hold a bolus. I ask the member to have a look at what is done at Salisbury in South Australia. This is a very expensive trial, but it is looking at various ways to use our water much more efficiently and much more effectively. Meanwhile, of course, the member for Swan Hill runs around creating a misconception that somehow Melbourne is going to send its sewage to regional Victoria. That is beyond belief.

I will speak a little bit about the management plans that were also criticised by the member for South-West Coast and the changes that this bill makes to them. The member is usually very strident in his view that there is

too much regulation and too much red tape and that there are some commonsense efficiencies that can be gained by changes to legislation, and yet he says the proposed changes are not right, even though he is going to support the bill.

The bill certainly streamlines planning requirements. Under the bill the minister will be able to require a plan to be prepared if the existing plans do not adequately address the heritage river management requirements. The bill makes commonsense changes to the Heritage Rivers Act and provides a very streamlined process rather than the simple requirement for a plan to be prepared that exists under the current legislation.

The bill reinforces the Bracks government's commitment to the Our Water Our Future program to improve the environmental health of our rivers. It also underpins the Bracks government's policy of increasing the conservation and recycling of water, of reusing stormwater and of finding additional supplies which will add 20 billion litres of water to Melbourne's supply by 2011 without damming any of our heritage rivers. It is a bill that is being supported by the Liberal opposition, but not The Nationals. It deserves their support, and I commend it to the house.

Mr JASPER (Murray Valley) — I have listened with a great deal of interest to the contribution to the debate made by the member for South-West Coast on behalf of the Liberal Party and the contribution by the Deputy Leader of The Nationals, and I have listened carefully to the contribution by the member for Carrum. I cannot believe the comments made by the member for Carrum. My belief is that she should go back and read the Heritage Rivers Act. As far as we in The Nationals are concerned, she has got it absolutely wrong.

I have listened with a great deal of interest to the contributions that have been made to date, and the member for South-West Coast is quite correct in indicating that schedule 4 of the Heritage Rivers Act details the heritage river areas — for instance, the Ovens River heritage area extends from the downriver area in Wangaratta right through to where the Ovens River joins the Murray River. That is the heritage area that is detailed in the schedules to the act. I took the opportunity to contact the Department of Sustainability and Environment to obtain detailed information in relation to the Ovens River heritage area.

The member for Carrum did not recognise that she was looking at specific areas in particular rivers and streams which are detailed in this act and deemed as heritage areas.

In relation to other parts of the Ovens River, there is an area which is a heritage area downstream from Wangaratta to the Murray River, but the upper reaches are not included. Dams that have been built on these rivers and are effective now are not related to these heritage areas. Of the 18 relevant streams listed in schedule 4, there are 14 river areas, and perhaps another 2 — this was mentioned by the member for South-West Coast — where you cannot build barriers or dams, so there are only 4 listed where this could happen. The member for Carrum should look at the Heritage Rivers Act and get it right. We are quite clear on what the act says. It deals with the areas of these streams which are designated heritage areas, and this bill refers to those areas, which are included in the original act.

It is interesting to see what the bill seeks to do. The bill aims:

to prohibit the construction in heritage river areas of new impoundments, barriers and structures that impede the passage of water fauna ...

That is one part of the purpose of the bill. The second part is:

to amend the provisions relating to management plans for heritage river areas and natural catchment areas ...

Those are the main purposes of this bill. I agree with the member for Swan Hill, who is the Deputy Leader of The Nationals, that this legislation is in fact window-dressing and does not really do a lot. It details and tightens down the areas that are designated as heritage river areas — the parts of those streams — but in fact does not do very much in the whole scheme of things.

I want to quote from page 3 of the second-reading speech:

The bill reflects the government's view that new in-stream reservoirs are not a sustainable water management solution — new dams are not the answer.

I assume that the minister was talking about new dams on the rivers and streams in Victoria generally and not just in the heritage river areas that are designated under the Heritage Rivers Act. The Nationals believe the reason we have water servicing the Murray–Darling Basin area is that we have built dams in the past. If we had not had Dartmouth Dam, for instance, servicing the Murray system, we would be in real trouble. Irrigators would not be able to get 100 per cent of their water right — as they will get because of the water that is held in Dartmouth Dam. I am a strong supporter of the dams that have been constructed in Victoria in the past

and of the need to review dam construction in the future. There is no doubt that there is increasing water usage.

I want to also go back into some history. In my early years in this Parliament I would go through my electorate and see incredible water usage — and waste of water in many respects. But there has been a huge change. Irrigators have changed their operations. I have said before in this Parliament that in the past when driving through my electorate I would see water flowing across the road from irrigators' properties; they did not use water efficiently. However, they have changed dramatically, and they now more efficiently utilise water for irrigation purposes.

We have also seen actions taken by the government. I acknowledge the actions taken by the government to get more efficient water usage for people in the cities and towns, but that does not alter the fact that there is greater and greater water demand, not only for irrigation to service the food bowl of Australia but also to supply growing areas and towns generally.

Then we have the pressure being brought to bear by many people to get increasing flows down through these streams for environmental purposes. The difficulty is that in recent years we have not had the amount of rain that we would expect. As sure as night follows day, I would expect that we will get rains that will fill these dams and make them able to service the needs of Victoria and indeed the needs of Australia. I am a great supporter of maintaining the dams we already have and of looking to increase the capacity of those dams.

I cite Lake Buffalo as a typical example and Lake William Hovell as another. In my view those two dams can and should be extended so that they would be able to hold more water when we do get rain. As surely as night follows day, it is going to rain. We have a difficult time — —

Dr Sykes — When?

Mr JASPER — That's right: 'When?' is a good question. The fact is that we do have a difficult situation as far as water is concerned, but without the dams we would not have water flowing down the Murray River. To see that you only need to have a look at pictures that were taken at the turn of the last century, when the Murray River was dry and people were having picnics in the bed of the Murray River because it did not have flows. We have flows down these streams — the member for Benambra would back me up on this — because we have built dams in the past. Dartmouth

Dam holds a massive storage, and is still holding about 50 per cent of its capacity, ensuring that we do get flows down the Murray system and can service that area.

I am also a supporter of maintaining the water that is brought through the Snowy scheme back into the Murray system. We need to be very careful how much water we put down the Snowy River on the basis that it needs water for environmental purposes — more than anything else, just to flow out to the sea! I am not a strong supporter of increasing the flows down the Snowy River, something this government has indicated it supports.

As far as this legislation is concerned, I support the comments that have been made by the Deputy Leader of The Nationals about this legislation being purely window-dressing. The government is simply seeking to back up and support the way it thinks it should be working with these heritage river areas. I also indicate to the house that even though these areas have legislation protecting them — and I understand the reason for wishing to protect these heritage areas — unless we have dams to provide water to go down these streams, there will be no need to have heritage areas because we will not have water in them. We need to be able to manage and look after these areas effectively into the future.

We do not support the legislation, because there is no need for it, given the original Heritage Rivers Act. The two issues that are being addressed in the legislation, as far as the purposes are concerned, do not do much when we recognise that 14 out of those streams already have restrictions on any changes being made to impound the water in those areas. The original act precludes that any way, so the first purpose of the bill is not effective.

The second part of the bill relates to management plans. We would support the need for management plans, but we do not see them as being effective. It will be interesting to see what the government will do when it brings forward further information on parts of the heritage streams that it has included under this legislation. We are opposing the legislation on the basis that it does not really do much for adding to and protecting those streams.

Mr Wells — On a point of order, Acting Speaker, I draw your attention to the way you have called the speaking list. I did not interrupt the member for Murray Valley out of courtesy. There has been a presumption by the Acting Speaker that there will be a speaker for and against, and that is how the Chair will determine

who speaks next. The lead speaker for the Liberal Party has said that he is supporting the bill, but it is a presumption that the entire party will continue to support it.

The issue is that the call should have been to the Labor Party, then to the Liberal Party, then to The Nationals, then to the Labor Party, and then to the Liberal Party. That is the way it should have flowed. I find it a bit rich that the Chair would presume there would be a support for and then against in its determining how the speaker list should roll. I ask for a ruling on that point.

Mr Cameron — On the point of order, Acting Speaker, it is outrageous to suggest this new proposition that the lead speaker of a party does not represent the party. I understand in this instance it concerns the member for South-West Coast, and I understand there are tensions over there, but it is entirely reasonable for the Chair to presume that the lead speaker represents his or her party.

Dr Napthine — On the point of order, Acting Speaker, this issue refers to standing order 103 which states:

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

Each side of the house means the government side of the house and the opposition side of the house. It does not mean those for the bill and those against the bill. That is what the standing orders say. That is why in the 18 years that I have been in this Parliament the call has alternated between each side of the house.

For you, Acting Speaker, to not call the member for Scoresby when it was a call on this side of the house was, in retrospect, not according to the standing orders. The issue clearly is that the call should be alternated between each side of the house. I have been here for a long time and in that time there have been calls for this side of the house when the call goes to the Liberal Party or The Nationals or Independents. There is a speaking order with respect to that.

The point being made by the member for Scoresby is that alternation should take place for each side of the house. That is the position that has always been taken, and I think that needs to be clarified.

Mr Jasper — On the point of order, Acting Speaker, the member for South-West Coast indicated that he had been in the house for a lengthy period of time. I have certainly been in the house for a lengthy

period of time. As far as I am concerned, I support the call made by the Chair, which was supported by the clerks. The member for Scoresby was wrong in calling the point of order.

The usual process is that there are people who are supporting the legislation, and the call alternates between the people who are supporting the legislation, whether it is the government or the Liberal Party as the opposition, but then it would go to a party, in this case The Nationals, which is opposing the legislation. The interpretation of the Chair is absolutely correct, and I would rule the point of order brought forward by the member for Scoresby as being out of order.

Mr Plowman — On the point of order, Acting Speaker, I rarely disagree with the member for Murray Valley, but on this occasion, although I have not served in this place for as long as he has, I cannot recall the division going the way that the Chair called it. We have had many occasions when there has been division on this side of the house as to how we might vote on a bill. However, in the last 14 years that I have been in this place we have not had on any occasion a call in the same direction as the Chair has delivered this time.

The ACTING SPEAKER (Mr Languiller) — Order! I remind members that the Deputy Leader of The Nationals has indicated on behalf of his party that they will be opposing the bill. Consequently the Nationals are the only party that opposes the bill.

I refer members to page 48 of *Rulings from the Chair 1920–2006* and in particular to the ruling from Acting Speaker Phillips on 15 May 2002, which states:

As the three Independent members wished to speak on the bill, the call alternated between a member of the government/opposition/third party (all supporting the bill) and an Independent member, until all Independents had spoken. For members supporting the bill, the call alternated between the parties in accordance with the normal call list.

Unless advised to the contrary by the Speaker, we shall continue the calling on the basis that I have made the decision.

Mr WELLS (Scoresby) — I rise to join the debate on the Heritage Rivers (Further Protection) Bill and indicate that the shadow Minister for Water has said that the Liberal Party will be supporting it. The purpose of the bill is, firstly, to prohibit the construction of new impoundments, artificial barriers and structures that impede the passage of water fauna on sections of four rivers in Victoria designated as heritage rivers. Secondly, it is to effectively water down the provisions requiring the preparation of management plans for heritage river areas. Under section 8 of the Heritage

Rivers Act, management plans must be prepared for heritage river areas and natural catchment areas within five years. Under the new watered-down provisions in this bill management plans are to be prepared ‘if requested by the minister’ and ‘within the time specified by the minister’.

We are just not sure why this bill has been brought forward. As the member for South-West Coast has pointed out, 16 of the 18 rivers referred to in the bill are already protected under the existing act. This seems to be focusing on rhetoric and spin. The member for Carrum said that the Yarra River and Lerderderg River are not part of it, but she only has to look at clause 12, the amendment to schedule 4, to see that it clearly states:

- (b) in column 2 of the table, in the items relating to Yarra River Heritage Area and Lerderderg River Heritage Area omit —

in other words, it means that they are already in there. The only two rivers that are being added to this bill are Big River and the Wimmera River.

I know there has been a lot of rhetoric about who is damming what, but it is interesting to note that in the *Herald Sun* of 4 August the Minister for Environment is reported as having said:

Some commentators are calling for the Bracks government to build new dams.

But, while we have not ruled this out in regional Victoria, we are not building a new dam for Melbourne.

In other words, I would read that as saying that we would be expecting the Bracks government to announce that it is going to build a new dam somewhere in country Victoria. We will watch this with great interest. Of course given that the minister was writing a piece for the *Herald Sun*, it would not just be a throwaway line. He would have done this with a lot of thought and with the consideration that somewhere down the line the Bracks government would build a dam on a river somewhere in country Victoria.

Yesterday the Premier claimed that the Liberals were going to build a dam on the Mitchell River. We are very clear that we will not be building a dam on the Mitchell, but that seems to mean nothing, because the Premier will say or do anything — whatever it takes — to lock in the Greens vote. The facts are very clear: the Liberal Party will not build a dam on the Mitchell River. It is a great river and one on which I have tried to canoe and kayak on six different occasions. Unfortunately I have not done that. Instead I have

ruined about one dozen canoes up around Billy Goat Bend and the Den of Nargen. It is a magnificent area.

When you speak to the people in the Mitchell River area you find that they are very keen for it to remain as it is because of the surrounding areas. There is also a fear that if the Mitchell River were dammed, a pipeline would be put in to Melbourne, as was done with the Thomson River. We are also very keen to see that that is not the case. The Mitchell River is very important to the Gippsland Lakes, the King, Wellington and Victoria lakes. Those lakes need to be flushed by the ocean coming in at Lakes Entrance and by the fresh water coming down the Mitchell River out near Eagle Point. We understand the argument being put forward by The Nationals. Out at Lindenow Flats they grow an incredible amount of vegetable products worth about \$35 million, but I am sure there are ways in which we can accommodate those issues without building a dam on the Mitchell River.

Whilst we say this bill is all about rhetoric and spin and trying to attract the Greens vote, it is clear that the members of the government backbench have not read the bill carefully. They have just listened to the rhetoric in the Labor Party room. The facts are very clear — 16 of the 18 rivers are already protected — and the member for Carrum is wrong. It is not about the actual rivers in their entirety; only parts of those rivers are going to be put aside as heritage rivers. As has already been mentioned, the Dartmouth Dam is already on the Mitta Mitta, which is a heritage river. There is already a dam on the Thomson River. There are dams on heritage rivers, and the legislation only refers to parts of those rivers. It is very misleading. Like the member for Carrum indicated — —

Ms Duncan interjected.

Mr WELLS — I am glad that the member for Macedon agrees with this point. You cannot say entire rivers are blocked under this bill; it is about only parts of them. So it is misleading to say anything else. The Liberal Party will be supporting this bill.

Dr SYKES (Benalla) — I rise to speak on the Heritage Rivers (Further Protection) Bill, and I join with my colleagues the Deputy Leader of The Nationals and the member for Murray Valley in opposing it. There are basically four grounds on which I have reason to oppose it. Firstly, as was raised by the members for South-West Coast and Murray Valley, this bill is an exercise in window-dressing. Secondly, I am concerned about the decreased requirements for stream flow management plans. Thirdly, I do not agree with the overriding philosophy of having no new dams.

Fourthly, in relation to environmental protection I have concerns about Labor's actions — the Labor Party talks the talk but rarely delivers.

If we look at the issue of no new dams, we find that this seems to have been extended not only to dams on major rivers but also to any dam. That has come about with the implementation of the Water (Irrigation Farms Dams) (Amendment) Act 2002. Under that act the definition of a 'waterway' is so all embracing that it is nigh on impossible to construct a farm dam in the upper catchments in north-east Victoria. I am advised by the Honourable Bill Baxter, a member for North Eastern Province in the other house, that this definition of a waterway far exceeds the intent of Parliament in passing the legislation in 2002. Further in relation to the definition of a waterway, other constraints on constructing new dams, whether they be on major rivers or waterways, include excessive bureaucracy and a lack of clarity about the approach. I have a fundamental problem with the philosophy of no new dams.

Secondly, in relation to stream management plans, recently I was having a discussion with a member of the Goulburn Broken Catchment Management Authority, and she advised me that there was going to be a reduction in the number of stream flow management plans being done because they are so resource intensive. The implication of that is that in northern Victoria stream flow management plans will be done on only a handful — maybe only two or three — of known stressed streams but other streams will have cheaper, nastier forms of assessments done on the water flow to determine whether those catchments are stressed.

The implication of the reduction in the number of stream flow management plans will be that, as I understand it, whereas if there is a need for clawback under a stream flow management plan there will be compensation for farmers who have lost the water, in the event that there is a cheaper and nastier version there will be no compensation. That is grossly inequitable and raises yet another concern about the Labor government's ability to manage difficult decisions such as those that have to be made about our very limited and valued resource of water.

Another example where that situation applies currently is in the commitment by the government to maintain security of supply of water to people diverting water from Lake Mokoan. In visiting the water diverters, the consultant made a commitment that the current security of supply would be maintained and that in the event that that was not possible, with the agreement of the

land-holder, compensation would be made available. The affected land-holders with whom I sat on those consultations have now been advised that there is no commitment to compensation for loss of water. So we have a problem where the stream flow management plans and the general commitment to doing the right thing by country people are not being complied with.

To see the broader objective of the environmental health of our rivers and waterways and environmental water reserves, we need look just at the Lake Mokoan situation and the wetlands that exist there currently and what is happening with the proposal to decommission the lake. Currently the wetlands are home to 17 endangered species, including — as I have mentioned before in this house — the notable Latham snipe. Apparently the wetlands in their current form qualify for Ramsar status as being world-class wetlands. That is because between 300 and 600, or 1 per cent of the known global population, of Latham snipe call Lake Mokoan home.

The project of intending to decommission the lake has the fanciful dream of delivering world-class wetlands in what appears to be less than a decade with a supposed budget of only a couple of million dollars for wetlands rehabilitation work. I can assure you, Acting Speaker, that what we will get will be the removal of current world-class wetlands and a replacement with a weed-infested jungle through which feral cats and foxes will roam rampant and destroy native flora and fauna. By comparison, there is another example in New South Wales just across the river where wetlands have been dealt with in a different way, and that is the Barren Box Swamp. If the government had a vision and a true commitment to the environment and protection of our environmental water reserves, members of the government would cross the Murray River, have a look at the Barren Box Swamp and get some damn good ideas on how to manage a project properly.

Another issue in the no new dams philosophy is that raised by the member for Murray Valley in his pet proposal to make the Little Buffalo Dam the Big Buffalo Dam. The work has been done, the land was purchased and the need is there. As the member for Murray Valley mentioned, dams in upper catchments provide flexibility in the management of water. With that management flexibility we can provide water for agricultural users, for communities downstream and, importantly, for the environment — because we can have managed environmental flows. To not contemplate that option because of a matter of principle that you will not build or enlarge dams in the upper catchment but to move to decommission existing dams which provide that ability to manage environmental

flows is absolutely ludicrous and reflects a complete lack of comprehension of what goes on in Victoria beyond the end of the tram tracks.

Rather than proceeding with the no new dams philosophy and with actually removing dams that provide effective environmental management capability, the government needs to look again at its situation and be prepared to construct new dams, whether they be in the Upper Ovens to provide water for the Ovens Valley and the community of Bright, which have a river stress situation in the late summer–autumn period, or elsewhere. The current suggestion is that off-stream storages should be built on each of the small allotments there. It is totally impractical. Firstly, the ground is not likely to hold the water, and secondly, a proliferation of small dams flies absolutely in the face of a logical, commonsense approach to minimising the loss of water due to evaporation.

So yet again we have absolute incompetence and lack of appreciation of how to manage our most valuable resource, water. As has been said by the opening speakers, particularly the members for South-West Coast and Swan Hill, this piece of legislation is mere window-dressing. It adds little if any additional powers to protect those sections of rivers that we consider valuable from a heritage perspective and it seeks to just frustrate the further development and the further protection of our environment. With those remarks I confirm the opposition of The Nationals to the bill.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak in support of the Heritage Rivers (Further Protection) Bill, because it will ensure that no new dams will be built on Victoria's heritage rivers without the approval of this Parliament. I am quite proud to stand in the Parliament today to give effect to Labor's 1999 election policy, Out Natural Assets, which I had a role in putting together, that Labor will prohibit the damming of rivers protected under the Heritage Rivers Act, including the Mitchell River.

