

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Tuesday, 3 October 2006

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Tuesday, 3 October 2006

The SPEAKER (Hon. Judy Maddigan) took the chair at 2.03 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Police: armed offenders squad

Mr WELLS (Scoresby) — My question without notice is to the Premier. I refer the Premier to the Office of Police Integrity's recent investigation into the armed offenders squad, and I ask: can he confirm that OPI officials recently promised, as part of a deal with a prisoner, priority public housing for one of his relatives in exchange for a statement of accusation against the police?

Mr BRACKS (Premier) — I thank the member for Scoresby for his question. The member might be aware that this Parliament passed legislation proclaiming the independence of the Office of Police Integrity (OPI), which is an independent scrutinising body, to ensure we have one of the best police forces in the country. We do have one of the best, but from time to time there are issues that need to be dealt with, and an independent body charged with that responsibility is the best way of dealing with that.

The OPI has an independent role. It reports to this house and this Parliament independently, and I am sure that as it concludes its deliberations it will report to the Parliament on those outcomes, as it is expected to do. It is not required to report to the executive government, it is required to report to the Parliament, as is the case for every police scrutiny body around the country.

Bushfires: prevention

Ms GREEN (Yan Yean) — I refer the Premier to the government's concerns regarding this year's fire season, and I ask him to detail for the house what the government is doing to prepare for the fire threat.

Mr BRACKS (Premier) — I thank the member for Yan Yean for her question. It is appropriate that she ask this question, given her role as a Country Fire Authority (CFA) volunteer, alongside the many members of this house from all political parties who also provide assistance and support in that function.

As most members of this house will know, we have had one of the worst winter periods in relation to rainfall that this state has ever seen. In September we had the lowest rainfall for that month ever recorded in this state. We also have low reserves in our water catchments, as

well as dry, seasonal conditions. To have something like 200 fires breaking out in the middle of September is unheard of, and it is indicative of what is happening with the climate. The low rainfall is effectively an outcome of climate change, which is having a significant impact on Australia, and similar conditions are being felt in every state right along the eastern seaboard of Australia.

In fact the CSIRO predicts that climate change will have a double impact in increasing the fire risk in Victoria this year and into the future. It means we will have up to 25 per cent more extreme-risk days by 2020 — that is, those days of over 35 degrees with hot northerly winds, which result in total fire bans being declared in most of the state. It will also cause an 8 per cent fall in water yield for Melbourne's water catchments by 2020. Climate change is having a significant impact on our catchments and a significant impact in relation to drought, and it will have a significant impact in relation to the fire episodes we will see in the future.

As a response to the situation this year, with the low water reserves and the enormous amount of fuel in our forests because of the dry, seasonal conditions, yesterday I announced that the fire danger period would be declared in Victoria in about two weeks, a month earlier than has normally been the case in most years in this state. This means that the capacity to declare a total or partial fire ban day will be advanced by at least a month.

We will also increase the number of seasonal firefighters employed. By the end of October we will have 220 seasonal firefighters on board, with a total of 2800 on board by the peak period of the season. Of course we will again be calling on our volunteers and the great work they do in this state in all walks of life, whether in the CFA or the State Emergency Service or other volunteer services. About 29 000 volunteers from the CFA who are wildfire trained will also be called on for this period. The Erickson air crane, Elvis, will be commissioned one month earlier this year, on 29 November, in response to this as well.

We are heading for a very difficult fire season indeed. The predictions are that there are areas of the state that are at higher risk than other areas. That has been reported by Russell Rees, the chief fire officer for the CFA, in the past. In particular the Dandenongs, on the fringe of Melbourne, the Grampians — although there have already been fires there, it is still a high-risk area — and the Otways are some of the high fire-risk areas which have been identified.

We have one of the most fire-prone areas in the world here in Victoria and southern New South Wales. This will be a very difficult fire season. It will come earlier this year as well. We are well prepared and we are well organised — we have more equipment and resources and more firefighters at our disposal — but that does not mitigate the fact that it will be a difficult fire season for all Victorians.

The message, delivered very well by Russell Rees of the Country Fire Authority, is for Victorians to assist and provide support as they have in the past by getting their fire plans ready. Plan early or plan to leave, but do not have indecision in between. That is the key issue in the fire plans, and that will be reinforced at a much earlier juncture this year as well.

Water: farm dams

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Water. I refer to the current rights of farmers to build stock and domestic dams free of fees and charges. Is the government proposing to change these existing entitlements?

Mr THWAITES (Minister for Water) — The government is not proposing to change those entitlements. We have protected farmers' entitlements. We are the government that has, for the first time, given farmers a legislative right to their sales water, which previously they did not have. We are the government that has worked with farmers to ensure that they have better security of supply and can plan for the future. We will go on doing that as well.

Climate change: government initiatives

Ms LOBATO (Gembrook) — My question is to the Minister for Environment. Will the minister inform the house of the latest scientific advice on the effect of climate change on bushfire risk and water availability in Victoria?

Mr THWAITES (Minister for Environment) — I thank the member for Gembrook for her question. As the Premier has indicated, this summer we are facing one of our worst bushfire seasons ever. We have just experienced the hottest September on record. The weather bureau indicates that there is an 80 per cent chance of above-average temperatures in the next three months and stream flows into our reservoirs are at extraordinarily low levels — Melbourne, for example, has about 20 000 megalitres compared to the long-term average of 90 000 megalitres, and that situation is even worse in other parts of the state.

Climate change is happening in Victoria. Scientists from the CSIRO have advised that increasing temperatures due to greenhouse gas emissions means we will have less water in the future and more high fire-risk days. As the Premier has indicated, a report by CSIRO and the Australian Bureau of Meteorology indicates that since 1950 we have had an increase in temperature of around 1 degree Centigrade and an increase of about five days a year above 35 degrees Centigrade — the high fire-risk days. The CSIRO report further finds that as a result of climate change we are likely to have up to 25 per cent more high fire-risk days by 2020. CSIRO has also indicated that climate change is affecting our water. We will have 8 per cent less water in our supplies in Melbourne by 2020 and 20 per cent less by 2050. As a government we know that we have to prepare for this.

We have to prepare for bushfires and less water. That is why we are boosting fire preparation, investing in extra firefighters and investing in extra equipment and aircraft support. It is also why we have undertaken the successful water-saving campaign. But we also need to tackle climate change itself, and we need to tackle the greenhouse gas emissions that cause it. It is totally irresponsible to ignore the cause of climate change. It is concerning that people with vested interests seek to cast doubt about the link between climate change and greenhouse gas emissions. That link is backed by the overwhelming majority of reputable scientists. The so-called greenhouse sceptics often have a financial interest in delaying community action and in delaying action on reducing greenhouse emissions.

We understand the Leader of the Opposition is a greenhouse sceptic, and that may explain why opposition members oppose wind farms and why they oppose the Victorian renewable energy target (VRET) scheme, but our government is not prepared to delay action. That is why we have introduced the mandatory renewable energy target, that is why we are requiring major industries to reduce their emissions, that is why we encourage wind farms — we do not try to stop them — and that is why we support emissions trading. Our government could not do that, we could not meet as a cabinet and make those decisions, if we had a leader who had energy shares and mining shares and had to disqualify himself from debate.

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

Honourable members interjecting.

The SPEAKER — Order! Members are entitled to make points of order without that sort of abuse from the other side of the house.

Mr Cooper — On a point of order, Speaker, question time is not a time for the minister to indulge himself in a scurrilous attack on any member of the opposition. He is supposed to be addressing government administration and government business, and I suggest, Speaker, that you bring him back to that position.

The SPEAKER — Order! On the point of order, as I understood the Minister for Environment, he was speaking in general terms and was not directing his comments to a specific person.

Mr Cooper — On a further point of order, Speaker, the minister was not addressing the matter in general terms; he was specifically directing his remarks at the Leader of the Opposition. It was a scurrilous and inaccurate attack, and I ask you to bring him back to government administration.

The SPEAKER — Order! I do not believe the member for Mornington is correct in his assertion. I did not hear the minister refer to the Leader of the Opposition in the comments he was making when the member raised his point of order, but I am more than happy to look at the *Daily Hansard* afterwards.

Mr THWAITES — As I was pointing out, it would not be possible to make decisions like that if you had someone in the room with a vested interest.

Our government will continue to take climate change seriously. We will not peddle the greenhouse sceptic lies. Our government will continue to tackle climate change. We will do that through the Victorian renewable energy target, through supporting wind farms and through supporting realistic policies to benefit all Victorians.

Gaming: public lotteries licence

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Gaming. I refer to written legal advice provided by the Solicitor-General, the receipt of which led to the postponement of the lotteries tender for undisclosed probity reasons, and I ask: does that advice refer to the secret meeting the minister held with representatives of Intralot, and, if not, to what probity issues does that advice refer?

Mr PANDAZOPOULOS (Minister for Gaming) — I do not have shares in Woolworths, which is the biggest owner of gaming machines in Victoria, but I am nonetheless happy to answer the question. I am pleased that the opposition is finally asking the question of me.

Of course we do not disclose the advice of the government solicitor; that process is very much privileged. What I can say is the Gambling Regulation Act and the licence review process require certain things of the Victorian Commission for Gambling Regulation. There is an independent licensing review process going on, which is headed up by the head of the Department of Justice. Its role is to advise me of the successful applicant or applicants in any lotteries licence process.

The independent review panel advised me, based on government solicitor advice, that further work was required by the Victorian Commission for Gambling Regulation. Under the licensing process of the Gambling Regulation Act — and if the member was so interested, he would be aware of this — the Commission for Gambling Regulation has three responsibilities.

The first is the uppermost area of the probity and integrity of potential applicants; the second is the appropriate structures in relation to the corporate governance of any proposed entities that may be licensed; and the third is the type of technology and the appropriateness of the technology that might be available for the delivery of gambling products. That was the advice that was given to me.

I do not meet with applicants to discuss the licensing process. I do not discuss licensing processes with applicants; that is the role of the independent licensing commission. My role as Minister for Gaming is to rely on the advice of the independent gambling review team. It has advised that the gaming commission needs further time to meet its obligations under the Gambling Regulation Act in order to ensure the best outcomes for Victoria. We are proud to ensure — —

Honourable members interjecting.

Mr PANDAZOPOULOS — We are proud to be able to put the gambling licences to the test and to open them up to the marketplace, because we believe that provides the best opportunity to get the best outcomes for Victoria.

Mr Baillieu — On a point of order, Speaker, the minister has had ample opportunity to answer the question and deny that he met with Intralot.

Honourable members interjecting.

The SPEAKER — Order! Has the minister concluded his answer?

Mr PANDAZOPOULOS — Yes.

Industrial Relations Victoria: performance

Mr HUDSON (Bentleigh) — My question is to the Minister for Industrial Relations. I refer the minister to Industrial Relations Victoria and ask him to detail for the house how IRV has assisted working Victorians and the public generally.

Mr HULLS (Minister for Industrial Relations) — I thank the honourable member for his question, and it is timely, I guess, in view of newspaper reports today that the opposition has a commitment to destroy, or remove, Industrial Relations Victoria.

The work of IRV ensures that young children can have the benefit of work without compromising their school work. Industrial Relations Victoria ensures that Victorian workers receive their long service leave and that we have a viable owner-driver industry.

Honourable members interjecting.

The SPEAKER — Order! The level of interjection by members of the opposition is far too high. I warn them not to continue in that manner.

Mr HULLS — IRV also ensures that outworkers receive fair pay and conditions. Those who advocate for the removal of IRV do so because they know it is integral to delivering the government's commitment to stand up for Victorian workers against WorkChoices, apart from anything else. It is true that some argue there is no need for IRV if you stand shoulder to shoulder with John Howard on industrial relations. We certainly do not.

Can I also say that IRV has been part of and associated with the massive rebuilding of our public sector, including Victoria's health, education and policing sectors. Those changes have included adding some 7200 nurses and 1600 new police officers to our system and reducing class sizes by adding some 6200 teachers and school staff. We have actually delivered in relation to the public sector, and IRV has assisted in that.

I would hope that all members of this place support the public sector, and I would hope that all members of this place support the great work that public sector employees undertake. I notice there have been previous statements made in this place in relation to supporting our public sector. For instance, a very senior politician some time ago said:

Our policies will enable government employees to enjoy more rewarding working lives.

That is a very appropriate statement to make in relation to the public sector. Another statement has been made in this place supporting the public sector, and that was:

We ... recognise the rights of public employees, but we will provide a more enriching and rewarding work environment —

for public sector employees.

Honourable members interjecting.

Mr HULLS — I note those opposite saying, 'Good statements'. Those statements were made by former Premier Jeff Kennett and former Treasurer Alan Stockdale. They made those statements just weeks before they actually sacked 3500 nurses, sacked 9000 teachers and school staff, and got rid of 800 police officers.

Mr Cooper — On a point of order, Speaker, once again I draw your attention to your previous rulings — —

Honourable members interjecting.

The SPEAKER — Order! Once again, I ask members not to interject when other members are raising points of order. If members continue to do that, I will remove them from the chamber.

Mr Cooper — Speaker, once again I draw your attention to the fact that the minister is supposed to be addressing his remarks to government administration. He has now strayed from that path. I ask you to bring him back to order.

The SPEAKER — Order! I ask the Minister for Industrial Relations to return to addressing his comments to Victorian government administration.

Mr HULLS — I am talking about the importance of the public sector and how we support the public sector. We make statements supporting the public sector and we deliver. Other people have made statements allegedly supporting the public sector, and they have not delivered; they have done the opposite. So this morning I guess I had a sense of *deja vu* when I read the newspapers and found yet another politician making some pronouncements in relation to the public sector — —

Dr Napthine — On a point of order, Speaker, the minister is debating the issue. I ask you to bring him back to answering the question on the basis of government business and government administration.

The SPEAKER — Order! The minister is answering a question relating to Industrial Relations

Victoria. He is required to address his comments to that question.

Mr HULLS — It is really not what you say, it is what you do. There was a sense of *deja vu* when I noted this morning the comment in relation to the public sector that that politician does not anticipate that the public sector will lose any capacity. The fact is that those statements have been made before, and we know what the result has been. There is a real choice in this state, and that is between a government that supports the public sector and indeed will continue to invest in the public sector areas of health, education and police and those opposite, who cried crocodile tears for the public sector — —

Honourable members interjecting.

The SPEAKER — Order! I warn the members for Narracan and South-West Coast.

Mr HULLS — The fact is that we as a government will continue to support the public sector. I will conclude on this note: when all those police, teachers and nurses were sacked, Ted Baillieu was president of the Liberal Party!

The SPEAKER — Order! That is enough! The minister will resume his seat.

Gaming: public lotteries licence

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Gaming. I refer to the report of the Victorian Commission for Gambling Regulation and to the chairman's reference in his report to probity investigations on the lotteries tender and in particular his reference to:

... individuals who have been previously approved and come to the commission with possible issues of concern [and who] resign prior to the commission completing its investigations.

I ask: was the lotteries tender delayed to allow time for certain previously approved representatives of the bidders Tattersall's and Intralot to resign to avoid failure of their bids and, if not, what were the undisclosed probity reasons for the delay?

Mr PANDAZOPOULOS (Minister for Gaming) — The gaming commission is an independent regulatory body, and if the Leader of the Opposition wants to expand his share portfolio, the application dates for the lotteries licence have closed.

Honourable members interjecting.

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

Mr PANDAZOPOULOS — But maybe seeing the member is a shareholder of the largest gaming provider in Victoria, he might be bidding for poker machine licences in the future.

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

Mr PANDAZOPOULOS — Speaker, this is a silly question. My role is to rely on advice from the independent gambling review panel. The independent gambling review panel says that, as the Victorian Commission for Gambling Regulation has reported in its annual report, one of its requirements under the Gambling Regulation Act is probity. Two other requirements are in relation to corporate structures and the financial structures of companies and a third is the technology options for gambling products.

The commission itself needs to be satisfied that it is meeting all those requirements of the Gambling Regulation Act, then it advises the licence review panel, and if the licence review panel is satisfied that it has a recommendation to make, it would advise me. I have not been advised of any preferred applicants at this stage.

Royal Melbourne Show: redevelopment

Ms ECKSTEIN (Ferntree Gully) — My question is to the Minister for Agriculture. Can the minister advise the house of the success of last week's Royal Melbourne Show and how the redeveloped showgrounds are helping to bring together regional and urban Victoria?

Mr CAMERON (Minister for Agriculture) — I thank the honourable member for her question. Last week was the best show ever. The Royal Agricultural Society says it has delivered on its promise to make this the best of shows, and it certainly was — Speaker, you will be aware of this — an overwhelming success. The show had massive crowds: 600 000, which is a huge 30 per cent increase on last year. It was Victoria's most attended event. This highlights the success of the redevelopment, made possible by the Bracks government's commitment to this iconic event and this iconic venue, which has enabled the continuation of the show.

A few weeks ago the Deputy Leader of the Opposition was saying this was a hopeless redevelopment and she continues to hold that view. There is only one mob in Victoria that is opposed to the show, and it is over

there. *Stock and Land*, in its editorial of 28 September, got it right when it said:

Full marks to the Royal Agricultural Society of Victoria for pushing for the redevelopment of the old and dilapidated Melbourne showgrounds ...

The new-look grounds are also a credit to the state government, which committed \$108 million to redevelop the grounds after 120 years to transform the site and arguably turn it into the most appealing showgrounds in Australia.

It prudently said:

... it is unlikely the former Kennett government would have committed so much to the grounds redevelopment had it retained power.

Speaker, I know that you, as the local member in the 1990s, know that during that period the Leader of the Opposition was president of the Liberal Party and there was absolutely no hope we would see a major redevelopment like this. *Stock and Land* also said:

Without the transformation the show would have died and another vital connection between country and city would have been lost.

On 20 September the *Weekly Times* commented:

The show gives city dwellers both young and old what is sometimes their only chance each year to interact with the best the country has to offer.

That exposure to the country is of immeasurable benefit to urban and rural Victorians alike.

Going in through the new gates you see the livestock pavilion, and enormous numbers of the public were engaged in looking at the livestock — on occasion there were more prams than rams! What that illustrates is the success of the show as a family event. Certainly the *Herald Sun* got it right with its declaration headed 'It's a winner, say kids':

The Royal Melbourne Show's bright new venue has been given an all-round thumbs up.

The government provided \$10 V/Line tickets to help country people go to the show, which was fantastic.

The government congratulates Jack Seymour and the board of the Royal Agricultural Society on bringing this fantastic event together and thanks all the team who worked on the project, from both the RAS and the government, and who put the redevelopment together, including the architect, Daryl Jackson, and the builders, Multiplex.

Honourable members interjecting.

Mr CAMERON — There goes the Deputy Leader of the Opposition again. She says this development is hopeless. The fact of the matter is that metropolitan and country people have voted with their feet, and to her sentiments we simply say: get out of the way, and for the sake of families let us get on with the show.

Government: social policy

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to an article in today's *Age* newspaper regarding the government's lack of policy on key social issues such as gay civil unions, abortion and euthanasia:

The Bracks government has had two terms to define and refine its social agenda.

To be deferring debate and policy statements on important issues such as these smacks of cowardice and negligence.

I ask the Premier why his government will not reveal to Victorians its true intentions on these important social issues before people vote on 25 November.

Mr Maxfield interjected.

The SPEAKER — Order! I advise the member for Narracan that, if I hear one more word from him, he will be leaving the chamber.

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. In relation to civil unions, our government has a record second to none in removing discrimination from the majority of acts in this state. I want to congratulate the Attorney-General for the work he has done. Whether it is in superannuation, housing or the ability to take legal action, in all those areas we have removed discrimination from the statute book in Victoria, and we are second to none in any jurisdiction in this country. Whilst we do not support legislation for civil unions, we do support removing discrimination. Our record is there for everyone to see over the last seven years as being the government that shines out in Australia in removing discrimination from the statute book.

In relation to euthanasia, that is a matter for a conscience vote by each member of Parliament, and that is the position we hold. It is not on the agenda of this government, but if it came on the agenda, it would be a matter for the conscience of each member of this Parliament to decide in the future, and that would be the case with any matter in relation to abortion. These are matters within the Labor Party which require a conscience vote, and I support that system.

Economy: performance

Mr MERLINO (Monbulk) — My question is to the Treasurer. I refer the Treasurer to the government's commitment to governing in an economically responsible manner, and I ask the Treasurer to detail to the house — —

Ms Asher interjected.

The SPEAKER — Order! The Deputy Leader of the Opposition will show courtesy to other members when they are asking questions.

Mr MERLINO — I ask the Treasurer to detail to the house the most recent information that demonstrates investor confidence in the government.

Mr BRUMBY (Treasurer) — I thank the member for Monbulk for his question. Today in another place the annual financial report (AFR) was tabled. The AFR shows the success of the Bracks government in terms of both budget and economic performance. It shows that for 2005–06 the budget has produced a surplus — a net result from transactions — of \$825 million, a cash surplus of \$498 million, a reduction in net debt and a reduction in net financial liabilities.

We have done all of that with a tax share of gross domestic product well below that of 1999 when we won government from the Kennett administration. Our strong surplus position — our performance — has been underpinned by a strong economy. I should say that there is more good news on the economy today with the release of the Australian Bureau of Statistics (ABS) August building figures, which show \$1.47 billion of building approvals for Victoria in August. For 60 consecutive months out of 61 there has been \$1 billion plus of building approvals in Victoria. For the financial year 2005–06 and for the year up to the end of August, the state with the highest level of building approvals in Australia is Victoria. That is a good performance.

The Housing Industry Association forecast housing starts in Victoria to outperform the other states over the next two years, and since the house last sat we have also had the release of the ABS figures on population, which for the last year show the biggest increase in population for Victoria since the ABS has been collecting data.

We have also had some recent major investments for the state. Last week the Premier made an announcement along with the ANZ bank. The ANZ announced it would be spending \$527 million on a 5-star development for 5500 staff here in Melbourne.

That built on the earlier decision by the NAB — it is down at Docklands — for \$230 million, and AXA for \$250 million. If you put that with the ANZ's \$527 million, it is more than \$1 billion in finance sector investment since 2003.

It is a long, long time since October 1998. I will quote from an article in a publication called the *Melbourne Age* under the headline 'Let Sydney be the financial capital — Kennett':

The Victorian Premier ... Jeff Kennett, last night stunned guests at a law institute lunch when he declared that Melbourne should abandon any idea of becoming a regional financial services centre and instead back Sydney's drive to become the financial powerhouse of the Asia-Pacific.

I will tell you what we think of that — we changed direction. We have been — —

Honourable members interjecting.

Mr Hulls — Who was president?

The SPEAKER — Order! The Attorney-General!

Mr BRUMBY — I do not have that in my notes. I think the Leader of the Opposition was the president of the Liberal Party at that stage.

To secure these investments and turn around the performance of the financial services sector we have had to work with industry. We have had to work with the ANZ bank, we have had to work with AXA and we have had to work with the NAB.

You have to ask the question: could these sorts of investments occur with a minister or a Premier who was conflicted — for example, someone who owns shares in ANZ?

Mr Cooper — On a point of order, Speaker, the Treasurer is now descending into the gutter, like some of the other ministers. I ask you to bring him back to order.

Mr Hulls interjected.

The SPEAKER — Order! The Attorney-General! Members are required to put points of order in the correct form. I ask the minister to return to answering the question.

Mr BRUMBY — Speaker, I am answering the question. The government secured these investments because the government was able to work with industry to secure these investments. If a minister or a Premier of the government had shares in the NAB, the ANZ or AXA, that person — that minister or that Premier —

would be unable to work with those companies to secure that investment.

This is about government policy, of which I was asked. I just remind the house that some years ago the assistant treasurer nationally, Jim Short, resigned because of his dealings with an ANZ subsidiary. I repeat: he resigned.

Mr Cooper — On a point of order, Speaker, the minister has strayed from the question. He is now debating the issue. He is now referring to matters that occurred in the past in the federal Parliament. I ask you to bring him back to government administration in the state of Victoria.

Mr BRUMBY — On the point of order, Speaker, I was asked a question about recent investments secured for the state of Victoria, and I am talking about recent investments secured for the state of Victoria. I am making the point, in answering the question, that if a minister responsible for those investments, or the Premier of the day, held shares in those companies which have invested in our state, they would be unable to meet, for example, as I did, with the head of the ANZ bank, John McFarlane, or any of the other companies, as did the Premier, to hold those discussions because they would be conflicted out. Further to my answer —

Honourable members interjecting.

Mr Perton — Is this on the point of order?

Mr BRUMBY — Yes, it is a point of order.

The SPEAKER — Order! I ask the Treasurer to address his comments specifically to the point of order. It does not give him the opportunity to continue the debate.

Mr BRUMBY — Speaker, I am answering the question. I was asked about investments secured for the — —

Honourable members interjecting.

Mr Perton — No, you are on the point of order now.

The SPEAKER — Order! Will the member for Doncaster be quiet. The Treasurer is responding to a point of order raised by the member for Mornington. He is not at the stage of answering the question.

Mr BRUMBY — The member for Mornington was arguing that I was out of order; I am arguing that I am in order, which I am entitled to do under the standing orders.

Mr Perton — Yes, but you are not entitled to repeat the material.

Mr BRUMBY — In supporting my contention I have argued and used the support not just of our own standing orders and our own Parliament but also those of the federal Parliament and the Prime Minister, who said:

Ministers are required to divest themselves, or relinquish control, of all shares and similar interests in —

a company. That is the federal standard, and I am making the point as to why I am in order — which is that if that standard applied here in Victoria — —

Honourable members interjecting.

The SPEAKER — Order! The Treasurer has now moved on to another area. I ask him to conclude his contribution to the point of order, and then I will rule on it.

Mr BRUMBY — I am making the point that what I am saying is entirely relevant to the answer. The answer is about securing investment for this state, and if a minister or a premier were conflicted, they would not be able to secure that investment for this state.

Mr Ryan — On the point of order, Speaker, the proposition being advanced by the minister is completely hypothetical and is therefore irrelevant to the considerations of this Parliament.

The SPEAKER — Order! In relation to the matter raised finally by the Leader of The Nationals, members may not ask questions that are hypothetical, but in answering questions, as has been the case in the past, ministers can refer to previous scenarios. In answering the question the Treasurer may make general comments which relate to Victorian government business, but obviously it would be inappropriate to make those comments about a specific person.

Mr BRUMBY — I conclude by — —

An honourable member interjected.

Mr BRUMBY — I can respond to the interjection by making this point — —

The SPEAKER — Order! I ask members not to interject — it is inappropriate for them to do so — and I ask the Treasurer to conclude his answer.

Mr BRUMBY — Alexander Downer, Graeme Samuel and George Bush all have blind trusts.

BUSINESS OF THE HOUSE**Notices of motion: removal**

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 185 to 193 inclusive and 400 to 403 inclusive will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 pm today.

NOTICES OF MOTION**Notices of motion given.****Ms GREEN having given notices of motion:**

The SPEAKER — Order! The notices of motion of the member for Yan Yean are sounding more and more like 90-second statements. The member should relate her comments only to the notice of motion.

Further notices of motion given.**Mr THOMPSON having given notices of motion:**

The SPEAKER — Order! Parts of the notices of motion of the member for Sandringham may have been out of order. I will have the Clerk discuss those with the member.

Further notices of motion given.**SERIOUS SEX OFFENDERS MONITORING (AMENDMENT) BILL***Introduction and first reading*

Mr HOLDING (Minister for Corrections) introduced a bill to amend the **Serious Sex Offenders (Monitoring) Act 2005 in relation to the instructions or directions that may be given by the adult parole board under that act and for other purposes.**

Read first time.*Second reading*

Mr HOLDING (Minister for Corrections) — By leave, I move:

That this bill be now read a second time.

This bill amends the Serious Sex Offenders Monitoring Act 2005 ('the act') to clarify the adult parole board's

powers under that act following the recent Supreme Court decision in the matter of *Fletcher v. The Secretary to the Department of Justice and Anor.*

As members will be aware, the act establishes a scheme for the extended post-sentence supervision of high-risk child-sex offenders in the community. That scheme allows a court, on application of the Secretary to the Department of Justice, to make an extended supervision order for a period of up to 15 years. If the court makes an extended supervision order, the offender remains under the strict supervision of the Secretary to the Department of Justice and the adult parole board.

The adult parole board has a broad power under section 16 of the act to give an offender subject to an extended supervision order instructions and directions that are necessary to achieve the purposes of the order. These purposes are to protect the community and promote the offender's rehabilitation, care and treatment.

The powers vested in the adult parole board include a specific power in section 16(3)(A) of the act to direct an offender who is subject to an extended supervision order where to reside.

The exercise of that power was the subject of a recent court challenge in the case of *Fletcher v. The Secretary to the Department of Justice and Anor.* The applicant in that case, Mr Robin Fletcher, challenged a direction from the adult parole board that he reside at the extended supervision order temporary accommodation centre situated in the grounds of Ararat prison under his extended supervision order. The Supreme Court found that it was not lawful to direct Mr Fletcher to reside at the centre facilities that were behind the wall of the Ararat prison, as they were not 'in the community' as contemplated by the act.

In response to the ruling, the bill amends the act to clarify that the adult parole board may impose residence requirements under an extended supervision order to direct an offender to reside at a place that is located within the perimeter of a prison, whether inside or outside the prison wall, but does not form part of the prison. This will enable persons subject to extended supervision orders to be accommodated within facilities such as the extended supervision order temporary accommodation centre in the grounds of Ararat prison.

The purpose of that centre is to provide safe, temporary accommodation for offenders subject to extended supervision orders where it has not been possible to find other suitable accommodation.

Offenders who are accommodated at a location within a prison perimeter in accordance with such a direction

have completed their sentence of imprisonment and do not have the status of a prisoner. Rather, these offenders are managed in accordance with the requirements of the act. This enables strict supervision requirements to be placed on the offender, including electronic monitoring, curfews and prohibitions on contact with children.

The bill makes it clear that a direction that an offender resides within a prison perimeter is to be considered as living in the community for the purposes of the act.

The amendments to the act made by the bill will ensure that safe and appropriate accommodation arrangements can continue to be put in place into the future in relation to offenders subject to extended supervision orders. As such, the bill will further strengthen the significant monitoring powers that are in place under the act to protect the community from serious child sex offenders.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until later this day.

PETITIONS

Following petitions presented to house:

Rail: V/Line timetable

To the Legislative Assembly of Victoria:

The state government, through V/Line, recently issued a new timetable to begin 'operation later in 2006'. The changes are considered discriminatory to commuters who travel from stations between Pakenham and Drouin, particularly the after-work train service departing Flinders Street at 16.59, which does not stop at Pakenham, Nar Nar Goon, Tynong, Garfield, Bunyip and Longwarry. This creates major inconvenience due to the wait now required plus the subsequent dislocation of the lives of families effected. Commuters feel that their input into the draft timetable has been ignored. They would rather have trains stopping at all stations than have faster trains created mainly by not stopping at small but growing towns.

We, the undersigned concerned citizens of Victoria, ask the Victorian Parliament and the Minister for Transport to amend the new V/Line timetable to more closely reflect the community need for a train service which provides a more frequent service, stopping at the above stations.

By Mr SMITH (Bass) (325 signatures)

Lake Mokoan: decommissioning

To the Legislative Assembly of Victoria:

The petition of the members of the Thoona CWA of Victoria and concerned citizens of Victoria draws to the attention of the house concerns with the decommissioning of Lake Mokoan.

The petitioners therefore request that the Legislative Assembly of Victoria ensures:

that the decommissioning of Lake Mokoan does not proceed and investigates other ways to operate this valuable resource;

protection of security of supply of water to irrigators as promised by the Minister for Water;

that there is no increase in flood risk to residents of Benalla and downstream;

that any future wetlands be adequately funded and appropriately managed to protect endangered species such as Latham's snipe and Murray cod and to avoid it becoming a weed-infested jungle and;

the protection of Aboriginal heritage sites.