The member for South-West Coast claims that the rivers are already protected. In support of his claim he read out section 10 of the existing act. Section 10 of the Heritage Rivers Act indicates that new dams can be approved with the support of the Governor in Council. That is precisely the point: the Governor in Council is the ministers of the day with the Governor giving that kind of approval. Under the current legislation the government of the day can go ahead and approve a dam on any of the 14 heritage rivers, including the Mitchell River. The member for South-West Coast referred to the Lerderberg River and the Yarra River and indicated that the bill is window-dressing because currently there

are prohibitions in schedule 4, which provides that there will be no new dams on those rivers. That is absolutely not true.

If members read schedule 4 they will see that it puts constraints on impoundments and artificial barriers or structures in rivers but it does not absolutely prohibit those structures being put in those rivers. This legislation prohibits that happening. There are absolutely no statutory constraints at all in the current act to prevent a dam being put on the Big River or the Wimmera River. The member for South-West Coast and other members of the opposition say that the legislation is not necessary and yet currently the act allows those heritage rivers to be dammed without parliamentary approval. That is the point of the bill, that parliamentary approval will be required.

Now we have the Liberals saying they are opposed to dams and we have The Nationals saying they are in favour of dams. Here we are, 100 days out from an election, and they are going to that election with the Liberals saying they are opposed to dams on these rivers and The Nationals saying they support dams on these rivers. What a ramshackle coalition! If we wake up on 26 November and the Victorian public has made the unfortunate mistake of electing these two parties to government, we will have no idea as to whether we are going to get a dam on these rivers. They have not sorted out their policies. They will go to the state election exchanging preferences, but they cannot pool a single coherent policy on the issue of dams and water.

This bill is a further demonstration of that fact and of the divisions between the Liberal Party and The Nationals. If their members cannot sort out their policy on this then — if members will excuse the pun — they will be damned by the Victorian public. They will not be elected to government because they cannot form a coherent coalition. I commend this bill to the house.

Mr DELAHUNTY (Lowan) — I was worried about the member for Bentleigh. I thought he might need some of the very valuable liquid gold water to cool him down a bit!

The reality is that The Nationals proudly represent rural and regional Victorians. There are 16 country seats, and I emphasise again that Victoria is much bigger than Melbourne. I would not be game enough to say that the member was involved in setting up some of the policies that the government is implementing. It has taken the government seven years to get them through. Like my colleagues I will be opposing this legislation because it flies in the face of commonsense. Today only 3 per cent of the world's water is not saline, and the reality is that

many countries cannot believe we let potable water be wasted. If it were not for our forefathers and foremothers, we would not have the water storages to be able to service the towns and the communities we have today. We have to realise that by 2030 Melbourne's population will have increased by one million people. Where are we going to get the water from? We will have to take it out of rural and regional Victoria, and I am told that every megalitre we take out of rural and regional Victoria takes away \$10 000 worth of economic activity and jobs.

We have seen what has happened in Queensland with its no-dams policy. If it had not been implemented, Queensland would not have the problems it has today. The reality is that we have a shortage of water. This government has been in office for seven years, and we have had seven years of below average rainfall. I am starting to think it is because of this government that we have these problems. It is a problem the Labor government has given us. We have had below-average rainfall for seven years, and I think it is to be blamed for that as well!

As the member for Swan Hill said, if it were not for the leadership shown by the federal member for Mallee, John Forrest, and others, we would not have had the Wimmera–Mallee pipeline in place in our area. It has saved an enormous amount of water, not only for our domestic and farm use but also for environmental use. As we know, the water level in the Wimmera-Mallee storages is only 7 per cent. If the pipeline project had not been completed, we would have been out of water by now. If the government wants to do anything for rural and regional Victoria, it should extend the water-saving initiatives not only to domestic users — those on reticulated town schemes — but also to other people outside those areas, whether they are on small farmlets around towns or on farms. We should be doing everything we can to save rainwater. Those poor farmers and other land-holders who are going to have 28 000 litres of water delivered every two months need storage to put it in. The government should extend the water-saving initiatives to help those people.

I have heard the debate here today. People talk about the Wimmera River. I do not think the member for Bentleigh knows where the Wimmera River is. I do not think he has ever been there. I have travelled along the river recently, and if I can be a bit critical of the catchment authority again, the reality is that it needs a flood to get up that river because of the cane grass growing in it. We have major problems. The government talks about protecting our rivers; it is not even looking after those problems. We have major worries in relation to that. The Wimmera River is very

flat. A dam could never be built between Horsham and the lakes at the other end, because it is so flat.

An honourable member interjected.

Mr DELAHUNTY — That is probably true; we do not have much water going down there. When I look at the Grampians area, where most of the water storages are, I look at Lake Wartook, which was built predominantly to supply water to Horsham but which is now used for everyone, and also the Bellfield Reservoir, which was built in my younger days. I remember driving round the bottom of it with my father. If it had not been built, we would have been out of water. Just imagine, if we had the mentality we have today, we would not have storages like Bellfield and Rocklands reservoirs. It amazes me when I hear today that we are talking about not saving water. With the pipeline going through there will be more water in Rocklands for other uses. With the shortage of water in places like Hamilton, Casterton and Coleraine they are even now looking at putting pipes up to Rocklands in order to get some of that water. If we are going to talk about water for the environment and for the community and if we are going to talk about water for firefighting purposes, we must make sure we store, save and distribute water in the most efficient way.

I sit beside the member for Gippsland East, who will support this legislation. I challenge him to say what he is going to do about Melbourne taking some of the water from Gippsland when the population in Melbourne increases by a million. I understand he is going to allow Melbourne's sewerage to come out into Gippsland and allow Melbourne to take some of the potable water back through the so-called water factory. Gippslanders do not want that. They believe if Melbourne wants to do something about its own water supply, it should use more of its grey water and recycle more water. It is a real crime to see a lot of our water not being recycled and put back into parks and gardens, racecourses, reserves and the like. This Labor government is all spin. It is all about government ads.

The member for Bentleigh has come back into the chamber. I challenge him to come out to western Victoria and look at the Glenelg and Wimmera rivers. There is very little water, and it would be impossible to dam the Wimmera River beyond Horsham. It could not be done. The government is all about spin and window-dressing. It is all about its making sure its green credentials look good. Melbourne needs to address some of the concerns it has here. It needs to do more work on recycling and the reuse of water so that it does not have to take water from rural and regional Victoria to meet its demands for potable water. As I

said earlier, Melbourne's population will increase by a million by 2030. It will have to get on its bike and do something about it.

The policy of no dams is a flawed one right around the world. That is why The Nationals are not supporting this legislation. I am pleased to say that on behalf of the Lowan electorate I will be opposing this bill.

Mr PLOWMAN (Benambra) — May I make it quite clear that the Liberal Party is supporting the Heritage Rivers (Further Protection) Bill. There is no doubt about that. But equally clearly I believe we must build more dams in this state. We must have the opportunity to build more big dams in this state, because we are experiencing a period like the one we experienced about 110 years ago — from 1896 to about 1902. They were equally dry years to those we are experiencing at the moment. Without the foresight of our forefathers in building the dams we have we would be in a desperate plight. Other members have commented on that, but I want to make it quite clear that although the Liberal Party supports this bill it still believes there is the opportunity to build more dams in Victoria and it sees the necessity of doing so.

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! There is too much audible conversation in the chamber. I ask members to leave the chamber if they want to continue their conversations because it is rude to the person who is speaking to the Chair, and Hansard is having difficulty hearing.

Mr PLOWMAN — Can I correct a couple of the statements made by the member for Swan Hill while he is in this place. Despite the fact that he bought me a drink last night — and I hope he will buy me one again tonight — he is not right in suggesting that the pipeline from Colbinabbin to Bendigo is robbing Peter to pay Paul. In fact the Liberal Party's proposition is to put the funds available into water savings, and therefore those water savings will not reduce the amount of water in the system for the existing users. On that basis it will not rob Peter to pay Paul. If, as the member suggests, the government is prepared to buy water at the moment, that is not the Liberal Party's proposal, so it is not a case of robbing Peter to pay Paul.

The other misconception that the member for Swan Hill raised was that 70 per cent of the Yarra water goes to Melbourne. In fact only 44 per cent of Yarra water goes to Melbourne. What happens is that 70 per cent of Melbourne's water is drawn from the Yarra but only 44 per cent of the water in the Yarra ends up in the city

of Melbourne. These are just a couple of minor technicalities that I want to correct.

Thirdly, the Mitchell River provides the best solution and the best site for a dam in Victoria; there are no two ways about it. If you want to build a dam in Victoria free of any restrictions, the Mitchell River would be where you would build it, but we do not support the building of a dam on the Mitchell River, not because of the environmental damage it might do to the river itself, but the fact that it puts at risk the Gippsland Lakes. The Gippsland Lakes area is one of the most important tourism areas in the state and frankly, having sailed down there many times over the years, I, like many others, appreciate the Gippsland Lakes for what they are. It is important that we do not put the area at risk.

I will correct a couple of mistakes made by the member for Carrum, which have been supported by the member for Bentleigh. Schedule 4 protects the Yarra and the Lerderderg rivers. Although it might be by way of constraint, it is still a protection that is available to both those rivers. Both members suggested there were no protections for those rivers.

The member for Carrum also suggested that many of the heritage rivers are not provided with any protection at all. Clearly that is not the case. We are talking about those parts of the heritage rivers that are being protected. Looking at the list of rivers that come under the bill, it can be seen that there are 18 rivers in total, of which 7 have major dams on them. Very many of them have smaller structures and if we include the Big River which runs into Eildon, you could say we have got eight rivers that have major structures. To suggest this is going to make the difference in that respect is whimsical.

Although we support the bill because of the environmental protection it provides to those areas of those heritage rivers, it is clear that the list of rivers, as I said before, includes very many major structures which we could not do without. Under this legislation all the rivers have a restriction on the building of any impoundments. Currently this restriction could be overturned by the Governor in Council, and I accept that is a means whereby this heritage listing or restriction on structures could be overcome, but again it is a public exercise. It is not something that can be done behind closed doors. The legislation takes away this option and now requires it to be accepted by both houses of Parliament.

If in the future this legislation stops Victoria from building a dam that we desperately need to build, then I suggest it will be of concern to all members of all

parties in this Parliament. I believe, though, that the fact the Heritage Rivers Act only deals with those areas of those rivers in question that this will not be the case.

The question that must be asked, though, is that with all these 18 rivers that are being listed as heritage rivers, either in the existing legislation or being added to it, why does the government not include any of the rivers in the Great Otway National Park? This area of the state provides more water and more available water than any other area in the state and the rivers are not listed. None of those rivers have a major dam on them. None of them have any major structure on them. If we look at the Gellibrand, we see there are only three: the structure where the water is taken off for the township of Colac; the structure for the water that goes to the Gellibrand township; and also the structure where Warrnambool draws its water — but those are minor diversions.

Why is it that none of the rivers in the Otway Basin in the Great Otway National Park are being included in the heritage rivers legislation? Could it be that the government has secret plans to dam those rivers that it will only reveal after this election? Could it be that this is all a complete sham in as much as it is just window-dressing the rivers that are listed? The majority of the rivers that are listed either have a major dam or a structure on them, but all those in the Great Otway National Park are not listed and could well be the area the government would be prepared to dam after the election.

It is of concern that this legislation is before the house. There is real uncertainty about why the government is introducing this legislation, because it does not do what it purports to do. What it does is actually provide the opportunity for the government to go to the Greens and say, 'This is the protection that we are offering the state of Victoria', when in fact what it may well be doing is saying behind closed doors, 'We propose to look at developing some of these rivers in the south-west of Victoria after the election but we are certainly not prepared to make an announcement of that prior to the election'.

Mr RYAN (Leader of The Nationals) — This is a political stunt by the Labor Party. In practical terms it does nothing to add to the legislation by way of the principal act it seeks to amend. This is all about other issues. It is about, in its own way, the principle of what the Americans call 'dog whistling' in their political system. This is the principle that says that a party of any persuasion or an individual in politics may say one thing, but running just beneath the surface there is another thought going on altogether. The Labor Party, of course, is indulging in it yet again. The government

does it often as part of the spin that it puts on any topic one cares to name, and there is nothing different when it comes to considering the terms of this legislation.

This is fundamentally about whether Victoria is absolutely going to rule out constructing a dam again on its waterways. The Labor Party cannot bring itself to make a definitive statement with regard to this, so it is trying to play both sides of the fence. We have this legislation, which purports to preclude dams being built on the rivers that are in the principal act or on those that are being added to it. On the other hand, we have the article to which the member for South-West Coast referred and which was published in the *Herald Sun* newspaper not all that long ago, where the Labor Party said, 'No, that is not the case at all. We are not ruling out the prospect of building dams here in Victoria'. As I think is generally recognised in this chamber, everybody understands the Labor Party's philosophical position, which translates into political action, to mean that under Labor we will never again see dams being built in this state, and it is doing everything it possibly can to ensure that.

As a matter of political philosophy it is interesting to compare the Labor Party's position in Victoria with the position of its colleagues in Queensland and indeed in Western Australia. In Queensland, for example, about two or three years ago the Beattie government commissioned a dam on the Burdekin River called the Paradise Dam. It is a 300-gigalitre dam and is now supplying water into the valley it services. I read material on it recently in which the Beattie government asserted — and of course you have to be careful about this, because like most Labor Party assertions you have to reduce it by about half — that the dam has brought about \$780 million worth of economic value to the immediate region it services, all of it in circumstances where the government of Queensland asserts that it has obeyed the appropriate protocols with regard to the environment and the social consequences of constructing such a facility.

As the house would know, there is an election imminent in the state of Queensland. It is principally about the issue of the health system, which has been botched by the Labor Party in Queensland — I must say some things never change — and of course about the issue of water supply, because it has suddenly dawned on the Queensland Labor Party that it simply does not have enough water storages to service the exploding growth which that state is seeing. I read material today that says that 1500 people a week are being added to the population of the state of Queensland. Accordingly, particularly in those areas which are the focus of that growth, more water supplies

are needed, so the government is looking to address that.

What is the message in all of this? The message is that this issue needs to be looked at not only from a philosophical perspective but also on the basis of making allowances for the next 10 years, the next 20 years and the next 30 years of Victoria's future. Are we realistically saying in this chamber that no dam will ever again be built in the state of Victoria? I believe that is what the Labor government is saying to the people of Victoria. There is an opportunity under this legislation, where the commentary is a little broad in its context, for the Labor Party to make a clear statement of its intentions in this regard.

From our point of view as Nationals, the situation is very clear. What we say is that these days there are mechanisms whereby, using current technology, you can build dams in appropriate places on Victorian streams. There are of course numerous qualifications which go with that general position. The first of those is that we understand now, much better than we did two and three decades ago, the obligations that are imposed by the necessity to care for the environment. We understand, for example, that in eastern Victoria, and in Gippsland in particular, there is the necessity to be careful about the future protection of the Gippsland Lakes. By any standards the Gippsland Lakes are in a state where we have to be extremely careful about their future management. I appreciate the member for Gippsland East has most of the Gippsland Lakes in his area. I have Lake Wellington within the area that I represent, and I agree entirely with the general commentary that the necessity to protect the lakes is paramount. Nothing can be done which would place the Gippsland Lakes in an imperilled state beyond that which they now face.

At the other end of things for consideration we have issues regarding the economy of the Gippsland area. I ask rhetorically, of course, what sort of a difference it would make if we had another 50 or 80 gigalitres of water available in the Macalister irrigation district or if we had water which was available to the horticulturalists who are looking to grow vegetables out on the Lindenow Flats? It would be an absolutely enormous benefit to the region in a variety of ways. What if, from a social perspective, Bairnsdale were able to secure its future water supplies and we could make certain that forever after there were mechanisms in place whereby the town would be able to grow? Our basic position is that all these issues ought properly be considered before you rule out the prospect, as Labor has, of building additional dams in Victoria.

At the other end of the scale, we certainly do not advocate charging out and starting up the bulldozers. On the contrary, the same sorts of contemporary considerations which have given rise to the Queensland Labor Party going about a process of building dams should be taken into account here in Victoria. The same sorts of considerations that have led the Western Australian Labor government to go through the process of building dams should be taken into account here. The fact is that we need to have respect for the environmental obligations under which we all operate in this Parliament, at the same time as having regard to the important economic benefits which can be gained by having additional water available for the purposes of economic growth in its additional forms and to the social aspects of the way in which the construction of future dams might be played out.

I might say that in all of this there is the need to consider other water-saving initiatives, including the better treatment of the wastewater that we presently have flowing off into the sea. Those issues ought to be considered with a view to achieving savings which can in turn be used for residential purposes and for agriculture. There are many ways of doing that that bear examination. Our basic point is that these things do not need to be mutually exclusive. The notion of ruling out forever the construction of a dam on a waterway in Victoria simply because you have a political philosophy that is against it is utterly ridiculous. It is the same ridiculous philosophy that this Labor government has made clear in its statements and misstatements over the course of the time it has ruled here in Victoria.

The Nationals believe the appropriate thing to do is to use today's technology to examine our waterways with a view to looking to tomorrow's needs on a basis which is responsible from an environmental, social and economic perspective. That is what I believe this Labor government has come to call the triple bottom line, and in this instance I support having that basic concept around an issue which is fundamental to the future of this state.

Mr INGRAM (Gippsland East) — It is a pleasure to speak on the Heritage Rivers (Further Protection) Bill. Like many members who have spoken before me I will be supporting the legislation. The fact that this legislation is necessary clearly means the original Heritage Rivers Act is not strong enough to protect these river systems from more storages. The fact that the Governor in Council could basically decide to put a structure, a storage facility or a major dam on one of these rivers without the approval of Parliament is quite extraordinary. In a democratic country through a democratic process Parliament should approve major

government decisions such as overturning the principles of legislation like the Heritage Rivers Act.

My electorate of Gippsland East contains a large proportion of these heritage rivers, and they are very special systems. I will mention one in particular. I have had the privilege and the pleasure to walk along and canoe down the Genoa River gorge, which is one of my favourite spots. It is a long way from here and is covered by the Heritage Rivers Act. Most people would recognise something that comes from the Genoa River gorge, and in the museum there are some dinosaur footprints. The rock containing the footprints has been cut out and is stuck up in the museum. If you listen very carefully in here you will note new footprints being made by some dinosaurs that are walking around the chamber — they are The Nationals! They have gone back to their Neanderthal state. They are back in the dark ages in the sense that they want to build major dams on all of our spectacular river systems. Surely we should be able to keep some of these systems protected.

Most of this debate has been focused on the Mitchell River, which is a very special river system. When I was elected in 1999 a lot of people in this place would have agreed with The Nationals that I was a one-issue candidate. What people in this place should recognise — and I have made the comment here a number of times — is that a major election issue in 1999 was a proposal by The Nationals to dam the Mitchell River. That was really the only commitment The Nationals were making to my electorate. It was rejected soundly in 1999, and it was rejected because the majority of people could see that this was not something that was going to be good for the Gippsland Lakes. For the decade before that we had seen the impact of the extraction of major amounts of water from the Gippsland Lakes catchments and we had seen the algal blooms. We have not fixed those problems. The Gippsland Lakes have a very delicate balance. Most of the water extracted from the Gippsland Lakes is from the western end of the catchment, and we have seen the impact of storages like the Thomson Dam.

I would like to point out that these days there are solutions to make sure we can have a water supply for our urban communities and our agricultural communities which are very important to economic activity in our region — for example, in the Lindenow Flats area the production of horticulture, the vegetables that are grown there and the industry that comes out of that area is very important. There are concerns about the security of the water supply, particularly during periods when there are low flows in the river. This year irrigators in the region have expressed concern about the fact that Bairnsdale had no water restrictions, whilst

the irrigators were subject to very high restrictions. The urban water supply, because of the off-river storage that is pumped at high flows, was secure. We were still seeing wasteful water practices by urban users when farmers, who are probably one of our biggest economic drivers, were on stage 10 restrictions. That is something that needs to be addressed, and there are solutions.