By Dr SYKES (Benalla) (5278 signatures)

Rail: Burwood car park

To the Legislative Assembly of Victoria:

This petition of train travellers using Burwood station and other local residents commends to the house the recent provision of 60 car parks in the eastern car park at Burwood station and points out that these are already full and many now park in the unsealed part of the car park.

The petitioners therefore request that the Legislative Assembly of Victoria supports the sealing of the rest of the car park as a matter of urgency.

By Mr STENSHOLT (Burwood) (121 signatures)

Springvale Road, Donvale: traffic lights

To the Legislative Assembly of Victoria:

The petition of the residents of Doncaster draws to the attention of the house the dangerous traffic conditions faced daily by residents of the Donvale Retirement Village and surrounds who need to cross Springvale Road to exit their driveways or access bus services. Seventy-kilometre-per-hour speed limits combined with motorists travelling at higher-than-posted speeds and an absence of any pedestrian crossings make crossing the road highly unsafe and almost impossible.

The petitioners therefore request that the Legislative Assembly of Victoria install traffic lights near the entrance to the Donvale Retirement Village.

By Mr PERTON (Doncaster) (13 signatures)

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 1873, 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) (35 signatures)

Mildura Specialist School: transport contract

To the Legislative Assembly of Victoria:

The petition of the undersigned residents draws attention to the possibility of the Christie Centre Inc. not being awarded the contract to provide transport to the students attending the Mildura Specialist School.

The petitioners therefore request the Legislative Assembly take steps to ensure the department of education give special consideration to the allocation of this contract to the Christie Centre. This is sought in recognition of service previously provided and of future restrictions and hardship intellectually disabled citizens would suffer if the contract was not awarded to the Christie Centre.

By Mr SAVAGE (Mildura) (193 signatures)

Rail: Bendigo line

To the Legislative Assembly of Victoria:

The petition of residents of the Macedon electorate and the state of Victoria draws to the attention of the house the exceptionally poor train services on the Bendigo line.

Poor services include continued lateness of trains, cancellation and overcrowding.

The petitioners therefore request that the Legislative Assembly of Victoria urge the government to improve train services on the Bendigo line.

By Mr MULDER (Polwarth) (276 signatures)

Planning: Diamond Creek and Yarrambat land

To the Legislative Assembly:

The petition of materially affected stakeholders/landowners of 201–219 Ironbark Road, Diamond Creek, (M. Freeman), 175–199 Ironbark Road, Diamond Creek, (Adjungbilly Pty Ltd ACN 005 236 993) Freeman Family Trust adjoining 40–60 Pioneer Road, Yarrambat, (D. L. Schnapp), 217–233 Pioneer Road, Yarrambat, (C. & D. Bennett) and in opinion and support of other of Ironbark Road and Pioneer Road whose lands were/are also of the Plenty Yarrambat Waterworks Trust district and urban district draws to the urgent attention of the house that in 1981 the Melbourne Metropolitan Board of Works (MMBW) took over the above Plenty Yarrambat Waterworks Trust with transfer of all its rights/responsibilities/obligations/liabilities.

Above lands were included in MMBW metropolis for water/sewerage and drainage. Concerned petitioners cannot understand the complex new proposed Water (Governance) Bill and its associated changes/amendments to other acts including impact of the abolition of MMBW and other acts. Hence it is difficult for them to know how to protect any of their existing infrastructure, development rights and/or capabilities, including their rights to compensation where applicable.

Prayer

The petitioners hereby request the Legislative Assembly of Victoria to urge the minister of water/environment and Victorian communities and the Victorian state government to:

1. defer complex Water (Governance) Bill until 2007 to enable consultation with above stakeholders and others affected likewise in this area before changes to legislation;
2. protection from any impact on any of their planning, development and infrastructure rights and/or capabilities (including any rights to compensation) by appropriate amendments to this bill;
3. establishment of above lands equitably in residential 1 zone before new legislation takes affect: this will recognise and correct outstanding infrastructure and planning irregularities and anomalies of these lands, now inappropriately and unfairly zoned 'rural conservation' status;
4. if any of above lands mentioned properties were treated differently at any stage equity should be administered now with new planning;
5. ensure lands are in new urban growth boundary to be compatible with its inclusion in MMBW drainage/sewerage and water in the MMBW metropolis;
6. meet with above stakeholders/landowners.

By Mrs POWELL (Shepparton) (5 signatures)

Crime: standard minimum sentencing

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria requests that the Victorian government takes action to ensure the community of Victoria is adequately protected from habitual violent criminals who commit violent sexual crimes, violent crimes against children, or violent crimes against vulnerable elderly people and calls on the Victorian government to impose minimum jail sentences for these habitual violent criminals.

By Mrs POWELL (Shepparton) (32 signatures)

Tabled.

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

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

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

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

**PREMIER'S DRUG PREVENTION
COUNCIL**

Report 2005–06

Mr BRACKS (Premier), by leave, presented report.

Tabled.

AUDITOR-GENERAL

Response by Minister for Finance

Mr BRUMBY (Treasurer), by leave, presented response by Minister for Finance to Auditor-General's reports tabled during 2005–06.

Tabled.

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Alert Digest No. 11

Ms D'AMBROSIO (Mill Park) presented *Alert Digest No. 11* of 2006 on:

**Civil Unions Bill
Gambling Regulations (Limitation of Number of
Gaming Machines) Bill
Environment Protection (Amendment) Bill
Owners Corporations Bill**

together with appendices.

Tabled.

Ordered to be printed.

**RURAL AND REGIONAL SERVICES AND
DEVELOPMENT COMMITTEE**

**Retaining young people in rural towns and
communities**

Mr HARDMAN (Seymour) presented report, together with appendices and minutes of evidence.

Tabled.

Ordered that report and appendices be printed.

DOCUMENTS

Tabled by Clerk:

2007 World Swimming Championships Corporation — Report for the year 2005–06

Adult Parole Board — Report for the year 2005–06

Agriculture Victoria Services Pty Ltd — Report for the year 2005–06

Building Commission — Report for the year 2005–06

City West Water Limited — Report for the year 2005–06

Consumer Utilities Advocacy Centre Ltd — Report for the year 2005–06

Corangamite Catchment Management Authority — Report for the year 2005–06

Crown Land (Reserves) Act 1978 — Section 17DA Orders granting under s 17D leases over:

Geelong Botanical Gardens and Recreation Reserve
Wombat Hill Botanic Gardens Reserves

Duties Act 2000 — Reports of exemptions and refunds for the year 2005–06 (two documents)

Eastern Regional Waste Management Group — Report for the year 2005–06

Emergency Services Superannuation Scheme — Report for the year 2005–06

Environment Protection Authority — Report for the year 2005–06

Essential Services Commission — Report for the year 2005–06

Financial Management Act 1994 — Financial Report for the State of Victoria, incorporating the Quarterly Financial Report No 4, for the year 2005–06 — Ordered to be printed

Financial Management Act 1994:

Reports from the Minister for Agriculture that he had received the 2005–06 annual reports of:

Dairy Food Safety Victoria

Murray Valley Wine Grape Industry Development Committee

Phytogene Pty Ltd

PrimeSafe

Veterinary Practitioners Registration Board of Victoria

Victorian Broiler Industry Negotiation Committee

Reports from the Minister for Environment that he had received the 2005–06 annual reports of:

Alpine Resorts Co-ordinating Council

Barwon Regional Waste Management Group

Central Murray Regional Waste Management Group

Gippsland Regional Waste Management Group

Goulburn Valley Regional Waste Management Group

Grampians Regional Waste Management Group

Highlands Regional Waste Management Group

Mildura Regional Waste Management Group

Mornington Peninsula Regional Waste Management Group

North East Victorian Regional Waste Management Group

Northern Regional Waste Management Group

South Eastern Regional Waste Management Group

South Western Regional Waste Management Group

Trust for Nature

Report from the Minister for Planning that he had received the 2005–06 annual report of the Dandenong Development Board

Fisheries Co-Management Council — Report for the year 2005–06

Glenelg Hopkins Catchment Management Authority — Report for the year 2005–06 (three documents)

Goulburn Broken Catchment Management Authority — Report for the year 2005–06

Mallee Catchment Management Authority — Report for the year 2005–06

Melbourne and Olympic Parks Trust — Report for the year 2005–06

Melbourne Cricket Ground Trust — Report for the year ended 31 March 2006

Melbourne Market Authority — Report for the year 2005–06 (two documents)

National Parks Advisory Council — Report for the year 2005–06

North Central Catchment Management Authority — Report for the year 2005–06

North East Catchment Management Authority — Report for the year 2005–06 (two documents)

Parks Victoria — Report for the year 2005–06 (two documents)

Parliamentary Committees Act 2003 — Response of the Treasurer on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on the 2004–05 Budget Outcomes

Parliamentary Contributory Superannuation Fund — Report for the year 2005–06

Phillip Island Nature Park Board of Management — Report for the year 2005–06 (three documents)

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

Bass Coast Planning Scheme — No C63

Baw Baw Planning Scheme — Nos C32, C36

Boroondara Planning Scheme — No C52

Cardinia Planning Scheme — No C83

Colac Otway Planning Scheme — No C8

Corangamite Planning Scheme — No C13

Gannawarra Planning Scheme — No C9

Greater Geelong Planning Scheme — No C105

Greater Shepparton Planning Scheme — No C74

Hepburn Planning Scheme — Nos C15, C37

Hume Planning Scheme — Nos C38 Part 1, C38 Part 2

Loddon Planning Scheme — No C13	Victorian Catchment Management Council — Report for the year 2005–06
Maroondah Planning Scheme — No C50	
Mildura Planning Scheme — No C37	Victorian Coastal Council — Report for the year 2005–06
Moreland Planning Scheme — No C55	Victorian Commission for Gambling Regulation — Report for the year 2005–06
Surf Coast Planning Scheme — No C26 Part 1	
Wangaratta Planning Scheme — No C26 Part 1	Victorian Environmental Assessment Council — Report for the year 2005–06
West Wimmera Planning Scheme — No C10	
Whitehorse Planning Scheme — No C70	Victorian Funds Management Corporation — Report for the year 2005–06
Wodonga Planning Scheme — No C51	
Yarra Ranges Planning Scheme — No C16 Part 2	Victorian Government Purchasing Board — Report for the year 2005–06
Plumbing Industry Commission — Report for the year 2005–06	Victorian Institute of Sport Trust — Report for the year 2005–06 (two documents)
Premier and Cabinet, Department of — Report for the year 2005–06	Victorian Managed Insurance Authority — Report for the year 2005–06
<i>Prevention of Cruelty to Animals Act 1986</i> — Code of Accepted Farming Practice for the Welfare of Sheep (Revision No 2)	Victorian Multicultural Commission — Report for the year 2005–06
Primary Industries, Department of — Report for the year 2005–06 (two documents)	Victorian WorkCover Authority — Report of the year 2005–06
Public Record Office Victoria — Report for the year 2005–06	West Gippsland Catchment Management Authority — Report for the year 2005–06
Recreational Fishing Licence Trust Account — Report on Revenue and Disbursements for the year 2005–06	<i>Wildlife Act 1975</i> — Wildlife (Control of Hunting) Notice No 4/2006
Residential Tenancies Bond Authority — Report for the year 2005–06	Wimmera Catchment Management Authority — Report for the year 2005–06
South East Water Limited — Report for the year 2005–06	Yarra Bend Park Trust — Report for the year 2005–06
State Electricity Commission — Report for the year 2005–06	Yarra Valley Water Limited — Report for the year 2005–06
State Sport Centres Trust — Report for the year 2005–06	Zoological Parks and Gardens Board — Report for the year 2005–06.
State Trustees Limited — Report for the year 2005–06	
Statutory Rules under the following Acts:	The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 26 February 2003:
<i>Country Fire Authority Act 1958</i> — SR No 123	
<i>Fisheries Act 1995</i> — SR No 122	
<i>National Parks Act 1975</i> — SR No 121	<i>Environment Protection (Amendment) Act 2006</i> — Part 4 except for ss 42 and 44 on 13 September 2006 (<i>Gazette S243</i> , 13 September 2006). Sections 42 and 44 on 1 October 2006 (<i>Gazette G39</i> , 28 September 2006)
<i>Transport Act 1983</i> — SR No 124	
Subordinate Legislation Act 1994:	<i>Transport Legislation (Further Amendment) Act 2006</i> — Section 32 on 30 October 2006 (<i>Gazette G39</i> , 28 September 2006).
Ministers' exception certificates in relation to Statutory Rule Nos 116, 121	
Ministers' exemption certificates in relation to Statutory Rule Nos 121, 122	
Transport Accident Commission — Report of the year 2005–06	
Treasury and Finance, Department of — Report for the year 2005–06	
Treasury Corporation — Report for the year 2005–06	
VicForests — Report for the year 2005–06	

ROYAL ASSENT

Message read advising royal assent on 19 September to:

Catchment and Land Protection (Further Amendment) Bill
Heritage Rivers (Further Protection) Bill
Owners Corporations Bill

Surveillance Devices (Workplace Privacy) Bill
Transport (Taxi-cab Accreditation and Other
Amendments) Bill
Victorian Renewable Energy Bill.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.30 p.m. on Wednesday, 4 October 2006:

Human Services (Complex Needs) (Amendment) Bill

Public Sector Acts (Further Workplace Protection and Other Matters) Bill

Serious Sex Offenders Monitoring (Amendment) Bill

State Taxation Legislation (Miscellaneous Amendments) Bill

Water (Governance) Bill.

The motion sets out the government business program for this legislative week, which is the last sitting week of this parliamentary term. This is the first of the parliamentary terms where the Parliament has set a fixed date for the forthcoming election, and accordingly the government has programmed its business to end on these two sitting days so that the bills that are passed this week may be processed by the upper house on Thursday and perhaps Friday of this week. That will give the upper house sufficient time to deal with the business from the Assembly after its transmission during the course of today and tomorrow.

An additional piece of legislation — the Serious Sex Offenders Monitoring (Amendment) Bill — has been added to the government business program that was previously foreshadowed. We thank the opposition, The Nationals and the Independents for their agreement to dealing with that bill this week. We had foreshadowed that we would be doing only four bills this week, but because of circumstances that have arisen since that statement and the need to have this matter absolutely clarified the government, with the support of Parliament, has introduced this fifth bill into the government business program process so that it can be dealt with this week not only by this house but also by the other place, this being the last week of this Parliament.

To achieve the dual objectives of dealing with these five bills and providing sufficient debating time during

the second-reading debate on these five pieces of legislation I would like to announce that we are likely to sit later tonight. The suggestion to provide for more debating time was put to us by The Nationals, and we are happy to accommodate that. In addition we have extended the previously foreshadowed time for the conclusion of the government business program. It was to be 3.30 p.m., and we are extending that by one hour in case it is needed to provide for second-reading debate on any of these matters.

I remind members that following the conclusion of the government business program on Wednesday we will see a new element in the parliamentary timetable that has been brought about because of the introduction of the fixed parliamentary term — that is, the provision of a valedictory contribution from members who are retiring. There are a number of members with very lengthy periods of service — members who have held important and significant office on both sides of the chamber — and they will be given the opportunity during a 10-minute valedictory contribution to reflect upon matters that they choose to reflect on in such a circumstance as their leaving.

Mr Mulder — And on people?

Mr BATCHELOR — They might reflect on people. They may reflect on you. I would be careful.

Mr Mulder — I would be more careful if I were you.

Mr BATCHELOR — It would be a deflection, I suppose — —

The SPEAKER — Order! If the Leader of the House and the member for Polwarth would like to have a nice chat, they can do it somewhere else, but here we will address our comments through the Chair.

Mr BATCHELOR — It is all right. I will decline that and sit down.

Mr COOPER (Mornington) — I would like to reflect upon the government business program rather than upon individuals. I have some concerns about the government business program. They relate predominantly to the fact that we are going to have this house ceasing to sit on 4 October when the writs for the election are going to be issued on 31 October and the election is going to be held on 25 November.

There will be a lot of time between tomorrow and 25 November when this house will not sit. It has been suggested to me that it is unlikely this house will sit again until February of next year. If that is the case,

firstly, I find it to be disgraceful, and secondly, it means there are going to be issues that should be debated in this Parliament this year that are not going to be debated. For many people, including the media and members of the public, there is ample opportunity for this house to sit and have question time, which is when the government responds to questions about government administration. That is not going to occur either.

The situation is that in one and a half days of sitting five pieces of legislation are going to be pushed through this house. Whilst the minister has announced that we are going to sit late tonight, probably until about 11.00 p.m., and that the guillotine will come down tomorrow at 4.30 p.m. — —

Mr Batchelor — Until 12 o'clock maybe.

Mr COOPER — You would like to sit later?

The SPEAKER — Order! The member for Mornington, without the assistance of other members in the house.

Mr COOPER — The minister has just made a generous offer, suggesting that he would like to sit longer. If that is the case, I suggest we should sit on Thursday and perhaps next week and the week after. Members on this side would be delighted if that occurred, because there would be opportunities for them to make many valid points in that time.

When we look at the notice paper we see that when this house closes down tomorrow afternoon until February of next year there will be three pieces of legislation left. The first is the Murray-Darling Basin (Further Amendment) Bill, which is important, as the member for Rodney said. We know it is going to languish on the notice paper, because this government has managed to muck it up again. Another government shambles!

Then there is the Channel Deepening (Facilitation) Bill, which was brought into this house on 7 December 2004. It is of enormous interest to people around the state, particularly to people around Port Phillip Bay in my electorate and to the members for Nepean, Frankston, Mordialloc and Carrum and even to the Premier, who is the member for Williamstown. Channel deepening is a matter of some moment, yet the government has kept this bill from being debated for two years. Clearly it is now going to achieve its objective of sliding away to an election without divulging where it stands on this issue.

Again I remind the house that when the legislation was brought in with trumpets and bells by the minister at the

table, the Minister for Transport, he said it was a most important piece of legislation. But it has not been important enough over two years for this government to want to debate it. It is hiding this issue away from the public. Channel deepening will have a significant impact on the economy of the state, the environment of the state and, particularly, on the environment of Port Phillip Bay. I note that the member for Carrum was confronted on this issue recently in her electorate by some lobbyists.

Then there is also the Courts Legislation (Judicial Pensions) Bill. These three pieces of legislation will be left languishing as this Parliament is closed down for at least four months. I find that a disgrace, and it is for that reason that the opposition will be opposing the government business program.

Mr MAUGHAN (Rodney) — The business program of four bills that was initially put forward by the government was manageable. I thank the Leader of the House for acceding to The Nationals request for some additional time for debate this evening. Obviously the Water (Governance) Bill is very important to The Nationals. We all want to speak on it, as water is a critical issue in country Victoria — it is certainly a critical issue in the north of the state — and right around Australia. This piece of legislation is very important, and we want sufficient time to debate it. The government to its credit has accommodated that wish and has provided additional time tonight.

Some would argue, as the member for Mornington has, that the three other pieces of legislation he mentioned also deserve proper consideration and that we should have adequate time to debate them. I do not agree with the member for Mornington that we want to sit on Thursday or next week and the week after — that is not what we have in mind — but we are prepared to sit late to get the legislation through.

I agree with the member for Mornington's making the point, as I have done previously, that the Channel Deepening (Facilitation) Bill has been on the notice paper for nearly two years. When it was introduced it was considered urgent and was to be brought forward and dealt with as quickly as possible. Two years later it is still sitting there, and it is going to be there after the election. One wonders why. I think the only reason is that the government does not want to make a decision on this prior to the election.

I will say, as I have said previously, that it is a critical piece of legislation to those of us who represent country Victoria. The port of Melbourne is vitally important. During the week I read in a government publication that

the dairying industry is responsible for 35 per cent of the exports out of the port of Melbourne. It is absolutely crucial that we have efficient shipping channels in the most important port in Australia. If we do not get the shipping channels done relatively quickly, then Melbourne will lose some of its pre-eminence to other ports, and that is unacceptable. The Nationals want to get this legislation passed as quickly as possible so the channel deepening can be done. Then bigger ships can come in and we can increase the efficiency of the way we ship our primary and manufactured goods to markets in other parts of the world.

Likewise the Murray-Darling Basin (Further Amendment) Bill is critically important. Month after month all the daily newspapers have been carrying articles and editorials on the water issue. The commonwealth is making noises about wanting to take over control of water from the states. As I said, it is a critically important issue which we really need to deal with. Some would argue that right at the moment it is the most critical issue before parliaments around Australia — and yet debate on the Murray-Darling Basin (Further Amendment) Bill will be delayed until whenever the Parliament resumes, presumably in another four months.

Likewise the Courts Legislation (Judicial Pensions) Bill has been on the notice paper for quite some time and will sit on the notice paper. Again I agree with the member for Mornington that it is unacceptable that there will be at least four months from when this Parliament adjourns until it sits again. For that period, the government will not be under scrutiny and some of this important legislation will not be able to go through.

Tomorrow will be an important day. I pick up the comments of the Leader of the House about the innovation of allowing for valedictory addresses by the 12 members who will be retiring. It will be interesting to listen to what those various members have to say. It is an innovation that the government should be congratulated for, and I look forward to that tomorrow and to the adjournment of the house tomorrow afternoon.

Mr LANGDON (Ivanhoe) — I wish to make a very brief contribution on the government business program. I am sure — and I have said this before, having worked with The Nationals Whip and the Liberal Party Whip and two previous Liberal Party whips — that we can get through the government business program in a timely manner and allow all members who wish to speak to do so. I also look forward to the valedictory speeches. They will be most interesting. I do not share the views of the member for Mornington that we can sit

constantly. One thing I did pick up from speakers for both The Nationals and the Liberal Party is that after 25 November they could well be in government. They are criticising themselves because they may well come back earlier. Members opposite keep saying constantly ‘Four months’. They should take advice from their own parties.

House divided on motion:

Ayes, 61

Allan, Ms	Kosky, Ms
Andrews, Mr	Langdon, Mr
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beard, Ms	Lim, Mr
Beattie, Ms	Lindell, Ms
Bracks, Mr	Lobato, Ms
Brumby, Mr	Lockwood, Mr
Buchanan, Ms	Loney, Mr
Cameron, Mr	Lupton, Mr
Campbell, Ms	McTaggart, Ms
Carli, Mr	Marshall, Ms
Crutchfield, Mr	Maxfield, Mr
D’Ambrosio, Ms	Merlino, Mr
Delahunty, Ms	Mildenhall, Mr
Donnellan, Mr	Morand, Ms
Duncan, Ms	Munt, Ms
Eckstein, Ms	Nardella, Mr
Garbutt, Ms	Neville, Ms
Gillett, Ms	Overington, Ms
Green, Ms	Pandazopoulos, Mr
Haermeyer, Mr	Perera, Mr
Hardman, Mr	Pike, Ms
Harkness, Dr	Robinson, Mr
Helper, Mr	Seitz, Mr
Herbert, Mr	Stensholt, Mr
Holding, Mr	Thwaites, Mr
Howard, Mr	Treize, Mr
Hudson, Mr	Wilson, Mr
Hulls, Mr	Wynne, Mr
Jenkins, Mr	

Noes, 26

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Savage, Mr
Honeywood, Mr	Shardey, Mrs
Ingram, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr

Motion agreed to.

PERSONAL EXPLANATION

Ms KOSKY (Minister for Education and Training) — I wish to make a personal explanation. On 6 April, in my response to a question from the member for Narre Warren South, I stated that:

The most recent national literacy and numeracy benchmark results, which have been put out only in the last couple of months, show that Victoria outperformed all other states and territories in writing and numeracy at every year level tested.

In my response I was referring to 2003 data, which was released in July 2005. The most recent data was actually released in March this year and shows that in 2004 Victorian students performed above the national average in all year levels tested in writing and numeracy, except year 5 writing, in which their performance was at the national average — a very good result.

MEMBERS STATEMENTS**Deakin University: metabolic research unit**

Mr LONEY (Lara) — Recently I accompanied the Treasurer, who is also the Minister for State and Regional Development, to the official opening of Deakin University's metabolic research unit at Waurn Ponds. This is a major step for biotechnology in Victoria, as it houses a team of some 40 research scientists under Professor Collier in a state-of-the-art facility specialising in gene discovery and focusing on new treatments for diabetes, obesity, anxiety and depression. The unit has already discovered 24 genes related to obesity and diabetes, two of which are currently heading towards the preclinical stage of developing new therapeutic treatments. The unit has a revolutionary \$1 million gene chip program which allows up to 30 000 genes to be placed on a single chip for simultaneous analysis.

This is all part of the Geelong Technology Precinct, which was created by the Bracks government and includes among its research tenants ChemGenex Pharmaceuticals, Chirogen Pty Ltd, the Centre for Fibre and Polymer Research, and the Victorian Centre for Advanced Materials Manufacturing. It has industry partners such as Ford, Holden, the Textile Institute, the Technical Textiles and Non-Woven Association, Australian Wool Innovations and others. The Geelong Technology Precinct is fast turning Geelong into Australia's Silicon Valley.

Commonwealth Games: Vodafone Arena

Ms ASHER (Brighton) — I draw the attention of the house to Major Projects Victoria's naming rights contract with Vodafone for the multipurpose venue. The contract was suspended and compensation granted during the Commonwealth Games because Telstra was a sponsor of the games, notwithstanding that the Commonwealth Games were a selling point for the naming rights contract. This would only happen, of course, under this inept government.

The government is refusing to release the amount of compensation granted, even though the Premier told the house on 4 April that the amount would be declared. The matter is now the subject of a Victorian Civil and Administrative Tribunal hearing. However, some documents have been released by the government. These documents show that the Minister for Commonwealth Games in the other place wanted compensation paid to Vodafone; that a confidentiality agreement was signed binding Vodafone and the government to non-disclosure of the amount of compensation, which was of course funded by taxpayers; that Ron Walker did the negotiation for the government, presumably because there was no-one with commercial credibility on the Labor side; that there was an ongoing legal threat from Vodafone throughout the course of these negotiations; that the dispute was not settled until just before the Commonwealth Games; and in fact the issue was raised with the Premier on 8 March.

I also refer to the fact that the annual report of the Melbourne and Olympic Parks Trust 2006 — and it was involved in these negotiations — also does not help very much with disclosure. Again I call on the government to disclose the amount of taxpayer-funded compensation that was granted to Vodafone because the government botched the naming rights contract.

Schools: Mulgrave electorate

Mr ANDREWS (Mulgrave) — The Bracks government is giving schools in my local community of Mulgrave the resources they need to give local kids the best start in life. Importantly, this extra investment means that local kids will get the skills they need to be part of the work force of the future. This investment is delivering real benefits with smaller class sizes in the critical early years and with year 12 completion rates at a record high.

The Bracks government has provided schools in my community with record recurrent funding, more teachers and staff, and new computers with faster

Internet connections. Of course local schools have benefited from a substantial boost to school maintenance funding and strong support for new school capital works — for instance, stages 1 and 2 redevelopment at Wheelers Hill Secondary College; stage 1 redevelopment at Carwatha College P–12; \$100 000 for planning and design works at Wellington Secondary College, a new roof at Waverley Meadows Primary School worth \$272 000; and, as I mentioned, record funding in relation to important school maintenance.

I mentioned Carwatha College P–12 in Noble Park North. Next week I will be pleased and proud to officially open the new Inquiry Learning Centre funded from this government's Leading Schools Fund. This new facility and the extra staff that have been allocated is all about innovation in learning. It will be a great addition to facilities at Carwatha and for the Carwatha community. This government will continue to deliver strong support to local schools to benefit kids and families in my local community.

Hothouse Theatre: *Embers*

Dr SYKES (Benalla) — 'Powerful', 'confronting' and 'right on the mark', were some of the comments made by the people who attended the play *Embers*, which was based on the 2003 bushfires in north-east Victoria and performed at Bright and other locations recently.

Embers is a credit to the joint initiators — that is, the Upper Hume Community Health Service and the Hothouse Theatre company of Albury-Wodonga. The actors were brilliant in their portrayal of how it was: frightening, frustrating and exhausting both physically and mentally, with the tensions between both locals and the Melbourne-based bureaucrats but also the great sense of community and of helping each other out without asking for thanks.

I found myself, along with the rest of the audience, on an emotional roller-coaster, going from tears of laughter to tears of anguish, and vivid memories returned time and time again. The Hothouse Theatre group is keen to play an extended season, but unfortunately limited financial backing from the state government has prevented this from occurring. It was a disappointment that not one state minister found the time to attend this play, and one can only wonder why. Was it the nature of the dialogue; was it the criticism of the Melbourne-based bureaucrats and the government policies; or was it simply that they did not appreciate the significance of the January 2003 fires for country people?

I call on the government to increase its support for the Hothouse Theatre to enable it to perform to more people throughout country Victoria.

Norm Gibbs

Ms MORAND (Mount Waverley) — On Friday at Government House I had great pleasure in joining the Premier and the minister responsible for senior Victorians to recognise the Victorian seniors of the year. I was particularly proud that three Mount Waverley residents were among the nine award recipients. Norm Gibbs of Mount Waverley was named the 2006 Victorian Senior of the Year.

I have had the pleasure to get to know Norm and his wife, Topsy, over recent years and have to say they are both wonderful people. Norm is involved in so many different volunteer roles in our community and has been doing volunteer work for most of his adult life. After working for 30 years as a community corrections officer, Mr Gibbs still does a regular weekly stint as a justice of the peace at the Glen Waverley police station and is the community bus driver for the Probus Club of Mount Waverley. Norm has been an active member of Rotary since 1976 and was named a Paul Harris Fellow in 1998. Norm is actively involved with the Volunteer Resource Centre, and I know the volunteers are very proud of his achievement and his well-deserved recognition in being named Victorian Senior of the Year.

Marion MacKenzie

Ms MORAND — Also recognised with a COTA Victoria Senior Achievers for 2006 award was Marion MacKenzie, who at 93 years of age is an absolute inspiration. Marion has volunteered as a teacher's assistant for the past seven years at St Christopher's Primary School. Marion walks to the school under her own steam and helps the children with their reading and other activities, and is clearly a much-loved member of the St Christopher's community.

Dot Schmidt

Ms MORAND — Finally, Dot Schmidt of Mount Waverley, who is extremely active in many different aspects of the Mount Waverley community, including the Probus Club of Glen Waverley and the Waverley Retirement Activities Group, has also been involved in Australian Red Cross, the Salvation Army, Clean Up Australia and Meals on Wheels. Well done to all the recipients!

King Street and Templestowe Road, Bulleen: upgrade

Mr KOTSIRAS (Bulleen) — I stand to condemn this Labor government for ignoring the urgent need to upgrade roads in the Bulleen electorate. Despite seven years in government this inept Labor Party is not prepared to upgrade Templestowe Road and King Street. It is treating the residents in Manningham with contempt and arrogance.

This Labor government has for seven years wasted money on consultants, extra ministerial staff and political advertising. In fact the ministerial staff numbers have grown to the point where they have displaced public servants. If only it stopped this wastage for one month it could afford to upgrade these two dangerous roads.

Giving a few dollars just prior to an election and then going into hibernation will be seen as nothing more than cheap political rhetoric. What residents want to hear is when these two roads will be fully upgraded. Voters in Bulleen will not forgive this arrogant and out-of-touch government, which is more interested in spin, rhetoric and the perks of office than in the safety and wellbeing of Victorians.

This government is nothing more than a reactive government with no plans and no vision for the people of Manningham. This Labor government has failed schools in Manningham, has failed the local residents and has failed the senior citizens. It is about time that it actually did something, rather than spending money on political advertising.

Lifeline: Geelong

Mr TREZISE (Geelong) — On Friday, 29 September, I had the pleasure of attending the annual general meeting of Lifeline Geelong's Barwon region. The meeting was well attended by many people within the Geelong community, including the 150 volunteers who work for Lifeline in Geelong. As the Deputy Speaker is aware, Lifeline in any community, including our community of Geelong, plays a vital role in assisting people in times of need, and I congratulate Lifeline Geelong on the work it has done since its formation in 1977, 19 years ago.