The solution is not to build a major storage facility in the middle of a pristine upper catchment area of the Mitchell River. It is very inefficient economically and causes damage environmentally. We know that now, and we know there are a whole range of reasons dams are not very good for the environment, and we have to take these things into consideration when we look at achieving a balance. Unless it is absolutely essential for economic activity or for water security in the future, surely we can say that we will not dam a number of our heritage rivers — and these are the most important and pristine river systems in the state — unless we get the bipartisan approval of both houses of Parliament.

I support the Liberal Party's position on this legislation. It has acknowledged the importance of the Gippsland Lakes catchments, and that is a very good thing. I also note the comments of the member for South-West Coast who stated that in any future coalition government the Liberal Party would be the senior party and its policies would override those of The Nationals, so The Nationals can go and whistle Dixie as far as I am concerned. Thankfully the people of Gippsland East have rejected these policies in the past, and they will reject them again because they are not sustainable.

We have had former federal Country Party member, Peter Nixon, running around saying that we should be damming the Snowy River. He says, 'We should put in a dam and that will fix it. We will put another dam in one of the gorges of the Snowy'. The Snowy is covered in this proposal and so are some of the upper catchments. I am probably one of the few people who has a fairly good and intimate knowledge of most of these rivers; not only the Snowy but the Suggan Buggan.

An honourable member interjected.

Mr INGRAM — That is an interesting point. I have visited those areas and had a look at some of those systems. The Ovens River is probably one of our most important catchments because it really is the last large, unregulated system in the Murray–Darling Basin. It is very important in my view for the future of our native fish populations in the Murray–Darling Basin — fish like the Macquarie perch and the trout cod. The major

storages in the Murray–Darling Basin have caused incredible damage to our native fish populations.

You only have to look at the Mitta Mitta River below Dartmouth to see what the effect has been of the construction of that storage and the delivery of the water from the bottom of the dam, which was done with the full knowledge that it was going to destroy fish such as the trout cod and drive them into local extinction. The fish require the water to be a certain temperature to be able to spawn, but the water that is delivered out of that storage is too cold. Because it is too cold, within five years of the construction of that storage we had basically removed the ability for most of the native fish in that system to reproduce. Within a decade we changed the population of fish within that system from predominantly native to predominantly introduced fish. This is something we need to address.

I think the Heritage Rivers Act should go a lot further. Through heritage river measures we should be managing the rivers for native fish values. That is not something we are doing.

An honourable member — Don't worry about the people.

Mr INGRAM — I get the interjections here. I will be wholeheartedly supporting this legislation, because I think it means we have taken a good step forward to make sure we are addressing some of the issues relating to our heritage rivers.

Sitting suspended 6.31 p.m. to 8.02 p.m.

Mr HOWARD (Ballarat East) — In speaking in favour of the Heritage Rivers (Further Protection) Bill I am very pleased to say that this bill builds on the existing act, through which, as we know, 18 heritage river areas are recognised. The legislation recognises areas that have significant conservation values and significant scenic and cultural values. When you look at those 18 river areas around the state, you see that there are a lot of variations between them. I have been pleased in recent years to go on a canoe trip down the Glenelg River, which was most spectacular and very enjoyable. I have done a lot of bushwalking down the Lerderderg River, which used to run in my electorate before the boundaries changed. I have also been fishing up the Howqua River — there are three examples.

We know that the Yarra and Mitchell rivers are also included within those 18 heritage river areas. The present act prevents impoundments or dams on 14 of those rivers, but that can be overturned by a Governor in Council decision. This bill says that we want to see all 18 sites protected from impoundments and that we

are going to go further than the Governor in Council position; now the only way the protection could be overturned would be with the full support of Parliament.

The opposition has said that this bill does not do very much and just makes minor arrangements for superficial reasons, but I point out that this bill adds to a full suite of initiatives the government has brought into effect in its seven years in office. Most particularly since we announced Our Water Our Future we as a government have recognised that many of our rivers across the state are stressed, and that something seriously needs to be done to address that. We have recognised that environmental flows need to be legislated for in terms of water agreements for the future.

I am pleased to see — for example, at the Cosgrave Reservoir in Ballarat, where Central Highlands Water has gained an entitlement — that we have built into the water right the requirement for environmental flows. This is the case with many other licences that are now being issued. It ensures that we recognise that water flowing down a river does not mean that the water is wasted because it is not being impounded or dammed. Water flowing down a river does provide great benefit — —

Honourable members interjecting.

Mr HOWARD — That is right. The Nationals do not appear to understand that water flowing down a river is a natural phenomenon that provides for a whole range of ecosystems along that river. We must recognise that those rivers need to be supported. This government has done a great deal in both recognising the need for environmental flows and putting significant funding into the re-establishment of degraded rivers. For example, the government got onto the front foot and supported the further stages of the Wimmera–Mallee pipeline. It took the federal government a long time to come to the party.

Honourable members interjecting.

Mr HOWARD — Quite the reverse. The Nationals cannot rewrite history. The facts are there, as shown in our government's earlier budgets. Our money was there in the state government's budgets long before the federal government finally agreed to support that project. The reason this government was so keen to support that proposal is that we recognised the huge wastage of water that has taken place through irrigation in the past and through running water along channel systems. It was vitally important that we save 90 per

cent of that, which will assist with further flows down the Wimmera and Glenelg rivers.

The government has supported a suite of issues to make our rivers healthier and to protect them. This piece of legislation is another part of that, which helps to ensure that we are clearly saying, 'We want to protect our heritage rivers. We want to protect all rivers across this state, and we are taking a range of actions to do this'. This piece of legislation is an important part of that, and I certainly support it.

Mr THOMPSON (Sandringham) — The purpose of the bill before the house this evening is to prohibit the construction of new impoundments, artificial barriers and structures that impede the passage of water fauna on sections of four rivers in Victoria designated as heritage rivers and also to provide for effectively watered-down provisions requiring management plans for heritage river areas.

Section 8 of the current Heritage Rivers Act 1992 requires that management plans must be prepared for heritage river areas and natural catchment areas within five years. Under the new watered-down provisions in this bill management plans are to be prepared if requested by the minister and within the time requested by the minister.

The opposition supports the bill before the house. Although it is noted that the Liberal Party has no plans to build any new dams on the four heritage rivers which are the subject of the bill, it is seen that the legislation might be more of a political tool rather than a genuine attempt to protect our heritage rivers, catchments or the environment.

Over the last 35 years the Liberal Party has made an outstanding contribution to conservation values in the state of Victoria. It started with the initiation of the Land Conservation Council, which over successive decades made multiple recommendations for areas of Victoria to be protected. The original legislation, the Heritage Rivers Act, was the result of work undertaken by the LCC.

The successor to the LCC was the Environment Conservation Council which embarked upon a number of reviews of marine parks in Victoria. Despite the Labor Party dropping the ball on marine sanctuaries at Cape Howe and at Ricketts Point, the recommendations ultimately implemented the broad thrust of the ECC recommendations for the state.

Also in the 1970s there was the development of the Environment Protection Act, which was world-leading legislation which looked after issues pertaining to air

quality and water quality. The Trust for Nature was also developed during this period. The work of the LCC and the ECC has had a significant role in making a contribution to conserving important features of Victoria's landscape and water areas.

One important issue that relates to the conservation of those areas includes the management plans that are an adjunct to the areas and there is the fact that management plans need to be appropriately resourced. A vast part of the state is governed by this legislation, including the Mitta Mitta, Ovens, Howqua, Goulburn, Genoa, Bemm, Goolengook, Arte and Errinundra, Snowy, Suggan Buggan and Berrima, Upper Buchan, Mitchell and Wonnangatta, Thomson, Aire, Glenelg and Aberfeldy heritage rivers.

Each of those precincts reflects some of the great flora and fauna within the state of Victoria and the features of water, mountains and water catchment areas. The contribution by the member for Gippsland East documented the impact of blocked waterways on the breeding of fish that are used to a certain environment.

I have also been to the mouth of the Murray River where it flows into the ocean in South Australia. The lack of environmental flows on the Murray have had significant impacts on the water quality. The development of algal blooms in the Gippsland Lakes is a serious issue that is affected by water flow. One of the objects of the legislation is to ensure that the flows of water down the rivers are of sufficient volume to preserve the health of those waterways.

While I represent an urban electorate in Sandringham, the topography of the state is reflective of a number of major features. The catchments of Victoria are administered by a range of catchment authorities. In Gippsland there are the mountains and the lagoonal waterways, where the water flows from the mountains to the sea; in western Victoria there are the volcanic plains, where there are a number of rivers and water outflows; there are the rivers that flow north and the rivers that flow south. The Wimmera River is one such river which flows to the lake system which does not have great volumes of water at the present time, but there have been significant water flows at different stages that have filled the Wyperfeld park system.

I indicated earlier that while I reside in an urban electorate, the Port Phillip catchment covers an area of some 10 000 square kilometres and there is a natural flow from the hinterland through a range of waterways. It is noteworthy that some 400 rivers, creeks, canals and drains flow into Port Phillip Bay and their catchment management issues are of a different nature in that they

try to ensure a higher level of water quality. The outflow from the western treatment plant in Port Phillip Bay can have an impact upon nitrogen levels in the quality of the water. The work being undertaken in relation to channel deepening needs to balance a number of complex issues to ensure that ecosystems are appropriately maintained.

Victoria has one of the last sustainable supplies of commercial quantities of abalone in the world, and this is as a consequence in part of fisheries overseas having been fished out and there not being the critical mass of breeding grounds of abalone to spawn appropriately and continue to nurture the industry. It is a very heavily regulated industry in this state.

The Victorian coastline is arguably one of the greatest coastlines in the world. The work of Dr Eric Bird in documenting Victoria's coastline is a significant tome, and he has also been an authority on the coastlines of the world. Along Victoria's coastline the quality of the water that is flowing into the breeding grounds of various fisheries is significant for a range of fish species.

Mordialloc Creek is the dominant waterway into Port Phillip Bay proximate to my electorate. It has seen significant changes — —

The ACTING SPEAKER (Ms Lindell) — Order! The member for Sandringham, on the bill.

Mr THOMPSON — We are speaking about the Heritage Rivers (Further Protection) Bill. I am just developing by way of analogy an example — —

The ACTING SPEAKER (Ms Lindell) — Order! Brief references can be accepted, but I think the breadth of the debate today has been too great.

Mr THOMPSON — It is a wide-ranging bill dealing with the catchment areas of the state of Victoria. Mordialloc Creek was the beneficiary of a decision by the Kennett government to avert the discharge of sewerage into that creek, thereby improving water quality in the bay. Some aquaculture takes place in Beaumaris Bay just off the shore from my electorate.

As I noted at the outset, the Liberal Party has no plans to dam any of the heritage rivers. The bill could be seen as a political tool rather than a genuine attempt to protect our heritage rivers. That is reflected in the level of funding that has been given to the management plans for waterways, which might arguably be heavily under-resourced. During the 1980s work on Victoria's waterways was undertaken by a doctoral student, John

Neville. He had some very significant thoughts on ways to improve the conservation values of our waterway and river systems. The opposition supports the bill before the house.

Ms D'AMBROSIO (Mill Park) — I will keep my comments brief because of time constraints and certainly make them relevant to the bill. I am pleased to join the debate in support of the Heritage Rivers (Further Protection) Bill. Everyone is clear on what the bill is about. It is not about abalone or other things; it is about prohibiting the creation of dams on rivers that are protected under the principal Heritage Rivers Act. There are 18 such rivers listed under that act.

The prohibition makes it abundantly plain that the Bracks government is pursuing a strategy which protects our natural environment and engenders a sustainable water policy. That is what we are clearly about. We are about this Parliament determining issues to do with the damming of rivers. This government is pursuing this bill to make it absolutely clear that under this government there is no intention of creating any dams on any of the listed heritage rivers.

I am very happy to support the bill. The government has a very clear agenda for saving water through recycling, reuse, better use of stormwater et cetera. It is not about trying to harness water simply by diverting the natural flows of our rivers. They are the actions of a previous time which have had far-reaching detrimental effects on the environment. We are now learning through the lessons of the past. That is why this government has been very proud to set in place a historic strategy for the conservation of water through public education and very good initiatives to encourage the broad community to take responsibility for water conservation. I am certainly very glad to give my support to this bill.

Mrs POWELL (Shepparton) — I am pleased to speak on the Heritage Rivers (Further Protection) Bill and make just a few brief comments. The Nationals will be opposing this bill, and we do so because, although we understand that the Labor government has a policy of no dams, we would not close our minds to any initiatives which would conserve water. As we are going through the worst drought on record in many of our rural areas, we should not close our minds to any initiatives. A review a number of years ago looked at dams around Victoria. We should be looking at that again and making sure that we do not close our minds to any opportunities.

The area I represent, the Goulburn Valley, relies heavily on irrigation. We have the Eildon Dam, which

is a great asset to people in the region even though it is only 23 per cent full. We should be making sure we look at all the options. That is why The Nationals are saying that we are not going to close our minds to looking at anything we think can help our irrigators and therefore help our farmers into the future.

The second-reading speech talks about the importance of the catchment management authorities. I would like to commend the Goulburn Broken Catchment Management Authority because its focus is very much on river health. The Goulburn and Broken rivers are in my electorate. The health of those rivers is slowly declining. The CMA is working to restabilise the banks using rocks to ensure the banks do not fall in. I have a property on the Broken River, and I see first hand the great work that the Goulburn Broken Catchment Management Authority is doing.

The CMA is also responsible for flood mitigation. A number of years ago it examined the possibilities for the Lower Goulburn flood plain rehabilitation scheme. It examined a number of options to make sure that we look after the health of our rivers and that we do not have floods. Three possible solutions were put forward at that time. They were: doing nothing; a mechanical solution that allowed spillways in the levees; and buying back land and allowing the river to revert to its natural flow. Huge consultation took place at that time.

Members of Parliament, including the member for Rodney, the Honourable Bill Baxter, a member for North Eastern Province in the other place, the then member for Shepparton and I were very heavily involved in looking at those options and making sure we consulted with the communities. Unfortunately that project is now going to be dropped because there has been some criticism of it. At the end of the day what it means is that, if we do have a flood, we are not sure who is going to be responsible. It is a shame the project has been stopped, because doing nothing was not an option we would have supported if we had had a flood. The criticism and delay of that scheme has now caused people to start all over again, and we have put a lot of people who live on that river in great doubt.

The Nationals support the Wimmera–Mallee pipeline. A number of members have spoken about that today. I put on record the great work of the member for Lowan over many years in trying to get that project up and going, as well as that of the federal member for Mallee. Again, we know that the Labor Party has a policy of no dams. The Nationals are saying that we do not close our minds to anything that we think would be of benefit to our irrigators and other people in country Victoria to

maintain our clean, green image here and overseas. We do not support the bill.

Ms GREEN (Yan Yean) — It gives me great pleasure to make some brief comments in support of the Heritage Rivers (Further Protection) Bill. The bill implements the government's election commitment to prohibit the damming of rivers protected under the Heritage Rivers Act, including the Mitchell River, Victoria's and south-east Australia's largest untamed river. As a member with the Yarra River as one of the boundaries of her electorate, I am very concerned about the future of that river.

It is certainly very interesting to follow the member for Shepparton in the debate. I have a great deal of respect for her but she talked about a study done before 1999. I understand that study was done by John Elliott and Pat McNamara while flying around in an aeroplane looking for support for John Elliott's rice-growing efforts — and that they identified the Mitchell River as a possibility.

The Nationals are quite clear on this: dam the rivers and damn the environment. I know that the member for Swan Hill would love to get the bulldozer out and get into Watsons Creek in my electorate and create a dam there. The Nationals are clear, but while members of their would-be coalition partner in a future government have said that they support this bill, they are just weasel words. The member for South-West Coast said he supports the bill but that it will make no difference. Who are we to believe on this? The Libs or the Nats? The Nationals are honest about this; the Libs are disingenuous. In my electorate people are very concerned that the member for Warrandyte is retiring at this election. He has been a great supporter of the environment. He fought to get the Liberal Party to support the green wedge legislation — and he had to battle for it. The Leader of the Opposition has said that he will throw out the Melbourne 2030 policy, which will put the green wedges in jeopardy. Members know that members of the Liberal Party flip flop all over the place. They have said that they support the bill, but frankly I do not believe them.

I thank the Minister for Environment because he has committed to me and my community that the government will not dam Watsons Creek, an important tributary of the Yarra River. In the 1970s the communities of Warrandyte, Panton Hill, Christmas Hills and the Bend of Isles fought a battle against the proposed Yarra Brae dam. They do not want to fight it again. I commend the bill to the house.

Ms BUCHANAN (Hastings) — My contribution to the debate on this bill will be very short and sweet. I certainly support the Heritage Rivers (Further Protection) Bill. In summing up, after listening to the comments made by members on the other side, this is watershed legislation in relation to the protection of — —

Honourable members interjecting.

Ms BUCHANAN — It is very much so. Going on from that, to sum up how members of the Liberal Party view the bill by using song titles as analogies, you really have to say that members of the Liberal Party have cried a river over this issue but they really do not give a damn. If you want to move on to The Nationals, their river ran dry years ago — and it is a pity that they have not worked that out.

In closing, I commend the bill to the house. It certainly will have wide-ranging ramifications on the placement of any dams in the future, giving due regard to the beauty of our heritage rivers.

Ms BEARD (Kilsyth) — What a pleasure it is to join the debate and speak in support of the Heritage Rivers (Further Protection) Bill. The bill will prevent dams being built on 18 of our heritage rivers. Putting another dam on our beautiful Yarra River, so cherished by people in my electorate, could result in the river suffering serious environmental damage.

The Nationals have indicated over and over again that they support damming the Mitchell River. Members have been reminded not to assume that the Liberals will vote as one, which is fine, but they cannot continue to sit on the fence — we know what happens to people who do that. They say they support the bill but the Liberals spokesman on water, the member for South-West Coast, is quoted in the *Weekly Times* as saying that his party was:

... definitely not in the no-dams camp; we're in the open-minded camp.

He said further:

We see potential opportunities but they would have to be judged on merit ...

They are fence sitting, casting their policies towards the electorate and standing for nothing, as usual. I commend the bill to the house.

Mr CAMERON (Minister for Agriculture) — I thank all honourable members who have contributed to the debate on the bill, whether they be Labor, Liberal, Nationals or Independent. Ultimately what we have, of course, is a position and proposition put forward by the

government. You would have to say what a stark contrast that position is with what we have heard from the Liberal Party in recent times. Ultimately members of the Liberal Party have buckled at the knees and accepted Labor's position in here. A different position has been put by The Nationals.

The fundamental question that members must ask themselves is: what does the coalition stand for? Yes or no, or no or yes? Members know what Labor stands for, but we do not know what the coalition stands for. In a coalition, who prevails? Does the tail wag the dog, or does the dog wag the tail? That is what members want to know and what the public wants to know. The one thing that the public can be sure of is that Labor has a position, and it is the position which all honourable members on this side of the house endorse.

House divided on motion:

Ayes, 65

Allan, Ms	Langdon, Mr
Andrews, Mr	Languiller, Mr
Asher, Ms	Leighton, Mr
Baillieu, Mr	Lim, Mr
Barker, Ms	Lindell, Ms
Batchelor, Mr	Lupton, Mr
Beard, Ms	McIntosh, Mr
Beattie, Ms	McTaggart, Ms
Buchanan, Ms	Marshall, Ms
Cameron, Mr	Maxfield, Mr
Campbell, Ms	Mildenhall, Mr
Clark, Mr	Morand, Ms
Cooper, Mr	Mulder, Mr
Crutchfield, Mr	Munt, Ms
D'Ambrosio, Ms	Naphthine, Dr
Dixon, Mr	Nardella, Mr
Donnellan, Mr	Neville, Ms
Duncan, Ms	Overington, Ms
Garbutt, Ms	Perera, Mr
Gillett, Ms	Perton, Mr
Green, Ms	Pike, Ms
Haermeyer, Mr	Plowman, Mr
Hardman, Mr	Savage, Mr
Helper, Mr	Seitz, Mr
Herbert, Mr	Shardey, Mrs
Holding, Mr	Smith, Mr
Howard, Mr	Stensholt, Mr
Hudson, Mr	Thompson, Mr
Hulls, Mr	Thwaites, Mr
Ingram, Mr	Wells, Mr
Jenkins, Mr	Wilson, Mr
Kosky, Ms	Wynne, Mr
Kotsiras, Mr	

Noes, 7

Delahunty, Mr	Ryan, Mr
Jasper, Mr	Sykes, Dr
Maughan, Mr	Walsh, Mr
Powell, Mrs	

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CATCHMENT AND LAND PROTECTION (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 20 July; motion of Mr THWAITES (Minister for Environment).