In Geelong this year Lifeline and its 150 volunteers received 5140 telephone calls. Of the calls made to Lifeline in Geelong, 80 per cent were answered. I congratulate Lifeline on its work and specifically congratulate its chief executive officer, Sharon Gibson, and her board members, Tony Bourke, Kent Dodgshun,

Ian Taylor, Sue Kitson, Peter Flanagan, Maureen Sherlock, Frank Tigani and David Cheatley, together with all the Lifeline staff, for the work they have done within the community of Geelong over the last 19 years.

Gas: Port Fairy supply

Dr NAPTHINE (South-West Coast) — I call on the Bracks Labor government to keep its promise to connect all of Port Fairy to natural gas. Tragically Port Fairy is getting only a half-baked gas rollout. Many homes and businesses in the Port Fairy township are not only being denied access to the government natural gas rollout but are now being asked to pay to have their properties connected.

I recently received a letter from residents of Thistle Place and Princes Highway West who have been asked to pay \$30 000 to get their free, state-government-promised natural gas pipeline connected to their properties. Previously I have met with residents and business owners in the East Beach area, along Princes Highway East and near the hospital, who have all been bypassed by the Bracks Labor government gas rollout.

I quote from a letter I received from the lobby group for Thistle Place and Princes Highway West, which says:

... why are we being asked to pay for a government program? And we don't need to be told there is no money when the government always underestimates, then runs over budget and over time.

Further, it says:

... make the government understand that we do not accept half measures.

Port Fairy means all of Port Fairy, not part of Port Fairy.

That is the point the residents of Port Fairy make. They were promised by the Bracks Labor government that natural gas would be rolled out to all of the Port Fairy township. Now the government has cut corners and many homes and businesses are being denied access to natural gas. I call on the government to do the job and to roll out natural gas to all of Port Fairy.

Eltham Lacrosse Club

Mr HERBERT (Eltham) — As I have done for the last two years at this time, I rise to tell the house of the success of the Eltham Lacrosse Club. This year the state league team achieved a gold and black hat-trick of premierships. As stated on its web site:

If there was ever any doubt amongst Victoria's lacrosseurs regarding the power, quality and determination of Eltham's

state league team, it dissolved into oblivion on Saturday, 16 September, as the Panthers won their third successive grand final.

This year they won by the narrowest of margins against their arch rival — the Premier's team, Williamstown. After a tight first half, Eltham led 8–6 but pulled away in the third quarter to start the last term with a 4-point lead. The final term was a nail biter, as Williamstown staged a dramatic comeback. With 2 minutes remaining, Eltham defended a 1-point lead, keeping the ball in their attacking half. When the final whistle blew, the score was a 1-point win to Eltham, 13–12, and the celebrations took up where they had left off in 2005.

Congratulations to the entire club, and in particular to the playing team: Jimmy Buchanan, Joel Cocarell, Steven Colautti, Glen Esler, Ben Fleming, Tim Fry, Caleb Hall, Wayde Kendall, Steve Mackey, Darren Nicholas, Keith Nyberg, Lachlan Ross, Terry Sparks, Daniel Stiglich and Nathan Stiglich, coach Ric Benedierks, assistant coach Shaun Emery, team manager Peter Stiglich and scorer Kevin Pye. A special mention to Luke Sevier, who had been in the team for the entire year but unfortunately — —

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

Drought: western Victoria

Mr DELAHUNTY (Lowan) — Western Victoria is suffering from a major drought and a lack of water in our storages, which are at 6.8 per cent capacity. This is a double crisis, with no rain for crops and no water for stock creating the worst situation western Victoria has faced. This will have a major impact on farms, small business operators and personal health and wellbeing.

Water carting rather than filling dams is an unprecedented scenario that will add extra cost burdens to farms and those not on town supply. Wimmera United Care workers have reported an increase in mental health issues, particularly among men on farms. But the issue that needs immediate attention is small business support. Many small business operators in both agricultural support industries and retail businesses are being affected by the drought as they rely on the farming community to maintain their viability.

Requests for financial assistance in the form of income support, interest rate relief, payroll tax concessions or, at the very least, financial assistance for training would help these businesses keep their valuable staff, improve their skills and assist in maintaining our business community. There is no better example of the impact of the drought than that felt by the Christian Emergency

Food Centre in Horsham. This outstanding community service distributes food parcels across a large area of western Victoria and is now supporting nearly 6000 adults and children.

I called for and welcome the formation of the ministerial drought committee, but we need action, not only to support the farmers but also to help our important small business operators and to attend to the mental health and wellbeing of our country communities.

Road safety: speed cameras

Mr MULDER (Polwarth) — I want to bring to the attention of the house the absolutely disgusting action of the Bracks Labor government in relation to two matters — one being the allocation of speed camera hours across the state and the other the reporting of V/Line punctuality.

In relation to speed camera hours, when the Minister for Transport failed to maintain the Western Ring Road speed cameras, they were shut down for a period. When they were shut down 1000 hours of mobile camera time were allocated to those areas to ensure that motorists obeyed the speed limits. When the fixed cameras were put back in place and were working properly, the 1000 hours of mobile speed cameras were taken off. What the government has done is take the 1000 hours off, but it has taken them off around the state prior to the election. We have had 144 deaths on our rural roads this year — more than half the state total — yet we have the government claiming that speed is one of the major causes of deaths on country roads and at the same time slashing the speed camera hours just prior to an election. This is an absolute disgrace.

Rail: V/Line punctuality

Mr MULDER — With V/Line the government has changed the punctuality reporting method. Previously when a train was 5 minutes late it was reported as being late for service. The government has now stretched that out to 10 minutes and is claiming that the trains are turning up on time. Absolute and utter deceit — a government that cannot be trusted! Votes instead of lives, and claims that trains that are running late are running on time!

Hiltrud Barfus

Ms ECKSTEIN (Ferntree Gully) — Today I would like to pay tribute to the life of Hiltrud Barfus, who passed away on 28 September, aged 69, as a result of complications after minor surgery. Born in 1937 in the

German Templer colony of Wilhelma in Palestine, Hiltrud Beate Sawatzky was the fifth of six children. She was interned at the age of four with her family in Tatura in northern Victoria in 1941 when the Templers were evacuated from Palestine as enemy aliens and spent the next six years in the internment camp. She studied art at Swinburne and taught art at Morongo Presbyterian Girls College in Geelong.

Hiltrud married Rob Barfus in 1962, and they moved to Ferntree Gully in 1964, where their two children, Jo-Anne and Karlene, were born. She was an extremely talented local artist and a member of the Ferntree Gully Arts Society since 1971, where she was a driving force. Her artwork can be seen at the Knox municipal offices as well as in public places around the community. Hiltrud's reflections on her art for the catalogue for the recent '4 femmes' exhibition at the Hut Gallery give a very clear picture of her views on life. She said:

My art making is inspired by myth and folklore, the search for meaning and the cyclic nature of our world.

Hiltrud was a vibrant, warm and caring person who was actively engaged in the arts in her community. She was also a bit of a community activist, having successfully lobbied Knox council and later the state government for school crossing supervisors — lollipop people — back in the 1970s.

She will be sorely missed, particularly at the Hut Gallery and in the local arts community. To her husband, Rob, her daughters, Jo-Anne and Karlene, and their partners, her six grandchildren and the wider family, I extend my deepest sympathy.

Nepean Highway: upgrade

Mr COOPER (Mornington) — The condition of several sections of the Nepean Highway is a disgrace, and these places are a danger for all motorists. One of the worst examples is at South Frankston just near the intersection of the highway with Old Mornington Road. This part of the highway carries a lot of traffic, and the road surface has been deteriorating for well over 12 months. The only answer to this disgrace from the Bracks government has been to have signs put up warning motorists that the surface is rough. No action has been taken to repair the surface at this location or at many other locations with similar problems along the Nepean Highway between Frankston and Moorabbin.

This massive neglect of a major highway is clearly a case of road funding being cut by the Bracks government, and it demonstrates that the members who purport to represent these areas of neglect have no interest in such matters. They have effectively deserted

their constituents and all the users of the Nepean Highway. Now that I have spoken out today, the government will probably spring into action and do a cheap jack repair job designed to placate everyone until after the coming election. That is what typifies this hopeless, incompetent lot.

In the case of the disgraceful situation at South Frankston, which I have outlined to the house today, the member for Frankston should hang his head in shame. He continually boasts about standing up for Frankston, but today I have shown that when it comes to actually doing things that benefit his electorate, his is nothing more than empty talk.

Monbulk: living and learning centre

Mr MERLINO (Monbulk) — Monbulk is a vibrant and energetic town with many sporting and community organisations. However, like all communities, there are areas where Monbulk can be improved. The township group MADCOW, the Monbulk and District Community Opportunities Working Group, identified the lack of permanent library services, Internet access and community meeting spaces as areas that need addressing. Monbulk Primary School has also been looking to improve its facilities, and principal Ray Yates's idea for a living and learning centre has quickly grown into the biggest capital project for Monbulk in over 50 years.

I have strongly supported this project, and on Wednesday, 20 September, I was delighted to join with the Deputy Premier in announcing a Community Support Fund grant of \$600 000 for its development. This takes the state government's contribution to \$910 000. The total cost of the project, which is due to commence early next year, is over \$3 million. It is a terrific partnership project, with the local shire committing \$1.95 million and the school community, \$200 000.

The new centre in the heart of town will contain library services shared with the school, a preschool, a day group, maternal and child health services and the shire's community link service, plus room for social support services and community groups. The shire's continuing consultation with the Monbulk community will ensure that the community's needs are met by this facility. I want to take this opportunity to commend the leadership and vision of principal Ray Yates, Monbulk police sergeant Alan Fincher, the Shire of Yarra Ranges and MADCOW chair Mark Seamer and his team on achieving this outstanding result for Monbulk.

Greenbrook Primary School: achievements

Ms D'AMBROSIO (Mill Park) — I wish to inform the house of the terrific work that the Greenbrook Primary School is doing for the school community in Epping. Under the inspirational leadership of the principal, Robert Hyde, last year the school established a three-year viability plan to become a centre of excellence in the local community, attracting the attention and support of parents, community organisations and local businesses. With his history as a grand final player with the Collingwood Football Club and a Copeland trophy winner, Robert Hyde has attracted the enthusiastic support of Ron O'Dwyer and the AFL X-Men to support the school's becoming a centre of excellence.

Last year, the school held a very successful family footy day to raise funds and to raise public awareness of the great learning environment that is provided by Greenbrook for local kids. At Greenbrook's recent morning tea, which was held on 15 September and to which I was invited, some of the great achievements of the school were proudly acknowledged and on display. They included the new playground and sandpit; improvements to and the sprucing up of the school grounds; new classroom furniture for the students; works, which are under way, to install water tanks for use in the toilets; and the construction of a chook pen as a practical learning experience for the students.

I wish to acknowledge the school captains, Karleigh Simpson and Nelson Lai, whose task it was to greet all the visitors to the morning tea. They did a lovely job. I further acknowledge the school council and the teachers for showing great teamwork and dedication and, in particular, Richard and Judy Thompson for playing a key role in Greenbrook's success story so far.

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

Berwick Benevolent Society

Ms LOBATO (Gembrook) — I wish to take this opportunity to congratulate the selfless, dedicated and most generous people of the Berwick Benevolent Society. President Fay Powell, vice-president Ann Knights, secretary Gay Haysom and treasurer Margot Lucas tirelessly commit themselves to fundraising in order to assist many local and emergency relief organisations.

Recently I attended its annual general meeting and heard of the struggle continually facing this fantastic organisation. Year after year the financial problems

being experienced by residents within the south-east growth corridor are increasing, as are the numbers of families seeking assistance. Fay Powell, in her president's report, spoke about how the agencies that the society assists spend their monthly budgets long before the end of the month. Those agencies point to the increase in living costs, particularly in interest rates and petrol prices, as the major contributor to the financial burdens people are facing.

The ongoing difficulties faced by the Berwick Benevolent Society are based on a constant battle for funds and the uncertainty over whether or not funding applications will be successful. This society, which has assisted 8600 clients and spent in excess of \$100 000 on emergency relief in the past 12 months, is a local community asset that all levels of government should embrace and assist by reducing the bureaucratic burden it carries. The society provides magnificent Christmas hampers that require an enormous amount of hard work to put together.

I also wish to congratulate Bert Rae, Bert Ainge, and David Glover for their efforts in working for this much-needed community service. Once again, congratulations to all for their hard work.

Joanne Scanlan

Ms McTAGGART (Evelyn) — I rise today to pay tribute to Joanne Scanlan from the Chirnside Park community centre in my electorate. I have worked with Joanne over the last four years and have always been astounded by her commitment to her local community through the activities of the neighbourhood house. I am proud to be part of a government that values the work of neighbourhood house coordinators, committees of management, staff and, in particular, volunteers. We have recognised their efforts by providing funding of \$27.8 million over the next four years.

Joanne has extended her efforts beyond her local community, reaching all the way to the Sudan in Africa. Joanne's sister works at the Princess Margaret Hospital for Children in Perth, and one of her colleagues is supporting the plight of the internally displaced children of Gereida in South Darfur in the Sudan. These children have fled their villages seeking safety in refugee camps. Their families have little food, poor water, no jobs and limited firewood. Malnutrition is very prevalent among the children, and this makes them more susceptible to hypothermia.

With winter fast approaching, a campaign of knitting beanies has begun. Joanne is to be commended for her efforts in rallying support from the local neighbourhood

house networks. She proudly advised me this week that 300 beanies, scarves and jumpers have been sent to Perth and then on to Africa to support these beautiful but very vulnerable children. Many people have knitted for this cause, especially the members of the Yarrunga community centre knitting group. Well done to everyone involved in this great initiative and particularly to Joanne for her vision and commitment to this very worthwhile cause. Well done, Joanne!

Mechanical Engineering Corporation: industrial dispute

Mr JENKINS (Morwell) — I would like to bring to the attention of the house the plight of Mechanical Engineering Corporation workers at the Yallourn workshops. Some 50 workers who have individually spent dozens of years working, first of all, at the Yallourn workshops and then for the private organisation that was purchased by MEC are now on a picket line, with the threat of being locked out from the employer's workshop for three months.

These dozens of employees, who have trained apprentices, delivered a profitable business for their employer and been willing to work, have been wanting to negotiate a new agreement with their employer which does not ask for anything over and above what they currently receive. It asks for a marginal increase to cover the rise in the cost of living, but it provides a chance to continue to work and to deliver profitably for their employer and for the Latrobe region.

Over 50 workers will be locked out until Christmas time, with the employer using the iniquitous industrial relations laws of the federal coalition without any discussion, without any negotiations and without anybody being forced to come to the table. I repeat: there are 50 to 60 workers in the Latrobe Valley who will not receive a wage right up until Christmas. At the same time the state Liberals and state Nationals are supporting the new industrial relations laws that are locking workers out and consigning families to having no money to live on right up until Christmas. The Liberals and The Nationals stand condemned.

Seymour Football Club

Mr HARDMAN (Seymour) — I rise to congratulate the Seymour Lions Football Club, which on the weekend won back-to-back premierships in the Goulburn Valley Football League. The Seymour Lions Reserves were also successful this year, becoming the reserve grade premiers. Congratulations go to all those involved. It takes a great deal of commitment and planning over the years by committee members,

coaches, players and club members alike to ensure that the skills and talent are there, that the volunteers who perform important roles around the club are there and that there are quality facilities to ensure the players wellbeing and safety.

The country football/netball program, along with the minor facilities and country football grounds assistance programs, have helped clubs like Seymour to provide quality facilities. That is evident at Seymour, with the new netball court, the improved grounds and irrigation, and the removable goal posts.

Healesville Junior Football Club

Mr HARDMAN — It has been also a great pleasure over the last month to celebrate with the Healesville Junior Football Club a \$50 000 grant for improved facilities for the disabled, improved change rooms and toilets and improved facilities for umpires. I congratulate Healesville Juniors on winning the community club of the month award, and it is also in the running for the yearly award for football clubs. That furthers its aim of teaching young players the skills and qualities that will benefit their community and themselves well into the future.

Carrum Downs: small business round table

Mr PERERA (Cranbourne) — I regularly hold round tables in my electorate of Cranbourne, as I want to hear first hand about the concerns and issues of my constituents, and of course it gives the attendees the opportunity of putting matters directly to the government.

Recently I had the pleasure of hosting a round table meeting for small businesses in the Carrum Downs area. The Minister for Small Business, who is also the Minister for Manufacturing and Export and the Minister for Financial Services, chaired the round table and listened to the attendees concerns and issues. The Bracks Labor government is listening to and working with Victorians on the challenges facing small businesses. Business round tables are a valuable opportunity for local businesses to draw attention to the issues that matter to them. By hearing directly from small business people, we are making sure government is well placed to offer effective and valuable support and assistance that makes a difference.

The Carrum Downs area is experiencing substantial growth in manufacturing through businesses expanding and new, knowledge-based firms being attracted to the region. I am also involved with driving the initiative of a small business chamber for Carrum Downs. This

initiative is being proudly supported by the executive committee of the Carrum Downs Community Support Group and its president, Venessa Ward; Mr Mick Spruhan, the manager of the Carrum Downs branch of the Bendigo Bank — Community Bank; Ms Debbie Peers from the Carrum Downs office of Stockdale and Leggo; and the City of Frankston.

**HUMAN SERVICES (COMPLEX NEEDS)
(AMENDMENT) BILL**

Second reading

**Debate resumed from 10 August; motion of
Ms PIKE (Minister for Health).**

Mrs SHARDEY (Caulfield) — The purpose of the Human Services (Complex Needs) (Amendment) Bill is to extend the operation of the original act passed in 2003 with the support of the Liberal Party. That act came into operation in 2004. The original aim of the legislation was to provide multidisciplinary assessment and holistic care planning and coordinated service for a very small group of people with a high level of multiple and complex needs, including mental illness, substance abuse, intellectual impairment and acquired brain injury.

The program was specifically to focus on providing better levels of service in relation to accommodation, health and wellbeing, social connectedness and safety. A three-year sunset provision was included in the act with the purpose of ensuring an evaluation as to its effectiveness. While the external evaluation will only be complete in 2007, the department has informed us that it believes the results so far are positive. These positive results have emerged from data collected to date.

The department very kindly gave me a copy of some data which I would like to refer to in my contribution to the debate. I am very appreciative of the department's providing this information, which states:

In just over two years of operation the initiative has received 335 consultations (to 15 September 2006). To date 51 of these matters have gone on to be referred to the multiple and complex needs panel — improved cross-program coordination is contributing to a relatively high proportion of matters being resolved at the regional gateway level, that is, without having to be referred through to the panel.

Among those individuals whose cases have been referred to the panel:

males represent 71 per cent of the population and females 29 per cent

40 per cent experience either primary or secondary homelessness and a further 17 per cent of the population are in custody or prison

44 per cent have poor or unstable health issues.

Among the referral population:

92 per cent appear to have a mental disorder

63 per cent appear to have substance abuse issues

50 per cent appear to have an intellectual impairment

35 per cent appear to have an ABI.

To date, the panel has determined 29 care plans and undertaken 39 care plan reviews.

I suppose my only comment at this point is that the original legislation provided for 50 persons to be treated under this system — that is, it provided for 50 referrals. However, I note that there were a high number of consultations and that a lot of these cases were in fact dealt with at a regional gateway level. Because of these results — the department believes they have been positive — the bill does not introduce substantial changes to the act but rather makes some refinements. The first of these refinements relates to an extension of the sunset clause and the second increases the size of the panel which determines eligibility for a service response and determines and reviews care plans.

The current panel consists of seven members and has a pool of five members appointed by the minister. The department has informed us that the current pool does not provide enough scheduling flexibility, and that is why the government is seeking to increase the size of the pool. The first amendment to the act to be introduced by the bill extends the sunset provision by two years. The current provision is due to take effect in May 2007, so this will push the date out to 2009. The second amendment will increase the overall membership of the multiple and complex needs panel from 7 to 14 members, thus providing a greater pool of people from which to choose members to sit on the panel. The Liberal Party supports these amendments to the act.

I went back and had a look at the speech I gave in 2003. I would like to talk about the importance of this piece of legislation and some of my observations at that time. As it happened, just prior to speaking on that legislation in 2003 I had attended a presentation at the National Press Club by Dr Fred Frese. He is a doctor of clinical psychology and the head of the psychology unit at the prestigious Ohio University. Dr Frese also happens to be a sufferer of schizophrenia. I did comment at the time that some people might think it unusual that a sufferer of schizophrenia would be capable of getting a

PhD in psychology. Dr Frese told the story of how he first discovered he was suffering from this disease while he was serving in the United States navy. As he described it:

When you are a sufferer of schizophrenia, the things that are going on in your head and you are thinking seem quite normal to you, but as a result other people may not think your behaviour is quite as normal.

As a result of that episodic attack, Dr Frese ended up in hospital for treatment of this disease that he really did not think he had. He thought everyone else was perhaps a little crazy for thinking he was ill. In any event, this man does have schizophrenia, and he is also married and has four children.

I told this story in 2003 because I wanted to portray the way in which mental illness can affect people's lives and to illustrate the way in which this bill helps people with the problems that emerge from mental illness. Dr Frese went on to describe how hard it is to cope and particularly how hard it is to get a job. He found he could not keep his job in the navy, so he resigned from the navy and decided to go back to school. He applied himself, he coped with his illness and, as I said, he finished up gaining a PhD in clinical psychology and heading up one of the most prestigious psychology units in the USA.

In his presentation to the press club on that day Dr Frese said it had been found that the number of people suffering mental illness and other such disabilities in our hospitals and other institutions has declined with deinstitutionalisation, but the number in our jails had tended to increase. He also talked about the interface between mental health and the criminal justice system and the fact that that relationship is often a poor one. We heard recently about the situation where many people in our jails are not receiving proper mental health care, and of course the figures in this bill indicate that a very high proportion of the people in the group being treated under this legislation have an interface with the criminal justice system.

Dr Frese spoke of the need for mental health systems to be more consumer driven — that is, more patient driven than provider driven or driven by the medical profession — which I think some people would be pleased to hear. However, I know a balance must be attained when looking at this issue. Dr Frese believes a purely psychoanalytical or drug-treatment approach is not enough for patients and that patients themselves need more 'psycho-education', as he calls it. They need to understand their illness, as do their families and their carers. That is an attitude I fully support, because it is all about having a high level of counselling to help

people cope with their mental illness in a cognitive way. Perhaps the people in the group this bill relates to are already given that sort of assistance.

The original bill was developed and supported by work done by the Department of Human Services. The project released two reports in relation to these issues. One was headed 'Responding to people with multiple and complex needs'. This was the phase 1 report. The project was established in January 2002, and it looked at some 247 Victorians over the age of 16. I will quote from that report, as I did back in 2002, because it is important to reflect on what it told us. The report states:

The project arose in response to —

what was believed to be —

continuing poor service outcomes for a small but significant group of people in Victoria whose complex needs challenge the existing policy and legislative frameworks and service systems.

To improve those outcomes the group of people looked at included:

adolescents and adults who may experience combinations of mental illness, intellectual disability, acquired brain injury, behavioural difficulties, family dysfunction and drug and alcohol abuse. For many reasons, they often require a service response that is too complex to be met or sustained within the existing service frameworks.

The report was talking about the need to approach the treatment of these people in a very different and much more holistic way. The report continues:

These individuals characteristically draw on significant resources, not only from the Department of Human Services, but also from a range of emergency services ... Frequently the service response to these individuals is 'crisis driven', unplanned and uncoordinated.

The report also states:

In recent years concerns have been raised by —

a number of —

service providers ... including the Office of the Public Advocate, Victoria Police and the courts, about the difficulty of providing services to a group of people who have multiple and complex needs and whose behaviour can pose a risk to themselves and others.

The key objective of the project was to develop a framework for the future management, funding and delivery of improved service responses for this client group.

In other words, the focus was planned around bringing service providers together, as I have said.

The target group criteria focused on those people:

who have multiple complex needs not met or sustained by existing services;

whose challenging behaviours can place themselves, staff and community at risk;

who require long-term responses from a range of human service areas.

The report continues:

Disability, housing, child protection, juvenile justice, mental health and drug treatment services, as well as components of the criminal justice system, are key service providers.

There are a large number of service providers in the system. The behavioural profile of the people in the group covers a wide range of areas and is usually fairly extreme. The report listed the areas as:

disruptive behaviour that might include violent, threatening, aggressive, antisocial or unpredictable behaviour, inappropriate sexual behaviour and destruction of property;

radically poor living skills and an associated chaotic lifestyle;

repeated crises and excessively demanding behaviour ...

an almost total lack of social networks;

violence to self, including suicidal and risk-taking behaviour and the use of alcohol and drugs.

The report is talking about a very complex group of people with extraordinary behaviour, and at the time I thought it important to raise a number of observations about the report. Firstly, the report states:

The degree to which a coordinated response across service sectors is available to the individual will often depend on the capacity of the lead provider to negotiate agreement and commitments from services in other sectors.

It is often very difficult to bring those together. The report also says:

There is a perception that access to service has become more restricted, and many agencies are operating in an exclusive or specialist, rather than inclusive, model of care. Some argue that the more complex individuals are screened out and that the option of expelling those considered too challenging is increasingly exercised.

We certainly hope that the system as it is currently operating has overcome a lot of those difficulties, as that was the aim of the whole exercise. The report goes on to say:

It is increasingly contended that insufficient consideration — at that time —

was given to planning for community-based options for people with multiple and complex needs. Many within the health and welfare sectors argue that the long-term consequences of the move away from institutional care were

underestimated and the subsequent impact on demand for appropriate housing, treatment and support services is now emerging.

Although this group of people is obviously receiving this special sort of care, there are a large number of people suffering from mental illness who are not being provided for even today at a community-based level. The Auditor-General has certainly raised these issues, and community visitors have also raised them, and they continue to be very important in our community. Not all those issues have been addressed.

The report continues:

While real advances have been made in specialist interventions ... the benefits have not been realised for the small but significant complex-needs population.

The report goes on to state that the number of people with multiple and complex needs in contact with the criminal justice system is increasing, as I said earlier, and that in some cases prisons are substituting for the institutions of the past, giving urgency to the call for new solutions.

I suppose that this is one of the most difficult areas of all. With deinstitutionalisation we have seen a whole group of people finding their way into the criminal justice system. I am very keen to understand more about how this program provides for contacting those people, particularly once they come out of the prison system, because it seems to me that that is an issue. The study shows that 71 per cent of the persons in the original study who had multiple and complex needs had an interface with the criminal justice system.

On page 6 of the report it says, in referring to the client group:

The client profiling exercise undertaken for the project considered data on 247 individuals who met the target group criteria. Services directly provided and funded by the Department of Human Services identified 208 individuals, while a further 39 were nominated by the corrections service system ...

So the corrections service system had quite a big input. It continues:

Of the target group, 226 individuals are 16 and above and will be eligible to be referred to the new service response.

I talked about the guiding principles in my introduction, and I will repeat them. The wellbeing, health, safety and stable housing of a person who has been assessed and in respect of whom a care plan has been implemented are of paramount importance, and I strongly support those principles.

The bill establishes the panel which I referred to. It will consider a reference from the secretary in relation to a particular person and will itself make an assessment in relation to a particular person. The original panel consisted of seven members, one of whom was to be the chairperson, but now we are looking at increasing the panel's size. The persons who are chosen or appointed by the minister must, in the opinion of the minister, have significant knowledge of or significant experience in providing welfare services, and that is most important. Such persons may also have experience in providing health services, mental health services, disability services, drug and alcohol treatment services and offender services.

The functions of the panel will include determining whether a person is an eligible person, considering the recommendations and draft care plans made or provided to it by the multidisciplinary assessment agency, determining care plans, appointing care plan coordinators, monitoring the implementation of care plans and the progress of the persons to whom they relate, varying or terminating care plans, and expending any money granted to it by the secretary for or in connection with the performance of its function. There will also be an opportunity for experts to be invited to give experience, and that is important because they will bring added expertise to the work of the panel.

I was going to talk about the process, but I have probably said sufficient about it. However, I would like to raise one issue that could be addressed in relation to this initiative. The funding that was provided with the original three-year program was \$2.8 million in the first year, \$4.8 million in the second year and \$4.3 million in the third year. I would like to know if all that money has been expended on this program, and how the further two years are going to be provided for? I am not aware that they have been specifically provided for in the budget, although I imagine they are part of the future funding.

There are a couple of other areas I want to talk about which tell us a lot about what we need to consider for the future, certainly in the area of mental health. We need proper step-down facilities for people coming out of forensic mental health institutions. We also need to be aware that, while we are providing care for this small group of people, there are many others in the community who, while they may not have the complex profiles we are talking about, nevertheless are very seriously ill, and provision should be made for their care in our community. With that, I commend the bill to the house.

Mr DELAHUNTY (Lowan) — On behalf of The Nationals I rise to speak on the Human Services (Complex Needs) (Amendment) Bill 2006. The major purpose of this important legislation is to extend the operation of the Human Services (Complex Needs) Act 2003 for two further years and to increase the number of members of the multiple and complex needs panel from 7 to 14. I thank the minister's staff for briefing me on this matter and for providing me with the information I requested. The Nationals did not oppose the original bill in 2003, and we will not be opposing this bill today. Although we are not opposing it, we still have some concerns; but overall we feel that the act is going very well at this stage and that, more importantly, it is addressing the requirements of the limited number of important people within our community who have complex needs.

The purpose of the 2003 bill was to provide for the assessment, development and implementation of appropriate care plans to facilitate the delivery of a wide range of services to certain persons with multiple and complex needs. I understand that about 80 per cent of those people come from the metropolitan area and that about 20 per cent come from country Victoria. Most are aged between 18 and 35 years, and most of them are men.

During the debate in 2003 we were told that the average cost to government of each person was about \$246 000, and at that stage the government had spent approximately \$56 million on dealing with those people. My understanding is that currently the budget for this — as talked about by the member for Caulfield — comes from both the Department of Human Services and the Department of Justice.

It is interesting to note the functions of the panel, which are listed in section 7 of the act. They are:

- (a) to determine whether a person is an eligible person;
- (b) to consider recommendations and draft care plans made or provided to it by the multi-disciplinary assessment agency and determine care plans;
- (c) to appoint care plan co-ordinators and monitor the implementation of care plans and the progress of persons to whom they relate;
- (d) to vary or terminate care plans ...

The interesting paragraph is (e):

... to expend any money granted to it by the Secretary for, or in connection with, the performance of its functions ...

Even though some money comes from the Department of Justice, I am not sure — and I ask the parliamentary

secretary, who I believe is following me, to answer my question in his summation — whether the Secretary of the Department of Human Services grants money to the panel and, if so, how that is linked to the money that comes from Justice. Does the Secretary of the Department of Human Services have his hands on money that comes from the Department of Justice, or does it come through some other channel?

Back in 2003 the bill established a multiple and complex needs panel to consider referrals and assessments and to determine care plans for the support and stabilisation of eligible persons. However, participation in the system is voluntary. The bill addresses a small but significant group of approximately 220 Victorians aged 16 years and above who have extremely complex needs. This group may experience various combinations of mental illness, intellectual disability, acquired brain injury, behavioural difficulties, family dysfunction and drug and alcohol abuse. My understanding is that non-government organisations are the major referrers of people to the panel.

Prior to 2003 service delivery was usually crisis driven, unplanned and uncoordinated, and the responses often delivered limited outcomes. The level of risk to individual clients and community safety has driven a range of attempts to provide improved responses. The act contains specific authority to provide for the collection, use and disclosure of information relating to an individual across the service spectrum. I understand the Australian Capital Territory (ACT) has attempted to introduce a similar program. I am not aware — and the parliamentary secretary might be able to answer this — whether since 2003 other states have mirrored this legislation. We do know that the ACT was trying at that stage to adopt a similar program to Victoria's.