Dr NAPHTHINE (South-West Coast) — I rise to speak on the Catchment and Land Protection (Further Amendment) Bill, which has a laudable purpose of improving the control of weeds and pest animals in Victoria. However, while the bill is a minor step forward, it fails to deliver on the key issue of providing for the effective control of pest animals and weeds — and tragically it introduces a complex, bureaucratic red-tape system to deal with these very important problems.

A major failing of the bill is that it only deals with private land when the community is only too well aware, particularly the rural and regional community, that the control of weeds and pest animals on public land is totally inadequate, with some of the major sources of reinfestation of adjoining private land coming from badly managed public land. The Liberal Party wishes to put forward a reasoned amendment to this legislation, and therefore I move:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to include comprehensive provisions to control weeds and pests on public land as well as private land and to enforce the provisions in the bill on public land as well as private land'.

In dealing with the reasoned amendment and the bill I initially refer to the 'Saturday rural' section of the Warrnambool *Standard* of 29 July. I quote from an article by Terry Sim, which says:

The Victorian Farmers Federation last week called on the state government to subject itself to the same weed and pest standards it was planning to implement for private land-holders.

The VFF said that while it supported the majority of changes to the Catchment and Land Protection Act, the proposed amendments would not address poor weed control by the state's biggest land-holder, the Victorian government.

The article goes on to say:

VFF president Simon Ramsay said the government did need to get tougher on private land-holders, but it must also improve its own pest and weed situation.

'Private land-holders have a responsibility to manage their land in a manner that is sustainable and prevents weed incursions onto neighbouring properties', Mr Ramsay said.

'However, it is not right that land-holders bordering Crown land can be issued with an enforcement notice from a department which may have worse weed infestations on their side of the fence'.

Mr Ramsay said that many of the proposed changes to the act required compliant individuals to reply in writing to the department. 'Land-holders who are doing the right thing must not be burdened with extra red tape, which clearly happens under this proposal'.

I think that summarises this situation fairly well. The comments of the Victorian Farmers Federation reflect the position of the Liberal opposition, and they also reflect very well the sentiments of the reasoned amendment. The Liberal Party is clearly urging the government to accept the reasoned amendment and adopt an approach which deals equitably with pest plants and animals on both Crown land — whether that be Parks Victoria land or other forms of publicly owned land — and private land. While this legislation is a step forward, and therefore we will not oppose it, it is very much inequitable in that it only deals with private land. Clearly the government needs to address the issue of pest plants and animals on Crown land.

Let me put some of this in context. The CSIRO entomology web site estimates that the cost of weed infestations in Australia is \$4 billion a year. That is an enormous amount of money that is lost to the Australian economy through weed infestations. Since European settlement in 1788, 28 000 exotic plants have been introduced into Australia. Some 2500 of those are now established in the wild, and many of them constitute very serious weed infestation problems for agriculture and the environment.

It is estimated, according to the second-reading speech and to the information given to us in a briefing by departmental officers — and on behalf of the Liberal Party I thank the departmental officers who briefed us: their briefings were very professional, very thorough and certainly much appreciated — that the cost of weeds to primary production in Victoria is about \$900 million a year. The impact on the environment is enormous and, while difficult to estimate, certainly runs into the hundreds of millions of dollars.

We could take myriad examples from across the length and breadth of the state, but in this presentation I will allude to just some of the weeds and pest animals which are of concern to the community. I refer to a

Department of Primary Industries article in the *Dairy News* in August written by Ben Roberts, a DPI rural extension officer. The article says:

DPI rural extension officer, Ben Roberts, said, 'The cost of ragwort ... to the Victorian dairy industry alone is estimated at more than \$3.6 million per year'.

'This is an ill-afforded burden to the individual farmer at a time of increased costs across the industry', said Mr Roberts.

Ragwort's broad leaves and dense foliage close to the ground enables this weed to form a monoculture, suppressing preferred pasture grasses, and science has shown that ragwort is highly toxic when consumed by stock, potentially damaging their liver', he said.

With ragwort already prolific in productive ... areas throughout the Colac, Otway, and Corangamite regions, along with emerging infestations around the Warrambool district, proactive integrated weed management strategy is imperative.

It goes to show that no matter what industry you are in — whether you are in the grains industry and you have to control weeds on a regular basis using herbicides, whether you are in the dairy industry, whether you are in the grazing industry or whether you are in the horticultural industry — the cost of weed infestations is enormous and the loss of production is also very significant.

Some of the more common weeds in our more temperate areas include wild radish in crops; blue heliotrope in crops and pastures; gorse in pasture and bushland; emex in crops and pastures; blackberry, which is absolutely prolific and does enormous damage in much of our native bushland; French broom in bushland; cape tulip in pastures; bitou bush in coastal bushland; bridal creeper in bushland; and ragwort, which I have already mentioned. We have an enormous range of weeds, and if you look at the list of weeds on the DPI web site you see that it runs for page after page. We have significant problems with our weeds.

Looking at pest animals, I suppose at the top of the list are rabbits, which were brought into Australia by the Austin family in 1813 on the good ship *Lightning*. The Austins brought those rabbits to Barwon Park at Winchelsea, which is not far from where I grew up. As I am one of 10 children, I will not make any references to Winchelsea and rabbits in that context. Rabbits, while they were brought in in good faith, have become an absolutely devastating pest in Australia. They are a pest that, despite our efforts with myxomatosis, calicivirus and other control methods, continue to do significant damage to agriculture and also to the environment, as a lot of erosion starts from rabbit burrows and warrens.

Foxes cause enormous damage to primary production in terms of the loss of lambs, but they also do significant damage to our native fauna, particularly our bandicoots and smaller marsupials. There are real problems with foxes, and I expect the honourable member from Benambra will mention wild dogs and suggest that the government has been remiss in not introducing aerial baiting as an important control.

I will give a couple of examples of what we are concerned about with respect to this legislation dealing with private land and not dealing with public land and not addressing the fact that many of the problems we have on private land come from the lack of proper management of weeds and pest animals on public land.

Recently I had the pleasure of visiting Nelson in my electorate, which is on the far western extremity of Victoria on the mouth of the Glenelg River. There is farmland there, but it is also very close to the Lower Glenelg National Park. I met with a concerned environmentalist who has an enormous commitment to and an enormous understanding of the local environment, but she is also a land-holder who has been involved in animal production. This person went through with me her concerns about the lack of commitment by the Bracks Labor government to controlling weeds in the Nelson area, and particularly in the Lower Glenelg National Park. I asked what sorts of weeds she was especially concerned about. She started listing them, and I could hardly keep up. Coastal wattle is a significant problem, because it is causing enormous damage to the environment in those areas into which it is spreading and where it has never been before. There is a total lack of commitment by the government and Parks Victoria to deal with coastal wattle.

I make no criticism of the officers concerned; they are simply overwhelmed by the task. The Bracks Labor government pretends to be pro-environment and pretends to be looking after the environment, yet in budget after budget it has continued to cut back on a per-hectare basis the resources that are needed for the control and management of weeds and pest animals on Crown land.

The dedicated, committed officers are simply fighting a losing battle through a lack of resources and a lack of commitment from this government. If only this government had the real interests of the environment at heart, it would immediately cut its advertising and its taxpayer-funded political propaganda. It would just cut it in half from \$100 million a year to \$50 million a year and reallocate that \$50 million to help to control weeds and pest animals on Crown land. It would make an enormous difference.

But I am being sidetracked from the list of weeds that are causing problems in the Lower Glenelg National Park. We have coastal wattle, which is an enormous problem, bridal creeper, mirror bush, Italian buckthorn, pampas grass, senecio, blackberry and boneseed. If you want to see boneseed problems, just look at the You Yangs and you will see areas where boneseed has caused absolute devastation. Again, there has been a lack of commitment. The point I am seeking to make is that there is a perception the government wishes to present about its green credentials, but the reality is that when you go to the Lower Glenelg National Park and talk to committed local environmentalists — people who have lived in the area for many years — they will tell you it has never been worse in terms of lack of resources, lack of commitment and lack of results in the control of weeds and pest animals in those national parks.

The problem is those weeds and pest animals then come out of the national parks and infest private land. Under this legislation the private landowner could end up with an on-the-spot fine when the real culprits are the people in the Bracks Labor government who talk the talk about environmental protection, but they do not walk the walk. They do not do it on the ground. Private landowners in this state are suffering. It does not matter whether it is weed control, pest animal control, fuel reduction burning or fire access tracks, this government is an absolute disgrace when it comes to the management of Crown land and Parks Victoria.

Let me move to another example that might be closer to the member for Yuroke's home ground, and I am sure she would understand the area that I am talking about. Recently, at the invitation of local landowners, I took a drive out past Tullamarine towards Sunbury. When meeting with the local landowners I learnt that their concerns were particularly about the fact they were living in a green wedge area and were trying to make a living out of productive farmland but were receiving no support whatsoever from the Department of Primary Industries or the government with respect to weed control in that region. Their land was inundated with weeds. They were reporting those weed infestations and were getting no response.

Ms Beattie interjected.

Dr NAPTHINE — The member for Yuroke would be well advised to have a look at the problems with Chilean needle grass out there. There are terrible infestations of Chilean needle grass and serrated tussock. Artichoke thistles are so thick on the ground out there one would think they were growing as a crop, but it is actually a weed causing enormous devastation.

Yet these farmers, who are genuine farmers trying to deal with running productive farms in the green wedge area, are being constantly undermined with the high costs of controlling weeds simply because there is no commitment from the government to make sure that weeds are controlled on adjoining properties.

What we need is a little bit more genuine commitment on the ground from the government to not only controlling weeds and pest animals on its own properties, as in Crown land, but we need a commitment to deal with it on land where there are recalcitrant landowners who simply do nothing about it so that adjoining landowners are left to bear the burden of the costs of dealing with those weeds. The member for Yuroke must drive past these infestations of artichoke thistles, Chilean needle grass and serrated tussock every day, and she does nothing about it. I think that is a disgrace.

Ms Beattie interjected.

The ACTING SPEAKER (Ms Lindell) — Order! the member for Yuroke is out of her seat and is disorderly.

Dr NAPTHINE — In my own electorate, which covers the Warrnambool/South-West Coast area, I believe we have some of the best farmers in Australia and some of the best farmers in the world, but even with their very good efforts, we still have difficulties in some areas with gorse, ragwort, blackberry, cape tulip and thistles.

There are real problems with weeds right across the length and breadth of the state. It does not matter whether you are in the drier areas or the areas that receive more rainfall; there are significant problems with weeds. Weeds do not understand the boundaries of properties; they do not understand about roadsides. They do not distinguish between Crown land or private land. You need a concerted effort in a district to be able to deal with weeds. This legislation may be a small step in the right direction, but it still does not deal with the fundamental issue that the Crown ought to be held equally accountable for dealing with weeds on its land as the private landowners are.

The farmers in my area, and farmers across the state, would be the first to say that the very small percentage of farmers who do mismanage their land, who do not take adequate protections and allow weeds to become rampant on their property, should have the book thrown at them. They do not deserve any sympathy whatsoever. But when they report a neighbour who has a weed problem — and like these farmers at Sunbury,

they have reported them time and time again — they expect some action.

Let us look at some of the pest animals and have a look at foxes. Foxes, unfortunately, are probably at record levels in terms of their population at the moment. It is interesting to note that right across the length and breadth of the state I see columns from Department of Primary Industry officers warning farmers about dealing with foxes before the impending lambing season. The DPI officers are quite rightly saying you can lose up to 30 per cent of your lambs through foxes. These are professional officers in the field who know what they are talking about.

Therefore it beggars belief why the government discontinued the very successful fox bounty program. For the government to suggest a baiting program or a fox bounty program is stupid in the extreme. Clearly, you need an integrated program involving baiting, dealing with the habitat and having a fox bounty as well, and you can deal with them all together. You also need to look at what type of bait you use. Fresh bait is more successful in controlling foxes; yet we continue to have problems with getting access to fresh liver baits.

In terms of foxes, I would urge the government, if it is serious about protecting agriculture from foxes and protecting native fauna from foxes — particularly bandicoots and other smaller Victorian and Australian animals — to simply bring back the fox bounty. There were 177 000 foxes killed in 12 months — that is, 177 000 foxes that are not out there killing the chooks, lambs and bandicoots. Not only that, that is 177 000 foxes that are not breeding the next crop of foxes that are killing chooks, bandicoots and lambs.

I am ready to give praise to the government when it does something right, and the fox bounty was a good initiative of the Labor Party. It is just a pity that it only lasted 12 months. It was introduced just prior to the last election. As soon as the election was over, the fox bounty was gone. I say to the government that the fox bounty should be reintroduced and maintained.

With respect to rabbits, I think one of the serious things about rabbits that we need to put on record is the concern that many landowners have over the change in policy of DPI.

I have a copy of a letter dated 15 February 2006 which was written to a local Portland landowner that says:

1080 carrot bait will no longer be available. Commercially manufactured 1080 oat bait will be the bait of choice for the control of rabbits.

Farmers throughout the length and breadth of Victoria tell me, and experts also tell me, that carrot 1080 bait is much more effective in controlling rabbits than oat bait, that this is a retrograde step in dealing with rabbits, and we need to bring back 1080 carrot bait.

I want to deal with a couple of specifics of the legislation. I refer to my original comments when I said that Simon Ramsay, the president of the Victorian Farmers Federation (VFF), was concerned about the red tape involved in this new legislation. While the sentiment is right, the red tape is certainly a real problem. Let us look at clause 8 of the bill, which inserts new part 5A into the act. My understanding of how this clause works is that it is extraordinary. Instead of just going out and looking to see if there are weeds and telling people to clear them up — and if they do not, just giving them an on-the-spot fine, which is what I thought it would do, given that it talks about an on-the-spot fine process — we find that this legislation does not actually deliver any on-the-spot fines. That will come through in the regulations that will be done later on.

Clause 8 outlines a multistage process. The first stage involves the declaration of a priority area. This must be published in the *Government Gazette* and a local newspaper. It must specify the area, the weed, the pest animal, the measures to be taken and the time to be taken. Step 2 stipulates that a notice must be served on each landowner within the priority area. That is more red tape and more bureaucracy. In step 3 the landowner must comply with the notice. In step 4 the landowner must give the department notice in writing of his actions within seven days. The landowner has to spend half his time in the office complying with all this red tape and all this rubbish, instead of getting out and dealing with the weeds, the rabbits and the foxes.

If the poor old private landowner, the farmer who is trying to make a living and trying to control the weeds, does not send in a notice of his actions within seven days, he can be up for 10 penalty units.

Mr Plowman — Even if he has done the right thing.

Dr NAPHTHINE — That is right. Even if he has gone out and sprayed the weeds, or even if he does not have any weeds on the property, he has to send a notice in to say that he did not do it because he did not have any weeds on the property or he could get fined up to 10 penalty units.

The department says that this will shorten the time for enforced action in that it currently takes 58 hours to go through the complete compliance process, but I am not

sure that we will not end up with a more bureaucratic process.

When you look at clause 13, which inserts sections 70B, 70C and 70D, you see that you go through a very similar process again. There has to be a directions notice, then the creation of an offence for failure to comply with that notice and then the landowner has to notify the secretary. We go through the whole rigmarole again. I suggest that it has created a real problem rather than simplifying the process. We might have created a more complex and more bureaucratic process that will be more expensive to deliver, more expensive to administer and less effective in controlling weeds.

We all want a more efficient and effective system to deal with recalcitrant landowners who do not deal with weeds and pest animals on their property. If a farmer is notified of a weed infestation on his property, 99 per cent of farmers would say, 'Thanks for that advice; I will do something about it', and they will go and do the job properly. What is needed is not some notification or reporting-back system. The Department of Primary Industries people just need to go past and see that the job has been done. But when the job is not done and somebody continually has paddocks full of weeds, they need to be prosecuted, and prosecuted very hard. I do not see that this legislation is necessarily going to deliver that outcome in those simple terms. While it is a step forward, it still has not done the job properly.

I want to raise a couple of other issues in the few minutes I have left. I was concerned to read an article in the *Weekly Times* of 9 April 2006 with the headline 'Landcare is "on the brink"'. The article says that Landcare membership has dropped from 27 000 to 23 000 and that rabbit control work fell from 56 per cent to 30 per cent. It really goes to show that Landcare has been a very effective model. It has been involved in a cooperative model. It has done great things for the environment, for sustainable agriculture and for the control of pest plants and animals. But Landcare is on the brink. This government has neglected Landcare. It has not worked closely with Landcare, and I urge it to take that issue up.

I also draw the government's attention to comments in the *Weekly Times* of today's date about catchment management authorities, because it is the catchment management authorities that are very much at the forefront of some of this work in the control of weeds. Under the headline 'CMAs "waste funds"' the article says:

Catchment management authorities are facing questions over whether their multimillion dollar budgets are translating into substantial environmental gains.

...

Last week the Glenelg Hopkins CMA was the focus of an extraordinary attack by one of its longest serving directors, who said it had wasted money in low-priority areas and had failed to restore ... degraded catchments.

These comments were made by former Glenelg Hopkins CMA board director, Ian Ross. I know Ian, and he is a very reputable person who is very committed to his local area. He is quoted as saying:

... the CMA spends a vast majority of its river health funds on minor creeks and gullies in measures that tend to be implemented at random.

The net effect has been no significant improvement in our streams.

When you ask what measurable change has resulted from the CMA's \$15 million budget, you only get excuses.

The board is unable to demonstrate significant improvement because of its catchment management.

...

By the end of the first year in its five-year ... river health ... plan, which set a target of fencing off 406.5 km of key sections of river frontage, the CMA had only achieved 5.05 km of fencing, less than 1.5 per cent of its target.

Ian Ross goes into a number of other very, very significant criticisms of the CMA. Ian Ross is not a person who would make these criticisms lightly. He is a person of great reputation and standing, and he has been on the CMA board for some time. He knows what he is talking about. These comments are disappointing to read, but I think they are comments the government must listen to. I think perhaps it is time that the government had the Auditor-General look at the operation of CMAs across the state. The Auditor-General can look at their effectiveness and whether we are getting value for money out of the CMAs, and I urge the government to do that.

Mr WALSH (Swan Hill) — It is a pleasure to join the debate on the Catchment and Land Protection (Further Amendment) Bill. The Nationals had drafted a reasoned amendment very similar to that moved by the member for South-West Coast, so we will support his reasoned amendment because we believe, although there are some very important initiatives in it, this bill does not go far enough in clarifying that those rules should apply to public land just as they do to private land.

I will go through some of the measures in the bill before I go on to some of the other issues. There are

some good initiatives in this area. We believe the provision to declare a priority area with a statutory notice so that land-holders in the area have to control the weed that is declared a priority weed is a good initiative, on the proviso that it applies to Crown land in the area in the same way it does to private land. The responsibility to advise what work has been carried out, although it is bureaucratic, I think puts an onus on the land-holder to demonstrate that they have actually done the work on the notice that has been served, whereas previously they just had to indicate that they had complied. But that same onus should be imposed on public land managers, just as it is on private land managers.

As I read the definitions in the Catchment and Land Protection Act 1994, the CALP act, effectively the owners or managers of public land are classed as landowners. That definition has not been changed in the bill before the house, so I assume that 'landowner' in this bill also includes public land managers. I would be interested in hearing in the minister's summing up at the end of the second-reading debate on this bill whether he considers that he has been doing his duty over the last number of years and why the Minister for Agriculture should not be walking down the corridor issuing PINs — penalty infringement notices — to the Minister for Environment and his department because they have failed to control weeds on that land.

One of the things that is being addressed in this bill which has been an issue in my area, and no doubt in other parts of the state, is the matter of allowing authorised officers to access municipal records for names and addresses. It was an issue that was raised with me two years ago by John Proctor from the Kooreh Landcare group over near St Arnaud, an excellent Landcare group in my area which had been doing a lot of work on weeds. One of the problems it was confronting was with absentee land-holders, small blocks and not being able to find the particular land-holders. He wrote to me saying:

The other problem is the freedom of information regulations. Yes we can make written application to the shire for their consideration to provide information, but by the time you go through the process in these situations the weeds have seeded anyhow, making all our efforts a waste of time. Surely in the case of Landcare groups needing 100 per cent land-holder participation, there must be better ways of administering these issues. Premier Bracks is making huge noises about weed control lately with no apparent staff and money to back up his programs.

Following on from that letter from that Landcare group, I wrote to the Minister for Agriculture pointing out these concerns. I received a response only a couple of months later, which was good — for once we actually

got a reasonably speedy response — effectively saying that the freedom of information regulations were in place and nothing could be done about them and that Landcare groups and the department effectively had to make sure they allowed long time lags in the way they accessed information to go around and serve those weed notices. It is pleasing to see that that issue has been addressed in this legislation. It is actually a victory for commonsense, and hopefully we will see those absentee land-holders being brought to account so that the land-holders who live in the area and do the work of the Landcare groups will now have the resources and the capability to quickly serve notices on those absentee land-holders who do not control their weeds.

The issue that is not addressed in this bill and has been raised with The Nationals by the Municipal Association of Victoria (MAV) — and no doubt it has raised it with the government, as it has informed me that it has been talking about this issue with the government for something like the last 18 months — is the matter of who is responsible for controlling weeds on roadsides.

Dr Napthine interjected.

Mr WALSH — Yes, I know the previous speaker avoided that, but I think it is too important an issue to avoid. In the changes to the act in 1994, then Minister Coleman said in his second-reading speech that he believed it was the responsibility of the adjoining land-holder to control regionally controlled weeds on public land. The MAV has had a legal opinion that says the act is not explicit in that and that it appears that it is local government that is responsible for regionally controlled weeds on shire roads, as distinct from VicRoads roads or freeways, where it is a VicRoads responsibility.

Mr Plowman — I think I would get a second opinion.

Mr WALSH — Apparently the government has for a long time now been promising the MAV that the next time the CALP act came into this house that issue would be clarified. It has not been clarified. It is the considered opinion of The Nationals that it should be a government responsibility. It should not be the adjoining land-holder's responsibility. It is not their land, and they should not have the responsibility and the cost of trying to control weeds on the roadsides adjoining their property. Particularly with the draconian occupational health and safety laws we have now, where people have such problems going onto public land to control those weeds, we do not believe it should be a private land-holder responsibility, and we do not believe it should be a council responsibility. It is just

too big a job and too costly for local government. It is just an issue that this government is avoiding so it can shift the costs for another issue onto local government.

To follow on from this whole issue of the government shifting costs to local government, in this case the cost of weed control, I was interested to read an article that appeared in the *Geelong Advertiser* in July this year saying that the Department of Sustainability and Environment had made available \$450 000 to help local government tackle weeds on private land. Why would the DSE be making money available to local government to tackle weeds on private land when it is not a local government responsibility to be tackling weeds on private land? It was only \$450 000, which was to be spread across 31 local government areas, so if you do the divisions you find it is again not a lot of money, but I think it is just another example of where this government is at all times very keen on pushing responsibility onto someone else and making sure someone else pays for the activity. As we all know, this government has pushed something like \$40 million per annum of costs across to local government since it has been in office, so this is just another example of the government trying to abrogate its responsibilities and push them across to somebody else.

It was interesting to read the second-reading speech, in which the minister said, quite rightly, that invasive species of weeds were one of the greatest threats to our natural ecosystems. We would agree with that, but I think invasive weeds are more of a problem on Crown land than they are on private land because very little is done to control them. If you look at the damage that is being done to our natural environment, you see that it is being done very much by those invasive weeds and by the pest animals.

The thing in the second-reading speech that interested me is where the minister said:

The act places responsibility on landowners to eradicate or prevent the growth and spread of certain types of noxious weeds and to eradicate or prevent the spread of established pest animals on their properties.

The government works cooperatively with community groups such as Landcare to implement control programs for weeds and pest animals.

In my area I do not believe that is true at all. The government is not working cooperatively with Landcare groups. It is doing everything within its power to thwart the work of Landcare groups. It was interesting to read in the winter 2006 edition of the *Mallee Farmer*, the department's own newsletter:

Rabbit numbers throughout the Mallee landscape are on the increase!

Significant pest animal

Recent observations of rabbit warrens are showing that they are being well worked, with a large number of kittens being seen moving around them. This is a major concern at this time of the year.

We all know it is a major issue. The Birchip Cropping Group is running a series of articles called 'Over the fence' in which each week three farmers outline the things that are going on on their properties.

Brian Barry from Manangatang wrote:

Rabbit numbers are also on the increase alongside roadsides and in the flora and fauna reserves. This is very frustrating as we have eliminated the rabbits from inside our farms and now are expected to control the rabbits that are coming onto our property from government land. We are also finding it tough as we are no longer allowed to use poisoned carrots, which have a high success rate. Instead we are made to use poisoned oats, which don't work in low rainfall areas and are also introducing foreign seed into our paddocks.

Brian Barry went on to talk about the fact that:

Unfortunately with vermin numbers on the rise we have been hamstrung in our effort to control them by the state government no longer supporting some of the best weapons (the fox bounty, bullock livers and poisoned carrots) as well as no vermin control occurring in public land which surrounds many of our properties in the northern Mallee.

So the government is not doing everything it can to help the Landcare groups. Instead I believe it is doing everything it can to thwart those groups.

There was another interesting letter in the Swan Hill *Guardian* of August this year from the Mid-Murray Field Naturalists, a group that has done a lot of work in my area to protect the native habitat. The letter talks about the fact that:

The Mid-Murray Field Naturalists strongly support the continued use of carrot bait for rabbit control and have written to the government to this effect.

The letter goes on to say:

It appears that rabbits have now played a master stroke and infiltrated the decision-making levels of government and public service. How else to explain the recent decision to shift from the use of carrot bait to oat bait for rabbit poisoning campaigns?

Why, you ask, will that benefit the rabbits? Because it has largely alienated the farming community, the Landcare movement and the few on-ground departmental staff and local coordinators still in the region —

of which there are very few. The letter continues:

They are alienated because they were presented with a dictate from above, no correspondence to be entered into, no recourse and no coherent or honest explanation of the decision.

I put it to this house that the department blatantly does not know what it is doing when it comes to assisting Landcare groups to control pest animals.

I turn to the issue of weeds. I have mentioned in this place at other times that two years ago I visited the Keith Turnbull Research Institute at Frankston to have a first-hand look at it. Although there are excellent staff there, they basically have no resources to do the work that is needed. An absolute pittance is being spent on biological weed control research. Given the new biosecurity laws and rules we now have in this state, as I understand it, the facilities there do not meet the current quarantine regulations, so there are no biological control agents stored on site. If they wanted to do something in that regard, they would have to attempt to send the material to Argentina to get it tested to see what would happen. But the Argentinians do not want it, because they do not want our native species going over there in case they get away and become weeds. Basically nothing is being done about biological control efforts.

One of the other great Landcare groups in my area is the Terricks Landcare group, which has done some research work trialling Foxoff and 1080 liver baits. The group's members have done their own work, and they believe they get good control with liver baits and very poor control with Foxoff. They have been to the department and had lengthy discussions about how a trial may be done on that, but their work has been thwarted by the department. What they have decided is to buy alpacas to put among their stock to control the foxes. The plains wanderers and other native fauna in the Terrick Terrick National Park will just have to put up with the foxes, because the department just does not care enough to help. It is an absolute disgrace.

Quite a bit has been said about catchment management authorities in recent times, and I have had constant exchanges with the two management authorities in my area — the North Central Catchment Management Authority and the Mallee CMA — about their weeds strategies. It would appear to me, from the correspondence and discussions I have had, that the key thing in determining priorities on weeds and what weeds go in what categories is the dictate from the Department of Sustainability and Environment about the budget each CMA gets to control weeds with. It has nothing to do with how bad or widespread a weed might be. There is a subtle message that comes out of head office in Melbourne that says, 'No, your budget's

not big enough. You better just downgrade that weed so it is not quite so important, because we do not actually have the resources to go and do anything about it'.

I wrote in particular to the Mallee CMA about Chilean needle grass, which has already been mentioned here tonight. Chilean needle grass was not on the Mallee CMA's list at all five years ago, but in its latest weed strategy it is now only a regionally controlled weed, which effectively means it is endemic to the area and cannot be eradicated. We have a situation where it went from not being there at all to being effectively out of control. If that is supposed to mean that the CMA has been doing its job, I cannot see it. What is even more interesting is that the chairman of the Mallee CMA wrote back to me and said Chilean needle grass:

... is largely an environmental weed of roadsides and bushland, with accordingly less potential for economic impact, and also has some feed value for stock when managed appropriately.

It defies logic to say that you could manage Chilean needle grass so that it actually had feed value. It is just a cop-out, because as I understand it Chilean needle grass is a relative of serrated tussock, and we all know the problems that serrated tussock has caused, particularly in the Port Phillip catchment, and how it has actually got out of control.

The other issue I would like to put on the record relates to some correspondence I have exchanged with the Shire of Loddon. The Loddon shire wrote to me because it was quite concerned about having to produce a weeds strategy. The shire went on to say:

The council has noted over the past few years a steady decline in resources dealing with pest plants, so much so that there is now no DPI —

that is, Department of Primary Industries —

office located anywhere within the municipality.

The Shire of Loddon is, from memory, one of the six geographically largest shires in the state, yet there is no Department of Primary Industries officer in the shire at all. That is an absolute disgrace.

John McLinden, the chief executive officer, went on to say:

The Loddon shire has a commitment to managing pest plants and is in the process of formulating its own weed strategy.

We have the situation where local government is having to formulate its own weed strategy because the department will not do its job. He continued:

The council is extremely concerned that the responsibility for pest plant control is shifting and that the government and DPI no longer see pest plants as one of its key roles.

That sums up the situation — the government is not doing its job at all on pest plants.

The Nationals support the principle in this bill of streamlining the enforcement process to make sure that all land-holders actually do their job of controlling weeds and vermin. But the key to this issue — and it goes to the nub of the reasoned amendment moved by the member for South-West Coast — is that what is good for the goose is good for the gander. If we are going to be strict with private land-holders, we have to be equally strict with the public land managers.

I would like to see the Minister for Agriculture picking up his penalty infringement notice (PIN) book, walking from 1 Spring Street down to 8 Nicholson Street, going up in the lift to the office of the Minister for Environment and issuing him with PINs to make sure he does his job of managing weeds and vermin on Crown land. At the moment the Crown land managers are failing the people of Victoria and failing in particular the private land managers who are their neighbours. You can spend all the money and do all the work you want to control weeds or vermin on your land, but neither has respect for a fence, and if neighbouring Crown land is not properly managed, you will get weed seeds and pest animals coming onto your private land and continuing to cause trouble.

As has been mentioned many times in this house — it is a reflection not on the staff but on the philosophy and the resources of this government — Crown land managers are the neighbours from hell, and private land-holders just do not like to be anywhere near Crown land any more because of that issue with pest plants and weeds.

Mr HOWARD (Ballarat East) — I am pleased to speak in support of the Catchment and Land Protection (Further Amendment) Bill. We are all in agreement that weeds and pest animals pose a significant threat not just to our natural environment, where they are clearly affecting the natural biodiversity, but also in regard to agricultural production. We know they are having very significant effects and that we need to work at eradicating them on a continuing basis.

As a government, we have certainly applied much effort to reducing the potential threats that weeds and pest animals can pose. We have a very clear approach to addressing weeds and developing a range of strategies to look at eradicating new and emerging species before they get a hold — and there is a range of

weeds in that category — and also for working away at the weeds that have become established in this state, which are weeds of national significance or noxious weeds in other forms. I believe this government's approach has been very effective in its outcome.

I am part of a Landcare group in the area where I live, and I have worked in conjunction with other Landcarers to address the gorse in our neighbourhood. It is impressive to see that this work has also been supported by the local government, with funding that has come from the state government through the gorse task force. In the area where I live gorse has not been significant on private land, but there used to be significant gorse along the roadsides. The Landcare groups and the individual landowners in the area, supported by local government with funding from the state government, have been part of a well coordinated process which has seen huge areas that were severely affected by gorse, through the Hepburn and Pyrenees shires and the Ballarat area, now brought under control. We know work needs to continue on areas once they have been brought under control, but the process has been remarkable to see.

I hear people like the member for Swan Hill decrying what is happening out there and saying, 'The state government should take on the whole responsibility', but that is not what is being said on the ground. People are working in partnership very well. Local government recognises that it has a responsibility and land-holders recognise that they, too, have a responsibility, and when people work in partnership you get very good results. Handing the problem over to the state government and expecting it to take on all the responsibility would never work. It would only result in taxpayers being put to significant expense and land-holders and councils saying, 'That has nothing to do with me'. It is great to see land-holders and councils playing a part in dealing with weeds in their neighbourhood.

Mr Walsh — It is cost shifting to councils.

Mr HOWARD — It is not a matter of cost shifting. Prior to the Labor government coming to office, the former government was spending less on weeds than this government is spending, so it is not a matter of cost shifting. This government has added significantly to weed management on Crown land, and it is supporting Landcare groups through all the task forces that have been established. In my area, as I have said, the gorse has been significantly reduced. Perhaps the people and the councils in the Swan Hill neighbourhood are simply not taking on any responsibility and perhaps the member for Swan Hill is encouraging them by saying, 'No, no, do not anything about it'.

The piece of legislation before the house recognises that when we came to office the Catchment and Land Protection Act was a very complicated act that was not very effective. One of the first things we looked at doing was to refine the act, and since that time we have made one adjustment to the Catchment and Land Protection Act to make it more effective. We know that Landcare group members and a number of private land-holders are doing the right things and are reducing weeds in their areas, but they get very frustrated when they see one or two recalcitrant land-holders in the area who are simply not doing their job.

Honourable members interjecting.

Mr HOWARD — Suddenly the members opposite seem to be denying the whole point of this bill, and they seem to be forgetting that private land-holders are also a problem. They must hear in their electorates, as I do in mine, that groups and individuals are saying, 'We have done a great job. We have spent a lot of time and we have got rid of the weeds, but the farmer next door and the farmer over yonder simply do not seem to want to do their job, and we cop their weed seeds blowing onto our properties every year. Can't you do something about it?'. What we have found with the legislation we inherited, which as I said we amended, up until now is that it takes up to a year or even more of action by enforcement officers and lots of paperwork, and eventually you might get these recalcitrant land-holders to court. Even in court they may not be dealt with in a way that really covers that issue properly.

What we are trying to do with this bill is to streamline this process. Areas where we know people are doing a lot of work to address the weeds and where there is an opportunity to make great headway can be identified as priority areas, and then within those priority areas where land-holders are not doing the right thing they can be provided with a land management notice that will require them to do some works. Then — as opposed to what they have done in the past, which was simply to say, 'We did some work, and it has not worked' — they will have to specify what they actually did to address the problem, which is sound. If they do not, then they can be issued with a penalty infringement notice, and in that way they can be fined rather than having to go down the path of being taken to court. This bill will speed up that process and hopefully bring about a better response from land-holders.

It was very interesting to listen to the Liberal member for South-West Coast and then The Nationals member for Swan Hill, because they seemed to be offering different views on the legislation. The member for South-West Coast seemed to be saying, 'All the

processes involved in this legislation are longwinded red tape'. The member for Swan Hill was saying he approves of this process; he recognises this is a sound process. You have to have a process and you have to deal with land-holders fairly, and this process does that.

The member for South-West Coast is not being realistic in what he says and is completely denying that the legislation we inherited in fact had longer processes in place. I hate to think what could happen if these two parties come together in any form of coalition in the future. Whose views would end up taking precedence? When you hear totally different views being put by The Nationals and the Liberals you recognise that they are in no position to be in government, because they would spend a lot of time arguing about whose position was to prevail, and one or other clearly would not.

I am pleased to support this legislation. It is very sound; it will address a number of issues that we know land-holders out there who are doing the right thing have been concerned about. They are saying, 'Why can we not get compliance from those recalcitrant landowners? Why can we not speed up that process?'. That is exactly what this legislation aims to do. It aims to support all those other actions the government has taken in addressing weeds on Crown land as well as on private land. This is another important part of that armoury of measures that we are putting in place. I support the bill.

Mr PLOWMAN (Benambra) — The big thing that is wrong with the Catchment and Land Protection (Further Amendment) bill is that it is only dealing with private land. You cannot deal with weeds on private land unless you are prepared to deal with them on public land. That is why the amendment has been circulated. That is why we have an amendment, which is supported by The Nationals, to bring about a different approach that looks at weed control across fences.

The member for Ballarat East talked about the fact that this government is spending more money on weed control. That is fine if it is spending more money, but irrespective of how much it is spending on weed control it is losing the battle badly. In my lifetime I have never seen so great an escalation of weeds in country Victoria as in the last seven years. I admit to the fact that I worked in an advisory capacity to Joan Kirner for a period. At that stage we had dedicated authorities to look after things like soil conservation, vermin and noxious weeds.

In those days we led Australia. There was a sense of responsibility for the control of weeds and vermin, and Victoria had the best weed control of any state in

Australia by a country mile. Since we have lost those dedicated work forces that used to work predominantly in the areas where they were trying to achieve something, we have started to lose the battle. Now weed control in Victoria is as bad as the very worst in any other state in Australia. It is with sorrow that I say to the member for Ballarat East that it is not a matter of spending more money, it is a matter of achieving the right ends. One of the right ends is to include public land management in any private land management dealing with weed and vermin control.

The problems with weed control and the cost of lost production on private land is enormous. The cost to public land with invasive weeds is devastating. Equally with the lack of control of feral animals, the loss of wildlife is devastating, and I will get on to that in a moment. On public land in the higher rainfall area we have an incredible invasion of blackberries and ragwort, and now we are getting invasive weeds like wild broom, which will in the next 15 years be an extraordinary problem. I do not think we have even started to understand how bad that problem will be. Wild broom will go across a lot of our high country to the extent that a bushwalker will not be able to walk through it — it will be worse than blackberries. Blackberries at least stay on the creeks or where there are water bodies, they do not tend to go up the slopes very far. Wild broom will cover the whole area, and we are having an invasion of wild broom on public land that I think will be of extraordinary significance in the next 10 to 20 years.

Many members have talked about the low-rainfall areas being affected by boneseed, Chilean needle grass, serrated tussock and artichoke thistle. They are an extraordinary problem. Lost production on private land is one thing, but the complete devastation of public land by some of these weeds is also extraordinarily important. We have a government that says it has green credentials and that it is fighting for biodiversity. When you want to win the biodiversity war, nothing is more important than getting rid of invasive weeds and feral animals. I will touch on feral animals, because it is a subject that is very close to my heart. It was suggested that rabbits are the no. 1 feral pest in Victoria at the moment. They certainly were — rabbits and mining effectively changed the landscape of Victoria over 50 to 70 years — but in more recent days, since we have had better control of rabbits, we now have a predominance, particularly on public land, of wild dogs, foxes and cats.

I am a lover of public land — I love walking through public land — and nothing is more pleasant than seeing a fair spread of wildlife across public land. I have never seen a tiger quoll. The reason is that we have cats, foxes

and wild dogs that are predators of quolls, and they are keeping the numbers down to a level where you will not see quolls when you walk through public land. I spend a lot of time either walking or cross-country skiing, and, Acting Speaker, you will be aware of the enjoyment in that sport, but you no longer see the native rodents like the bush rats and you see fewer and fewer lyrebirds across that country. That is because of the predators. The only way we can possibly overcome this problem is by aerial baiting, but this government is reluctant to do it.