It is disappointing that we require legislation like this to bring agencies together to address the provision of services for people with complex needs. As I said, in my previous working life I was employed by the Office of Rural Affairs within the Department of Agriculture. One of the roles I undertook there was as executive officer for the regional managers forum. That was a good forum for bringing forward matters that required the participation of and, more importantly, cooperation between other agencies, and it worked very well. I think the current government has a similar arrangement, and I am pleased to see that happening.

Under the act the panel chair is appointed by the Governor in Council and panel members are appointed by the minister. The secretary, as we know, is an ex officio member of this panel. At the briefing on the bill

I asked for some information on this, and I was pleased to receive it. We have some concerns about how a quorum is to be made up under the legislation. The act requires that a quorum comprise the chair — or the deputy chair if the chair is not available — and three other members of the current seven members. The Victorian Bar Council is concerned that even though there are five skilled people and two other appointed members — and now there will be another 12 people —

Mr Andrews interjected.

Mr DELAHUNTY — In total there will be 12 plus the chair and the ex officio Department of Human Services (DHS) representative. It is still my understanding, after looking through the legislation, that there has been no change in the requirement for a quorum to consist of the chair and three other members. Even if in those circumstances the panel feels it could use other panel members, it is limited to using only those four people. I am not sure whether that is being driven by funding considerations or it is for some other reason, but if you have a panel consisting of 14 people, you should be able to use more than four of them if you need to. They are some of the concerns that have been raised. The limit on attendance means there can only be four, and it is my understanding that they cannot use more, even though the others may have the various skills required.

Back in 2003 The Nationals requested that there be a country representative on that panel. As I said earlier, 20 per cent of its clients come from country Victoria, and when I look through the list of panel representatives I am not sure that they have an understanding of the tyranny of distance experienced by people who live in country areas. This is particularly relevant to the delivery of mental health services in country Victoria, and I will come back to that point a little later.

Section 14 of the act states that the secretary may refer an eligible person to the panel. Section 15 sets out who an eligible person is. It states that an eligible person is a person who —

- (a) has attained 16 years of age; and
- (b) appears to satisfy 2 or more of the following criteria —
 - (i) has a mental disorder ...
 - (ii) has an acquired brain injury;
 - (iii) has an intellectual impairment;

- (iv) is an alcoholic or drug-dependent person within the meaning of the Alcoholics and Drug-dependent Persons Act 1968 —

so they must qualify under two of those four criteria. Section 15 goes on to state that an eligible person is also someone who —

- (c) has exhibited violent or dangerous behaviour that caused serious harm to himself or herself or some other person ...

Obviously these people have a lot of behavioural difficulties and are therefore a problem not only to themselves, their families and their friends but also to staff within DHS and the various other organisations that deal with them.

Section 26 of the act, which is headed 'Refusal by person, parents or guardians to participate', states:

- (1) Subject to sub-section (6) or (7), a person may at any time in writing or orally —
- (a) refuse to be referred to the Panel ...

According to the information provided to me, no-one at this stage has refused a service that has been provided, but that is an important step forward in the operation of this act. As we know, there is an important process to go through, and I think I have outlined some of the key things there.

Back in 2003 the Office of the Public Advocate had some concerns in relation to the services provided under the act in that there was no compulsion for an eligible person to participate. Concern was also raised about the fact the normal process of engaging services is reversed — that is, the onus is on the person to refuse rather than to accept the service. Following the consultation we had on this matter it is my understanding that no-one has refused a service; but more importantly, it seems to be working pretty well.

Section 18 of the act gives the panel the discretion to nominate a referred person for assessment if it believes that the person is an eligible person. The section states:

- (1) The Panel may, at its discretion, nominate a referred person for assessment by the multi-disciplinary assessment agency if the Panel believes that the person is an eligible person.
- (2) The Panel may seek to obtain from any person or organisation personal information or health information about a referred person for the purpose of forming a belief as to whether the person is an eligible person.

Again that comes back to my point that we need to make sure we have the appropriate information coming in and the appropriate members on the panel to make a

good decision. The Victorian Bar Council raised concerns about whether this should involve a mental disorder or mental illness, and the parliamentary secretary may want to address that issue.

Section 20 of the act allows a multidisciplinary assessment agency to obtain information about a referred person from other persons and organisations. The panel will come forward with 12-month care plans, but as we know these can be extended for a maximum of a further 12 months. The panel may also identify care plan coordinators. As I said, I appreciated the briefing from the department, as well as the follow-up. I thank Jodie Geissler for sending through that information, and I would like to go through some of it now.

As we know, the background to this is the multiple and complex needs initiative, which became fully operational in August 2004. The focus of this initiative is a small but significant group of individuals with multiple program support requirements. Typically these individuals have a combination of mental health issues, substance abuse issues, intellectual impairments or acquired brain injuries. Often they are high-level users of accident and emergency departments, and many have an involvement with the criminal justice system. As we know there are pressures on all hospitals, particularly in country Victoria — and especially in their accident and emergency departments, because of the limited availability of doctors and other service providers after hours. This is putting pressure on hospital budgets in country Victoria, as you, Acting Speaker, would know.

The multiple and complex needs initiative response comprises four structural components. They are, firstly, a regional gateway; secondly, a multiple and complex needs panel; thirdly, a multidisciplinary assessment and care planning service; and fourthly, an intensive case management service. Participation is voluntary, and the bill requires that individuals be advised that at any point in the process they may refuse to participate. From the data that has been collected there are early indicators of improved stabilisation in accommodation arrangements, a decrease in accident and emergency department admissions and better identification of health care requirements. It is all pointing in the right direction for service delivery.

Other information that has been brought to my attention shows that in just over two years of operation to 15 September the initiative has received 335 consultations. To date, 51 of those matters have gone on to be referred to a multiple and complex needs panel. Among those individuals whose cases have been

referred to the panel, males represent 71 per cent and females 29 per cent; 40 per cent experience either primary or secondary homelessness and a further 17 per cent of the population are in custody or prison; and 44 per cent have poor or unstable health issues. Among the referral population 92 per cent appear to have a mental disorder; 63 per cent appear to have substance abuse issues; 50 per cent appear to have intellectual impairment; and 35 per cent appear to have an acquired brain injury. To date the panel has determined 29 care plans and undertaken 39 care plan reviews. I was pleased to receive that information and more importantly pleased to see that it is heading in the right direction and seems to be achieving all the objectives set out in the original legislation back in 2003.

However, in western Victoria — it is different to your end of the state, Acting Speaker, but I am sure it has similar problems — there are major concerns in the delivery of psychiatric services. As I said, about 20 per cent of patients come from country Victoria, and about 92 per cent of them have mental disorders. Therefore, the delivery of psychiatric services is a major concern to country Victoria.

There are major concerns with mental health service delivery in Victoria. A lot of people would say it is in crisis. In 2005 a Senate committee reviewed mental health programs across the states. It is my understanding that half of the 500 submissions received by the committee came from Victoria. Some of the information I received states that in its submission to the Senate inquiry the Victorian government virtually admitted the mental health system was in crisis. It stated:

Client growth of more than 7 per cent per annum over five years has led to services operating over capacity, as evidenced by the high community caseloads and chronic acute bed blockages, with 9.6 per cent of the patients staying more than 35 days. This has resulted in crisis-driven service responses, difficulties with service and bed access, 'revolving door' clients (15 per cent each year) and a significant impact on other social policy areas ... 4000 mental health clients in 2003–04 waited 12 hours plus for a bed in emergency departments.

Our research indicates that while mental health services in Melbourne are inadequate they are almost non-existent in country Victoria — the Acting Speaker would have to agree with that. In 2002–03 the number of psychiatric beds in acute public hospitals in Melbourne per 100 000 population was 21.55, but in outer regional areas we had only 4.74 beds.

One of the major constraints to improving mental health services in country Victoria is the shortage also of professional staff. There is an acute under supply of

psychiatrists, mental health nurses and clinicians across the state, but particularly in country Victoria. The delivery of mental health services is critical to the community, particularly in country Victoria. Mental health issues are responsible for 55 per cent of the burden of disease in young people aged 15 to 24; 30 per cent of homeless people have a mental illness; more than 50 per cent of new mental health patients have a substance abuse problem; and 15 per cent of prisoners in Victorian jails have a serious mental illness and 50 per cent have a mental disorder.

Poor mental health is a major contributing factor to a range of community social problems. A higher priority on funding mental health is justified, and the problem should be addressed by this and any incoming government. The Nationals believe much more needs to be done in relation to mental health. We will be delivering more on this in our policy which is to be released in the next week or so.

As I said earlier, there are concerns about psychiatric service delivery in country Victoria, and none more importantly than in western Victoria where I live. Psychiatric services, hospitals and general practitioners are all under extreme pressure, whether it be in relation to managing acute psychiatric needs, response times, mental illness, drugs and alcohol abuse, patients being referred to psychiatric service for assessment and advice or lack of timely response to referrals. GPs are not being informed about referrals and there is limited communication between GPs.

Overall this bill has made some positive steps towards delivering some of those services to people with complex needs. The Nationals have consulted widely in relation to this. There are some concerns that might be addressed by the parliamentary secretary, but in summary The Nationals will not be opposing this bill which will extend the operation of the Human Services (Complex Needs) Act for a further two years. We wish it a speedy passage.

Mr ANDREWS (Mulgrave) — I am pleased to speak in support of this important Human Services (Complex Needs) (Amendment) Bill. At the outset I acknowledge the support of both the Liberal Party and The Nationals. As other members have noted the bill comes to the house today to improve arrangements that we collectively set in place back in 2003 — that is, the establishment of the multiple and complex needs framework as a way of delivering care, support and services to some of the most vulnerable members of our Victorian community.

Back in 2003 the government sought to better support those 200 to 300 vulnerable Victorians who, it is fair to say, have very profound needs and who require the dedicated, targeted and focused support necessary to improve their quality of life and, I think, enhance the dignity of all of us. We put in place the framework and sought to better support these vulnerable members of the Victorian community through a more coordinated service response to their needs. As I said, some 200 to 300 Victorians present with combinations of severe mental illness, substance abuse, cognitive impairment and acquired brain injury, as others have noted. This group of people has substantial disabilities and high-care needs. The complexity of their needs and the number of co-morbidities that exist require tailored care and a concentrated effort to connect and coordinate the multiple services and sectors involved.

As a government — and I think I also speak for those on both sides of the house — we are very proud of this initiative and the early signs of the success and effectiveness of this new model. But again, as the member for Lowan noted about mental health services in a broader sense, the system can always be better. We can always drive further improvements, and it is on that basis that we have brought these amendments to the house.

In 2003, when the original act was passed, we agreed to a three-year sunset clause which would come into effect in May next year. The first of the changes we are considering in these amendments will extend that sunset clause by a further two years. This has been a very substantial reform process, involving cultural change, organisational change and a real shift in the way we provide tailored care to these clients. The whole way through we have been careful — cautious, if you like — to work towards developing an evidence base and then properly evaluating the ways in which this new system or set of processes has worked, looking at how effective it has been and how we could further enhance it.

As I mentioned earlier, we are very pleased to note that the early evaluation has confirmed that the system is working well. It is not the final piece of work in evaluating the system, but the early signs are very positive. The minister noted in her second-reading speech not only that there has been success but that it has occurred right through this new model. Whether it be the regional gateways, the operations of the panel, the coordinated assessment and care planning, or case management, the early signs are very positive. In a broader sense the reforms undertaken since 2003 represent a significant shift and a substantial change. In terms of evaluating them, it has been decided to extend

the sunset clause for a further two years so that a future government will have a greater body of evidence — a greater case study, if you like — on which to make appropriate decisions in relation to the future of this model of care.

Others have mentioned the workload of the panel and the great acceptance and support that the panel and this model of care have enjoyed from clients. This is an opt-in model, and each and every client who has received support through this model of care has voluntarily agreed to do so. That is a credit to the model, to the goodwill that exists across the sector and to the dedicated professionalism of those who work in the sector to provide the best possible care.

In order to improve on that and to do an even better job in terms of tailoring support and services to this vulnerable group of Victorians, and given that the panel's workload is fairly heavy, we have determined to expand its membership from 7 to 14. That will allow not only for greater throughput, if you like, but also for a more flexible set of arrangements in terms of the composition of the panel. As the member for Lowan noted, a quorum will require the presence of the chair or the acting chair and three others — one of whom must be the Secretary of the Department of Human Services or a nominee of the secretary. There will now be a much greater pool to draw from, so it will be possible to better match the expertise and experience of the panel members with the particular needs of the clients, as complex, difficult, detailed and challenging as they may be. It is a commonsense change that will enhance the way the panel works.

As I said at the outset, we as a government are very proud of this reform. We are very pleased that other states around Australia have sought to be briefed on this and are setting in train processes to implement a similar model to care for the most vulnerable people in their states. Following on from that, I am advised that the United Kingdom government, through the Prime Minister's office in London, has also sought to be briefed on this. It is very interested in this model of care, as it may well address some of the challenges that government faces.

This is about real leadership in a Victorian context. It is about providing better care and support, joining up all the disparate parts of our human services sector so as to better — —

Mr Delahunty interjected.

Mr ANDREWS — I pick up the interjection by the member for Lowan, who is a great judge of these things. He says we are leading the way, and we are.

This is a very serious matter. We are very proud that other parts of Australia and the world are looking to us and can see that this model is a good one. Our primary focus is obviously on benefiting and improving the life opportunities and quality of life of many of our most vulnerable citizens. But if we can in some way play a role in helping others, it does us great credit. As I said before, it also does the sector great credit, and that includes the many thousands of dedicated professionals who do such a great job in caring for vulnerable Victorians.

The member for Lowan raised an issue relating to the quorum requirements. I direct him to my response when he last asked this question back in 2003. We are satisfied that the quorum requirements work well. This is a small group, and that is important in terms of having a dedicated focus and getting stuck into these complex issues. We are satisfied that the quorum requirements provide an efficient and effective way of doing things, but expanding the overall pool from which a quorum can be formed by moving from 7 to 14 members is a smart thing. It is also worth noting that the panel can seek advice and can co-opt experts from outside those 14 members. If it needs advice from people with detailed expertise or people with a background in a certain area of care, it has ways of getting that. We are satisfied with the quorum requirements; we think they have worked well. However, 14 is an easier number to manage and will give the panel greater flexibility in addressing complex needs.

The member for Caulfield asked me a question about funding. I am advised that for the first three years funding was sourced internally from reallocations within the Department of Human Services from areas such as mental health, disability services, drug treatment services and housing, with some support from the Department of Justice. Future funding for the fourth and fifth years will, I imagine, given that we have not yet allocated funding for those years, come from the normal budgetary process in terms of out years.

I will finish by saying the member for Lowan raised a number of issues in terms of mental health care. It is an area in which I am very proud to play my small part in terms of the government's policy and programs and the effort we have made. We are very proud to say that in the last seven years we have increased mental health funding by \$329.5 million. That is a 73 per cent increase from when we came to office in 1999. Our

contribution to the Council of Australian Governments national action plan, in which we are proud to play a leading role, is \$472 million over the next five years.

One in five of us suffers a mental illness today and one in five of us will suffer a mental illness at some time in our lifetime. That makes mental illness and health everybody's business. We must do more. Whilst a lot has been achieved and we are delivering better outcomes for those in our community who suffer mental illness, these issues are central to building a better health system. The World Health Organisation has coined a phrase in recent years that there is no health without mental health. That is very true.

Whilst a lot has been achieved and all of us would much rather take the next step from where we stand now compared to where we stood 5, 10 or 15 years ago, there is a lot more to be done to bring light into the lives of the most vulnerable members of the Victorian public. There has been substantial additional funding but there is more to be done. No-one on this side of the house, and certainly not the Minister for Health, has ever shied away from that fact. This is a small part of that.

Many of us talk about the fact that a better future in mental health is not just about more money; it is about new models of care and things like this. We can all be very proud of this model since 2003. These amendments make a good model of care to target and better provide for the most vulnerable in our community. I commend the bill to the house and wish it a speedy passage.

Mr RYAN (Leader of The Nationals) — The Human Services (Complex Needs) (Amendment) Bill is a very important piece of legislation. Its principal purposes are to extend the operation of the principal act for the period of two years and also to increase the number of members of the multiple and complex needs panel from 7 to 14. I endorse the member for Mulgrave's comments about that aspect of the community that is directly impacted upon through the operations of this piece of legislation.

As the second-reading speech recites, the multiple and complex needs initiative deals with a group of people who suffer mental health issues, substance abuse issues, intellectual impairment or acquired brain injury. These people almost by definition are users of accident and emergency departments and the criminal justice system. They have many multiple and complex needs.

In speaking to this legislation I want to give it a particular country context having regard to a conversation I was engaged in at a medical practice

only last Thursday at Foster in my electorate. I want to emphasise that if systems such as this had been established under the principal act, which is now amended by the terms of this bill, to function properly and enable that all-important care to be given to individuals who are entitled to it as a matter of sheer equity apart from anything else, as is so often the case in a country context, the starting point would be with the general practitioner. We see this again and again. I was reminded of it by being directly exposed to the pressures upon people which in turn lead them to go and see a general practitioner about mental stresses and related issues when only this week in Shepparton I spoke to people there who are bearing the brunt of the dreadful impact on orchards in that area after last Tuesday's frost.

When speaking to Dr David Polmear and his partners at Foster on Thursday, this was again brought home to me. The practice historically has been made up of a group of general practitioners who have long been regarded from outside the Corner Inlet region as being a model of excellence in the sense of general practitioners available to the community at large. Now they find times are changing. The pressures which impact upon the people who are the subject of the treatment covered under this legislation continue to grow. As Dr Polmear and his partners were explaining to me, back in June 2005 a total of 11 practitioners were providing services through their clinic. In January next year that number will be down to 8 and soon after it will be down to 6. They are hoping to attract a couple of additional registrars to work in their practice. That demonstrates the enormity of the pressures upon general practitioners particularly in country environments.

The point of bringing this up in the context of this legislation is to again emphasise the magnificent service these general practitioners provide particularly in a country context. The doctors said to me that if they are to continue what they have always done and maintain that sort of excellence of service, they are very concerned to ensure that additional people can be recruited to their specific practice.

I might say in the bipartisanship of this legislation — I am not going to dwell on it — one of the commentaries they brought to my attention through the publication of the white paper titled *The Viability of Rural and Regional Communities — Resolving Victoria's Rural Medical Work Force Crisis*, dated 10 August this year, was the comparison of the incentives that are offered through all jurisdictions of Australia that enable doctors to be brought to practices such as the Foster and Toora Medical Centres.

My simple plea to the government is that whilst I am the first to recognise the initiatives that are being undertaken through this legislation, we need to look at the broader issue of the mechanism of recruitment of practitioners into country practices. If you look at the table on page 14 of that report, you see that the comparative figures are stark. Victorian incentive packages are said to come up to \$3500. In New South Wales it is \$16 500; in the Northern Territory it is up to \$28 000; and in Western Australia it is up to \$70 000. I make the point that if we are going to continue to give the support which is so necessary to those country general practitioners, such as Dr Polmear and his partners, this issue in its totality needs to be given additional care.

I might also say there are things the doctors suggested that could be done in the shorter term to provide all-important relief. It may be possible to get hospital medical officers directly employed in a facility such as Foster. That would free up the general practitioners and enable them to go back to their clinical work and in turn permit them the more to be dealing with people of the nature of those contemplated as being in need of care under the terms of this bill.

I simply make that point on the way that our general practitioners throughout the state — but particularly in the country, showing my bias — contribute to the medical system generally but very particularly underpin the way that the structure of this legislation is able to operate. It is an opportunity to applaud them and to express from across all elements of this Parliament the desire that with the passage of time we are collectively able to do better by way of attracting people to come and support them in the important work they do.

Mr LEIGHTON (Preston) — I welcome the opportunity to make my last speaking contribution in a debate on a bill which has a significant mental health component. The changes that the bill makes to the Human Services (Complex Needs) Act are machinery in nature, but they are two important and necessary amendments. Firstly, it extends by two years the life of the act, which would otherwise sunset in May 2007. The early evaluation of the service is promising but it is provided in a complex area and it clearly needs more time for a full evaluation. Secondly, it increases from 7 to 14 the number of members of the Multiple and Complex Needs Panel. This in recognition of the workload.

The main point I wish to make is that this is a very effective response to the issue of silos in human services. As our various services have become more specialised, each with their own piece of legislation, we

are in danger of creating silos where, if people do not neatly fit with a diagnosis, they tend to be defined out of services. Very early in my work at the then Royal Park Psychiatric Hospital I appreciated that we had referred to us patients whom we could not best assist but there were not necessarily other services for them.

As psychiatric staff we struggled with the patients we had referred to us from the corrections department, often by default, because there were no other services. We received people with an antisocial personality disorder. They would present in the evening or overnight and then they would be discharged very quickly the next day by a more senior psychiatrist. We struggled with patients with a dual diagnosis. We saw patients with both psychiatric illness and intellectual disability. We certainly were not equipped to deal with the intellectual disability side. When you look at people with an acquired brain injury, that is a very sad area where we do not have the necessary services and by default those people sometimes end up in a nursing home.

This bill is an example of our government's commitment to mental health, dealing with a very difficult area of including people in services rather than defining them out, and I am a strong supporter of this bill.

Ms ALLAN (Minister for Education Services) — I am pleased to sum up the debate on the Health Services (Complex Needs) (Amendment) Bill. I thank the members for Caulfield and Lowan and the Leader of The Nationals for their contributions, and on the government side I thank the member for Mulgrave, who is the Parliamentary Secretary for Health, and the member for Preston. I commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

STATE TAXATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 24 August; motion of Mr BRUMBY (Treasurer).

Mr CLARK (Box Hill) — The State Taxation Legislation (Miscellaneous Amendments) Bill amends

a range of taxation legislation in four main areas. The first area relates to the Duties Act provisions relating to trusts and breakdowns of marriage and domestic relationships and exemptions that apply in those situations. The bill replaces the existing exemptions with more broadly drawn exemptions that attempt to both overcome some recent court decisions and extend the scope of exemptions to apply in relation to property that was held through companies or trusts. The provisions are contained in clause 3 in relation to trusts and property that passes to beneficiaries of fixed trusts, discretionary trusts and unit holder trust schemes. Clause 4 relates to property passing to beneficiaries of superannuation funds, and clause 5 relates to the exemptions that apply on the breakdown of marriage and domestic relationships.

The provisions relating to trustees and trusts and the transfer of property to beneficiaries attempt in part to overcome a ruling and, indeed, I believe a practice of the State Revenue Office of refusing to allow the exemption in circumstances where there was a mortgage over the relevant property. That subject has been commented on publicly.

The existing provisions of the act are relatively short. They are replaced by quite complex and convoluted provisions. The difficulties of drafting such provisions when one is dealing with trusts and companies and property owned through them have to be recognised. On the one hand you want to allow legitimate exemptions when there are transfers where there is no change in the effective ownership or, in the case of breakdown of marriage or domestic relationship, where the circumstances for the exemption are met, but on the other hand you want to make sure that the provisions do not allow opportunity for abuse. As I say, the provisions substituted by the bill are quite complex and the government of the day will need to keep a close eye on them to make sure that they are working effectively and as intended.

The next area of amendment that I refer to is in relation to ambulance services and various health bodies. This set of amendments applies to transfers of property to those bodies that would otherwise be liable to duty. It also applies to land tax and payroll tax. A new exemption is provided for ambulance services and express exemptions are provided for community health centres, denominational hospitals, multipurpose services, public health services, public hospitals and the Victorian Institute of Forensic Mental Health. In respect of the bodies other than the ambulance services, it is considered that they are probably already charities and therefore eligible for exemption under that head, but it

has been decided to put that matter beyond doubt, which makes sense.

Thirdly, the bill amends the Public Authorities (Dividends) Act 1983 to include the Melbourne Convention and Exhibition Trust in the definition of public authority. The reason the government gives for that amendment is that it expects the new convention centre will generate profits in that entity and the government wants the capacity to take dividends from that body. In principle, of course, dividends can be taken from a range of public bodies. The critical thing is going to be how this provision is used by the government. Is it being used appropriately or is it being used simply to plunder the trust to help pay for the government's spending blow-outs?

The final area I will canvass is the one that has received the most public attention over past times — that is, the provisions that relate to land tax. The amazing thing about these provisions is that they represent belated recognition by the government of the merits of reforms that the Liberal Party has been calling for for some time. They pick up on two of the five elements in the five-point plan for land tax reform that we put forward back in the first half of last year; elements including unwinding as much as possible the massive increases in land tax that have been caused by the government's revenue grab of recent times, compounded by its phoney subsequent land tax cuts.

The second element of our plan was to commit to return to the past practice of frequent adjustments to the land tax scale to prevent properties being rapidly pushed into ever higher land tax brackets. We also proposed the scrapping of the use of indexation factors and basing bills on individual property valuations. We proposed to reinstate and make clear the principle that land valuations are based on genuine assessments of the market value of sites, not on highly artificial assumptions about possible alternative uses. We also proposed that taxpayers should be allowed to object to their land valuations at the time they get their land tax bills instead of requiring them to object before they even get their bills, when they get their council rate notices.

The government has picked up on two of those elements: the scrapping of the use of indexation factors and allowing objections to land valuations at the time taxpayers get their bills. It is interesting that up until now the government has said it could not be done, it is too difficult, it is not possible. Then lo and behold it has suddenly, under considerable pressure and ongoing public criticism, decided it can be done after all. However, there is a sting in the tail. There is a sting in

the way it has scrapped the use of indexation factors because it is bringing forward the use of land valuations by a year. The 2006 valuations will now apply for the purpose of 2007 land tax. Under the previous scheme there would have been an indexation factor based on the midpoint between 2004 and 2006 land valuations. It has effectively brought forward a year's worth of property valuation increase and the accompanying increase in land tax revenue that goes with that.

Despite repeated requests, the government has refused to provide to the opposition any estimate of the amount of revenue involved with that. It has said it is too difficult because there are multiple factors affecting the land tax take and it cannot single it out. The trouble is that it should have provided a total breakdown of the composition of its land tax take, just as it should have provided other basic information that the public are entitled to know about how the land tax take is built up from properties of different values, how many properties there are in the different value ranges and therefore what the effect of bracket creep has been. Certainly the Treasurer does not want an informed debate on this issue. He wants to keep this information a secret to try to conceal his reliance on ever-increasing property values to garner further land tax and try to conceal the fact that his land tax cuts of recent years have been phoney, certainly for most small to medium-sized businesses.

You only need to look at the government's land tax take over time to see that in 1998–99 the government collected \$378 million in land tax; the financial report that was made public today shows that in 2005–06 the government's collections were \$780.1 million. The land tax take has more than doubled since the Bracks government came to office. It fought tooth and nail against any adjustments to the scale. Over time when it was forced to budge on the scales, the adjustments were minimal, and, as I have said, for the small to medium-sized taxpayers they have been illusory.

The government is now belatedly picking up on two elements of our reform package, but with that sting in the tail. It refused to do what really needs to be done, which is to provide genuine land tax relief. In particular it has refused to give any commitment to return to what used to be past practice of making frequent adjustments to the land tax scale to prevent properties being pushed into ever-higher land tax brackets. That is what is needed to restore confidence, stability and predictability, because when an individual taxpayer finds their bill goes up by several hundred percent over just a short period of years, they cannot plan, they cannot budget, and in many instances they are forced to the wall by the rising tax liability. In the end people

throw up their hands and say that with this degree of uncertainty they will not invest in property in Victoria but make their investment in other states or overseas.

These measures that the government has announced for land tax are a mixed blessing. Certainly it is welcome that at long last the government has accepted that taxpayers can object to their valuations at the time they get their tax bills; it is welcome that the use of indexation factors is being scrapped; it is deplorable that the way the indexation factors are being scrapped involves an additional extra sneaky land tax grab by the government on top of other inequities of recent times, such as the new land tax on trusts. What the government has failed to do, as I said, is provide genuine tax relief, particularly for small to medium-sized taxpayers. It has failed to give the sorts of commitments that are necessary to provide stability and certainty to land tax payers.

Given the mixed bag in the bill, the opposition cannot support it as it otherwise would have supported those measures that pick up on policies the opposition has announced. What Victoria needs is a change of government; it needs an elected government that is capable of delivering genuine land tax reform.

Mr RYAN (Leader of The Nationals) — As I have said so often, Labor cannot manage money, and this legislation is another example of it. The legislation, by design, implements some of the budgetary announcements that were made earlier in the year. Essentially the design of this legislation is to allow objections to valuations for land tax purposes; to abolish indexation of land tax valuations and use more contemporary valuations; to exempt certain health facilities from stamp duty, from land tax and from payroll tax in some instances; to clarify duty on assets held by trusts; and, on the basis that ultimately it becomes profitable, to require the Melbourne Convention Centre to pay a dividend.

I suppose from our perspective in The Nationals the biggest initiative reflected in this legislation is the adoption, in effect, by the government of the amendment we moved back in May this year. That amendment was rejected vociferously by the government as being inappropriate for all sorts of reasons which then seemed to the government to be proper. Now we have the amendment effectively enshrined in this legislation. That follows the general course that a good idea always bears scrutiny and should be adopted. The proposition that we advanced back in May was a good idea, and we are very pleased to see the government adopt it. The member for Box Hill said that this is an issue the Liberal Party has been

pursuing for some time; in any event, the bottom line is that fortuitously the government has now come to its senses over this issue, and the amendment is contained in the bill.

There is another aspect of this legislation that I want to note: the assessment of land tax is currently based on valuations that may be up to four years old. What this bill does is to implement a system using the most recent valuation. It could result in a one-off windfall gain for the State Revenue Office in that some of the revenue receipts may be brought forward as the new system is bedded down. I must say, though, that the gain is likely to be minimal, because previously an indexation factor was applied to make the valuation more current. Be that as it may, it is an interesting aspect of this amending legislation.

The government thrives on its taxation of Victorians. It is now taxing Victorians at something approaching \$100 million a day, 365 days of the year. It is not quite there yet, but it is working hard at achieving it. The amount of money it receives and its consequent inability to be able to manage within its means remain a constant source of conjecture and contention, certainly in the minds of country Victorians, and this bill reinforces a lot of those concerns.

In relation to the fictional cuts with regard to land tax — I hear the plea from the member for Burwood saying that the take this year is 10 per cent less than it was last year — the forward estimates are interesting when you go back to the budget papers and then see what is published today. The forward estimates tell the story: to use that oldest of expressions, the raping and pillaging of Victorians through the use of land tax is going to continue virtually unabated. All we are seeing here really is that the government is not going to take as much out of the pockets of Victorians as it otherwise would have. The government classes that as a cut. In fact, it is a fiction. The thing is that Victorians have woken up to that. They understand that that is the case; they have woken up to the government. They have woken up to the indexation of — is it hundreds or is it thousands? — fines and fees on 1 July each year being built into the legislation. They have woken up to those sorts of things.

The government will continue to reel in the money through the mechanisms which are in part set out in this legislation. The flow of the money derived from the GST also continues unabated. I have not yet had the opportunity to have a look at the report tabled today to see what the figures for the GST are compared to what the anticipated income was in the budget, but without even having looked at it — perhaps I am leading with

my chin, and I know the member for Burwood is just the man to tell me if I have got it wrong — I am prepared to lay odds that the actual income derived from the GST is in excess of that which was anticipated by the Treasurer at the time he delivered his budget.

Mr Stensholt interjected.

Mr RYAN — He needs the other book to check it out. I will bet that when the member for Burwood checks it out he will find that what I am putting is the case. It is again reflective of the fact — —

Mr Stensholt interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Burwood will cease interjecting.

Mr RYAN — He has pulled the schools and hospitals — —

The ACTING SPEAKER (Mr Ingram) — Order! The Leader of The Nationals will address his remarks through the Chair.

Mr RYAN — Indeed; I would not dare respond to an interjection, Acting Speaker, but if I were — and I am not, of course — I would simply reflect that the member for Burwood, in an act of utter desperation, has, as this government does, pulled the old hospitals and schools trick. But be that as it may, it just reflects the fact that the government has money flowing absolutely everywhere, yet it still really struggles to make the whole show run properly. This legislation is another example of that.

Mr STENSHOLT (Burwood) — It is a delight to follow the Leader of The Nationals, who really has this “‘We’ll all be rooned”, said Hanrahan’ view of how to manage money. But The Nationals cannot manage money. This is the mob that wants to put the state into deficit by over \$500 million a year. In their absolute desperation in talking about state taxation in the lead-up to the next election, The Nationals would put the state into deficit by \$540 million a year. They are not able to manage money, and they probably will not even be here to try to manage it, because some of the Independents will do well in the election in country areas. But so far The Nationals are proving absolutely desperate in the way they are looking to manage future budgets.

I just had to respond to that, Acting Speaker, because they are the ones who cannot manage money. They are the ones who are proving totally to be irresponsible when it comes to facing an election because so far with their promises they are trying to put the state budget

into deficit by nearly \$550 million a year with their promises of nearly \$3.5 billion in recurrent expenditure over four years and well over \$3 billion in capital expenditure.

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member for Burwood, although I am enjoying his contribution, should address the bill.

Mr STENSHOLT — I am talking about the bill in terms of miscellaneous amendments to state taxation legislation.

It is also always a delight to hear the member for Box Hill, but he seems to have been rather short today. He normally gives us an erudite dissection of finance bills. I have to put on the record, since he mentioned the land tax take and how much the financial report shows it to be — and of course this bill is about land tax and the way it is going to be managed into the future — that the member for Box Hill referred to the land tax take last year as being \$780.1 million. That figure comes from note 3 on taxation at page 98 of the report. In 2005 the corresponding figure was \$847.8 million, so there is a cut — you can call it a cut; certainly it is less of a take — in land tax of \$67.7 million. That is nearly 10 per cent less. Quite frankly, here in Victoria the land tax take has been cut by over \$2 billion.

We have made a number of changes to land tax, and the particular changes in this bill refer to the mechanical processes for bringing forward the time in the valuations and abolishing the indexation factors. Under the previous government, which absolutely crippled small business by lowering the threshold to \$85 000, the valuation period was varied to give a gap of four years. Here we are making it every two years. In response to requests from me and other local members like me — members of the Liberal Party, of course, are living in Baillieu land, or dreamland — the government has now been able to bring this forward.

What has been brought forward is that the 2007 land tax will be assessed on 2006 values. I could go on to give a long dissertation on how the land valuations are arrived at. However, I will spare the house that, except to say that we are bringing in a reform which will be welcomed. As a strong supporter of small and medium-sized business in my area and in the state of Victoria, I welcome the reform — and I have been asking for this for quite a long time. Several years ago we helped tenants so they could object to valuations as they came forward. I commended that, and I commend the government for putting this reform in the bill.

The bill contains a range of other amendments. The provisions relating to the Duties Act are commendable. New sections 36A, 36B and 36C provide a broader category of trust distributions that should benefit from the proposed exemptions. New section 44 extends the exemption available on the breakdown of a marriage or domestic relationship. I welcome those inclusions in the bill, as they will make the administration of these areas much easier.

There is a range of other amendments. The amendment to the Public Authorities (Dividends) Act will include the Melbourne Convention and Exhibition Trust within the definition of 'public authority'. There are also amendments to the Pay-roll Tax Act, the Taxation Administration Act and the Valuation of Land Act. These changes will benefit the administration of taxation here in Victoria, and I commend them to the house.

Ms ASHER (Brighton) — The opposition does not oppose the State Taxation Legislation (Miscellaneous Amendments) Bill, but I will make a number of observations about it. The bill enacts some measures still outstanding from the government's budget, which is a long way down the track — although I concede that the government flagged this at the time the budget was brought in. The bill also covers other elements which relate to changes to the Duties Act, exemptions for public ambulance services and so on.

As the Labor Party would expect, I want to make some observations about land tax, because it is a tax that has caused such significant hardship in the community. Land tax has impacted adversely on small businesses and on self-funded retirees who have chosen property as the basis of their investments. Notwithstanding the government's alterations over a number of budgets, land tax bills are still causing considerable hardship among the small business and small investor communities.

I refer honourable members to the *2005–06 Financial Report (Incorporating Quarterly Financial Report No. 4)* that was tabled earlier today. At page 17 the report says that the revised estimated collection of land tax for 2005–06 was \$771.7 million. But it also shows that the actual collection for 2005–06 was \$780.1 million. That represents a 1.1 per cent change already from the date of the budget. The government can talk all it likes about its so-called reforms to land tax, but the facts are that this tax is hurting and land tax collections have already increased. If you want to talk about genuine taxation reduction, it is important that you look at the total tax take.

As I have said, the government has very little understanding of the needs of small investors and small businesses. However, I will concede that there are a number of reasonable elements to the bill. The first element which the opposition supports — indeed the Liberal Party has campaigned for it over a considerable period of time — is the abolition of indexation, a mechanism which every second year the government has been able to use, depending on the municipality, to get increased land tax collections. As the representative of a municipality that has suffered from very high indexation rates, I am pleased to see this go.

As the member for Box Hill has said already, another element of the bill that is welcome is the change giving people the ability to lodge their objections when they receive their land tax assessment notices, whereas previously they could only lodge objections when they received their municipal valuation notices. I always make the observation that, if you are a small business or small investor, you may not be aware of this fact and so may only work out the impact of your valuation when you receive your land tax bill. The government has put in a provision that basically says that you cannot object every 12 months, but those two elements — the abolition of indexation and the capacity of individuals to lodge their objections at the time they receive their land tax assessment notices — are changes that the Liberal Party has campaigned for for some considerable time. We are pleased to see these elements in the bill before the house.

However, there is an element of the changes to land tax that we do not welcome — that is, that the bill brings forward land valuations by one year. I refer to the second-reading speech, which says as follows:

The changes bring forward the use of land valuations to make them more contemporaneous with the actual land tax year for which they are used.

If people would like to know what that means in plain English, the government is going to bring forward land tax valuations in order to collect more tax. I note in the second-reading speech that the government refers to its extensive reductions in land tax rates.

Mr Stensholt interjected.

Ms ASHER — Go tell that to the people who pay land tax. Say to those people, 'If we had kept everything exactly as it was, you would have paid this amount'. They do not believe you. They know what their individual land tax assessment notices say when they get them in the mail.

I also want to make a passing reference to stamp duty. I note at page 33 of the annual financial report tabled in Parliament today that from 2004–05 to 2005–06 there was a \$334 million increase in stamp duty, which is equivalent to a 14.3 per cent change in the total collection of stamp duty, which is now just over \$2.67 billion. What I would have liked to see in the bill before the house is some form of stamp duty relief. The government has simply sat on the rising property values, and this huge tax take has enabled it to fund its spending blow-outs. Stamp duty relief should have been included in the bill.

I also want to refer to the amendments to the Public Authorities (Dividends) Act 1983 — and this government, as indeed previous governments have, has made an art form of it. Without wanting to breach the rule of anticipation, I point out that there is a very interesting amendment to the Water Bill, which we will be debating later this week. The government has made changes in order to classify the Melbourne Convention and Exhibition Trust as a public authority. The government claims that further down the track the trust will yield a dividend to government.

The interesting thing about the convention and exhibition centre development project, which, I might add, the opposition supports and has been calling for for some considerable time, is that it is suffering a two-year delay. The centre will now open in 2009. Documents released under freedom of information — only after a Victorian Civil and Administrative Tribunal hearing, of course — indicate that the government had intended to open the facility in 2007. The government has chipped \$370 million of taxpayers funds into this particular project.

I am quite relaxed about the private sector being involved in the funding of capital works, as members of the government know. But given the commentary about public-private partnerships, I note that at page 145 of the annual financial report the projected adjusted-for-inflation cost of this project over its life is \$1685.6 million. We now have roughly a \$1.7 billion commitment in future funding flows over the life of this particular project. The government at the time claimed the convention centre was going to yield \$197 million worth of activity per annum in the Victorian economy. If that is true — and I have no reason to disbelieve the government — the fact that it is two years late means that this government has cost the Victorian economy nearly \$400 million in its tardiness by not getting this convention centre moving earlier.

The government is confident the centre will have surplus funds to hand over to the government as

dividends, and I can only urge the government to spend those dividends wisely should it be in office when the dividends begin to flow. In the annual financial report tabled today we can see that the government is simply overspending and receiving a whole range of taxes over and above its budget — in particular, land tax.

That brings me back to the subject of this bill, which of course is about implementing the government's changes to land tax. Again we make the point that the government can crow all it likes about its land tax changes — I would not call them reforms; they are changes — but the people who pay land tax think this government is crippling them. They think it is voracious. They do not like this government. They have heard the government's rhetoric, but they get their own land tax bills every year and can see how their own bills have gone up. They can see the impact of this on their future plans for retirement and for their businesses. The opposition does not oppose the bill, but there are some elements of this that are very faulty.

Ms ALLAN (Minister for Education Services) — I am pleased to sum up on the State Taxation Legislation (Miscellaneous Amendments) Bill. It is another piece of legislation that demonstrates the fine financial management the Bracks government has put in place over the last seven years. It continues the strong regime of budget performance and rigour that we have had in place. I would like to thank the member for Box Hill, the Leader of The Nationals, the member for Burwood and Parliamentary Secretary for Treasury and Finance, and the member for Brighton for their contributions to the debate. I commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

PUBLIC SECTOR ACTS (FURTHER WORKPLACE PROTECTION AND OTHER MATTERS) BILL

Second reading

**Debate resumed from 24 August; motion of
Mr CAMERON (Minister for Agriculture).**

Mr McINTOSH (Kew) — This bill demonstrates a clear political divide between the Liberal Party and the Labor Party. I can stand here as a member of the Liberal Party and proudly say that the Liberal Party

stands for choice — for choice in the way a person wishes to structure their affairs in their workplace, either as an employer or as an employee. That choice enables employers and employees to enter into an arrangement that is satisfactory to both parties. Nobody should be compelled to enter into an arrangement that is not satisfactory to both parties. As I said, the Liberal Party stands for choice in the workplace, and enabling choice in the workplace rather than the rigidity of any form of collective arrangement can make both parties supremely better off. It should be an individual's right to choose whether they wish to participate in a collective or not.

On the other side of the political divide the Labor Party, of course, stands for anything but choice. It says, 'We will deny you choice in every aspect of the way you go about the business'. At the end of the day, this is what the Labor Party stands for. It says, 'We know what is in your best interests. Therefore you will do something that is in accordance with what the collective agrees, whether you wish to participate in the collective arrangement or not'. The Labor Party stands for imposing that upon individuals. As I said, the Liberal Party stands for choice; the Labor Party stands for denying choice in the workplace.

While many aspects of this omnibus bill are satisfactory and worthwhile, the principal purpose of the bill is to attack WorkChoices and the operation of the unitary system of industrial relations, which has provided profound benefits to this state over the last 10 years — notwithstanding that the government still professes to support that unitary system and notwithstanding that, while it has revoked some parts of the industrial relations reference to the commonwealth government, it has not revoked it in totality. In relation to the termination of business, it appears that this bill may very well be unconstitutional.

Most importantly, this is an omnibus bill. All of these things have been rolled into its principal purpose, which is to deal public sector workers out of the opportunity of participating in a decision-making process which can be very important and to deny them the right to choose and the ability to negotiate for themselves if they so choose. That is something the Liberal Party abhors. Accordingly, the Liberal Party will be opposing this bill.

As I said, there are some parts of the bill that Liberal Party members do not have any difficulty with and would support. An amendment to the Commonwealth Games Arrangements Act, which is completely unrelated to the Public Sector Employment (Award Entitlements) Act or the Public Sector Acts (Further

Workplace Protection and Other Matters) Bill, has been rolled into this particular bill. Normally we would be quite happy to support the bringing forward of the transfer date for all the assets and liabilities of the Commonwealth Games Corporation to the state by order of the Governor in Council before 31 December of this year, as that seems to be appropriate in the circumstances, but unfortunately, because it has been rolled into a small part of the principal purpose of this omnibus bill, that provision will be opposed.

The bill also contains amendments to the Ombudsman's Act which at first blush do not cause the Liberal opposition any concern. The ability for the Ombudsman to delegate the powers given to him under the act in appropriate circumstances is already contained in the legislation. The example given by the minister in the second-reading speech is that when the Ombudsman is on leave or is otherwise indisposed the powers of that office can be delegated to some other person. There is specific reference in the second-reading speech to the Ombudsman's functions in relation to the whistleblowers legislation and the Freedom of Information Act, which can likewise be delegated.

I have not yet heard back from the government on a matter that was raised at the briefing yesterday relating to whether the powers given to the Ombudsman under the various pieces of legislation setting up the Office of Police Integrity — a matter of enormous controversy at the present time — would be capable of being delegated. I would certainly like some clarification of that matter. The government indicated it would get back to me in that regard, and hopefully it will do so before the end of the debate. Perhaps the minister can enlighten us in relation to those matters in his summing up of the legislation.

The bill also makes amendments to the Audit Act, one of which is the adoption of the new commonwealth audit standards. That amendment would be highly beneficial in providing for uniformity in the reporting of the financial affairs of the government in accordance with the audit standards prescribed by the new Auditing and Assurance Standards Board which are now required under the Corporations Law for trading corporations. Clearly it would be of advantage to have the government adopting the same auditing measures as trading corporations. There is provision in this bill for that uniformity, but unfortunately that provision is rolled into this omnibus bill, which will be opposed by the Liberal opposition.

The bill also contains an amendment that will allow the annual plan of the Auditor-General to be released

publicly as soon as it is transmitted to the clerks of the Parliament, rather than when it is tabled. This is a matter that has caused Liberal opposition members concern, and we have raised it in the past. The most recent occasion, from my recollection, related to the report of the Law Reform Commission. While we understand that there is enormous interest in a lot of these reports and that in particular the public has an interest in seeing the annual plan of the Auditor-General as soon as possible, regrettably it can be tabled at a time that the government sees fit, and the government involves itself in the timing of that tabling.

The annual report can be tabled at a time that is very convenient to the government, whereby it can be covered up by a lot of other matters that are going on in the public arena. I think it would be much fairer and easier and there would be a much more satisfactory outcome if the Auditor-General's annual plan were tabled in this Parliament in the usual way; therefore the Liberal opposition disagrees with that aspect of the bill.

The bill also makes an amendment to the Freedom of Information Act, which provides for the State Services Authority to be subject to that act. That will provide for a more open and accountable State Services Authority, and accordingly that amendment will be supported. I am aware that the member for Box Hill put in a recent freedom of information request in relation to the State Services Authority, and that request was denied because the authority was not subject to the Freedom of Information Act, so we see that as a worthwhile amendment. I note also that the amendment to the Freedom of Information Act applies retrospectively to the creation of the State Services Authority, which again is appropriate.

The bill contains amendments to the Financial Management Act that will mean that part 7, which deals with the purchasing policies of the government, will also apply to the State Services Authority. The Liberal opposition has no real difficulty in relation to those matters. The bill also contains amendments, covering some 25 pages, to 119 acts. I was very grateful to be told at the briefing that those amendments are not tidying-up amendments that might come into an omnibus bill in the normal way as a result of recommendations from parliamentary counsel, but rather are just amendments that are consequential to various other aspects of this bill.

There are two principal parts of this bill that cause the Liberal opposition profound concern. The first is the reintroduction of an unfair dismissal process, if you like, in relation to employees who are employed in the public sector by an employer who has less than

100 employees and who is not a trading corporation. As we know, the High Court has ruled that a public hospital is a trading corporation but a public school is not a trading corporation, therefore differential arrangements will apply to different areas of the government sector. Public servants who are employed by large departments, of course, will not be covered by this amendment because the departments will have over 100 employees.

I note at this stage that those workplaces that have over 100 employees, whether they be trading corporations or in the public sector, will continue to operate under the unfair dismissal laws that have applied for a number of years, certainly since 1996 with the passage of the commonwealth Workplace Relations Act.

The amendments to the industrial relations legislation were made to address an enormous number of concerns that were put up by small business operators in particular, who identified that the way the Australian Industrial Relations Commission had been driving unfair dismissals was process driven rather than dealing with the merits of particular proceedings. Indeed it is a matter I have mentioned on a number of occasions in the past. In particular I have referred to the Grocon case where an employee was being warned that he must wear a hard hat on a building site. I am sure everybody in this house would agree that it would be a very serious breach of workplace safety for an employee not to wear a hard hat on a building site.

That employee had been warned on a number of occasions, and then he was formally called into the site manager's office and warned that, if his behaviour persisted, he would be dismissed. He was not dismissed at that stage; he was just warned that that may occur because of his consistent disobeying of the company's directive, which was given in order to provide protection for himself and other employees. As a result of that warning a very heated discussion took place, and the employee threatened to kill and then assaulted the manager of that building company. When another person involved in the management intervened, he too had his life threatened. As we in this place all understand, under the Sentencing Act a threat to kill is treated as a very serious offence and can carry a maximum penalty of up to 25 years in jail.

Accordingly the employee was summarily dismissed. Notwithstanding the fact that the Australian Industrial Relations Commission found that that particular employee had made a threat to kill in relation to two fellow employees of Grocon, it was found that, because he had not been counselled following the assault and

the threat to kill, he was entitled to a remedy under the unfair dismissal process.

I am sure many members have dealt with constituents and others who have raised these concerns. That was the reason the federal government implemented the changes. I might add that as part of those changes there has been a change of venue, if you like. The term has been changed to unlawful termination, so where you have been discriminated against by virtue of the provisions set out in the federal Workplace Relations Act as amended by the WorkChoices legislation, then the normal remedies apply in relation to unfair dismissal. The only difference is with the Australian Industrial Relations Commission — the umpire that we keep getting told has been abolished. It has not been abolished; it still has a role to play in trying to conciliate a particular dispute.

If that conciliation fails, then in accordance with the system in place, the Industrial Relations Commission must certify that there is a genuine dispute in relation to the dismissal and the matter can be litigated in either the Federal Court or the Federal Magistrates Court with the appropriate remedies. In many cases the unlawful termination provisions have been ramped up in relation to those matters well beyond the unfair dismissal terms that still exist for workplaces with over 100 employees. Indeed the family responsibility provisions have been increased so that criminal sanctions apply as well as the civil remedies.

For example, temporary absence from work because of illness or injury is still not grounds for dismissal. Trade union membership is protected and is no longer grounds for dismissal either under unfair or unlawful termination provisions. Indeed, non-membership of a trade union can no longer be grounds for dismissal. Dismissal on the basis of race, colour, sex, sexual preferences, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction and social origin remain in the unlawful termination provisions.

As I said, the provisions relating to family responsibilities have been beefed up. The system is still there and there is a formal process of conciliation. There still has to be a determination that there are reasonable grounds to proceed, and on that basis the matter can be formally litigated in the Federal Court or the Federal Magistrates Court.

In relation to the unlawful termination provisions there is also the opportunity for a contribution of up to \$4000 for a qualifying worker, which is means tested — and from recollection the cut-off limit is \$50 000. If a

qualifying worker applies he or she can get up to a \$4000 contribution for legal advice in relation to their prospective claim from a panel of private lawyers nominated by the federal government, although the worker has an opportunity of selecting a lawyer from that panel of lawyers.

However, rather than deal with the merits, we are constantly told that we are being treated badly and perhaps unfairly because employees in small workplaces will no longer have access to the unfair dismissal provisions, yet they still have what can only be described as beefed-up unlawful termination provisions. The most important thing is that it will not be process driven as in the case of Grocon, which I just outlined and which received a bit of publicity at the time. It will be dealt with on the merits of the termination, dealing with one of the heads set out in the Workplace Relations Act. If any of those provisions have been transgressed, then the orders that can be made by the court, or in conciliation, are more or less the same. However, I note the criminal sanctions in relation to some aspects, particularly family responsibilities, are new.

Despite all of that what we get from the government is its rhetoric about protecting workers. It says, 'We are going to be great employers'. Hello! It is the Minister for Industrial Relations and the Premier of this state who we are talking about as employers. They are the ones who are going around unfairly dismissing their workers and giving them the right now to bring their own proceedings, not before any independent umpire, but before another public servant called the public sector standards commissioner who will be given jurisdiction to deal with unfair dismissal claims for qualifying employees in workplaces with 100 employees or less where the unfair dismissal provisions of the Workplace Relations Act do not apply. We are only dealing with public sector employers with less than 100 employees that are not trading corporations.

At the departmental briefing it was made perfectly clear that the government has basically mirrored the commonwealth legislation in any event, substituting its own person — the public sector standards commissioner — and almost exactly mirroring, word for word, the commonwealth legislation, including the remedies that are available and the cap on damages in relation to those matters under commonwealth legislation. We were told this is going to be better, notwithstanding that the ramped-up unlawful termination provisions will not apply to those workers employed by a smaller employer.

The expense of all of those matters is one thing, but I also have a profound concern about this matter. This is something that probably will not wash with members of the general public, but because we deal with laws their validity should be a matter of profound concern. There is a strong argument that the reintroduction of the unfair dismissal provisions in the new public sector bill is unconstitutional for a very simple reason. It is unconstitutional because one of the heads of the original reference to the commonwealth government back in 1996 was to make laws in relation to the termination of employment. It was on that basis that the various mechanisms for unfair dismissal or unlawful dismissal would apply to every workplace in Victoria because of the unitary system.

We know perfectly well that when this government came into office it supported the unitary system. Certainly the Minister for Industrial Relations is on the record calling upon all his state colleagues to support the notion of a unitary system. He extolled the virtues of that unitary system to his state colleagues. Notwithstanding that, the government, in order to score a political point, has gradually revoked that reference. In the area of Australian workplace agreements we see the government has included as part of the bill a provision which revokes that part of the reference in relation to entering into your own individual contract, and I will get onto that in a moment.

What concerns me about this is that there is no revocation of the termination provisions. A valid law will apply to every workplace, unless it has been otherwise revoked in relation to various matters which this government has been cherry picking from that reference. It still applies to every workplace, including the public sector. The commonwealth now has the constitutional ability to make laws in relation to the termination of public sector employees, but we do not get that revocation here. We will have a constitutional stand-off. But, as we know, under the Australian constitution, commonwealth law will have to prevail. Public servants are going out and saying, 'Isn't Rob Hulls a fantastic bloke and isn't the Premier fantastic because they are introducing unfair dismissal?'. The problem is that it cannot apply because it is unconstitutional. It demonstrates that this is all about political rhetoric. It has nothing to do with substantive law.

It is simply making a statement — and it is a political statement at best — and it denies, necessarily, all those workers in small workplaces in the public sector the opportunity of participating in the unfair, unlawful dismissal provisions which have been ramped up from the old unfair dismissal provisions. It is certainly not

process driven. It denies those employees the opportunity of obtaining legal advice under the commonwealth legislation and support for doing that.

Lastly I move on to an aspect of the bill which is bizarre in the extreme. We now have a piece of legislation coming into this house that is going to deny public sector employees the opportunity to have choice in what they want as their own particular arrangements. As the Liberal Party has consistently said since the passage of the WorkChoices legislation, WorkChoices should not be about ramming something down somebody's throat, whether it is an Australian workplace agreement or a collective agreement. It should be the individual worker's opportunity to say, 'I would like to do what is best for me', and to choose. They can choose to belong to a union or they can choose not to belong to a union. They can choose to participate in a collective agreement or they can choose to enter into their own individual arrangements.

What we have here is this government by stealth using this legislation as Kim Beazley's stalking horse. What we will get is no AWA policy being adopted by this government and this bizarre statement that somehow, if you want to enter into your own individual arrangement, you can do it through common law. This is industrial relations 101. A common-law agreement will not protect you. It does not do a thing; it is just a piece of paper. You need to have a formal arrangement — either a collective agreement subject to an award or an Australian workplace agreement. That is the only way you will bind an employer and an employee. This is about the government. This is about the Premier, the Minister for Industrial Relations and the Minister for Education Services, who is sitting here. They are the employers, but they are going to deny their employees the ability to choose what is best for them and put it into an enforceable arrangement such as an AWA.

We also get this bizarre statement — this is the purpose, this is what they want to do — that it will not be possible to induce public sector employees to sign AWAs by offering terms more favourable than the relevant collective agreement. So notwithstanding the fact that you might get better terms under an AWA, whether by inducement or otherwise, this government wants to turn around and say, 'Don't you worry, we know what is best for you. We will dictate to you in all circumstances. You will be part of the collective, whether you want to be or not. We will tell you what is best for you because we know what's best, and that is the Labor way. We will dictate to you. We know what is best for you. We will deny you choice. We don't care whether you are articulate enough or intelligent enough

and able to negotiate your own arrangements, we will take that opportunity away from you'.

It is not bad enough that this legislation binds the state government; it also contains a provision that says that an individual does not have the capacity to enter into an AWA. Notwithstanding the fact that individual public servants might want to exercise their right to choose what they consider are the best terms and conditions and the flexibility that can best provide for them as mothers or as dads or meet other needs to the mutual benefit of both employer and employees, the Labor government says, 'We know what is best for you. We will even take away your right to enter into an AWA by prohibiting you from doing that. We will say that you do not have the legal capacity to enter into an AWA'. The government does this, notwithstanding the profound benefits that AWAs may offer individual employees.

Of course it must be an inducement. When you look at AWAs compared to collective agreements in this country you find that on average over 10 per cent more is payable under AWAs than under collective agreements. This government does not want to pay its public servants any more. It does not want to provide flexibility, because it is doing the bidding of Kim Beazley and the union movement. What it is implementing here is a no-AWA policy for public sector employees in Victoria that completely denies them the right to choose whether they want to be part of a union-dominated collective agreement or have the ability to enter into their own satisfactory arrangements. As we know, in the private sector the uptake of awards is falling daily. Union membership in the private sector is now below 17 per cent. In the public sector I understand it is more.

I make a promise that the Liberal Party stands for choice. If the Liberal Party is elected to government, those public servants will be given choice. They will be given the choice to participate in a collective agreement, if they want to do that. Alongside the member for Caulfield and my leader, the member for Hawthorn, I look forward to negotiating that with the union in the appropriate circumstances. Most importantly we will stand for choice, and public servants who want to enter into their own individual arrangements and be protected under the sanction of law through AWAs will be protected. We will give them the opportunity to choose what is best for them and not be dictated to by Big Brother.

Mr RYAN (Leader of The Nationals) — It is a sad if not tragic reflection on the government that we are debating this piece of legislation. I say that because in

the original design of the order of bills to be debated this was to be the fourth for this week and it was to be the last this week. It is just that through dint of circumstance there has been a slight change in the order of debating and the all-important Water (Governance) Bill is now going to take pride of place as the final piece of legislation to be debated in this parliamentary session.

I say it is a sad commentary because what the government wants to do through this legislation is to drive a wedge between itself and the two conservative parties to try and place itself in a position it can use out in the marketplace to serve its purposes.

It is such a miserable thing to do. The government is perpetuating so many of the myths which underpin the attitude it takes to the issue of employment in the modern era in which Victoria now participates. You only need to look at the name of the legislation — the Public Sector Acts (Further Workplace Protection and Other Matters) Bill — to see that. It is about the notion of them and us and about the workers versus the bosses. It is about the notion that all employers are out to skin their employees alive and to get what they can from them without giving them a decent return. It is about the notion that people are working in workplaces under 16th, 17th, 18th and 19th-century conditions. It is completely divisive and, most tragically, totally removed from the reality of what applies in most workplaces.

Mr Mildenhall interjected.

Mr RYAN — The member for Footscray laughs. Take, for example, some of the things that were being called out a moment ago by the member for Mitcham — he is a Demons supporter, so he is not completely lost! — about an industrial relations issue of recent heritage. Each time this government brings up one of these matters it proves the case for what the federal government has done in bringing in its WorkChoices legislation, and it does so because government members keep raising instances which by their singular nature are exceptions to the general rule. The reason why union membership is down to about 17 per cent outside the public service in Australia is that the unions have lost touch entirely with the way in which economic conditions apply in Australia. What they do not realise is that Australia has moved on. The greater tragedy is that the Labor Party knows Australia has moved on.

Mr Robinson interjected.

Mr RYAN — As the member for Mitcham observes, they want to move backwards, and I suppose that is reflective of the Labor Party at large. The ultimate tragedy is that the Labor Party understands that Victoria has moved on from where industrial relations were years ago — and so has Australia. Going back to the era of former Prime Minister Paul Keating, who started the process of ensuring that Australia — —

Mr Mildenhall interjected.

Mr RYAN — And Bob Hawke had a bit to do with it too. They started us down a path in this nation that has led us to where we now are, and the current government in Canberra has introduced so much of the legislation which has freed up the capacity of employers to have appropriate relationships with their employees, and vice versa.

That is reflective of the fact that Australia has moved on. We are now part of an enormous global economy. Our small nation of 20 million people is out there trying to sell its products, competing in vast markets that, for the most part and despite the best endeavours of us all, are almost invariably propped up by some form of subsidy. I might say that, to the eternal credit of the current government, other nations around the world are by degrees coming to understand that they cannot keep propping up their economies in the way they historically have and that they have to move their economies in the direction in which Australia in the main has moved. You have to take out the props and make your economy competitive on an international stage. If you cannot do that, eventually the taxpayers wake up to the fact and will no longer be prepared to keep pumping money into organisations and structures that cannot make their way in the world.

Whereas once upon a time we traded from community to community, town to town, city to city and state to state, now we trade globally, nation to nation. So many of those structures which were pivotal to the way industrial relations operated in Australia going back decades no longer have any application to the way this country now functions. Unless we have an absolutely flexible work force that is able to accommodate itself to the demands imposed upon us by the global economy, we will see the failure of our economy.

At the moment we enjoy the benefits of an economy that is functioning very well, due primarily to the efforts of the coalition government in Canberra. The states are able to ride on the coat-tails of the federal government, to the benefit of all of us who live in Australia. When you cut to the chase, we are small beer in the context of a much bigger meal. The whole thing

is being run on the basis of the Australian economy. So it is that the WorkChoices legislation is a natural aspect of the way in which our employment structures have evolved.

I come back to the point that making this the last piece of legislation that by design it is putting through the Parliament before we go to an election in 53 sleeps time is a sad commentary on the government and on the way it is seeking to create division where for the most part none exists.

This bill also overlooks some of the other fundamental aspects of the relationship between employers and employees. Employers understand that the best investment they will ever make is in employees who work not for them but with them. At a time in Australia's history when we are enjoying virtually full employment and when it is difficult to find employees, employers understand that the best investment they will ever make is in people who will work with them.

In Victoria we have to put up with other states and territories coming over and trying to raid our work force. Last weekend the Labor Premier of Western Australia was over here for the grand final with the West Coast Eagles, running full-page advertisements trying to pinch our employees and take them back across to Western Australia.

I thought one of the great commentaries during the week was John Burns on the morning show with Ross Stevenson suggesting that we are now at the stage in Australia where once you turn 18 you have to go into the draft, and if your number comes up some other state can pick you up and you might end up working as an electrician in the Northern Territory. His basic point was along the same lines that we are almost in a state of full employment in this nation. There is enormous competition between the different jurisdictions for the work forces which we respectively need to realise the aspirations of those whom we represent in this Parliament.

Into that has been tossed this piece of legislation. It is a hand grenade — and an absolute throwback. The Labor Party wants this throwback when very obviously the vast proportion of Australian workers have adopted the system and adapted to a principle which by its very nature says that people want dynamic relationships between employer and employee. Do not worry about the capacity of people to be able to choose what they want to have by way of their arrangements. The government knows what is best for everybody and is going to look after everybody. The ultimate lie — and this is what really sticks in my craw — by this

government is that it knows it is not so. The Premier of Victoria goes to the Council of Australian Governments (COAG) with his 2nd, 3rd or 15th wave of change or whatever he terms it, having got all sorts of departmental advice, supposedly driving the issues of change that are essential to the future of Victoria.

Honourable members interjecting.