The other day I was talking to a fellow called Bruce Wiggam. He has been aerial baiting the high country in New England for the last 40 years. If you have a look at that country now, you can walk into any of it, spotlight it and you will see tiger quoll right across those areas at night in large numbers. If you do the same in our high country, you will not see them at all. The reason is the predators. Aerial baiting is done on the basis of about 10 baits per kilometre. I asked Bruce if it was a square kilometre. It is not; it is a kilometre of track. Dogs, foxes and cats all follow tracks. It is a bit like horses. If you are on a horse and let it run, it will follow a track. Dogs, foxes and cats do the same. You can aerial bait on those tracks and get a control measure that will keep that feral population down to the minimum.

I asked Bruce why aerial baiting is so much more successful than laid baits. The reason is that with laid baits people leave an aroma behind, whether it is some level of perfume that the body exudes or something artificial.

Mr Stensholt interjected.

Mr PLOWMAN — Or cigarette smoking; the member is quite right. I am glad the member for Burwood suggested that. Dogs are terribly sensitive to this and they become extraordinarily cunning. They will pick up that scent and they will not go near a laid bait on the basis of the smell surrounding it.

We even have photographic evidence now. A friend of mine from the upper Murray, Noel Cheshire, has put cameras in trees close to where baits have been laid. They take up the image of those dogs and other native animals. The dogs come up and sniff around the baits and walk away. Aerial baiting is so successful because there is no human intrusion. The baits have no smell to the dogs and they are effective.

Again, to quote Bruce Wiggam, who I think is probably the greatest authority in Australia on this issue, when I asked him about the dog numbers, he said the dog numbers get down to a level that the local food store

can sustain so that they then do not have to invade private land. We are spending probably three times more than we need to on the invasion of wild dogs onto private land because we are not controlling them on public land.

This applies to almost all our problems, whether they be weeds or feral animals. Unless we are prepared to control them on public land, we will never overcome the problems on private land. That is why I wholeheartedly endorse the reasoned amendment of the member for South-West Coast in saying that if this government is fair dinkum about private land, we must include public land and do it well.

Ms BUCHANAN (Hastings) — I will make a brief contribution in relation to my support for the Catchment and Land Protection (Further Amendment) Bill. The intent of this bill is very clear. By introducing administrative and enforcement mechanisms to enhance the management and eradication of weeds and pest animals in Victoria, we are progressing further the issues regarding sustainable, responsible land and pest management that will progress biodiversity across the state.

I want to put this very briefly in a local context. The Western Port and Mornington Peninsula region has less than 6 per cent of its native vegetation still remaining today. The overwhelming majority of the land within this region is privately owned. Much of it is in small land-holdings. The Landcare groups in my area, which have been ably supported by the Port Phillip and Westernport Catchment Management Authority, under the great chairmanship of Dr Mick Lumb, along with chief executive officer, David Buntine, have done remarkable work to redress this issue. This has had an amazing impact on the siltation of Western Port. With the erosion of the topsoil around the creek beds in the area and the native vegetation only supported very thinly because exotic weeds have taken over, the siltation of Western Port has become a major ecological issue.

The catchment management authority, in conjunction with the Landcare groups in the area, have undertaken a massive campaign to redress that issue. I see those processes and those organisations working incredibly well within my region. I see this state government supporting them in collaboration with local government. We have brought in the Western Port Greenhouse Alliance as well which includes three local government areas together working through these issues and educating local private landowners in relation to their responsibilities in looking after their land for future generations.

This is what this bill boils down to, particularly if you look at my region. In the Hastings electorate and the Western Port and Mornington Peninsula area the majority of landownership is in private hands. This bill addresses it from a private point of view, where it is greatly needed. For that reason I support the bill and wish it a speedy passage through the house.

Dr SYKES (Benalla) — It gives me pleasure to rise and speak on the Catchment and Land Protection (Further Amendment) Bill. I support the opposition's reasoned amendment because I believe there simply should be one rule for all. Having said that, I commend the efforts of local Department of Primary Industries and Department of Sustainability and Environment staff in the face of diminishing resources for the front-line staff. I commend in particular people such as Tony Lovick and Brian Thompson and their efforts to make do with the limited resources they have. I also commend staff in the catchment management authority for attempting to modify their approach to make do.

I should also indicate the flying-squad approach to enforcement of the legislation in relation to weed control on private land has been welcomed by local weed action groups such as the Moyhu, Greta, Whitfield weed action group. But it is critical, as outlined to me when I attended its meeting one week ago, that additional resources be made available for the enforcement of weed and pest animals control on private land.

I support the reasoned amendment of the member for South-West Coast because I have major concerns about the management of weeds and pest animals on public land. I would like to use three particular examples to highlight that concern. The first is very close to home — it relates to the diversion channel which takes water from the Broken River via the Holland Creek to Lake Mokoan. Where that diversion channel intersects the Holland Creek about 1 kilometre upstream from my place, the area is a haven for blackberries, Noogoora burr, Bathurst burr, Paterson's curse, rabbits and foxes. In other words it is absolutely a nursery.

The area is managed by Goulburn-Murray Water, which is otherwise known as GMW, although that could also stand for 'grows magnificent weeds'. People in that organisation are struggling to do the job.

VicRoads also has a lot of country to manage. Recently on behalf of a constituent I raised the problem of the management of stinkwort on the roadsides of the Hume Freeway as it passes by the Strathbogie shire. The reply from VicRoads was, 'We will schedule the spraying of stinkwort to be completed by the end of May'. That is

fine, except that the stinkwort flowers in February, sets seed in March and dies in April. Therefore, a VicRoads spraying program in May is an absolute waste of taxpayers' money. For the chief executive officer of VicRoads to state that that was their policy showed absolute incompetence and a failure to understand weed control.

Another looming concern of great magnitude is the proposal to convert Lake Mokoan into so-called world-class wetlands. The government's own study into the environmental impacts of that so-called conversion indicates that net gain in environmental terms will be a significant challenge. In particular, it notes that the weed phalaris will be a major challenge to overcome — as well as Paterson's curse and a myriad of other pioneer weed species.

The strategy that the so-called experts have proposed to control weeds on up to 6000 hectares of wetlands is grazing. According to my arithmetic, given that phalaris needs to be grazed very hard for about 30 days in the spring to control its spread, it is my calculation that you would need at least 100 000 sheep or 10 000 cattle to exert any effective grazing pressure to control the spread of phalaris. Further, the 6000 hectares would have to be divided up into cells of no more than, say, 40 hectares, which means hundreds of thousands if not millions of dollars spent on additional fencing — and there is, of course, an issue of providing water to that area. What that shows is that the management of weeds on Crown land is grossly inappropriate and the people proposing to manage it just do not have a clue.

I move on to the issue of the management of pest animals. Earlier speakers have discussed issues such as fox control and highlighted the importance of the fox bounty as part of an integrated approach to fox control. Regrettably, the government walked away from that after one successful year. I introduced a fox bounty this year, and I should say it was an outstanding success in my area. My lambing flock, which had previously been subjected to a 10 per cent lamb mortality as a result of fox invasion, this year had only a couple of lambs cleaned up. I believe the fox bounty had a role to play in that successful fox control locally.

Interestingly I am heartened to note that people in the Department of Primary Industries have recognised my role in assisting with fox control and have adopted a collaborative approach, in that when people contact the Department of Primary Industries/Department of Sustainability and Environment customer service centre with inquiries about fox control, they are referred to Bill Sykes, The Nationals member for Benalla, for expert advice. I find that quite heartening, even if I did

leave the Department of Primary Industries 20 years and 10 name changes ago!

I should not be completely negative. We do have some solutions to the situation. The first from a Nationals perspective is to get people at the Department of Sustainability and Environment to focus on the management of public lands, to put their energies into not just talking the talk but walking the walk and doing effective weed and pest animal management on public lands. The Nationals believe that the Department of Primary Industries should be given substantially increased resources for the front-line troops and that they should be out there educating people, particularly the tree changers who have come to our area and seek to enjoy the wonderful north-east for the lifestyle. Those people need educating on what constitutes a weed and what needs to be done.

Equally The Nationals believe that the DPI's enforcement activities should be strengthened. Related to that, the enforcement should apply with one rule for all — that is, the Crown land managers, the DSE, should be subject to the same enforcement activities as private land-holders are. Where there are recalcitrant managers of Crown land, they should be subject to infringement notices and hefty fines — as, I should note, the DPI has been able to successfully achieve with the managers of railway reserves in parts of Victoria.

Another solution is to encourage managed access of our public lands, encouraging the utilisation of those lands by bushwalkers, four-wheel drivers, trail bike riders, and people involved in horseriding, forestry and grazing. All those utilisations can be complementary to the effective management of Crown land. The absolutely fundamental principle in the management of Crown land is that of active management, not to lock the gate and throw away the key. We need to make sure that we retain effective tools to manage our weeds and pests. Therefore people in country Victoria and responsible land managers should be absolutely horrified at the call by the Greens party to remove 1080 as one of our weapons in the control of rabbits and foxes.

Another group that needs to be commended and supported are the Landcare groups in country Victoria whose members have now for over a decade been very effective in not only revegetating country Victoria but effectively controlling weeds and pest animals, often against frustratingly high odds. In my area we have groups such as the Mollyullah-Tatong tree and land protection group, whose members are out there actively doing the work. We have the Warrenbayne Boho land protection group, which I think was one of the first

Landcare groups in Victoria. Then there are the Burnt Creek and Strathbogie Tableland Landcare groups. The Warby Ranges Landcare group is battling with controlling foxes, and currently it has a fox control initiative. We have the Edi Black Range Landcare group. The three groups that make up the Moyhu, Whitfield and Greta Valley weed action group have demonstrated through an effective coordinated area approach to weed control that significant progress can be made when it is done hand in hand with the support of the DPI.

In conclusion, The Nationals support the principle of introducing on-the-spot fines to assist in the control of pest animals and weeds but believe there should be one rule for all. Not only should recalcitrant private land-holders be brought into line through this legislation but so too should recalcitrant public land managers.

Ms NEVILLE (Bellarine) — I am pleased to rise tonight to speak briefly in support of the legislation before the house. One of the things that all members can agree on is that it is very important that we continue to support and look at better ways to manage pests and weeds in this state. It is one of the most significant issues that faces us in agriculture and in our environmental assets.

I remind the house that the legislation has always dealt with private land and has not dealt with public land, so the bill makes amendments to those provisions. It does not reflect some massive change to the way that we have managed pests and weeds and how we manage private land. However, the bill focuses on how we can better manage priority weeds — for example, by establishing notices around declared priority areas. It deals also with recalcitrant landowners, who currently have a responsibility for undertaking work on their land to control weeds and pests.

Earlier the member for Ballarat East said that in fact the amendments are welcomed by the vast majority of landowners who do the right thing currently because they are aware that what causes some of the problems are in fact the other landowners. The last few times I have been along to the Bellarine Landcare group and the Swan Bay Catchment Authority, this has been one of the biggest issues. How does the government play a role in better ensuring that landowners — there is quite a number of the hobby farmers in Bellarine and that number is growing — are actually fulfilling their responsibilities? They are current responsibilities. This bill does not change the responsibilities they have. This is about trying to find a better mechanism to enforce them.

Business interrupted pursuant to standing orders.**Sitting continued on motion of Mr HOLDING (Minister for Police and Emergency Services).**

Ms NEVILLE (Bellarine) — As I was saying, these are current responsibilities that landowners have, and this is about providing a mechanism to better enforce those responsibilities where they are not being enforced. We have had a bit of debate tonight around public land responsibilities. I want to remind the house about how seriously the government is taking this challenge, and it is a challenge for all of us. We have invested four times as much in pest control on public land since 1999. We have put the money into it, with \$14 million in 2003 for the public land initiative and an additional \$19 million in 2005 to support weed and pest management. We have established the good neighbourhood program with the roving teams, and we are looking at the issue of interface land which has been identified as one of the priorities for the government.

We have heard a lot of complaints tonight. What are the Liberal Party and The Nationals going to put on the table? Let us not just be critical. What is their policy? What are they going to do? In my view the model in Victoria is the best model that exists in Australia. It is a partnership model that exists between the community, landowners, Landcare groups, the Department of Sustainability and Environment, Parks Victoria and the Department of Primary Industries. This is a model which is working. We are investing the money in the system, and this bill extends our commitment to helping better manage pests and weeds in our community. I commend the bill to the house.

Mr INGRAM (Gippsland East) — I rise to speak on the Catchment and Land Protection (Further Amendment) Bill. I support the reasoned amendment moved by the member for South-West Coast for a range of reasons, mainly because there is an important principle here and the control of weeds and pests on public land is one of the most important issues that so often comes into my office. It generates an enormous amount of discussion anywhere you have that public-private land interface.

This bill looks at a range of issues and amendments to the Catchment and Land Protection Act, particularly the declaration of noxious weeds and the definition of priority weeds and plants, and a number of issues relating to the penalties that are imposed on land-holders who do not conduct their affairs on their land as they should. Anyone who has a strong connection with the agricultural community knows it is a very important issue when a land-holder, as your

neighbour, does not manage the weeds and pests on their land. When a land-holder is doing the right thing it is very frustrating to see wind-blown seed from a neighbour's property infesting their property and their crops and causing them significant economic hardship. About 80 per cent of my electorate is national park or state forest. One of the neighbours who is constantly driving land-holders to distraction is the public land owner.

An honourable member interjected.

Mr INGRAM — I know you should never take up interjections in this place, but a comment was made that they are described as the neighbours from hell in a lot of areas. It is one of those issues that regularly comes to my office. Recently I had some communication with one of the Landcare groups in my area, and there are some very active Landcare groups. They are reasonably frustrated. One of the issues that came up recently was in relation to African lovegrass control. That really highlights the issue of what happens where a weed gets to the stage where the catchment management authority, in its wisdom, decides that it may not necessarily be able to be eradicated in that area, and the management structure is lessened. That causes significant hardship to those people who have spent a large number of years controlling that weed on their property. When a weed is downgraded they see the money they have invested basically go to waste. This is a real issue which needs to be addressed.

The other issue that often comes up is the lack of investment in Land Victoria, which owns a lot of land in my area, particularly along roadsides, and the lack of coordination between different land management regimes. I use the example of where you have a river system and a road beside that river system, and then private land on the other side. You can have a number of different landowners or land managers in one area. You can have a private landowner, next to a catchment management authority, next to an area of Land Victoria-managed land, next to a shire-owned road and more private land. There is no continuity across those different landowners. If the private landowner does not manage the weeds and pest animals on that public land in between, the infestation of weeds and pest animals comes straight across onto the private land and causes economic difficulties. That is a major issue and the government needs to address it.

I have raised issues about public land in this place before, and that is why I will be supporting the reasoned amendment which has been put forward. I put it in a broader context. One of the greatest issues which challenges us in the public land system is the

management of ecological burning or fuel reduction burning. It is not just the sense of the fire risk to neighbouring properties; it is the management of the vegetation on that land. So often I see the disappointing aspect where entire forests of trees are dying because the natural system which should be there is not being managed. Public land management is a major issue, and it is not just the control of weeds. Weeds are often a symptom of a failure in land management, so it has to be a whole-of-catchment management issue which includes things like controlling the weeds and native vegetation and pests, because the pests often spread those weeds.

Because of the large public land mass in my area one of the issues I often hear about is the wild dog infestations on private land, as well as foxes. Other members have raised the issues of foxes, rabbits and other pest animals and the issue of access to chemicals. Just recently I received — and probably many other members received — an email in relation to the security-sensitive ammonium nitrate terrorism legislation which we passed. People might think this is a long bow, but it is very important because one of the chemicals that has come up in the latest round of declared chemicals is 1080 poison. Farmers will have to have much more stringent storage and management regimes in relation to the storage and use of chemicals like 1080, which is an extremely important control for a whole range of pests, on both private and public land.

I know this is a very difficult issue. We have discussed this in Parliament before in relation to the control of prohibited substances and terrorism. It is difficult because it is a Council of Australian Governments-agreed control. We must ensure that members of Parliament understand the risks if we allow a whole range of chemicals that are needed and used by the agricultural community, particularly if they are the best chemicals for controlling both pest animals or plants.

If we make it almost impossible for farmers to access those chemicals, then our agricultural community becomes less efficient. That is exactly what happened in Ireland in the middle of the Irish Republican Army terrorist threat. Access to the chemicals that the Irish were using on their farmlands was removed, which meant the farmers became less efficient, and it became harder to operate their agricultural industries. That is something that needs to be addressed. I will support the legislation but I will also be supporting the reasoned amendment moved by the member for South-West Coast.

Mr STENSHOLT (Burwood) — I am pleased to support the Catchment and Land Protection (Further

Amendment) Bill, which will enable the more timely, targeted and effective management of weeds and pest animals. My interest in weeds stems from my time as a diplomat when I was a counsellor at the Australian embassy in Rome and Australian representative to the food and agricultural organisation of the United Nations.

I went to quite a number of meetings on weeds and after many discussions I certainly well appreciated the need for weed management and the need to deal with weed infestation. There were some good Australians working in the food and agricultural organisation at that time as weed experts, and they were very capable of doing it, not only within Australia but also worldwide.

This bill provides for the creation of two additional types of notices, operating, firstly, where the minister has declared a priority area designed to support community action. This is something which other members have mentioned. Also, the member for Benambra mentioned former Premier Joan Kirner and, of course, Landcare was very much a key project of hers. This is in relation to the management of a specified weed or pest animal identified as being of particular concern.

The second type of notice in the bill is the directions notice that is designed to target individual landowners, so it is a sort of cascading down. But rather than needing to go to infringement notices and the courts et cetera, a far more flexible management system and a far more timely sort of mechanism are being put in place through the bill to deal with this exercise.

I note how this might operate in actual practice. At page 7 of the March 2006 issue of *Under Control* there is an article by John Matthews regarding the Chilean needle grass invasion of the south-west of Victoria. This is the perfect example of how this bill might actually work against the spread and occurrence of this Chilean needle grass, which is one of 20 that are weeds of national significance in Australia; it potentially is one of the worst environmental weeds in grasslands in Australia. It is a restricted weed under the current act, and it really is a prime candidate for inclusion as a regionally controlled weed for the Glenelg Hopkins catchment.

Members might notice clause 13 of the bill inserts proposed section 70B. The secretary may give notice to the landowner that a measure be taken for the control or eradication of any regionally prohibited weed. For example, if the Chilean needle grass were actually made a regionally controlled weed for the Glenelg Hopkins catchment, then these two new targeted means

of managing the weeds could be used by officers under the terms of the bill.

This bill is quite sensible legislation in terms of providing authorised officers with alternatives and simplified means for targeting the control of weeds and pest animals. I think this is very sensible legislation; it is very timely and will improve the administration and enforcement of the act. I commend the bill to the house.

Mr MAUGHAN (Rodney) — I wish to make a few comments on the Catchment and Land Protection (Further Amendment) Bill. As other members have said, the control of weeds and vermin is a very important —

Mr Delahunty — It is out of control!

Mr MAUGHAN — It is out of control, as the member for Lowan indicates, and those of us who represent country areas are well aware of that. I have heard numerous government members make their contributions and talk about strategies, plans, cooperation and all of that, but the reality is that whatever it is, it is not working. Members should go into the country areas of Victoria, perhaps to my electorate or to Heathcote, and have a look at the heliotrope that is out of control and see the Paterson's curse and the St John's wort, or they could go to north-eastern Victoria and look at the blackberries. The point is that the government has to lead by example.

The government is by far the largest landowner in this state, and while I support the provisions of this legislation to enable the government to have greater powers to deal with errant landowners — and there are errant landowners out there who need to be dealt with heavily — the frustration is that the vast majority of landowners are decent, honest, hardworking, genuine people who are working to control the weeds on their land and who get utterly frustrated with the lack of action by a few recalcitrant landowners who do not deal with their weeds, year after year.

For many years now in August or September I have been able to back in getting a call in my office from a certain landowner complaining about his neighbour who has not sprayed the Paterson's curse on his land. By the time I get on to the department and the department goes out and talks to the owner, ultimately trying to get him to spray, the things have flowered and another season is lost. That has gone on year after year. It is very frustrating for the adjoining landowners.