Mr RYAN — ‘Hear, hear!’ I hear the Labor benches say, yet in the face of that and running in complete contradiction to the sorts of commentary that he makes through the material he brings to COAG we have this piece of legislation, and the Premier himself is one of the prime players in the way the legislation is supposed to take effect. It is a complete contradiction in terms and of the realities that actually apply in the Australian workplace today.

The ultimate tragedy is that the union movement is driving this in circumstances where really it ought to know better. The commentary that has been made about the union movement is self-evident because of the way in which the number of unionists continues to drop. On the other hand the Labor government is purportedly doing all sorts of wondrous things, so it keeps telling us, at vast expense to taxpayers, predicated on the basis of their being no. X in the wave of change that the Premier is taking to COAG, knowing all the time that legislation of this nature is a complete throwback.

The fundamental aim of this legislation — and I say again, by its design at least it was to be the last piece of legislation debated before the election — is an absolute myth. People are entitled to be able to choose what they want by way of an arrangement with their employer. The fact that they happen to work for the public service in Victoria is surely no rationale for why that should not be so. You only need hear the commentary coming from the major employer organisations around Australia when these sorts of things happen. They see them as an impediment; they see these sorts of things as another barrier to our being able to compete in the international markets which are so essential to our future.

To make that point more particularly, the fact is that we have to maximise the competitive edge we enjoy in international markets if we are going to see the growth of our industries. In Victoria we have the notion of clean and green and the like in our agricultural sector. We have a huge manufacturing sector which in turn is dependent on on-farm production, and on top of that we have retail, commercial and manufacturing sectors which are dedicated in large part to the agricultural sector in the first place.

All these sectors demand flexibility in arrangements between employers and employees. If we cannot have that, we will end up with the artificial situation that otherwise prevails in different parts of the world, and we will not be able to compete to the extent that we need to. I do not know whether the Labor Party people here understand that. If you are a greens grower in the United States of America, last year on average you got about 35 per cent to 40 per cent of your income from the letterbox. In our dairy industry we compete in international markets that we all know are propped up in an artificial manner as a result of governments refusing to accede to the reality that they have to be able to produce their product in a competitive way.

Here in Australia we are not protected by any of these sorts of issues. We are out there competing and doing it without the benefit of subsidies that prop up many of the markets into which we are trying to sell our product. A basic component of being able to do that right across every sector of the economy is the need for flexible arrangements to make sure we have people who want to be able to work being able to work in an environment which is best suited to them and to the employers who employ them. It is the means whereby our economy will continue to prosper.

I cannot help but say again that the tragedy of this legislation is that the Labor Party in Victoria — and indeed at the federal level — understands all of that very well and very clearly, yet it has introduced this legislation in an endeavour to wind people up before the impending election and to enable it to say that it is out there as the champion of the workers. By the terms of this legislation it is removing a basic right of people in today’s world to make choices which they think are appropriate to their needs and to in turn ensure that they can work in environments which are best suited to them and calculated to give them the opportunity to realise their aspirations in this terrific state.

It is a tragedy that as we come to the conclusion of this parliamentary session we have to debate a piece of legislation which is shameful not only in its content but also in the way in which the Labor Party in Victoria intends to blatantly use it for the purposes of an election that is now only 53 days distant. The Nationals will oppose the legislation.

Debate adjourned on motion of Mr MILDENHALL (Footscray).

Debate adjourned until later this day.

Sitting suspended 6.30 p.m. until 8.01 p.m.

WATER (GOVERNANCE) BILL*Second reading***Debate resumed from 10 August; motion of Mr THWAITES (Minister for Water).****Government amendments circulated by Mr THWAITES (Minister for Water) pursuant to standing orders.**

Dr NAPHTHINE (South-West Coast) — I thank the Liberal Party Whip, the Government Whip and The Nationals for allowing me to speak at this stage. As others know, I am not feeling the best and I want to get this speech done and then get home to bed, where I belong. Perhaps I have had too much of the Sugarloaf water that has been the source of some concern recently.

While I thank members of the government for their cooperation on that, I am very surprised by the circulation now of 13 amendments to this legislation. These amendments have not been advised to the Liberal Party or The Nationals, there is no time for scrutiny of these amendments and there is no time for consultation with industry and the community. It seems that the government wants this bill plus these amendments rushed through both houses this week. That is quite unfair and it is certainly not in the interests of open, honest and accountable government. Clearly this government is run by secrecy and the lack of ability to consult. Certainly this is a very disappointing way to start debate on this very important legislation.

I understand from a press release I received about an hour ago that warned me that there might be some amendments coming that some of them might relate to the release of a list of Victoria's top 200 industrial water users. This issue has been pursued by the community for some time and the government has been reluctant to release that information. It seems that these amendments might provide that that information be released. It is interesting to note that on 24 August in the other place the Honourable David Davis said, referring to the Minister for Local Government, representing the Minister for Water:

I wonder whether she will make available to the house the list of 250 sites that the Environment Protection Authority has identified —

meaning the 250 high water users. The Minister for Local Government said:

I am advised that only after the stage when those processes and regulations have been developed and are in place,

including consultation with industry, will it be possible to identify and ... name businesses.

It is amazing what can happen in a couple of weeks: a bit of pressure from the media and from the community and the government rushes in these last-minute amendments.

The Water (Governance) Bill is very complex. It makes numerous changes to numerous acts, dealing with a number of challenging legislative issues to do with water management and water trading. It repeals the Melbourne and Metropolitan Board of Works Act 1958 and the Melbourne Water Corporation Act 1992 and brings the powers and functions of Melbourne Water into the Water Act. It changes all the water authorities into water corporations. It corrects numerous issues related to the implementation of the Water (Resource Management) Act, especially in relation to limited term transfers — that is, leasing of water rights — and environmental entitlements. It provides new board structures for water corporations and catchment authorities. It legislates and standardises on-the-spot fines for breaching water restrictions. In another sort of left-field component this legislation makes changes to the Werribee South Land Act to facilitate marina and housing development at Werribee South.

Before I go to the bill, I want to suggest to the government that there are a couple of mistakes in this legislation and that the government might be well advised to look at these mistakes. Clause 28 substitutes the words in sections 48K(1), (2) and (3) of the Water Act. If you look at section 48K, you see that it has not only subsections (1), (2) and (3) but also subsection (4), which refers back to subsection (3)(b), which is being deleted by clause 28. There will be a reference in section 48K of the Water Act to a subsection that has been deleted. That may cause some confusion. It will obviously be difficult to interpret, and it may cause some problems. I suggest that, if the minister is in a busy amending mood, he perhaps address that issue.

I refer also to what I believe to be a complex error, and I would be happy if the minister were to suggest that I have misunderstood it. Section 179 of the Water Act relates to the declaration of special sewerage services, and the section refers heavily to earlier sections 96(1) to 96(8). The bill replaces section 96 with a new section 96, which is headed 'Other duties not affected' and has nothing whatsoever to do with sewerage schemes. Section 179 of the Water Act relates to special sewerage schemes and relies for its implementation on a reference back to sections 96(1) to 96(8), which have been replaced with something that has no relation to sewerage schemes — which I would

suggest, to use a phrase, leaves section 179 of the Water Act up the sewerage creek. There are a few problems with the legislation. I suggest that the minister look at it while it is between here and another place. He will not have a lot of time, but it needs to be amended.

I now want to refer to the very end of the bill, to clauses 173 and 174 which amend the Werribee South Land Act. Clause 173 amends section 5(3) by increasing the long-term development leases from 50 years to 99 years. Clause 174 amends schedule 2 of the Werribee South Land Act by increasing the actual area which is to be included in that marina development, including both the foreshore and the sea. Might I say right at the outset that the Liberal Party strongly supports this development. I will talk a bit about the development, which is the Wyndham Cove marina development in Werribee South. Its web site says:

Melbourne's newest marina complex, the Wyndham Marina on the west side of Melbourne's Port Phillip Bay, will combine a state-of-the art marina with world-class waterfront residential housing, retail, commercial, entertainment, marine service facilities.

The \$275 million development will be a world-leading, water-based facility incorporating a marina attached to a 5-star ecologically sustainable residential community, and it will create a benchmark in sustainable coastal design.

Further it says:

... this purpose-built marina will have capacity for 1000 wet berths, a 300 boat dry store and will provide a much-needed boating destination and facilities on the western side of Port Phillip Bay.

It also says it will include 160 houses and 60 apartments. The Liberal Party supports these amendments in clauses 173 and 174 and strongly supports this development. It has been on the cards for some years and has had some difficulty in attracting appropriate investment to make it into a feasible proposition, but it seems the current proponents are committed to the project and have the resources to do it. The project as proposed is certainly commendable.

In correspondence to me on this issue the Wyndham City Council said:

... the Wyndham City Council and the two predecessor councils (i.e. the shire and city of Werribee), have been consistent supporters of a safe harbour and marina concept on the Werribee South foreshore.

...

The preferred developer is a shareholder in Wyndham Cove Marina Pty Ltd. ... Council was supportive of the new entity given that it included the previous preferred developer.

The correspondence goes on to say that it has gone through an environment effects statement process and that it has broad community support. We support that, but I make a couple of points on this issue — points the government needs to take on board and points the Liberal Party support.

We welcome the fact that the government is prepared to allow this development along the coastline. It has a positive community benefit whereas along other parts of the Victorian coastline, where similar developments are proposed which will have a positive community benefit, it seems the Minister for Planning is trying to stop them, even though the community and the local people want them and they will have a positive outcome.

Secondly, we welcome the government being prepared to give a long-term lease on Crown land for this positive development. Many members will know that there have been difficulties with local businesses trying to get some reasonable long-term leases on Crown land for their business operations where longer term leases are needed for a substantial investment. We welcome the fact that the government has, for this development, moved from a 50-year to a 99-year lease. We would urge them to use similar flexibility in some other areas.

Thirdly, we welcome the fact that the government is prepared in this case to convert land which is designated as green wedge land into housing development. This government has criticised people who have suggested in any way, shape or form that there could be adjustments to the urban growth boundary and that there could be adjustments to green wedge land for particular projects. The government has got on its high horse and said these areas need to be protected at all costs and never be developed, yet when a development comes along that is supported by the local community and has council support, it is prepared to adjust the urban growth boundary and move the green wedges so the development can go ahead. I welcome it, but I think it is somewhat ironic that it is allowing that to happen.

I have one concern. While this development should go ahead and we support it, we need to ensure the protection of local farmers and their right to farm. This development takes place alongside Werribee South market gardeners who have had a long history, involving many generations, of producing high-quality vegetables and horticultural products in that area. While they support the project in general, they are concerned that once people move into this high-class development it may have some impact. People could complain about the chook manure and the scare guns that are used in

their market gardens, and the tractors and pickers that are used at 2.00 a.m. — particularly when they have to drive the products to a market at Epping rather than the closer market centre, which is where it should stay. Hopefully there will be a change of government so that they will not have that impost.

Overall, the Liberal Party supports the Werribee South development. It is a good development and we wish it all the best. We support those developments.

I turn to the amendments to the Water Act, which is where we have some real concerns. Some of these are very complex, some are very difficult to understand and some certainly do not have our support. Firstly, in a letter I received from lawyers Morrison Sawers, Edwin Kennon, who is a lawyer in Kyabram with Morrison Sawers and an expert in water law, raised a number of concerns. With regard to environmental entitlements he says:

I believe that the expressions 'environmental entitlement' and 'environmental water reserve' and 'environmental water reserve objective' should all be defined.

I agree with him. They should all be defined, because there are real concerns about the management of environmental entitlements. My understanding of this legislation is that it will allow environmental entitlements to be transferred, even from one catchment to another. It will allow environmental entitlements to be used for purposes other than for the environment. It will allow environmental entitlements to be used in other water systems. It will allow for environmental entitlements to be sold to other people and supposedly for the money recouped from those sales to be used for environmental purposes. But it is a very open-ended use of environmental entitlements and is very much a trust-me approach from the minister. The people from the irrigation areas in particular say they simply cannot trust this government and this minister to get it right in terms of the balance between environmental entitlements and the rights of water users in our irrigations systems.

Mr Kennon also raised concerns about clause 54 of the bill, which substitutes part 6 of the Water Act. Under new part 6A, new section 122J allows the minister to declare a new irrigation district after an application has been received by an authority. Mr Kennon is very concerned about new section 122P(3), which can allow the minister to exempt an authority from the requirement to advertise the proposal or extension of the district in the local media. This is what he said:

... section 122J gives the minister power to declare a new irrigation district.

...

In effect, this means that the minister must publish notice of the proposal in the *Government Gazette* but he does not have to publish a notice of the proposal in a newspaper circulating in the area to which the proposal relates or to give notice of the proposal to the local council or to 'any persons whom the authority believes may be affected by the proposal'.

In my opinion this is the most unsatisfactory amendment, and it would have very unfair consequences. I have a case at the moment at Woorinen South which is in the Supreme Court between Goulburn-Murray Water and a number of land-holders whose land has been brought within the irrigation district, with serious financial consequences which they had not anticipated.

He said further:

In my opinion this is an unsatisfactory situation, being that the minister can approve the proposal of the authority with or without changes. The high hand is an undemocratic approach to government.

Again I agree with him, and that is one of the real concerns we have with this legislation.

Then I come to an area where I think this legislation is fundamentally flawed and would be of concern to all Victorians, and it is on this basis, combined with our concerns about the changes to the Water Act — and despite our support for the Werribee South proposal — that the Liberal opposition has no choice but to oppose it. I refer particularly to page 81 of the bill, which proposes the substitution of new sections 122ZH and 122ZI. New section 122ZH reads, with respect to dividends:

Each water corporation must pay to the State such dividend, at such time and in such manner, as is determined by the Treasurer after consultation with the board of directors of the water corporation and the Minister.

They are similar words and a similar proposal to that which already exists under the Public Authorities (Dividends) Act. We have concerns about the way that money has been used in the past, and an article in the *Age* of 26 September this year highlights that. An excellent article by Peter Ker, under the heading 'Bracks raiding water sector's coffers', says:

More than \$600 million has been plundered from Victoria's water sector by a Bracks government that admits to collecting more money than it returns in services.

As drought and the health of the Yarra River continue to hamper Victoria, revenue figures confirmed by the state government show that less than two-thirds of dividends recouped from Victoria's 20 water authorities has been spent on water infrastructure and services.

Indeed I say that is an underestimate, because my figures would indicate that if you take the dividends

charged plus the new water tax — the so-called environmental levy — then over \$2 billion is being collected by water authorities, yet we have spent, according to the government's figures, which again I think are a little bit dubious and a little bit padded, a little over \$1 billion on infrastructure. Water authorities have been ripped off under this system.

At a time when we have had a number of dry seasons, we have had a serious need to improve our rate of recycling water, we have had a serious need to seek and find new water sources, we have had a serious need to invest in irrigation infrastructure, we have had a serious need to invest in a whole range of systems to better capture rainwater, to better use stormwater and to better secure our water supplies right across the length and breadth of Victoria, this government has been robbing the water sector blind. It has been taking money from water users and spending it on other purposes rather than reinvesting in water infrastructure. Now, unfortunately and tragically, we are paying the price with severe water restrictions throughout the length and breadth of Victoria, and our irrigators are on their knees.

New section 122ZH is, as I said, of concern, but it is the same as the situation with the Public Sector Management Act. We just have concerns that this government has mismanaged the money it has collected, but what we have real concerns with is new section 122ZI. If you think new section 122ZH, which deals with collecting dividends, is harvesting money out of the water sector, new section 122ZI can be described as nothing less than providing legislated rights for the Treasurer to rape and pillage the water industry across Victoria. Let me read what it says under the heading 'Repayment of capital':

- (1) The capital of a water corporation is repayable to the State at such times, and in such amounts, as the Treasurer directs in writing, after consultation with the Minister and the board of directors of the water corporation.

In very simple terms this says that the Treasurer at any time can take the capital away from the water authorities. He can have a budget shortfall or a project he is really keen on, and he can see a Melbourne water authority or an irrigation water authority or a regional water authority with \$20 million or \$30 million in their capital funds that they have put aside for infrastructure improvements and he can take it off them.

Honourable members interjecting.

Dr NAPTHINE — The minister may say, 'It has to be in consultation with the minister' — hang on, I

thought the Treasurer and the minister were on the same side — 'and with the board of directors'. Who appoints the board of directors? The minister and the Treasurer. So they will do what they are told. Now we have the situation where the Bracks government is not only going to be collecting the 5 per cent water tax and ripping dividends out of water authorities at a high rate but also bringing in legislation to allow it to rape and pillage the capital accounts of our water authorities throughout the length and breadth of the state. That is totally unacceptable. There is no guarantee that the money will be used for water or water infrastructure. There is no guarantee that the money will be used in any positive way whatsoever. It is simply going to be used as a slush fund by the Treasurer to prop up his financial accounts.

This is what I describe as the rape and pillage amendment for water authorities across Victoria. It is a new piece of legislation. It is not under the Public Authorities (Dividends) Act, and indeed it is new in terms of the way the government is taking money off its own authorities.

The other thing I am concerned about is that it will create uncertainty for the directors. The directors of water authorities — or corporations, as they are going to be changed to — have a responsibility to make provision in their capital accounts for major infrastructure improvements, so they could be setting aside \$5 million a year to build up to a \$50 million project to upgrade a main sewer trunk line or to improve a main irrigation channel system. But the directors will be uncertain about putting money aside in a capital account knowing full well that at any time the Treasurer could come and take it off them. This will compromise the directors of those corporations; it will compromise their ability to make good, sound financial decisions. It will make it harder for water corporations to make good decisions in terms of putting aside capital to improve their infrastructure and will encourage them to borrow for capital improvements rather than make savings for capital improvements.

All those things are bad in terms of water management. This proposal is wrong, wrong, wrong, and I would urge the government to delete the rape and pillage amendment from the legislation, because this is not in the interests of good water management. It is not in the interests of good water infrastructure, and the only one who will benefit from this ability to take money out of the capital accounts of water authorities is the Treasurer, who may want a short-term quick fix for his budget. I do not think that is acceptable at all.

I now move to clause 131, which is where we are going to change the names of all the water authorities into corporations. Isn't this a great idea! For example, the Barwon Region Water Authority will be called the Barwon Region Water Corporation. That is a great step forward. That will make a real difference to securing water for Geelong! Here we have a situation where the Goulburn-Murray Rural Water Authority will become the Goulburn-Murray Rural Water Corporation.

Last Friday I was in the north-east and met with irrigators in the Campaspe and Goulburn systems. That was a very heart-rending trip, because those people are facing really tough times. Yet legislation introduced by this minister and this government is saying that irrigators will be forced to pay money they cannot afford for water they will not get and that the money will be used to print new letterheads, new signs and new corporate logos to make the Goulburn-Murray Rural Water Authority into the Goulburn-Murray Rural Water Corporation.

What an absolutely disgraceful and distorted set of priorities this government has. Why change the names of these organisations? Why spend the time of the Parliament and the time of all the people involved in developing the legislation simply on changing names while on the ground people who cannot afford to pay for water they will not get will have to pay for new letterheads so they can get new names on bills they will not be able to pay? People on the Campaspe system will get zero water allocations, people on the Loddon will get zero water allocations and people on the Goulburn will get 21 per cent. The Campaspe irrigators are the most cruelly treated, hard-done-by irrigators you could find anywhere. They are being treated poorly by this government and this minister, who does not even have the decency to meet with them. The Minister for Agriculture is the same.

This is an absolutely disgraceful waste of resources and energy at a time when we are facing the results of five dry years, including a drought, a water crisis and level 4 water restrictions in Bendigo and many other rural towns — and when we find that less than 1 per cent of Melbourne's water is being recycled. We do not have a good system to capture and use stormwater. There are lots of things that can and should be being done to improve water management, yet the best thing this minister can come up with is, 'Let's change the names of all the authorities to corporations'. I think it is time this minister was moved on, because this is not addressing the real water issues in Victoria.

We have a situation where Bendigo is literally running out of water. The people of Bendigo are now on level 4

water restrictions, and they have had water restrictions since October 2002, yet the government has done nothing for four years. There is no recycling, no capturing of stormwater and no searching for aquifers. The government finally adopted the Liberal policy of building a pipeline from Colbinabbin to Eppalock, which was originally put forward by Don Erskine — and all credit to him — but here we are months later and the tender has not been let, work has not been started and Bendigo is running out of water.

In the Central Highlands water region — —

Mr Thwaites interjected.

Dr NAPTHINE — Ballarat is facing level 3 water restrictions. I looked at the draft *Sustainable Water Strategy — Central Region* to see what the government would do for the central region. The document was released with a foreword from the minister in April 2006. What did the government say it was going to do to solve Ballarat's water problems? It said that the Cairn Curran Reservoir connection to Ballarat would deliver 18 500 megalitres of water.

In April this year the government's solution to Ballarat's water problems was to run a pipeline from Cairn Curran to Ballarat. Some few months later the minister has dumped that idea. It has gone by the board, irrespective of its being in this document. Now the minister is proposing to connect Ballarat to Eppalock — even though there is no water in Eppalock — via a \$300 million pipeline, pumping the water over the Great Divide.

Mr Thwaites interjected.

Dr NAPTHINE — The Liberal Party supports the Colbinabbin–Eppalock pipeline, but it does not support this government's absolutely ridiculous policy to take Eppalock water over the Great Divide to Ballarat. It is interesting that in a 160-page document based on the government's best research there is no mention of a pipeline over the Great Divide from Eppalock. The government is all over the place on water.

It said in the document that to solve Geelong's water problem there would be a \$300 million pipeline from Melbourne to Geelong. Now we find that Melbourne is facing harsh water restrictions. Unfortunately this government is simply unable to manage the water problems in this state. There is a lack of commitment to water recycling, and the fact that less than 1 per cent of Melbourne's water is recycled is an absolute disgrace. There is a lack of commitment to capturing stormwater, and there is a lack of commitment to looking at new water sources — and there are possible new water

sources for Melbourne and other parts of Victoria. Fortunately the Liberal Party has announced positive policies for Bendigo, Ballarat and Geelong. We will help the government by announcing further positive policies for Melbourne and other areas, because we are absolutely committed to having a good, secure water supply for our state.

While there are some components of this legislation, particularly the Werribee South components, that we support, there are so many problems with and negatives in it that we have no alternative but to oppose it. It is poorly researched and poorly developed and fails to address the real water problems in this state. The minister is too busy running around changing the names of water authorities to corporations rather than concentrating on securing the state's water supplies.

Debate adjourned on motion of Mr WALSH (Swan Hill).

Debate adjourned until later this day.

PUBLIC SECTOR ACTS (FURTHER WORKPLACE PROTECTION AND OTHER MATTERS) BILL

Second reading

Debate resumed from earlier this day; motion of Mr CAMERON (Minister for Agriculture).

Mr MILDENHALL (Footscray) — It is a pleasure to rise to speak on the Public Sector Acts (Further Workplace Protection and Other Matters) Bill. The opposition stands shoulder to shoulder with John Howard on workplace reform. The Bracks government stands shoulder to shoulder with our work force. The opposition has come in here and predictably opposed the protection of workplace standards for public sector employees. The Victorian people understand that the opposition parties in this state should be judged by what they do rather than what they say about the way they treat their employees.

In question time today we heard the Minister for Industrial Relations refer to assurances given in 1991 by Mr Kennett, the then Leader of the Opposition, that he was going to look after public sector employees and was going to enable them to enjoy more rewarding working lives. He said he would recognise the rights of public sector employees while providing a more enriching work environment in the interests of all Victorians.

That was shortly before 50 000 public sector workers lost their jobs through a raft of mechanisms, ranging from brutal, instant dismissals to the defunding of services and the quiet, effective but equally brutal loss of employees from the ranks of the public sector through attrition. Employees currently working for the state would do well to be wary of the approaches by the current Leader of the Opposition, as reported in the *Age* newspaper this morning. Those are attempts to reassure public sector workers that the Liberal Party in government would treat them in some sort of sympathetic way. The Liberal Party and The Nationals have some disgraceful form — quite a disgraceful record — in this area.

One could also form a view from not only their attitude to this legislation but from their attitude to a range of legislative measures put forward by this government since 2003 about how the Liberals in government would treat public sector employees. The Liberal opposition opposed the government's Federal Awards (Uniform System) Act 2003 which was intended to provide an award safety net for schedule 1A workers. It opposed the Outworkers (Improved Protection) (Amendment) Act 2005. It opposed the Owner Drivers and Forestry Contractors Act 2005, which was an attempt to make sure that owner-drivers would be provided with information so that they could make informed decisions about any contracts they were asked to sign.

The Liberal opposition also opposed the Occupational Health and Safety Act 2004, the Child Employment Act 2003, the Long Service Leave (Amendment) Act 2005, the Long Service Leave (Preservation of Entitlements) Act 2006, the Construction Industry Long Service Leave (Amendment) Act 2004, the Workplace Rights Advocate Act 2005 and the Public Sector Employment (Awards Entitlements) Act 2006. A lot of those pieces of legislation were framed by this government to protect Victorian workers, particularly public sector workers — who were under our immediate influence — from the outrages and assaults of the federal government and its appallingly named WorkChoices legislation. This is a disgraceful attitude, but it also marks a line in the sand for voters in the coming election.

The opposition has opposed this legislation largely on ideological grounds, but it did refer to one or two specific items — spuriously, as usual, and in an attempt to try to find some substance to their opposition. One point was that the constitutionality of the measures was in some doubt because of the reference of state powers to the federal government. However, clause 23 specifically deals with that federal reference; it will

amend certain provisions in that regard and it has been the subject of careful consideration and careful drafting, and the receipt of advice to ensure that it would be successful.

The opposition also argued that the bill would leave public sector employees with no choice other than to be constrained, in their view, by the collective agreements. Firstly, I am sure that most public sector workers would appreciate the security of their collective agreements rather than the jungle or the open slather that the opposition would put forward. But secondly, as usual the Liberal opposition is not correct in its assertions, because under the state system there is still provision for common-law contracts — contracts with specific employment provisions — to be negotiated and agreed between employees and their employer. Basically the difference between the parties is that we have minimums. The government has minimums; it will not drive employee conditions or rates of pay below minimums, whereas obviously the Liberal opposition would reserve the right.

This is strong legislation. It is part of a suite of legislation of the type I mentioned before. There have been nine previous pieces of legislation — employment legislation, if you like — to protect the employment conditions of Victorians. This is the final one in the term of this government, and it rounds out that protection. It is timely, and it will be effective. It is a pity that it is being opposed by the Liberal opposition, but this debate will give the Victorian community a very clear idea of where the parties stand on matters such as the protection of working conditions. It has been a pleasure to speak on these matters in the house, and I am very confident that this bill will have a speedy passage through both houses of this Parliament.

Ms ASHER (Brighton) — I am pleased to follow the member for Footscray. Can I say by way of aside that he and I were elected to this Parliament on the same day. He has just made one of his last speeches to the Parliament, and I wish him well in his retirement. I also note that he is generally very sensible, and whilst the approach he took in his contribution was measured, he and I will disagree on this particular bill.

The Liberal Party opposes the Public Sector Acts (Further Workplace Protection and Other Matters) Bill. I am rather surprised that the minister and indeed the member for Footscray have cited a raft of legislation that the Liberal Party has opposed, regarding this as some incredible coincidence. Let me assure the house that whilst some members of the public may think the Liberal Party and the Labor Party have moved closer together, there are some issues on which there are

fundamental differences of belief and attitude between us — and industrial relations is one of them, because ultimately we on this side of the house are in favour of choice. We think people should be able to choose. We think if people want an Australian workplace agreement (AWA), they should have an AWA; if they would like a union to negotiate for them, that is their choice; and if they would like someone else to negotiate for them, that is also their choice. This is a fundamental issue.

Mr Merlino — Ideology.

Ms ASHER — Yes, it is ideology on the part of the Labor Party. I understand about its union base, I understand about the membership of the Labor Party and I understand about the donations from the union movement, but ultimately what we on this side are saying is that the individual can choose what he or she wishes to do. The workplace has changed. Individual requirements are such that individuals have the capacity to make their own decisions.

I also make the point that it appears to me the Labor Party, even though it is operating in 2006, still has this view that employers do not appreciate good staff. Let me tell those opposite that they do. Employers would do anything to keep good staff: they would bend over backwards to accommodate good staff and provide a raft of arrangements their staff may wish for. That is the fundamental degree of difference between the two parties.

There are a number of elements of this bill that do not cause the Liberal Party much of a problem. There are some changes to legislation that bring the State Services Authority under the Freedom of Information Act and the Financial Management Act. I can only conclude that these were errors in the first instance; nevertheless, we have no problem with those changes. There are some changes to the right of return to work for public servants which, on the surface, appear rational. There are also some changes to the Commonwealth Games Arrangements Act which appear completely unrelated to the rest of the bill. The Attorney-General has railed against omnibus legislation — I will not go into the comments I quoted in the last sitting week — and yet the bill contains some changes to the Commonwealth Games legislation in relation to the terms of termination of the authority, the transfer of assets and so on. Again, none of that presents a problem for the Liberal Party.

Some elements of the bill relate to the delegation of powers of the Ombudsman, and there are also some changes to the Audit Act. We on this side of the house have no problems with those changes.

An honourable member interjected.

Ms ASHER — I love an audience, and this is a great treat. The main thrust of this bill is industrial relations, and we oppose two elements of that. First of all, the bill establishes a new Victorian so-called unfair dismissal regime. I would remind members opposite that under the WorkChoices legislation there is still provision for unlawful dismissal. I think the Labor Party sometimes confuses unlawful dismissal with the so-called unfair dismissal regime which existed previously.

I am more than happy to point out that the no. 1 complaint I received from small business in a previous role I had as small business minister under the former administration was the so-called unfair dismissal regime. I wish Labor Party members well in their spruiking on this issue, but I can tell them in advance, having spent three and a half years in the job as small business minister, they will not get a hearing amongst the small business community, because the unfair dismissal regime was one of its greatest stated impediments to employment.

I have seen the pamphlets the Labor Party has issued which have the face of the Leader of the Opposition and my face on them.

Mr Merlino — This one?

Ms ASHER — Indeed. I thank the Labor Party very much for putting my latest photo on the pamphlet and for not putting the line over my face. I have seen these pamphlets, and I well understand that the state Labor Party wants to fight an election on a federal matter. That is fine; we on this side are absolutely relaxed about that. But the second objectionable element of this bill is that the government, as part of its commitment to the union movement and collective bargaining, is clearly doing something which in our mind appears very odd. I refer to what the Minister for Agriculture said in the second-reading speech on this bill:

The government believes that collective agreements provide the best way for employers and employees to reach mutually beneficial outcomes in their workplaces.

The Liberal Party does not believe that. We believe there are a range of options available for employers and employees to reach their desired outcomes, and we believe the key to that is choice.

Mr Kotsiras interjected.

Ms ASHER — What this bill is doing is denying choice, which I am happy to convey to the member for Bulleen. What this bill is doing is making it illegal for

the public sector to offer this choice. Again I refer to the second-reading speech. It states that the bill amends various acts —

... so that Victorian public sector employers do not have the legal capacity to offer, nor to accept an offer of, any statutory industrial agreement which differs materially from an employee's collective agreement ...

In other words, what the government is doing is making sure there is a legal incapacity for anyone to offer an AWA, even if this AWA offers — and this is extraordinary — better conditions. Again I refer to the second-reading speech:

... it will not be possible to induce public sector employees to sign Australian workplace agreements by offering terms more favourable than the relevant collective agreement ...

What this government is doing is extraordinary. It is simply saying that even if an employee is offered something more favourable, it will not be legal for that offer to be made. We think that is an absurd situation.

In conclusion, the Liberal Party opposes the bill. I do not know why the Labor Party is so surprised, as we have opposed every single piece of its industrial relations legislation that has come before this place because we have a different perspective. We actually believe that people can choose. If people want a union to negotiate a collective agreement, that is their choice. If they want to negotiate their own AWA, that is their choice. If they would like someone like an accountant or a lawyer to negotiate an AWA for them, that is their choice. What is wrong with choice?

We have seen the Labor Party come forward time and again in this place — even predating WorkChoices — with a range of industrial relations legislation. This is a fundamental article of faith for the ALP. It stands shoulder to shoulder with the trade union movement and all the old troglodytes therein. We on this side have a very simple proposition on this issue: choice. The ALP will argue collective agreements and argue pro-trade union policies; that is their right. We are simply saying it is up to the individual. If they choose a collective agreement, it is up to them. If they choose an AWA, it is up to them.

I conclude where I started from: this is one of the fundamental points of difference between the modern Liberal Party and the modern Labor Party. For those members of the public who think the parties have merged a bit, that is not so. There is one fundamental proposition that we on this side of the house stand for, and that is that you have the choice to negotiate with your employer the way you wish to. If you want a union to do it, that is fine. If you want a collective

agreement, that is fine. If you want to do an AWA on your own or via someone else, that is fine by us too. We oppose the bill.

Mr MERLINO (Monbulk) — I am very pleased to rise and make a brief contribution on the Public Sector Acts (Further Workplace Protection and Other Matters) Bill. I agree with the member for Brighton that this is the one area where the difference between the parties is absolute.

The conservatives have one more chance. At 1 minute to midnight and only weeks away from a state election they have one last opportunity to prove they support the protection of the rights and entitlements of Victorian workers. We are nothing if not persistent in terms of the legislation we have put through over the last four years, and this is one last opportunity for them. Based on the contributions of the members for Kew and Brighton and the Leader of The Nationals I do not hold out much hope.

In his contribution the member for Kew said the Liberal Party stands for choice, and he is right — the choice of losing your terms and conditions or losing your job. That is the choice the Liberal Party stands for. There is another choice, and that is the choice for every voter in Victoria at the next election to vote for the conservatives who at every opportunity have voted against Bracks government legislation to protect the rights of Victorian workers. They voted against legislation to give schedule 1A workers the same safety net of minimum terms and conditions as federal award workers. They voted against the Child Employment Act, which protects the health and education of children under 15 years in the workplace. They voted against the establishment of a workplace rights advocate, and they voted against the Public Sector Employment (Award Entitlements) Act, which protects the current award entitlements of public sector employees. They voted against public sector employees keeping their current award entitlements.

Just one unfair aspect of the federal government WorkChoices legislation is the removal of the right to access unfair dismissal processes for employees employed in a workplace of 100 employees or less. While most Victorian public sector employees are spared this unfair and discriminatory aspect of the federal legislation, Victorian public sector employees employed by a public sector body with less than 100 employees are not so lucky. This bill provides the Victorian public sector standards commissioner with the power to hear cases of unfair dismissal and to conciliate and, if necessary, arbitrate.

This bill is about maintaining the standards of living of working men and women. We have heard over and over that the state Liberal Party supports WorkChoices. It is about achieving one goal, and that is the creation over time of an American-style, chronic working poor in this nation, a situation in which, no matter how hard low-income people work, they cannot get ahead. They might work 60 or 70 hours a week, but they still cannot get ahead. This bill is about maintaining a standard of terms and conditions. Under the Bracks government we will not let slip the terms, conditions and rights of public sector employees, and that will play a role in maintaining the terms and conditions of workers more generally across the state. If everyone heads downhill, then we are in a very sad situation.

New section 15B(1) states:

A public sector employer must not offer an employee a statutory industrial agreement that provides any terms or conditions of employment that are materially different from the terms and conditions of employment that would otherwise apply to the employee in employment with the employer under a collective agreement or that would apply to the employee under the terms of a relevant award or a designated preserved award.

The bill goes on to make it clear that, while you cannot go backward, you can go forward. New section 15D states:

Nothing in this Part prevents a public sector employer from providing in an employee's contract of employment a term or condition of employment that is more beneficial to the employee than that to which he or she is entitled under any collective agreement or that would apply to the employee under the terms of a relevant award or a designated preserved award.

This legislation is about ensuring public sector employees do not go backwards, but if there is a situation where a term or condition is on offer that is more beneficial, the legislation provides for that as well. I wish the bill a speedy passage.

Mr SMITH (Bass) — It is a pleasure to speak on the Public Sector Acts (Further Workplace Protection and Other Matters) Bill and to say to members opposite that they must be crazy to bring this type of legislation into this house at the last minute, trying to protect some of their union mates and trying to protect some people who really do not want protection — all they want is choice. 'Choice' is the word we have to use, and choice is what we want to be able to give to these public sector people so they have a right to make a decision of their own and to choose what they want to do. I do not see anything wrong with that. Yet the government has brought in this legislation at the last minute.

We will have an election on 25 November, and government members think they are propping up their union mates, who are telling them that they have to make sure that the public service and people in public sector workplaces with less than 100 employees are protected. They do not want protection from the government or its union mates. They want a choice. They do not want any of the government's communist ways being pushed down their throat. They want the right to say, 'We choose to take something better that might be offered to us'. The government is taking away their right to accept anything that is being offered that is better. Government members know it, the opposition knows it and the people of Victoria know it — and on 25 November they will tell the government that it was wrong to take away the choice of workers in the state of Victoria.

We have opposed every piece of legislation the government has put forward which has wanted to take away people's choice. We want to give workers a choice. It does not matter whether they are public sector workers or private sector workers or whether they have 100 employees or less than 100 employees. We are offering them choice and something they are going to be able to make a decision on. They are big enough, they are ugly enough and they are able to make decisions. They are adults who are able to make decisions, and they should not be forced into making a choice that gives them no choice, which is what the government is doing with this legislation. This is communist rule. This stuff the government is putting up is wrong. What the government is trying to do to the people of Victoria is wrong.

Ms Delahunty interjected.

Mr SMITH — The minister can laugh. She is going to lose her seat anyway; we know that. She is certainly going to lose her position as a minister. She will be dumped, along with a few of her other mates — and rightly so — because of this sort of legislation. You do not have the factional support that is going to keep you there. You know it, I know —

The ACTING SPEAKER (Ms Lindell) — Order! The member for Bass should make his remarks through the Chair.

Mr SMITH — I will. You are quite right in what you are saying, Acting Speaker. There are people on the other side of the chamber who will have no choice, because they are going to be dumped anyhow. They are trying to push this legislation on the workers of Victoria, and it is wrong. Many times in this chamber we have discussed what we want, and that is choice. Do

government members not understand what choice is? Acting Speaker, they do not understand that choice enables people to make a decision on their own.

An honourable member interjected.

Mr SMITH — No, it is not a matter of taking it or leaving it. It is a matter of making a decision that you think is right and accepting something better that is offered to you. It is a matter of sitting down with an employer and being able to negotiate on your own behalf, because that is what choice is about. It is not about accepting what the government's union mates — and probably yours, Acting Speaker — are trying to force down their throat, and that is some sort of communist doctrine being imposed upon the workers of Victoria.

In part the second-reading speech says:

... it will not be possible to induce public sector employees to sign Australian workplace agreements by offering terms more favourable than the relevant collective agreement ...

What that means is that people will not be in a position to choose. They cannot make a choice. If something better is offered to them, they cannot accept it. If something less is offered to them, they cannot accept that either, even if they wish to make a decision of their own and wish to make their own choice. Government members must see that they are taking away people's rights. They are taking away their right to choice. 'Choice' is the word we must use — choice, choice, choice! That is what we are asking for. Choice for workers to make a decision. Let them choose what they want to do. It is not always easy in the work force. I do not think half the people on the other side of the chamber have ever worked for a living, and I know that none of them has ever employed anybody or put up their own money to employ people or had staff who they were able to sit down and talk to and negotiate with.

People should be given a choice as to what they will accept, and an employer should be given a choice as to what he wishes to accept from an employee. You should not have some union thug sitting down and dictating terms according to what they think an employee wants. That is not what it is all about in Australia. The government is trying to introduce the sort of agreement they had in communist Russia or the sort of agreement they have in China, where workers are forced to do what they do not want to do. Workers want the choice to make decisions of their own. The legislation that the government is trying to push through is about taking away their choice.

Richard from Richmond may shake his head, but I can tell you that if you gave your workers a choice, they would be able to make decisions of their own. You would not allow that to happen.

The ACTING SPEAKER (Mr Jasper) — Order! Through the Chair.

Mr SMITH — He would not allow it to happen. I know what you are going to say, Acting Speaker.

The ACTING SPEAKER (Mr Jasper) — Order! I remind the member to speak through the Chair.

Mr SMITH — Acting Speaker, you have employed people during your life. You have sat down with people and said, 'Righto, this is what we are doing. You are going to get paid X amount of dollars per week. You are also going to get a car, you are going to be able to earn commission and you are going to be able to make your own choice about what you want to do in respect of your terms and conditions, because you and I have sat down and made a decision on what we believe is right'. But no, the people on the other side of the chamber do not want to do that. None of them has ever been in a position where they have had to sit down and make decisions with their employees — but I have.

I employed a lot of people in my time as a plumber, and I always sat down and worked with my people, as I do now with the two employees at my electorate office. I do not pay their wages, as members opposite would understand, but I sit down and work with them. If they want to have a little bit of time off, that is fine, because they will come in and work with me on a Saturday or come in and do a bit of work at night. That is a decision they have made with me. There have been no threats, no sackings and nothing like that; they have been able to make a choice about when they work with me — and they want to choose.

The whole of this debate is about choice. Members on the other side of the chamber are denying people in the public sector who work in areas where there are less than 100 employees the ability to choose what they want to do when it comes to decisions regarding the conditions of their employment. Under clause 22 of the legislation the government is taking away the rights of workers to make a decision.

We have a union movement in Victoria that pulls the strings of these puppets sitting on the other side of the chamber. Have a look at them! We know they are all sponsored by one union or another. They are all dictated to by the commies and the troglodytes up at Trades Hall. They do not have a choice, and that is what they want for all the other workers in the public

sector and in the private sector. They are denying the right of those people to make choices of their own, and I find that disgusting and disgraceful.

Choice has to be the way to go, and we are going to give people in the public sector a choice. We have already said that we are going to knock back this legislation when we come into government. We are going to cut free the reins that are holding these people back and stopping them from making choices of their own.

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

Mr WYNNE (Richmond) — I rise to support the Public Sector Acts (Further Workplace Protection and Other Matters) Bill. What a sad contribution from the old Cold War warrior.

Ms Beattie — Reds under the bed!

Mr WYNNE — His was a time of reds under the bed and the Berlin Wall. The Berlin Wall has come down, Ken; we are in a new world. We are in a competitive environment, and we are part of an international trade situation.

Mr Lupton — He's a bit like old Joe McCarthy.

Mr WYNNE — Yes indeed, as my colleague the member for Prahran says, he is a bit like old Joe McCarthy, still peddling the same sad old tunes.

The ACTING SPEAKER (Mr Jasper) — Order! Through the Chair.

Mr WYNNE — I am sorry, Acting Speaker, but it is difficult to respond to the extraordinary diatribe that came from the previous speaker.

This is an important bill because it is about improving the operation of the Victorian public service. Most notably it will ensure that fairness remains a paramount aspect of public sector employment. A crucial aspect of the bill is its preservation of the rights of public sector employees in respect of unfair dismissal and retaining the integrity of collective bargaining.

The honourable member for Bass must have said the word 'choice' 25, 30, 40 or perhaps 50 times in this contribution. It seems to me that one of the choices available under his potential regime is the choice to be unfairly dismissed. That is at the heart of what the member for Bass and his colleagues have indicated in their contributions to this debate.

Maintaining these protections in the public service is more than just an academic exercise. We all remember when during the time of the Kennett government 3500 nurses were sacked, 9000 — —

An honourable member — Great years!

Mr WYNNE — They were great years when 9000 teachers and school staff and 800 police were sacked!

Mr Smith — On a point of order, Acting Speaker, the member for Richmond is misleading the house. The Kennett government never sacked anybody.

The ACTING SPEAKER (Mr Jasper) — Order! There is no point of order.

Mr WYNNE — Of course it is worth noting that even though the current Leader of the Opposition was the president of the Liberal Party at that time, he like all the rest of them on that side of the house made no effort to apologise for his role in that disgraceful episode. What is worse, the Leader of the Opposition has not even ruled out — —

Mr Kotsiras interjected.

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member for Bulleen is interjecting out of his place. He should return to his place if he wants to interject. I will not accept him interjecting as he is at the moment.

Mr WYNNE — The Leader of the Opposition has not ruled out repeating the same reign of terror that was inflicted upon the Victorian population if he were to come to power in November. Just yesterday the Leader of the Opposition was asked how he was going to pay for his \$2 billion spending splurge. What did he say? By slashing public sector jobs. He responded rather ominously by saying that he will have more to say — —

Mr Kotsiras interjected.

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member for Bulleen will not interject across the chamber, or he will be removed. If he wishes to make a further contribution, he can get the call at a later time. He may not agree with what the member for Richmond is saying, but the member for Richmond will proceed without interjection.

Mr WYNNE — The Leader of the Opposition responded rather ominously in saying that he would have more to say about savings before the election.

Ms Beattie interjected.

Mr WYNNE — As my good colleague here says, we all know what ‘savings’ means when that word comes out of the mouth of a Kennett acolyte like the Leader of the Opposition. It is a code word for another round of massive sackings, unfair dismissals and an industrial relations regime that pits worker against worker.

The ACTING SPEAKER (Mr Jasper) — Order! I remind the honourable member for Richmond to relate his contribution directly to legislation before the house.

Mr WYNNE — I will, Acting Speaker. Going into this election the Leader of the Opposition needs to be very clear about where he stands in relation to public sector employees such as teachers, nurses and police officers. Does he intend to go down that grim path of his predecessor and sack those public sector workers?

On the bill itself, the government is moving to strengthen protections for teachers, nurses and other public servants. Earlier this year the federal Liberal government stripped away unfair dismissal protections from hundreds of thousands of ordinary Victorian workers who were in companies of less than 100 employees. Included in that number were many workers employed by state government bodies. However, the bill will ensure that Victorians employed by the state government will have the same rights and remedies in relation to unfair dismissal regardless of the government body.

The bill achieves this by creating a new unfair dismissal jurisdiction for the Victorian public sector standards commissioner. In this jurisdiction the commissioner will be guided by precedents established by the Australian Industrial Relations Commission. The government is also acting to ensure that collective bargaining remains a principal method for determining wages and conditions in the public sector. The bill achieves this by amending the Public Sector Employment (Award Entitlements) Act so the Victorian public sector employees are prevented from being offered an agreement which differs materially from the collective agreement, relevant award or preserved award.

The government is doing this not only because it believes employees are best protected by collective bargaining, but because it believes it is the best way to deliver efficiency and productive gains for the taxpayer as well. This is a pivotal piece of legislation. The government believes that the federal government has exceeded the boundaries of decency with the introduction of WorkChoices. We have given the

Leader of the Opposition a fighting chance to show that he actually cares about working people.

Throughout this last Parliament we have introduced nine bills to try to protect working families, but the Leader of the Opposition and his party have voted against every one of them. With this bill tonight it will make a clean slate: 10 out of 10! With this bill every Victorian should have no doubt that only one party in this place stands up for Victorian workers — that is, the Australian Labor Party. This is a very important bill, and I commend it to the house.

Mr HULLS (Minister for Industrial Relations) — I thank those members who have contributed to this debate. How exciting it is to stand here and know that those opposite are going to vote against a very sensible piece of legislation — one of the last divisions we will have in this parliamentary session. It is great that we are going to divide on a piece of legislation that shows the philosophical difference between the Tories on that side of the house and Labor on this side.

Honourable members interjecting.

Mr HULLS — That is the reality. I am very proud to be standing opposite the renewal faction in the Liberal Party, who, as my colleague the member for Richmond said, still believes that the Cold War is on, does not believe that the wall has come down and believes the Reds are coming to get us. The member for Bass is part of the renewal faction in the Liberal Party. I am proud to be standing on this side of the house and supporting a piece of legislation that protects Victorian working families. That is exactly what this piece of legislation does.

Only some 53 days from an election it is great to have one of the last divisions in this place on something that shows the different philosophies between those on that side of the house and those on this side. We are more than happy to be judged on industrial relations in the forthcoming election. We know absolutely what the conservatives in Victoria stand for. The shadow Minister for Industrial Relations summed it up perfectly a couple of weeks ago in this place when he stood up and said, and I quote, ‘We stand shoulder to shoulder with John Howard on industrial relations’. He is going to deny it —

Mr McIntosh — On a point of order, Acting Speaker, the statement was ‘Standing with John Howard in relation to choice’ — not ‘industrial relations’, ‘choice’.

The ACTING SPEAKER (Mr Jasper) — Order! There is no point of order.

Mr HULLS — Shoulder to shoulder with Johnny Howard on industrial relations! That is something we might hear time and time again over the election campaign.

The fact is that this legislation shows there is a clear divide between them and us. Indeed, there is a gaping chasm between the Labor government and those opposite. We believe in supporting working families. We believe in a fair day’s work for a fair day’s pay.

Honourable members interjecting.

Mr HULLS — We believe working Victorian families are entitled — despite the squealing coming from the other side — to a decent standard of living where they do not have to scramble over each other to get to the tip jar in order to pay their bills. That is what WorkChoices is about — that is, the Americanisation of the industrial relations (IR) system, where you revert to the lowest common denominator so people are scrambling over each other to get to the tip jar to pay their bills. We reject that.

Those opposite only care about the profits of their rich mates. That is all they care about, and all they have ever cared about. They are willing to sacrifice family time and family life on the altar of the outdated laissez-faire economic model — a model that opposes even the most basic safety nets. That is the model they support. One clear example of the removal of the safety net is WorkChoices’ removal of unfair dismissal rights for employees of an employer with 100 workers or fewer. That is what this bill is about.

We on this side believe that, regardless of the size of their work force, employees should not be dismissed for a frivolous or unfair reason or for no reason at all without remedy. That is what this legislation is about. The opposition IR spokesman has said he opposes this bill because he stands for choice. ‘What’s wrong with choice?’, he kept asking. Under WorkChoices, what choice does a public sector worker have if he or she is unfairly dismissed? Can they choose to go to an independent umpire to get justice? This legislation fixes the gap. It ensures they have someone to go to if they believe they have been unfairly dismissed. This bill will ensure that public sector collective agreements and awards cannot be undermined by industrial agreements such as Australian workplace agreements (AWAs). We firmly believe that is appropriate. This is a clear difference between the conservatives and the Labor government.

The opposition IR spokesperson says he opposes this part of the bill because, ‘We stand for choice’. He keeps

saying in a boring monotone, 'What's wrong with choice?'. Victorian families understand the choice offered by AWAs. They know it means that the employer has the choice to offer bog-standard AWAs, bog-standard conditions of employment. We understand that the employee does have a choice: the choice is take it or leave it.

Mr Smith interjected.

Mr HULLS — Get out into the real world! We in the real world know there is no choice when you have to pay the bills. Despite the squawking of the member for Bass, the fact is that the commonwealth's own employment advocate confirmed that AWAs provide employers the choice to cut wages and conditions. In hearings before the Senate the employment advocate gave evidence about a survey of AWAs. He said 100 per cent of AWAs — and guess what, 100 per cent means all of them — excluded at least one protected award condition. In addition, 64 per cent of AWAs excluded leave loading, 63 per cent excluded penalty rates, 52 per cent excluded shiftwork loading and 16 per cent expressly excluded all protected award conditions. I will repeat that so that even the member for Kew can understand it: 16 per cent of AWAs lodged expressly excluded all protected award conditions. That is not just the Victorian industrial relations minister saying that; that is the federal employment advocate giving evidence before a Senate inquiry.

The Victorian government proudly chooses not to use AWAs to gut wages and conditions. We proudly say we are not prepared to use AWAs to revert to the lowest common denominator. We understand that to attract and retain high-skilled, loyal employees you need employment conditions that encourage innovation and hard work — conditions that are apparently not found under AWAs. We believe the Victorian public has a right to a first-class education system and a first-class health system, with the very best, committed employees delivering those vital services to Victorian families. This bill delivers that outcome by providing job security and protecting the wages and conditions of the public sector.

Most public servants remember an era when the current opposition leader was president of the Liberal Party — an era when public servants were coerced onto AWAs under threat of being denied pay rises and promotions if they refused. In contrast to those opposite, this government proudly stands up for public servants. We believe in the work that public servants do. Those opposite just do not get it. Victorians do not want some Third World health and education systems with

bog-standard employment conditions. Victorians want systems which attract and retain the best and brightest talent. We believe this bill certainly will ensure that occurs.

I notice that the shadow Minister for Industrial Relations claimed that the Minister for Industrial Relations has said he believes in a unitary system of industrial relations. That is right: I have said that continually, but it has to be fair system. We have enunciated a workplace rights standard that we believe will set up a fair industrial relations system. That includes the right to a comprehensive safety net, access to the Australian Industrial Relations Commission as an independent umpire, collective bargaining, including taking industrial action where appropriate, freedom of association, decent unfair dismissal laws, equal pay for work of equal value, and a work and family balance.

The federal WorkChoices system does not deliver those things. The fact is that it is all about reverting to the lowest common denominator. That is why we have introduced a plethora of legislation to protect Victorian working families from the worst, most sinister aspects of WorkChoices.

Ms Asher interjected.

Mr HULLS — Including this bill there are 10 pieces of legislation — 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 — that protect Victorian workers from the worst aspects of WorkChoices. That includes protecting outworkers, the lowest paid, most vulnerable workers in Victoria.

Mr Perton interjected.

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member for Doncaster!

Mr HULLS — Most of those who are being exploited are from non-English-speaking backgrounds. We introduced legislation to protect owner-drivers, child employment, long service leave and public sector employment awards. What could possibly be wrong with that? There are 225 000 public sector employees, and we have introduced this legislation because we want to protect their award safety net.

The opposition voted against each and every one of those pieces of legislation. The Leader of the Opposition personally walked through those doors, came into this house and voted against every single one of those pieces of legislation. I have some advice to the Leader of the Opposition. I know he is sitting in his opposition office and listening to what I am saying, and I am quite sure he is prepared to take my advice. My advice is this: Teddy, stand up for Victorian workers,

stand up to John Howard and stand up against WorkChoices. Stand for something!

I advise the opposition leader to walk into this place and ensure that he does not support John Howard and WorkChoices. He should support Victorian workers. In about 37 seconds we will divide on this. When he walks into this place he has a choice: he can actually stand up for Victorian workers or he can stand shoulder to shoulder with John Howard on industrial relations. My advice to him is, once and for all, to show that he cares about Victorian workers and understands the suffering they are going through as a result of WorkChoices.

There is 8 seconds to go. Get in here, Teddy, and support Victorian workers. Otherwise you will actually show workers what you are all about, and that is John Howard's industrial relations policy!

House divided on motion:

Ayes, 61

Allan, Ms	Kosky, Ms
Andrews, Mr	Langdon, Mr
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beard, Ms	Lim, Mr
Beattie, Ms	Lindell, Ms
Bracks, Mr	Lobato, Ms
Brumby, Mr	Lockwood, Mr
Buchanan, Ms	Loney, Mr
Cameron, Mr	Lupton, Mr
Campbell, Ms	McTaggart, Ms
Carli, Mr	Marshall, Ms
Crutchfield, Mr	Maxfield, Mr
D'Ambrosio, Ms	Merlino, Mr
Delahunty, Ms	Mildenhall, Mr
Donnellan, Mr	Morand, Ms
Duncan, Ms	Munt, Ms
Eckstein, Ms	Nardella, Mr
Garbutt, Ms	Neville, Ms
Gillett, Ms	Overington, Ms
Green, Ms	Pandazopoulos, Mr
Haermeyer, Mr	Perera, Mr
Hardman, Mr	Pike, Ms
Harkness, Dr	Robinson, Mr
Helper, Mr	Savage, Mr
Herbert, Mr	Seitz, Mr
Holding, Mr	Stensholt, Mr
Howard, Mr	Thwaites, Mr
Hulls, Mr	Treize, Mr
Ingram, Mr	Wynne, Mr
Jenkins, Mr	

Noes, 21

Asher, Ms	Pertn, Mr
Clark, Mr	Plowman, Mr
Cooper, Mr	Powell, Mrs
Delahunty, Mr	Ryan, Mr
Dixon, Mr	Shardey, Mrs
Honeywood, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr

Kotsiras, Mr
McIntosh, Mr
Maughan, Mr
Mulder, Mr

Thompson, Mr
Walsh, Mr
Wells, Mr

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

WATER (GOVERNANCE) BILL

Second reading

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

Mr WALSH (Swan Hill) — The Water (Governance) Bill does a lot of things in relation to water legislation, and I will come back to that in a moment. Everyone in this house would be well aware that water is the most basic of human needs. The concern that The Nationals have is that the Bracks government has failed Victorians on water management.

Honourable members interjecting.

The ACTING SPEAKER (Mr Jasper) — Order! If members do not wish to listen to the honourable member's contribution, would they leave the chamber?

Mr WALSH — How typical, Acting Speaker, that they do not want to know the truth!

As I said, the Bracks government has failed Victorians on water management. It has issued press releases, run advertising campaigns and made ministerial statements and ministerial visits, but it has not delivered on one major water-saving project that was not on the drawing board before it was elected. There have been seven years of spin, and no major project has been delivered.

Individual Victorians are doing their bit to save water. We are all more water conscious now.

Ms Duncan — Thanks to our advertising campaigns!

Mr WALSH — 'Our advertising campaigns' — isn't it great! Individual Victorians are doing their bit, but the Bracks government has failed them and has not delivered on the big picture. Our water crisis would not be as serious as it is if the Bracks government had done something leading up to this situation.

Since it was elected the Bracks government has collected from the water authorities in excess of \$1.6 billion in public sector dividend taxes, and that is being added to every year. In addition, the government is now collecting from those same water authorities \$60 million a year in environmental taxes. The people who pay those water bills will never know that they are paying those amounts because the water authorities are forbidden by legislation from showing those taxes on the accounts. That money should have been invested in water-saving projects, including recycling projects. With the water situation that we have, it is a disgrace that each year 350 billion litres of waste water from Melbourne are pumped out to sea.

Everyone acknowledges that we have a water crisis in Bendigo, but Bendigo is still not recycling any of its water. We have not done any work on harvesting stormwater, which is a huge resource that is not being utilised at all. More stormwater runs off Melbourne into the ocean than is consumed by the consumers of Melbourne, so there is a huge resource there that is not being used. As an example, the people of South Australia are doing very well in harvesting stormwater and using recycled water. They are storing it in the aquifer, where it is purified, and then they bring it out again as good water. We are not doing any of that. We have had \$1.6 billion go into the public coffers, but none of that has been reinvested in projects. No significant work has been done on how, in the crisis we have at the moment, we may use some of our ground water reserves in the short term and then allow them to replenish later.

In my electorate we have the great Wimmera–Mallee pipeline project. The northern Mallee pipeline was delivered by the coalition government on time and on budget. The current round of it is getting behind. Two years were wasted with the political argy-bargy between the state and federal governments. The people of the area are getting very, very frustrated because nothing has happened. In that area we do not need more consultative committees, consultants or staff in Horsham. We need some people out there actually laying pipes. People would love to see some pipes going into the ground, but nothing is happening. All we have are talk and spin, with a lot of money from the allocation from both governments being spent on spin and nothing on action.

The Water (Governance) Bill principally changes three acts: the Water Act 1989, the Catchment and Land Protection Act 1994 and the Melbourne and Metropolitan Board of Works Act, which it abolishes to put Melbourne Water under the Water Act in the future. It makes consequential amendments to seven other acts.

The Nationals support the introduction of on-the-spot fines for breaches of water restrictions. That is a good way forward and a good message to give to the people. But that is the only part of the bill that The Nationals support. We oppose the bill because we believe that the majority of its provisions do not deliver for Victoria.

Despite what has been said by the minister in the term of his office, that Victoria is moving forward on water management, there is a lot in this bill that has Victoria moving backwards. The bill fixes quite a lot of the mess that was left from the Water (Resource Management) Bill 2005, which was passed last year, particularly clarifying some of the issues under unbundling, water shares and environmental entitlements, and it changes the structure of catchment management authorities and the power that the minister has over them. As I said, it brings the Melbourne and Metropolitan Board of Works under the Water Act, the same as other authorities.

In some ways, the changes made by the legislation before us, with the power going to the department and the minister, turn the water management in this state back to pre-McDonald inquiry times. Originally there was the State Rivers and Water Supply Commission, then the Rural Water Corporation and a third one, which I forget the name of. They were run by commissioners, who were all-powerful, effectively faceless men and there was no involvement by the industry in decision making.

As members know, in the early 1990s there was a rate protest from all the rural water users in Victoria when they actually picketed the Orrong Road head office of the then water corporation. Out of that, to then Minister White's credit, he appointed Stuart McDonald to conduct a review of the water authorities in Victoria. Out of that review came some quite significant change. The old statewide water corporation was broken up into regional water authorities. That put some customer involvement back into the water authorities and into the decision-making process. Given the way a lot of the decision making is now being changed in this bill, the government is starting to centralise power again — that is, centralising power with the Department of Sustainability and Environment or with the minister, not with the customers of the water authorities.

These people from the department who will be giving advice to the minister on the new powers under this bill are the same people who have been advising the Bracks government over the last seven years. They are the same people who have got us into the mess we are in now because we have not had positive investment in the water industry to solve some of the situations we

now face; and they are the same people who have been overseeing the implementation of the national water initiative from a Victorian point of view. When the history of water in the life of the Bracks government is written, it will show that Victoria actually lost its competitive advantage when it came to how we managed water as we moved forward.

Victoria has had a proud history over a long time that has seen it have secure entitlements and secure allocations, particularly compared with our cousins across the river in New South Wales. We saw the growth of permanent planting and of family farms in Victoria, but a lot of these things are being put at risk by the changes in water that we now face. With its water reform agenda Labor has actually become the friend of big business, not the friend of the family farm and not the friend of the traditional irrigator. There are so many unanswered questions about the implementation of the changes from last year and this year. There is a lack of trust in the Bracks government, and there is uncertainty about business decision making among the people across the farms of Victoria who are irrigators.

The issue of unbundling is still unresolved. Although the technical issues are being resolved in this legislation, there has still been no modelling done by the Department of Sustainability and Environment as to how that unbundling and the separation of water from the rating value of property will affect councils. When we first passed this legislation — when the green paper and the white paper were out there — the government kept saying, ‘DSE will do the modelling, councils will know what is going on’. When we first did the legislation last year the time lines were pushed out because no-one had done the modelling and no-one knew what the impact would be on local government. Local government still does not know what the impact will be on it when we come to the cliff face in 2008 and water is taken out of the valuation of land from a rating point of view.

We have a stopgap measure in this bill which is designed to stop people from disassociating themselves from water from a rating point of view in order to reduce their rates for the next 12 months, but after that no-one knows what is going to happen. There is a debate going on which has not been clarified by this government about the issue of access fees and exit fees for those who sell their water and the stranded assets that are going to be left for those who stay in the system.

The Australian Competition and Consumer Commission (ACCC) has recently brought out a draft

ruling on this that says exit fees should not be charged. We have had a discussion based around exit fees and how the people who stay in irrigation will be able to use them to fund their infrastructure. We now find that the ACCC is saying that may not happen, which will again create more uncertainty for those who are left in the irrigation industry.

We have seen the shift from a 2 per cent cap on trade out of our water districts to a 4 per cent cap on trade out of our water districts. Next year there may be exit fees or maybe no exit fees — or there may be termination fees, as the ACCC calls them, that come into place. People do not know what is going on, and the government is doing nothing to clarify those issues. The viability of a lot of our existing communities and our irrigation districts is going to be challenged as we go forward.

Country Victoria has done seven years of hard labour under the Labor government. It is all very well if you are someone who can afford to pay the fees to go to a progressive business dinner to actually lobby ministers. If you are just an ordinary country person it is a lot harder to get the ear of this government. It is all about big business. Those who have the money to pay to have meals with ministers seem to get the influence in this state now, not the ordinary people. That is a shame, and it is a break from the commitment by the Premier when he was elected to govern for all Victorians.