Likewise with Crown land. To say the least, it is frustrating for a farmer whose property is next door to Crown land that is not being controlled by the Crown. It

is counterproductive for the farmer to be looking after his weeds when they are coming in from the next-door property, which could well be a railway line, an irrigation channel or roads.

Clearly, the roads are a problem. The present provisions of having the adjoining landowner control weeds on the road has not worked for a whole variety of reasons, one of them being that many landowners are aware of the legal liabilities they face if they go out and spray anything on land that does not belong to them. There are all sorts of public liabilities involved. The best solution there is to have local government be responsible for weeds on the roads that are not controlled by VicRoads but by the council. We could have local government responsible for them but be funded for that control by the government. The landowners, as ratepayers, should not have to fund that weed control.

Weed control is important to the whole of the state of Victoria, not just to the areas where those weeds are. Therefore the government should be providing the resources to local councils, who are best placed to deal with the control of weeds on the roads in their municipalities. I support the notion of giving control to local government, but with funding coming from the government to assist councils to do that.

I will touch very briefly on the issue of vermin, because the same argument applies. Foxes are running rampant in our state. Most members of The Nationals have had private fox bounties, whereby we have encouraged people to go out and shoot foxes and have paid a bounty on the fox tails. That is working, and it has worked in the past when Victoria has had a fox bounty. This government claims it can control foxes with baiting. The reality is that it has not worked. You need the two together. You need baiting, for sure, but you also need to shoot. There are plenty of people who are prepared to go out and shoot foxes. They just need a bit of assistance to help cover the cost of shells and the cost of fuel.

In Kyabram in my electorate there is a group that call itself Dad's Army. The members are generally —

Mr Dixon interjected.

Mr MAUGHAN — It is the Kyabram branch, and they are very proud to call themselves Dad's Army. They are generally retired fellows, and they are mostly members of The Nationals too, but they go out —

Mr Holding interjected.

Mr MAUGHAN — They do like the new police station, I can assure you of that. They go out probably 10 or a dozen at a time, and I have been out with them at the invitation of landowners who have a problem with foxes. There was a photograph of them in the *Kyabram Free Press* and the *Country News* only about two weeks ago with the 10 or dozen foxes that they had shot in an afternoon's recreation, as they see it.

An honourable member — Did you pay a fox bounty on them?

Mr MAUGHAN — I certainly did pay it — not on this last lot, but on the previous ones.

An honourable member interjected.

Mr MAUGHAN — No, I did not, but I did when I gave the bounty. They provide a very important public service in going out and helping landowners to control vermin in that area.

I support the reasoned amendment that was put forward by the member for South-West Coast. I conclude by saying that this is reasonable legislation, that the Department of Sustainability and Environment should focus on vermin and weeds on public land and that the Department of Primary Industries should have more staff rather than less. As I indicated earlier by way of interjection, DPI staff who deal with vermin and weeds are almost an endangered species. There are fewer and fewer of them, and they are harder to find. They are not out there dealing with farmers, and they are certainly not out there dealing with weeds.

We need to give more power to the DPI to quickly deal with recalcitrant landowners. This legislation does that, and I support it. The same rules that apply to private landowners should also apply to the government and Crown land. That is the deficiency in this legislation: it deals with private landowners and does not deal with the government by requiring it to control its own weeds. The government needs to lead by example rather than by press release. I support the amendment but wish the bill a speedy passage.

Ms BEARD (Kilsyth) — It is a great pleasure to join the debate on the Catchment and Land Protection (Further Amendment) Bill 2006. I strongly support this bill, which aims to introduce administrative and enforcement mechanisms to enhance the management and eradication of weeds and pest animals in Victoria.

The dangers to our ecosystem posed by unchecked noxious weeds and pest animals are obvious and real. It is therefore incumbent upon us as lawmakers to ensure that an effective legislative framework exists to control

the spread of noxious weeds and pest animals. This bill ensures that appropriate powers and penalties are added to the act to enable that control to occur.

Comprehensive consultation has taken place with all interest groups. I believe these amendments reflect those consultations, and I commend the bill to the house.

Mr DELAHUNTY (Lowan) — I want to make a few very brief comments on the Catchment and Land Protection (Further Amendment) Bill. We know that this bill is designed to amend the Catchment and Land Protection Act 1994 to streamline compliance by private land managers regarding weed and vermin control. That is where we in The Nationals have a problem. I strongly support the stand taken by the member for Swan Hill that we should be treating public land-holders exactly the same as private land-holders.

We have consulted widely in relation to this, particularly with Landcare groups. The Landcare groups in my area are overworked. They are frustrated by the red tape and, more importantly, they are frustrated by the lack of support provided by the government. We know that with this bill the government will impose punitive weed and vermin controls on private land-holders. However it ignores the fact that public land-holders — that is, the government itself — are not dealing with the problem of weeds and vermin control.

The Department of Primary Industries, the Department of Sustainability and Environment, some parks staff and particularly Landcare groups do a great deal of work in trying to control weeds and vermin in my electorate of Lowan. However we know diminishing resources are being given to them. I hear government members saying more and more money is being spent on this area. However, it is not about money, it is about outcomes. The reality is that weeds and vermin are out of control in country Victoria. There are more weed problems and more vermin problems. The election is near, so why does the government not bring back the fox bounty, as it did at the 2002 election?

Mr Batchelor — Because they are carnivores — they don't eat weeds. That is why.

Mr DELAHUNTY — The Minister for Transport is here. He is one who should take responsibility for some of the rail lines. We have white snail problems along those lines and they are impacting on private land-holders. The Minister for Transport should be one of the people who controls those types of things.

Mr Ingram — Out there with the spray, Peter, come on.

Mr DELAHUNTY — That is right — pick them up one at a time.

Vermin impacts not only on livestock and native fauna but also on the bottom line of land-holders adjoining public land. It is about working with your neighbours. The former coalition government had the good neighbour program. We wish that could be implemented under this government. Roadsides are a major problem. We see VicRoads doing an amount of work but private roads and local government roads are a problem.

I support the reasoned amendment moved by the member for South-West Coast because it is similar to the reasoned amendment considered by The Nationals. We must treat public land managers the same way we treat private land managers. With those few words, I will support the reasoned amendment.

Ms LINDELL (Carrum) — It gives me great pleasure to support the Catchment and Land Protection (Further Amendment) Bill. Obviously the control of noxious weeds and pest animals is a challenge of enormous proportions for all Victorians. This bill will enable more timely, targeted and effective management of weeds and pest animals.

Two new types of notices will provide department officers with simplified means to target the control of weeds and pest animals. An offence will occur if a notice is not responded to. The bill will assist Victoria to participate in the adoption of a national scheme for weed and pest management by providing for plants to be declared where it is known that they are of concern elsewhere in Australia.

Can I say that while many problems are associated with rural and regional areas, there are metropolitan areas where this matter is of great significance. My electorate runs along Port Phillip Bay, with residential properties fronting on to the beaches at Aspendale, Edithvale, Chelsea, Bonbeach and Carrum, all under the management of the City of Kingston.

Honourable members interjecting.

The ACTING SPEAKER (Ms Barker) — Order! I am having a little trouble hearing the member for Carrum.

Ms LINDELL — I would like to commend the Kingston City Council on its efforts to remove the introduced grasses and weeds like the agapanthus and

the gazanias that thrive in the sandy foreshore areas. Of course foxes abound along the foreshore and through the Ramsar-listed Edithvale-Seaford wetlands.

The Bracks government is increasing resources for tackling weeds and pests right around Victoria. This year's budget saw a further \$2 million added to the more than \$45 million spent by the Bracks government on weed and pest management in 2005–06. In closing I would like to acknowledge the work of Mr Glen Firth from the Friends of the Seaford Foreshore Reserve. He has received a state government award for his work in weed removal throughout the foreshore reserve at Seaford. I commend the bill to the house.

Mr HOLDING (Minister for Police and Emergency Services) — I thank all members for their contributions to the debate on the Catchment and Land Protection (Further Amendment) Bill, particularly the members for South-West Coast, Swan Hill, Ballarat East, Benambra, Hastings, Benalla, Bellarine, Gippsland East, Burwood, Rodney, Kilsyth, Lowan and Carrum.

It goes without saying that the government will not be supporting the reasoned amendment moved by the member for South-West Coast. I wish the bill a speedy passage through the Parliament.

House divided on omission (members in favour vote no):

Ayes, 46

Allan, Ms	Jenkins, Mr
Andrews, Mr	Kosky, Ms
Barker, Ms	Langdon, Mr
Batchelor, Mr	Languiller, Mr
Beard, Ms	Leighton, Mr
Beattie, Ms	Lim, Mr
Buchanan, Ms	Lindell, Ms
Cameron, Mr	Lupton, Mr
Campbell, Ms	McTaggart, Ms
Crutchfield, Mr	Marshall, Ms
D'Ambrosio, Ms	Maxfield, Mr
Donnellan, Mr	Mildenhall, Mr
Duncan, Ms	Morand, Ms
Gillett, Ms	Munt, Ms
Green, Ms	Nardella, Mr
Haermeyer, Mr	Neville, Ms
Hardman, Mr	Overington, Ms
Helper, Mr	Perera, Mr
Herbert, Mr	Seitz, Mr
Holding, Mr	Stensholt, Mr
Howard, Mr	Thwaites, Mr
Hudson, Mr	Wilson, Mr
Hulls, Mr	Wynne, Mr

Noes, 24

Asher, Ms	Napthine, Dr
Baillieu, Mr	Perton, Mr
Clark, Mr	Plowman, Mr
Cooper, Mr	Powell, Mrs

Delahunty, Mr	Ryan, Mr
Dixon, Mr	Savage, Mr
Ingram, Mr	Shardey, Mrs
Jasper, Mr	Smith, Mr
Kotsiras, Mr	Sykes, Dr
McIntosh, Mr	Thompson, Mr
Maughan, Mr	Walsh, Mr
Mulder, Mr	Wells, Mr

Amendment defeated.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

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

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

South Wharf Road, Southbank: shed leases

Ms ASHER (Brighton) — I raise a matter for the attention of the Premier. The action I seek from him is his intervention to ensure due process is applied for and fair compensation is paid to the lessees and licence-holder of shed 6 and sheds 7 to 10 on South Wharf Road adjacent to the convention centre and plenary hall redevelopment.

The background to this matter is as follows. I am advised that sheds 7 to 10 are on a 21-year lease signed in 1996. Shed 6 has a slightly different circumstance. A lease was meant to have been signed; however, for whatever reason, the government chose not to sign that lease and shed 6 was under a three-year licence. I am advised that a 21-year lease was going to follow from the government, but the lease was not executed and the licence is issued now on a month-to-month basis. The sheds form an entertainment precinct, and I am sure that the Premier would be aware of that.

The government now argues, I am told, that the sheds are needed as part of the convention centre redevelopment. A standard lease provided by the government allows for compensation. I refer the Premier to clause 3.7 of a standard government lease, which states under the heading 'Resumption':

- (a) In the event of the demised premises or any part thereof or any estate right interest, easement or privilege in, over or affecting the demised premises is required for any public purpose ... it shall be lawful for the minister on behalf of Her Majesty to resume possession thereof by any officer or agent appointed for that purpose by the minister.

I am certainly not arguing against the government's decision to resume those sheds. However, at clause 3.7(b) the standard lease goes on to say:

However, the lessee shall be entitled to receive and shall be paid by the minister compensation for the value of the interest of the lessee in the demised premises so resumed.

It is that issue that I would like the Premier to turn his mind to. Basically the lessees of sheds 7 to 10 should be eligible for compensation, and with shed 6, where the government prevented the lease from being signed, there should be a fair claim for compensation. There is a wider issue, which the Minister for Small Business, who is at the table, would be aware of, and that is that businesses should be able to trust a government lease or a government commitment to a lease. In the event of the land, or in this case the sheds, being needed — and I am in no position to judge whether or not that is an accurate claim — compensation should be paid. I ask the Premier to intervene to ensure that reasonable compensation is paid, leaving aside the matter of whether or not these sheds have been justifiably reclaimed.

Beaufort: Goldfields Recreation Reserve

Mr HELPER (Ripon) — The matter I wish to raise is for the attention of the Minister for Education Services. Late last year the community of Beaufort received the much-welcomed announcement by the Premier that the Goldfields Reserve would be revitalised with a funding commitment from the state government of \$700 000 towards the \$1.7 million project. This followed earlier Bracks government funding of \$100 000 from the Small Towns Development Fund. I would like to acknowledge the huge community contribution to this project of more than \$150 000. The Beaufort Football and Netball Club, the Goldfields Recreation Reserve committee of management, the Apex Club, the cricket club, the Bendigo Community Bank, the Beaufort Agricultural Society and the Rotary club have all contributed towards that \$150 000 fundraising target, a truly spectacular effort.

An amount of \$170 000 has been committed by the Pyrenees Shire Council. For a comparatively small shire that is magnificent, and it comes on top of the hard work it has undertaken behind the scenes in

support of the project. Former mayor and local councillor Lester Harris, current mayor Lysette Ashford, chief executive officer Stephen Cornish and indeed all the councillors and council staff have been terrific in their support of this project. Also, the federal government is contributing \$400 000 — a welcome partnership. The project will build the Goldfields multipurpose community facility, incorporating space for sporting and recreational pursuits, as well as space for the agricultural society, the Beaufort community house, the YMCA health club, child care and more general community uses. It is a fantastic project.

Adjoining the recreation reserve is the Beaufort Secondary College, and the school community and the general community are at one in their plans to link the usage of the new facility with some of the facilities at the secondary college, overall creating a genuine partnership. The action I ask the minister to take is that she give her support to the application before her for funds towards the project from the Community Facilities Fund, thereby bringing closer to fruition the aspirations of the fantastic community of Beaufort.

I would like to use this opportunity to congratulate the many sporting and community clubs, service clubs and individuals that have worked tirelessly over a number of years to make this dream a reality. Their commitment will result in facilities that will be enjoyed for generations to come. Of course an important aspect of the development of the Goldfields multipurpose community facility project and the completion of the project proposed with the secondary school has been the consultation with the users of the present facilities and the planned facilities. All who have given freely of their time in this process deserve our thanks. I commend the project to the minister and look forward to her commitment, if indeed she chooses to give it, to the funding of this project.

Rail: gauge standardisation

Mr DELAHUNTY (Lowan) — I raise a matter for the attention of the Minister for Transport. The action I request on behalf of the Lowan electorate and rural and regional Victorians in general is that the minister confirm support for and put financial resources into the maintenance of our existing country rail network. Country Victorians not only need the maintenance of our rail network, we also need the government to deliver on its promise to standardise our country rail network. But as a result of the Auditor-General's report tabled today, we do not hold out much hope. I quote from the report:

We report that the government's May 2001 commitment to convert the 13 prioritised freight lines to standard gauge by late 2005 has not been achieved. Expenditure to 28 February 2006 (\$14.2 million) has largely involved project development and management costs and purchase of materials. At the time of preparing this report, no physical work —

'no physical work' —

had commenced on any of the originally announced line conversions.

The Alliance of Councils for Rail Freight Development is extremely concerned that this city-centric government has abandoned rural and regional Victorian rail lines. Its main concerns relate to the Bracks government's refusal to contribute funds towards maintenance and upgrading of our country rail lines. If the Queensland government and the bankrupt New South Wales government are supporting their lines, country Victoria is asking: why not this Victorian government?

A major concern in my electorate is the possibility of the closure of the Ararat–Portland line. This line is not being maintained, and its operating speed is only 25 kilometres per hour. Closure of this line would have a direct impact on grain and other freight, including mineral sands, entering the port of Portland, one of Australia's deepest natural ports. Many of the seven councils in my electorate of Lowan have raised their concerns with me. They include the Glenelg, Southern Grampians, West Wimmera and Hindmarsh shire councils.

I have a letter here from the Horsham Rural City Council affirming:

... council's firm preference for the existing country rail network to be retained intact, providing as it does easy, convenient and flexible freight movement throughout most of country Victoria. Closure of any part of the system will place a range of resultant pressures on local government and the general community.

These councils are also concerned that not only the Ararat–Portland line but also the Dimboola–Yaapeet line and the Murtoa–Hopetoun line could close. If these lines are not maintained and upgraded, they will lose freight, and organisations like GrainCorp will further rationalise, and this will create a domino effect with more loss of freight and more trucks on country roads.

It is interesting to note that when the line from Adelaide to Melbourne was standardised in a very difficult time, the then member for Wimmera, the Honourable Bill McGrath, gathered \$22 million from the government to standardise those spur lines, so it can be done. Rail freight volumes are dropping because of the poor track

conditions in rural and regional Victoria. Many people right across Victoria are calling on this government to show its colours and deliver on its promise to standardise, but importantly — —

The ACTING SPEAKER (Ms Barker) — Order! The member's time has expired.

Chelsea: sound space project

Ms LINDELL (Carrum) — I have a matter for the Minister for Victorian Communities. I call on the minister to take all necessary action to have his department assist the local partnership between the City of Kingston, Chelsea Rotary, Patterson River Secondary College, Long Beach Place, the Chelsea Historical Society, the local Probus club and church members in their application to the Community Support Fund for \$10 000 to provide a removable roof structure for the new sound space to be constructed at the Chelsea Bicentennial Park.

The sound space project has been a very successful community-building effort. During the Commonwealth Games a band of residents from various Chelsea organisations — myself included — travelled to the Commonwealth Games village to clean the athletes rooms. This venture raised \$45 000; it really was a lot of fun, but also obviously it was very worthwhile for my community.

The Kingston council has come on board and assisted with the design of the sound space and has found a very suitable situation for it, up in Bicentennial Park. The whole community will benefit from the sound space, which will allow for performances by school bands and the Chelsea concert band, performances of Christmas carols and so on. The \$10 000 being sought will provide for beams and fittings to hold up a sail for weather protection, which would allow our sound space to be used in all weather.

I implore the minister to take very strong action and call on his department to thoroughly assess this application. It is very worthwhile. This has been the result of a very successful community building project. There are organisations right across the suburb of Chelsea and Chelsea Heights that have been involved in this. It would be fabulous to see a state government contribution towards it.

Rosebud Hospital: obstetric services

Mr DIXON (Nepean) — I wish to raise a matter for the Minister for Health regarding the midwifery services at Rosebud Hospital. I am asking the minister to unequivocally assure the people of the southern

peninsula that the midwifery services at the hospital will remain at least at their current levels well into the future. The minister has assured me that that is the case. The reason she wrote to me recently to assure me of that was that in May I raised in this place the fact that two of the four obstetricians at the hospital had resigned, and I asked her to address that situation.

At the moment they have not been replaced. The health network is still trying to advertise for their replacement, and the gap is being covered at the moment by some consultants and also the network senior registrar, but that is only a short-term measure. What really concerns me is that I have learnt that a professor of obstetrics from Southern Health has reviewed the midwifery services at Rosebud Hospital. First of all, I want to know why those midwifery services are being reviewed. I want to know when that review will be released and what will be in it. Wodonga hospital midwifery services were reviewed in a similar situation and that resulted in their closure, which community uproar actually reversed.

I think it is very important that on 25 November people make an informed choice, because Rosebud Hospital is very important to the people of the southern peninsula. They have raised a lot of funds and contributed a lot to that hospital, and every family in the area has some connection with it. It is very important the minister comes clean and says what this review is about and why it is happening.

It would be an absolute disaster if the midwifery wing of the Rosebud Hospital closed down. The nearest hospital is Frankston, which is another 40 kilometres up the road. There is very little public transport there, and what transport there is is very infrequent and expensive, because two bus fares are required even to get the short distance to Frankston.

The midwifery service at Rosebud Hospital is very important to the people of the peninsula. Many women come to that hospital to give birth. The hospital provides tremendous after-care service as well, and it cannot be allowed to move to Frankston. We need that unequivocal guarantee that that service is going to continue. The minister needs to come clean as to what are the circumstances of that review. Why is it happening, and what are the outcomes of that review? The midwifery service at Rosebud Hospital needs to be enhanced, not reviewed.