We have seen the changes in the water trade and the damage that is happening to the Murray River with the increased summer flows that go down the river at that time. We are seeing changes as the water authorities are being turned into water corporations. We are seeing significant changes in how the boards are going to work, particularly now that the chief executive officers of the water authorities are going to become the managing directors and are actually going to be placed on the boards of those water authorities. We do not support that; it is not a good move going forward.

There should be the opportunity for the boards to be separate from management and for the boards to be able, if they want to, to have meetings without management present. If you are going to have the managing director as part of the board, it will be impossible in the future for the board members to actually have discussions without management being there if they decide they would like to do that.

One of the issues that was raised by the member for South-West Coast, and we also endorse those comments, is raised on page 81 in new section 122ZI under new division 3 of new part 6B of the Water Act,

headed 'Repayment of capital'. There has been \$1.6 billion in public sector dividend taxes taken out of the water authorities, which is money that could have been invested a lot better so that we did not have as serious a water crisis as we have now. Now we are going to see those same water authorities having to make capital repayments to the government. We find it to be absolutely wrong for those water authorities to have to make capital repayments to the state government, only for that to go into consolidated revenue.

Under clause 54, subsection (1) of new section 122ZI states:

The capital of a water corporation is repayable to the State at such times, and in such amounts, as the Treasurer directs in writing, after consultation with the board of directors of the water corporation and the Minister.

Those boards will be appointed by the government of the day and will do the government of the day's bidding. There will not be much serious objection if the Treasurer sends a letter and says, 'We want \$X million going back into consolidated revenue'. Proposed subsection (2) says:

... the Treasurer must have regard to any advice that the board of directors has given to the Treasurer in relation to the water corporation's affairs.

If the boards are appointed and owe their job to the government of the day, I do not believe they are going to stick up for their customers as they should, which is an issue that has been an ongoing sore point with a lot of people — that no longer are the boards seen as working for the customers but are seen to be working for the government of the day.

We sought advice on this bill because, as you read it, it is very complicated and disjointed. It does not flow as would a normal piece of legislation but jumps from amending one act to amending another. In general, we believe it puts some onerous tasks onto the water authorities — or the water corporations, as they will be called going forward. In the future customers of those water authorities will have to pay for the delivery of what are community service obligations.

We have a major concern with new section 93, which puts the responsibility on water corporations to ensure that water resources are conserved and properly managed for sustainable use and for the benefit of present and future generations. I believe the water authorities are already doing that. They need to encourage and facilitate community involvement in the making and implementation of arrangements relating to

the use, conservation and management of water resources.

It is the customers of those water authorities who will pay for whatever is being done, and it is the government of the day they need to deal with. Some sort of convoluted community consultation process will be put in place, which will be a cost to those authorities that the customers will have to bear. It will not deliver any meaningful outcomes in the future but may actually hinder the water authorities from doing their jobs.

The water authorities will need to integrate both long-term and short-term economic, environmental, social and equitable considerations in what they do. Again, I believe the water authorities are there to work for their customers, not to do social good for the rest of the state. If they are, then the government should be compensating them for that.

New section 93(e) states:

if there are threats of serious or irreversible environmental damage, lack of full scientific certainty as to measures to address the threat should not be used as a reason for postponing such measures.

It will be a sad day if long-term decisions on the water future of this state are based on perceived threats, because it will come back to the latest lobby group which comes up with the latest bright idea. We will be turning ourselves inside out without any proper scientific basis to do that.

In the couple of minutes I have left I refer to the proposed changes to the Catchment and Land Protection Act. The membership of the catchment management authority boards will change from 15 persons to 9 persons. The board members terms of office will increase from three to four years, but the legislation also gives them some onerous responsibilities. The minister now has the power to make a statement of obligation to the catchment management authorities (CMAs) which will be sent to them in draft form. They will supposedly be allocated the resources they need to do the jobs under those statements of obligation, and then those obligations will be gazetted. The concern I have is that there have never been enough resources put into the CMAs to enable them to do the jobs they need to do, let alone saying there will be more money going forward.

One thing we firmly believe is that we now have too many organisations trying to manage the environment in Victoria. If anything we need a rationalisation of the number of bodies that are trying to manage the

environment so that the ones that are there can do a good job of it.

We have the Department of Sustainability and Environment, the Department of Primary Industries, 10 catchment management authorities, the Environment Protection Authority, three coastal authorities, the Office of the Commissioner for Environmental Sustainability, Parks Victoria, Sustainability Victoria, the Victorian Coastal Council, the Victorian Catchment Management Council, the Victorian Environmental Assessment Council and VicForests. The amount of money we are using in duplicating bureaucracy in this state is an absolute disgrace. If we put that same amount of money into managing the environment better in Victoria, we would get a far better outcome.

The Nationals oppose the bill. We are also extremely disappointed that we were notified by press release that there were to be house amendments to this bill. If the government was serious about dealing with the opposition and achieving bipartisan support for the management of water in this state, it would not introduce house amendments by issuing a press release saying they are coming. They could pick up the phone, talk to the Liberal Party, talk to The Nationals, talk to the Independents and say, 'We have amendments that we are going to introduce to this bill', instead of issuing it to the media so that people learn about amendments by press release. That is not the way to go forward and to deal with such a vital resource as water is to this state.

The Nationals oppose the bill because we do not believe it delivers for Victoria. The Bracks government has failed country Victoria when it comes to water.

Ms LINDELL (Carrum) — It gives me great pleasure to speak in support of the Water (Governance) Bill. This bill continues the legislative reform program that has been outlined in the Bracks government's *Our Water Our Future* white paper released in June 2004. The bill will amend the Water Act and the Catchment and Land Protection Act to deliver the government's sustainability objectives for water. Of course chapter 7 of *Our Water Our Future* is dedicated to delivering an innovative and accountable water sector by recognising that governance arrangements are critical to achieving the government's objectives for sustainably managing water resources and delivering water services.

Primarily the bill requires water authorities to give regard to sustainable management. It establishes water authorities as statutory corporations and improves governance arrangements. It brings the Melbourne Water Corporation under the Water Act 1989. It

introduces on-the-spot fines for breaches of permanent water-saving plans and drought response plans, and it amends the Water Resource Management Act 2005 to make technical changes to clarifying wording and intent. It strengthens the governance arrangements for catchment management authorities. It amends the Water Act 1989 and the Catchment Land Protection Act 1994 to generally improve their operations, and finally it amends the Werribee South Land Act 1991 to facilitate potential development at Werribee South for recreation and tourism purposes.

As the member for Swan Hill noted, it is quite a complex piece of legislation that amends a number of different acts. It does not change the governance arrangements of the three metropolitan licensees — that is, Yarra Valley Water, South East Water or City West Water.

I would like to make some comments on the changes to governance arrangements with Melbourne Water which directly affect residents of the — —

Business interrupted pursuant to standing orders.

Sitting continued on motion of Ms PIKE (Minister for Health).

Ms LINDELL (Carrum) — As I was saying, I would like to make some comments on the changes to governance arrangements to Melbourne Water which will directly affect residents of the tidal lakes system at Patterson Lakes in my electorate of Carrum.

Over the past few years a number of residents from Patterson Lakes have approached Melbourne Water to install boat-lifting devices or floating pontoons, and in response to these requests Melbourne Water has developed, in conjunction with the Patterson Lakes advisory committee, guidelines detailing a number of technical and aesthetic criteria that boat-lifting devices need to meet.

The guidelines also direct people installing boat-lifting devices to consult with other jetty users, and, according to the guidelines, the design for a boat-lifting device should be discussed with other jetty users and then approved by Melbourne Water before it is constructed. Unfortunately Melbourne Water has no legal powers to ensure compliance with these guidelines, and, following these amendments of the Water Act, Melbourne Water will be able to develop by-laws with powers to address issues such as the construction of boat-lifting devices contrary to the guidelines.

This will have a marked effect on residents within the tidal lakes system at Patterson Lakes. Many amenity

issues arise because of the inappropriate design and siting of some of the boat-lifting devices, which can be very large so that they obstruct residents' views and affect their property values. It has been a very contentious issue in my electorate, and I am very glad that these amendments will ensure Melbourne Water has some powers to enforce the guidelines.

The current legislation for Melbourne Water Corporation is very complex and outmoded. The provisions in the 1958 Melbourne and Metropolitan Board of Works Act provide a legislative scheme for the Melbourne Water Corporation that is highly prescriptive and includes many provisions that no longer apply. The Melbourne Water Corporation Act 1992 was introduced to remove the old MMBW corporate structure and to facilitate the corporatisation of the MMBW of 1958 in line with government policy at the time. Corporate matters relating to the Melbourne Water Corporation are currently covered in both the Melbourne Water Corporation Act and the State Owned Enterprises Act.

The Melbourne and Metropolitan Board of Works Act 1958 reflects the many previous roles and responsibilities of Melbourne Water Corporation prior to the Melbourne metropolitan water industry reforms. It contains many redundant sections and does not contain transparent Melbourne Water Corporation roles and responsibilities. Neither the Melbourne and Metropolitan Board of Works Act 1958 nor the Water Corporation Act 1992 spells out the functions of the Melbourne Water Corporation with any clarity. The example I have just given of how difficult it has been for Melbourne Water to enforce the guidelines even on the tidal lakes system at Patterson Lakes is just one example of how constrained Melbourne Water Corporation has been in operating under the present legislation.

I will make some brief comments in general on government policy and water initiatives. I was very disappointed to hear the member for South-West Coast in his contribution talk about the lack of recycling opportunities. I have spoken before in this house of the wonderful trial that is taking place in my electorate at the Rosedale golf course, where the golf club has a licence to mine the stormwater drain. They take the water out, obviously when the drain is flowing, and store it in a dam. They treat it and then put the treated stormwater into the salt water aquifer and store it in the aquifer. They can do this on many occasions, depending on the availability of the stormwater, and then in times of drought or through the summer when we have no rain they can pull the water out of the salt water aquifer and water the golf course.

This is a trial; it has only just begun. The dam has been built, and the first water is being treated and stored in the aquifer. Over time the amount of stormwater that can be stored in the aquifer will increase, but this is one way in which we can drought proof that golf course. This technology will be able to be adapted right across Melbourne, wherever there is access to a salt water aquifer. Many innovative projects are being trialled. They continue to show the government's commitment to ensuring the security of Victoria's water supplies.

This legislation continues to pave the way for key actions to secure Victoria's water future following the Water (Resource Management) Act 2005. I commend the bill to the house, and I am very pleased to note that it will have a very speedy passage.

Mr MULDER (Polwarth) — I point out at the outset that the Liberal Party has said that it is opposed to the Water (Governance) Bill. We recognise that there are some components of the bill that are worthy of support. There is one aspect of the bill in particular that causes us grave concern, and I suggest it should cause Victorians to question the motives behind some of the provisions of this bill and the impact of those provisions on their future water resources.

One issue that the Liberal Party is somewhat mystified about is in relation to part 6, which provides that the current water authorities and the Melbourne Water Corporation will be established as water corporations under the act. That will mean that authorities will no longer be known as authorities but as corporations. It is a tactic that the government of the day uses when it is in trouble in any particular policy area. The first thing it does is go for a change of name to try to divert attention away from the problems it has created. To understand that you only have to look at the issue of the Scoresby freeway, which was turned into EastLink overnight to try to confuse the public.

You only have to look around rural and regional Victoria to get an understanding of the problems this government has created over seven years of inaction and why it sees it as necessary to implement a change of name from 'water authorities' to 'water corporations'. I can assure members that people in rural and regional areas will not be impressed by the costs incurred by their water authorities in changing their names, particularly when you look at the horrendous situation those in rural and regional Victoria will face with the impending very hot summer period.

The issue that concerns the Liberal Party most of all is in relation to the repayment of capital, which is dealt with in new section 122ZI. We recognise that since

coming to office this government has ripped about \$1.6 billion in dividends out of the water authorities across the state and channelled it back into consolidated revenue. New section 122ZI states:

- (1) The capital of a water corporation is repayable to the State at such times, and in such amounts, as the Treasurer directs in writing, after consultation with the Minister and the board of directors of the water corporation.

You can imagine what is going to happen. The board will be appointed by the minister, and the Treasurer will say to the minister that he wants to immediately take out any capital that is lying around in any of the water authorities, along with any dividends that have been created while the capital was with the water authorities, which will ensure that they are left absolutely skint and running their businesses on a day-to-day basis on the bones of their backsides.

The next step to that is going to be that any future projects the water authorities may embark on to improve their systems will involve the raising of debt. That debt will then have to be serviced by the authorities' customers. We can see exactly what this is all about. This is the Enron system — identify the winners, take and strip what you possibly can out of them, leave the losers alone and then rely on debt to fund any development of future projects. I must say at this point in time that when the state of Victoria's finances was reported today the government was crowing about the fact that it has a surplus of something of the order of \$800 million. If I were the member for Bendigo East or the member for Bendigo West, I would find it very difficult to face my community on a day-to-day basis while knowing that there was an \$800 million surplus lying in Treasury coffers and that my community was about 20 or 25 weeks away from running out of water.

What an absolute disgrace! What a disgrace and a dereliction of the duty of care to the people those members are supposed to be representing across the state! That is completely and totally unacceptable of this government — completely and totally unacceptable. I was up there a couple of weeks ago. There are stage 4A water restrictions, and people living in those lovely old homes with those grand gardens know very well that within the next four or five months the entire amenity of their home and surroundings is going to be in ruins.

This government has had seven years to get the water supplies right for our three major regional cities, and it has done absolutely nothing. Ballarat is in a crisis situation; Geelong is also going to face grave water

restrictions. People are talking about the temperature being 30 degrees tomorrow — in early October, and we have about six months of this to go. The government's attitude to water, water resources and investment in water across the state has been to pray for rain. It is an absolute disgrace.

The government has no plan; it has never had a plan in relation to water resources across the state, and it will stand condemned. I point in particular to the two Bendigo ministers who sit around the cabinet table. There are two Bendigo ministers, and the regional city they represent is on the verge of running out of water — though there is an \$800 million surplus sitting there — because they have failed to plan, failed to influence and failed to invest in water resources for their own region.

I accept what the Premier has said here time and again in relation to the drought and to the fact that we face a severe bushfire season. I believe we all understand that. This is a country of drought, a country of floods and a country of fires — we know that. But there is absolutely no excuse for failing to plan a reliable water resource for the major regions and the major cities. That work should have been done.

As we stand here today there are still no plans. There are still no real plans, other than one that the government has adopted for Bendigo off the back of Liberal Party policy. There is no real plan for Geelong and no real plan for Ballarat. Down in the region where we live, down in the south-west of Victoria, there are ample water supplies ready to be tapped to service Geelong. The Newlingbrook aquifer has been identified by the Liberal Party time and again as being able to boost Geelong's water supply. There is still additional capacity in the Barwon Downs bore field that could help boost Geelong's water supply. That could free up the Lal Lal Reservoir, and Lal Lal's water could be directed to Ballarat. That would help to build the water resource for Ballarat.

We at least have a plan. Without all the support of departments, agencies, consultants and everything else that goes with government, at least the opposition has a plan to help to deal with the water shortages in our major regional cities. I point out once again that the Labor government has had seven years in office and has not done a single thing. It has not come up with a single plan for these regional cities. It could well be that we have in front of us six months of weather that produces little or no rainfall. Think about what that means to Geelong, to Ballarat and to Bendigo. I say again that the Labor members representing those cities, particularly the ministers, stand condemned for the fact

that they have done absolutely nothing and in particular have failed to push the government to invest in those regions.

In the Geelong area there has been no local consultation with consumers, who have expressed their concerns in relation to fluoridated water from Melbourne. That was one of the government's very early plans for Geelong — to try to connect Geelong to the Melbourne water supply. Surely by now the government would have looked and seen that Melbourne is facing restrictions. Why on earth would you connect your second largest regional city to a water supply that is facing water restrictions anyway, when there are ample water supplies in the Otways that could well and truly service Geelong's needs and free up water for Ballarat?

We would have thought that by now not only would we have secured the water supplies to our regional cities but we would be looking at extending those pipelines out into the smaller towns and the farming communities to grow our agricultural production. But no, nothing has happened. I can recall very early in the piece when we had drought conditions in south-western Victoria that the agriculture minister at the time, the Honourable Keith Hamilton, was down in our area discussing with the farming communities extending the water pipeline — —

The ACTING SPEAKER (Ms Campbell) — Order! The member's time has expired.

Dr SYKES (Benalla) — I rise to speak on the Water (Governance) Bill. I wish to focus particularly on the requirement for a mandatory consultation process in the event of the decommissioning of a water storage, and I believe clauses 67 and 139 are particularly relevant. I welcome the requirement for compulsory consultation provided it is the real deal and not just a Clayton's consultation.

I make that comment because we have in front of us a tragic example of a Clayton's consultation in relation to the decommissioning of Lake Mokoan, and I will refresh members on its history. A steering committee was set up about four years ago to oversee the investigation of the options of making water savings at Lake Mokoan. The options to be explored included total decommissioning, partial decommissioning or leaving the lake as is and perhaps modifying the operating rules. After a lot of community involvement the draft final report determined that there was not a lot of difference between the costs of the total decommissioning option and partial decommissioning.

However, the government decided to have another consultancy done, and addendum 5 of the initial report reworked the arithmetic. Surprisingly, for the cheap price of \$5000 we got a quick-and-dirty rework of the figures that resulted in the benefits of the total decommissioning option being increased substantially and the costs of the total decommissioning option being decreased substantially, and conversely the benefits of the partial decommissioning option were reduced substantially and the costs increased substantially. You would have to say it was just a fraction smelly. It was a fraction smelly to the point that the government-appointed chairman of the committee was subsequently absolutely furious that the committee process and the community consultation process could be so corrupted by the government.

We then move on to the implementation of the decommissioning process. The government set up two committees. The Broken System Reliability Reference Committee related to water reliability and the Lake Mokoan Future Land Use Steering Committee related to wetlands rehabilitation. They were ministerial appointments with a wide range of stakeholder interests represented on the committees. What happened? The reliability reference committee was asked to assess and recommend options for water savings and offsets and oversee the implementation of those offsets. The duration of the committee was expected to be several years. What happened? The committee was sacked less than 12 months into the job. Why? Because there was a dispute over the current level of security of supply, the local committee believing that it should be 97 per cent and the government arguing vehemently that it should only be 91 per cent.

Secondly the committee believed it had been briefed by the minister in a one-on-one, face-to-face conversation, the minister asking the committee to explore all options, but in fact the key option for providing security of supply, the midstream storage, was not allowed to be pursued. The committee was also against water buyback. Given those three issues of dissent, the committee was sacked. Then what happened? Yesterday the government announced the offsets package, delivering only 91 per cent security of supply, a cost blow-out of between \$35 million and \$46 million and more water buyback. The consultation process really has to be questioned. If it is going to be embedded in law, it is important that there be proper consultation. All along the way what we have seen in that consultation process is half-truths, lies and broken promises.

The Future Land Use Committee has just come up with its final report on this issue. Whilst I have been quite

critical of the report, it would be fair to say there has been reasonable community involvement in aspects of it. It is interesting that, community involvement or not, when it came to the crunch and the final report went out for public comment, the four full-time farmers on the committee refused to endorse the report. Warning bells about the content of the report must ring when four full-time farmers say, 'I am not signing off on this. I do not believe it is practical'.

The other seven committee members endorsed the report submitted for public comment, but they imposed three conditions on their endorsement: firstly, that the government must have offsets in place which have been proven to work to deliver the current level of security of supply of water to the irrigators; secondly, that the government must commit to underwriting 50 per cent of the cost of the rehabilitation to ensure that it is done and that we do not get a weed-infested jungle, and I should note that there was a cost blow-out from \$1 million in the original quick-and-dirty arithmetic done to \$23 million, plus or minus 40 per cent — in other words, a \$1 million project became a \$33 million project; and thirdly, that there be local involvement in the future management of the wetlands.

It will be very interesting to see whether this government takes on board those conditional endorsements and implements them and, if it does proceed with the wetlands project, whether it complies with the wishes of the local committee or whether it just rides roughshod over the committee.

In relation to the flood risks to Benalla posed by the project, basically the starting premise of the decommissioning process was: 'There will be a minimal increase in flood risk to Benalla and we will set about proving that'. There are three key issues that need to be identified and laid on the table in this house. Firstly, there is the belief by the chief executive officer of the Goulburn Broken Catchment Management Authority that the government has no legal or moral responsibility to provide flood protection to the residents of Benalla.

Secondly, in the process of evaluating and concluding that there was a minimal increase in flood risk, future risks were compared only with the current operating rules which have operated during a decade of drought and not with the operating rules over the first 25 years of the operation of Lake Nillahcootie and Lake Mokoan, during which time the lake was claimed to be operated to provide flood protection to Benalla. Thirdly, and perhaps most criminally, flawed and incomplete information was presented to argue the case that there was no impact from the earlier management

strategies — in particular, that it was not possible to determine what the actual inflows and levels of the lake were during the 25-year period of its earlier operation. Again, it was a Clayton's consultation — an absolute shocker.

But it does not stop there. Let us look at the consultation process conducted with the Aboriginal people. Lake Mokoan is a site where Aboriginal artefacts abound. Initially there was a superficial consultation, and not all interest groups were involved in the process. The local future land use group and local land-holders insisted that there be greater consultation with the Aboriginal people, and further independent assessments and surveys were done to locate artefacts. In spite of that, it was not until an independent investigation was carried out that evidence of the remains of up to 50 Aboriginal bodies was detected. At this stage we have not had any comment from the government on how that discovery will be handled, and there has been no further consultation with the Aboriginal people of the local tribes who claim association with those wetlands. Again, the process was just not on.

If we look at the consequences of all this lack of consultation, we can see the importance of proper consultation being incorporated into legislation in the future. The situation at the moment is that the future of the Benalla area and the futures of the people of Benalla and the irrigators and their young families are being sold down the river. On top of that the people of the area, including those with young families, are emotionally burnt out. We have serious stresses within families, with tensions between husbands and wives and between dads and kids, and we have neighbour turning on neighbour. This is being driven by people under pressure in relation to the Lake Mokoan saga. We have a drought on top of that, we have other pressures in our area, and we have the heavy frosts.

We have a government which is absolutely unmoved by this situation. It continues to tell lies and half-truths to justify a decision which was initially based on incomplete and flawed information, a decision that was only made to meet a political commitment to the member for Gippsland East and ensure Labor got power in 1999. In conclusion, the experience with Lake Mokoan is a vivid and graphic example of why we must have proper consultation about any further proposal to decommission lakes and storages. Therefore I strongly endorse that component of this bill.

Mr HERBERT (Eltham) — I rise to make a short contribution on the Water (Governance) Bill, which will introduce new and improved governance

arrangements for water authorities and bring all water authorities under the Water Act. This is an important bill that will require water authorities to have regard to the principles of sustainable management. It will provide a much stronger governance framework for those water authorities. It will also provide greater protection for public lands, and importantly it will ensure that water authorities have appropriate drought response plans and permanent water-saving plans in place.

This bill is the next phase in the government's response to the water crisis and climate change, which is inflicting hardship on much of Australia. It follows the landmark white paper *Our Water Our Future* released in June 2004 and subsequent legislative reform later in 2004 and 2005. This is part of a quite comprehensive agenda which has been well thought out and planned for the long term.

I note that in his contribution opposing the bill the member for Polwarth said that the Liberal Party had a plan in terms of water, presumably pre-1999. We all know what that plan was — to privatise the water authorities, to privatise water and to sell off the system. As former Prime Minister Paul Keating said to former federal Leader of the Opposition John Hewson, 'You may have a plan, but it is the wrong plan'. I think that was the Liberal's plan. It is clear that we are putting in place a plan that genuinely protects water resources and protects our long-term sustainable water usage.

Saving water is a task which falls on the shoulders of all of us. We simply cannot continue to waste water the way previous generations did. While this legislation relates to the actions of water authorities and ensures they can manage water in an efficient and sustainable manner, many others in our community are coming on board and developing innovative water-saving measures. We have few manufacturing businesses in my electorate of Eltham, but those we do have are highly successive and innovative. One of those companies is EverWater Australia, which specialises in water-saving technology. This company recognised a while ago that as a nation and a world we need to develop sophisticated water-saving industries. It has set out to position itself to be at the forefront, not just in Victoria but in Australia and the world, in terms of the water industry.

I have had the opportunity to visit EverWater's factory in Simms Road, Greensborough, with the Minister for Water. I was impressed by the range of world-best, high-technology products the company has developed. It has taken quite a few years to develop these products. They have everything from simple water-saving

devices which when you turn on the hot tap recycle the water until the hot water comes out the tap to very sophisticated grey water recycling systems for households and industries. These systems can recycle something like 5000 litres of water into very high-quality water in a 24-hour period. I have seen the water. I believe you could drink it.

Ms Pike interjected.

Mr HERBERT — No, I do not have shares in the company!

It is a very innovative company, and it is interesting that Norm Williams, an identity in Eltham — he started up Rotary in Eltham — is one of the principals. He recognised the need to save water. One of the company's latest projects is to develop much better recycling water facilities in terms of car washes, which are springing up all over Melbourne.

It is not just local businesses such as EverWater which are taking up our challenge to save and recycle water. Ordinary people in my electorate have taken up the challenge with great vigour. About half of the electorate of Eltham is in Nillumbik, and something like 2500 rebates for purchasing water-saving devices have been received by householders in Nillumbik. It is estimated that this equates to more than 15 million litres of water being saved each year across Nillumbik.

I think that is a terrific result, but it is only one measure in a complex plan to save water. This bill is about reforming water authorities. There are other pieces of legislation within the major water plan to save water, to ship water and to ensure that water is used in a sustainable manner both in the bush and in the city. I think it is a worthy plan and one that is necessary for our state to thrive and prosper. I commend the bill to the house.

Mr COOPER (Mornington) — The member for Eltham just said we cannot continue to waste water as we have in the past, and he is quite right. Perhaps the government should start paying attention to its rhetoric and start putting its words into action, because I have stood in this place in days past and asked the government to readdress the issue of water harvesting from the roofs of public buildings and at the very least to use the rainwater from those buildings to flush the toilets and perhaps water the gardens. We can look at two interesting examples of this government's inaction — in fact it is deliberately going the other way. Federation Square is one and Southern Cross railway station is the other. To save minimal amounts of money the government took out the water harvesting plans

from those two projects and as a result the rainwater that falls on those areas is flushed down the drains. Again we have another example of this government talking up a storm but doing nothing when it comes to taking sensible action.

I was also interested in another comment made by the member for Eltham regarding the amount of water being saved in Nillumbik. Perhaps the member for Eltham and other government members who are interested in saving water and who want to do something could start addressing the issue of fire sprinkler systems. For those who do not know, insurance companies demand that fire sprinkler systems be tested each year; it is called a flow test. I have been talking to an industry source about that today. Potable water is used because fire sprinkler systems are connected to the water supply. The estimate I have from industry sources is that at the very minimum there are some 20 000 premises throughout this state that have fire sprinkler systems, and at the very minimum each one uses 15 000 litres per test per year because of a demand made upon them by the insurance industry.

I went to one of my colleagues and said, 'Would you mind doing the maths for me?'. He came up with a figure of 300 million litres of potable water that is flushed away each year in testing fire sprinkler systems. The industry source that spoke to me about this today said, 'Why is it that the government has not acted upon this. It is an easy action that it could take'. What it could do to eliminate the waste of at least 300 million litres of potable water a year would be to legislate to enable water suppliers to issue a certificate stating that the pressure at each of the fire sprinkler locations is adequate to run the sprinklers. That is all that is required from this government to save a minimum of 300 million litres of potable water each year. Has it acted, Acting Speaker? No, it has not. It talks a good game, but it does not produce the results, and that is the problem that everybody on this side of the house has with this government. It never seems to deliver. It talks about these issues, but it never seems to deliver.

Today we have heard the members for South-West Coast and Polwarth give examples of why we are opposing this legislation and why we see that so much of this legislation — although not all of it — has significant flaws. It is about time this government started to do something about the water problem in this state. As the member for Polwarth said quite correctly, it is an absolute disgrace that we have major cities in this state that are now in crisis as far as their water supplies are concerned. As the Treasurer would well know, having represented it in the federal Parliament, one of those cities, Bendigo, is now in absolute crisis.

What is this government doing about it? It is doing sweet nothing. Its plan is, as the member for Polwarth said, to pray for rain. That will have to save some of these cities, because this government does not have any other plans. Simple suggestions such as harvesting water from the roofs of major buildings and schools around the state have been brought to the attention of this government time and again. Has the government done anything about them? No, it has not.

It is not as if the problem was raised yesterday. It has been raised over the last couple of years, yet this government has ignored it. And the reason it has ignored suggestions such as those is that they have come from this side of the house. The arrogance of this government knows no bounds. If the information does not come from the government side of the house or from the tiny brains of the government's own members, it does not want to know about it. Members opposite do not believe that any member of the opposition, and now probably neither of the Independents, can come up with anything they would want to listen to. They are simply people who believe they know everything, and they do not want to listen to anything that comes from this side of the house.

Yet the sensible suggestion I referred to would have saved hundreds of thousands of litres just at Federation Square and the Southern Cross railway station. Instead it has been ignored. I am told that the plans for Federation Square were altered by the government when it came into power and that in order to save \$250 000 it took the water harvesting plans out of the project. What a disgrace that was. As far as I am aware, the Southern Cross railway station plans did not have any water-harvesting proposals incorporated in them, simply to save money. This government did not see the need to harvest that water and did not care about the water that was being wasted. Now we are hearing lovely rhetoric coming from the other side of the house, but the reality is that the government has had opportunities in the past and has not addressed them.

I am surprised that it has taken somebody from the fire protection industry to ring to tell me about the waste of at least 300 million litres of potable water each year and that this government has not got a clue that this is occurring. I hope, now that I have raised it, that the government will take some action in the next month or so to address that particular issue.

The opposition is opposing this bill because there are so many flaws in it. That is why we believe this government should rapidly go back to square one and start addressing this very serious issue, which is going

to dramatically affect the economy and the environment of the state.

Mrs POWELL (Shepparton) — I am pleased to speak on the Water (Governance) Bill and to say that The Nationals will certainly be opposing it. We believe it is a lost opportunity for this government to address the water crisis in this state, particularly in country Victoria. Water or the lack of it is about the biggest issue that has faced Victoria over the last 10 years, not just over the last few. The government has proposed 13 additional amendments, which were circulated just before debate on the bill was resumed, which proves that this has been hastily drafted. It also proves there has been little consultation and that the bill is being rushed through before being debated appropriately.

The second-reading speech on this bill states that significant progress has already been achieved with regard to the government's water reform agenda. I do not think it is correct to say that. What we have got are reports, some very glossy brochures, some legislation that has come into this house to make amendments to the Water Act and a number of name changes, but there has not been one major water-saving project delivered by this government.

The Bracks government has failed Victoria. The only response by this government to fix the water problems in this state has been to rob one municipality in crisis so that it can send water down to a couple of other municipalities in crisis. In fact the Minister for Water came to Shepparton to announce funding for lining channels with plastic. That was a good initiative, and it should have been done many years ago. There should be lots of initiatives like that, as well as other sorts of initiatives to better manage our water. But then the minister went to Ballarat and announced a decision and some funding for a pipeline to take water from the Goulburn system to Bendigo and Ballarat. There was no mention of this in Shepparton, which is where the water was coming from. In fact the minister deliberately did not mention it in Shepparton. Obviously he wanted to wait until he got to Ballarat to make the announcement.

During the last sittings of Parliament, in response to a question from the Leader of The Nationals, the minister said that Ballarat needed the water to grow. I agree that it is important that cities like Ballarat and Bendigo grow, but not to the detriment of towns like Shepparton. Shepparton is the food bowl of Australia, and it would be absolutely critical if we lost what little water we have at the moment so that it can be sent down to Ballarat and Bendigo to see those cities growing. What those cities and the government should have been doing

is looking for water initiatives and water savings years ago. The rain has not only just stopped falling; it has