Queenscliffe: family support project

Ms NEVILLE (Bellarine) — The matter I raise is for the attention of the Minister for Children. The action

I seek is for the minister to provide funding to the Borough of Queenscliffe for a family support innovation project. In 2003 the government provided funding for a number of communities to implement the family support innovation project, which aims to provide earlier support to vulnerable children and families and thereby avoid the need for later child protection involvement. Such a project has been operating in Geelong through Bethany family services.

The projects are focused on early intervention and ensuring that services are tailored to meet individual needs of the child and family. They provide greater intensive focus on the needs of those children and their families. The projects also provide longer term support for children and families, particularly in cases where there are chronic and complex needs. Importantly, the innovation projects are child and family focused to ensure that they are the centre of all the decisions.

The evidence is clear that the innovation projects have been extremely successful in stabilising growth in demand for child protection initiatives. In fact there is some evidence from an evaluation that was undertaken by La Trobe University that the innovation program overall was working and that we have seen a reduction in child protection notifications and substantiations reported through that evaluation. This is good news, and it is good news for children and families. Unlike other Australian jurisdictions that are experiencing strong growth in child protection, Victoria has taken the steps necessary to try to reduce and stabilise those figures.

It is not just a cost issue for the Victorian taxpayer; most importantly it is about achieving better outcomes for children and families. As we know that children are better off generally growing up within their family situations, removing children should always be the last resort. What this program has been most successful at is identifying early risk factors — mental health, family violence issues — which are the key indicators for a child ending up in the child protection system. The programs work and support those families and stop the need for crisis intervention. It is good for children, it is good for families and it is good for the broader community.

To date the Borough of Queenscliffe has not been part of the innovation project. Despite perceptions that Queenscliffe has an older population — and it certainly has a lot of people over 65 — a recent children's services report by the Borough of Queenscliffe has shown that the growth in child numbers has been projected to continue to grow. I would like to ensure that we are able to give the most vulnerable families in

this community intensive support, and I again ask the minister to provide funding for a family support innovation project for the families of the Borough of Queenscliffe.

Police: Bass electorate

Mr SMITH (Bass) — I raise an issue for the Minister for Police and Emergency Services and request more police on the streets in the Bass electorate. We know there are less police now on the front line than three years ago. We are suffering from the lack of police on our streets in Cowes, San Remo, Wonthaggi, Inverloch and in other towns. The people of these towns do not believe the minister when he says there are 1600 new police officers on the streets; when they call for help they either get no answer or no help because of a lack of police numbers.

Violent crime is up by 29 per cent since the Bracks socialist government came to power. We know the police stations at Wonthaggi, Cowes and San Remo have to close from time to time because there are not enough police to go out on patrol and look after the station. The minister would be aware of the public meeting that was held in Cowes where speaker after speaker talked of the crime wave that appears to be occurring in the area because the criminals know that there are not enough police.

It is not the local police who are at fault, it is the minister. One car has to cover Cowes to Lang Lang to Leongatha to Wilsons Promontory — it is a huge area for one car to cover — and when the numbers are down these hardworking local coppers are not able to cope with the additional workload. The time taken to get to the crime scene is often hours. The criminals know what is going on and that there is a lack of police, and that is why there is so much action down there.

The minister is putting 19 extra police into Pakenham. That is excellent! I do not have a complaint about that, except they do not have a big enough area for them. They do not have enough vehicles, they do not have enough equipment, they do not have enough desks. The new police station is not finished, but the coppers are there and are waiting to get out on the beat. But there is nothing they can do. If the minister had half a brain he would have sent at least half of them down to the police stations in Wonthaggi, Cowes and San Remo. It is no good the minister having the police wandering around in Melbourne or in Pakenham when they could be in the outer urban areas like the Bass Coast.

I ask the minister to get his priorities right and get some police to the Bass electorate to help our overworked

coppers who are down in that area now doing a great job.

Lancefield Park: upgrade

Ms DUNCAN (Macedon) — I ask the Minister for State and Regional Development to favourably consider the application from the Macedon Ranges Shire Council for an upgrade to facilities at Lancefield Park. Under the Small Towns Development Fund the council has applied for a much-needed upgrade to the infrastructure at Lancefield Park, which includes the pavilion, plumbing and lighting within the pavilion, construction of new change rooms, a sealed forecourt area and landscaping around that.

There is also a great need to connect these facilities up to the new town sewerage system. This has been a great development for Lancefield. Members of the house would appreciate the benefits of sewerage to small towns like Lancefield. They also would remember that the cost of providing sewerage for the residents has been significantly reduced under this government. This application seeks funding to connect these facilities to the town sewerage system.

This project, if successful, would bring a much-needed upgrade to the infrastructure in the park to ensure that it remains at an appropriate standard for the growing community of Lancefield. As I said, funding for this project is being applied for under the Small Towns Development Fund, which is a fabulous fund that is helping many Victorian small towns to create jobs, to drive economic growth and to improve community infrastructure. It is this improvement to community infrastructure that we are seeking.

There is a lot of support for this project, including from the Cancer Council Victoria Relay for Life committee, which holds a relay there once a year; the Lancefield Park Recreation Reserve committee; the Lancefield Primary School; the Lancefield Tennis Club; the Lancefield Bowling Club, the Lancefield football and netball club; the Romsey-Lancefield Junior Football Club; St Mary's Primary School; and the Riddell District Netball Association.

I ask the minister to favourably consider this application for funding to provide a much-needed upgrade to the wonderful Lancefield Park, which is a fabulous community asset. I ask him to look at that application and to consider funding that important upgrade.

Water: irrigators

Mr MAUGHAN (Rodney) — The matter I wish to raise for the Minister for Water concerns assisting irrigators who are required to pay for water which they do not receive. The minister will be well aware that many irrigators on the Goulburn and Campaspe systems are under extreme pressure right now because of a series of years with below-average rainfall. Most farmers — particularly dairy farmers, because feed or water has had to be purchased to keep dairy herds producing — have been losing, in many cases, considerable amounts of money. I was speaking to someone in the streets of Echuca only a couple of days ago who lost well over \$100 000 last year, and others have lost that sort of money for a number of years now, and their debts are increasing to huge levels.

This situation is certainly unsustainable. This year the irrigation season has opened with a 0 per cent allocation for those on the Campaspe system and with 7 per cent of water entitlement for those on the Goulburn system. Further than that, Goulburn-Murray Water estimates that there is only a 4 out of 10 chance of achieving a full allocation in the Goulburn system by 15 February and a 2 out of 10 chance for the Campaspe system.

The longstanding practice is that irrigators are required to pay for their full water entitlement, irrespective of how much water is actually delivered during the season. It is not hard to appreciate that if irrigators do not receive their full entitlements, they are unable to produce the fodder to feed their stock to generate the income to pay their bills. That is a fairly simple proposition. Given that it is now highly unlikely that irrigators on either the Campaspe or the Goulburn systems will receive anything like their 100 per cent allocation this season, I ask the minister to assist these hard-pressed farmers by announcing now that the government will cover the cost of water not delivered during the 2006–07 irrigation season. Such an action by the government would be very well received and would relieve at least some of the enormous stress that is currently taking its toll on our hardworking farming community.

Tourism: Walhalla goldmine

Mr MAXFIELD (Narracan) — This evening I raise an issue with the Minister for State and Regional Development. I seek funding for a number of projects in my electorate, particularly the Walhalla Long Tunnel Extended Gold Mine. The Bracks government has been magnificent in its support for towns right across my electorate, from the larger towns like Warragul and Drouin to the smaller towns like Walhalla, where there

are effectively only between 20 and 30 residents — a town which I know the Bracks government has looked after well. But we certainly need some funds for the Walhalla long tunnel mine.

The bridge there which is used for access to the mine is certainly run down and quite damaged. Pedestrians cannot now access that bridge, and it has a limited life, which is restricting access. If we could widen and repair the bridge, it would ensure that vehicles can continue to travel over it, as well as allowing pedestrian access. Also we need to reinstate a pedestrian walkway and seal the access track for both vehicles and pedestrians right up to the mine. At the moment some tourists have been reluctant to go to the mine when they have seen the track that they have to navigate to get there.

The Long Tunnel Extended Gold Mine is a key tourist attraction in Walhalla, along with the railways and the natural beauty of the area. The Small Towns Development Fund has already benefited Walhalla and my community. Money spent on this project will drive economic growth and the provision of improved community infrastructure. One of the hallmarks of the Bracks government has been its funding of small towns. We have not just worried about the centre of Melbourne but looked after what Kennett called the toenails but which we call the soul of Victoria — the regional areas.

No matter how small a town is, if only 20 people live in it, then it is a town the Bracks government will still care for, consider and look after. We have seen a number of communities in my electorate thriving under the Bracks government, just as we have seen people move into the electorate. We have seen job growth and job participation rates go through the roof as people have involved themselves in employment in the electorate. What a complete contrast it is to seven years ago, when the electorate was ignored. The Bracks government is looking after Narracan and looking after regional Victoria.

Responses

Mr HAERMEYER (Minister for Manufacturing and Export) — The member for Brighton raised a commercial matter for the attention of the Premier relating to the lessees of sheds 6 to 10 at South Wharf. I am sure the government will deal with that in an appropriately commercial way. I will refer the matter on to the Premier.

The member for Ripon raised a matter for the attention of the Minister for Education Services relating to the Goldfields Reserve multipurpose facilities project,

seeking support funds for that project from the Community Support Fund. I will raise that for the attention of the minister.

The member for Lowan raised a matter relating to the upgrading and standardisation of country rail networks. I could say a whole lot of things about what the previous government did to country rail networks. Given the network of Essendonians in this place, I will not say what I would like to say.

The ACTING SPEAKER (Ms Barker) — Order! I am pleased to hear that.

Mr HAERMEYER — Acting Speaker, I am aware that you are in those ranks.

The member for Carrum raised a matter for the attention of the Minister for Victorian Communities, seeking assistance to provide a movable roof structure at the Chelsea Memorial Park for a sound space there. I will draw that to the attention of the minister.

The member for Nepean raised a matter for the attention of the Minister for Health, seeking reassurance about the provision of midwifery services at Rosebud Hospital. I am not sure that that was ever in doubt, but I will draw that to the attention of the minister.

The member for Bellarine raised a matter for the attention of the Minister for Children, seeking the implementation of a family support project. I will draw that to the minister's attention.

The member for Macedon raised a matter for the attention of the Minister for State and Regional Development, seeking support for a variety of projects in the Lancefield township relating to the Small Towns Development Fund. I will ensure that that is drawn to the minister's attention.

The member for Rodney raised a matter for the attention of the Minister for Water, seeking assistance for irrigators with respect to what he says is water they do not receive. I have to say, without going into too much depth, that this is the only government that has addressed issues relating to water, whereas previous governments have not regarded it as an issue at all.

The member for Narracan raised an issue for the attention of the Minister for State and Regional Development seeking funding for the Walhalla Long Tunnel Extended Gold Mine. Is that correct?

Mr Maxfield — Yes.

Mr HAERMEYER — I will draw that to the attention of the relevant minister.

Last, but not least, the member for Bass raised a matter for the attention of the Minister for Police and Emergency Services, and he is seeking more police in the Bass electorate. What an amazing request! When his party was in government slashing police numbers across the state, including in his electorate, this man was absent without leave. He had nothing to say.

The ACTING SPEAKER (Ms Barker) — Order! I ask the minister to refer the matter on.

Mr HAERMEYER — Before I refer the matter on, I will point out to the member for Bass — —

Mr Smith — On a point of order, Acting Speaker, I do not deserve to be beaten around like this by this minister. He should refer the matter on.

The ACTING SPEAKER (Ms Barker) — Order! There is no point of order.

Mr Smith — There is.

The ACTING SPEAKER (Ms Barker) — Order! There is no point of order. The minister will refer the matter on.

Mr HAERMEYER — Contrary to popular opinion, I am actually a great fan of *Jurassic Park*. As I have said, I find rather amazing the volubility of the member for Bass on these matters now that this government is actually increasing — —

The ACTING SPEAKER (Ms Barker) — Order! The minister will resume his seat.

Mr Kotsiras — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

The ACTING SPEAKER (Ms Barker) — Order! The minister will refer the matter on.

Mr HAERMEYER — In conclusion, as I have said, I find it rather incongruous — —

The ACTING SPEAKER (Ms Barker) — Order! I ask the minister to refer the matter on.

Mr HAERMEYER — I find it rather incongruous that the member for Bass raises these matters, given that we are increasing the numbers of police when the opposition when in government slashed them. As I said,

I will refer the matter to the Minister for Police and Emergency Services. I find this hypocrisy breathtaking.

The ACTING SPEAKER (Ms Barker) — Order! The house is now adjourned.

House adjourned 11.11 p.m.

SUBMISSION BY MILLS OAKLEY LAWYERS**TO THE LEGISLATIVE ASSEMBLY OF THE PARLIAMENT OF VICTORIA
IN RELATION TO A MATTER OF A BREACH OF PRIVILEGE AND
CONTEMPT OF PARLIAMENT**

Tuesday, 22 August, 2006

1. In respect of the matter of breach of privilege and contempt of Parliament currently before the Legislative Assembly, Mills Oakley Lawyers appreciates the courtesy of the Government and the Parliament to make available to our firm a copy of the Notice of Motion proposed to be moved by the Leader of the House and the fact that Mills Oakley Lawyers has been invited to make a submission to the Parliament and/or the Government.
2. In making this submission, Mills Oakley Lawyers intends no disrespect of the Privileges Committee and the House and does not dispute the Committee's finding that a serious contempt was committed.
3. We understand that Members will be aware of the Committee's Report and the circumstances of the matter. Accordingly, we do not recite all of the relevant facts here.
4. Mills Oakley Lawyers is concerned that the Committee's Report might be read as making a finding of a criminal contempt against the firm. With respect, we are concerned about, and respectfully seek to bring to the notice of the Parliament, two aspects of this matter as follows:
 - (a) That the solicitor who wrote, signed and posted the offending letter did so in breach of the firm's unequivocal policy that all outgoing correspondence must be approved and signed by a Partner; and
 - (b) That, prior to publication of the Committee's Report, Mills Oakley Lawyers had no reason to expect that a finding would be made against the firm, rather than against the solicitor concerned, and had no opportunity to present evidence or other material or to make submissions to the Committee in relation to any such finding.
5. This matter arises from a letter written on the letterhead of Mills Oakley Lawyers by an employee solicitor who has never been a Partner of the Firm. The firm has a policy that all outgoing correspondence must be submitted to and approved and signed by a Partner of the firm. The solicitor concerned did not comply with this policy in respect of the letter which is the basis of the relevant breach of privilege and contempt. The solicitor concerned has since resigned and is no longer employed by the firm.

6. Mills Oakley Lawyers understands and accepts that the Parliament and the Committee are in control of their own processes and are not bound by the law. Nonetheless, the House might wish to be informed of the position under the general law. We have taken counsel's advice and we are advised that there is no directly relevant legal authority because the Courts have no jurisdiction over the Parliament's conduct of contempt proceedings. Nonetheless, counsel has advised that a contempt of the Parliament is an offence of a criminal nature, and that, in circumstances like the present, an employer would not be held criminally liable for the criminal act of the employee. This follows because the intention of an employee such as the employee involved cannot be attributed to the firm or its members.
7. Even apart from the legal position, in practical terms, Mills Oakley Lawyers had no opportunity to prevent the commission of the contempt. The firm had no opportunity to stop the sending of the offending letter and no opportunity to modify its terms so as to avoid its constituting a breach of privilege or a contempt of the Parliament. The offending letter was not submitted to any Partner and, in fact, was not even seen by a Partner or anyone else at the firm until after it had been raised in the Legislative Assembly.
8. Whilst Mills Oakley Lawyers acknowledges that the solicitor concerned was an employee of the firm, Mills Oakley Lawyers respectfully submits that the firm should not be regarded as being criminally responsible for her actions. For the reasons given above, as a matter of fact, the firm could not have prevented the commission of this serious contempt. Moreover, no procedure of the firm could have prevented the actions constituting the contempt because the solicitor concerned did not comply with the firm's policy and process.
9. The second concern of Mills Oakley Lawyers relates to the fact that the firm has not had an opportunity to address its own culpability or liability for the actions of the solicitor concerned. Again, we understand that the Parliament is not bound to comply with the rules of natural justice. Nonetheless, we respectfully submit that the absence of an opportunity to give evidence or make submissions is a matter relevant to the action the House might take in relation to this serious contempt.
10. The Partners and management of Mills Oakley Lawyers were not invited to address the Committee or give evidence and the firm, as such, had no opportunity to put anything to the Committee generally or, specifically, predicated on a finding of breach of privilege and/or contempt against the firm rather than against the author of the offending letter.
11. The Committee resolved to conduct its proceedings in camera as it was entitled to do. The written material provided to Ms. Thomson requesting her attendance at a meeting of the Committee advised her

that the proceedings were confidential and that authority to publish oral evidence or written submissions rests with the Committee and not with individual witnesses or authors. Ms. Thomson advised the Chairman of Partners of Mills Oakley Lawyers that, in addition, the Committee had verbally cautioned her not to discuss her evidence or the proceedings with anyone else. Ms. Thomson advised the Chairman that she understood that she could not show the transcript of her evidence to anyone. The Chairman advised Ms. Thomson that she should comply with those requirements.

12. As a result, Mills Oakley Lawyers could not be aware of the evidence or any other aspect of the proceedings before the Committee and had no reason to expect that the Committee was considering a finding against the firm until the Committee's Report was published on the website of the Parliament.
13. Subsequently, Mills Oakley Lawyers took advice on the issues raised by the matter and on whether it was proper for the firm to seek to discuss the matter with Members of the Government and other Members of the Legislative Assembly. After receiving advice that such discussions were proper, Mills Oakley Lawyers sought to initiate such discussions with various Members of the House and with the Clerks and as a result of discussions was invited to make a submission to the House in respect of this matter.
14. Mills Oakley Lawyers expects that the Parliament will regard the contempt as a serious matter and that the Parliament will treat it as such. However, we believe that the passing of the Motion and the publication of the proposed Notice in the Law Institute Journal would constitute a penalty against the firm for something over which we had no control and could have no control.
15. Mills Oakley Lawyers expects that the House will wish to take into account, amongst other matters, the seriousness of the contempt, the need for respect for the Committee's proceedings and findings and the need to protect the privileges of the House and its Members. We respectfully request that the House also consider the following:
 - (a) Mills Oakley Lawyers was denied any opportunity to prevent the commission of the contempt by virtue of the solicitor concerned having acted in breach of the firm's policy and
 - (b) irrespective of how this situation arose, the fact is that the firm had no opportunity to give evidence or make any submission in relation to these matters before the Committee's Report was published and presented to the Legislative Assembly.
16. Mills Oakley Lawyers assures the House that the firm has never had any intention to interfere with the privileges of Parliament and Members and the exercise by Members of their rights and

responsibilities. We believe that it would be unjust to hold the firm liable for a contempt committed in violation of the firm's policy and standard operating procedures and without the knowledge of any Partner.



**MILLS
OAKLEY**
LAWYERS

9 March 2006

Mr Michael Leighton, MP
PO Box 283
PRESTON VIC 3172

Dear Mr Leighton,

Issue referred to Parliamentary Privileges Committee

I have been advised of the motion passed in Parliament on Tuesday, 28 February 2006 to have the issues raised by a letter to one of your constituents from this firm, referred to the Parliamentary Privileges Committee for consideration.

I am writing to you to express our unreserved and unconditional apology for having conveyed the impression to you that the subject correspondence had the purpose or intent of dissuading you from fully and diligently discharging your duties as a member of the Legislative Assembly. It was never the intention of Ms Thomson or this firm to endeavour to restrict your ability to speak freely and openly before the House.

The intention of the letter was to caution Mr Cannard against making or repeating comments, which, on our instructions, could be construed as being defamatory. There was no intention on our part to communicate that caution to you.

I would be happy to discuss any of these matters with you at your convenience after my return from leave on 20 March 2006.

Yours faithfully,

**STEPHEN MOULTON
CHAIRMAN OF PARTNERS
MILLS OAKLEY LAWYERS**

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Your Ref:
Our Ref: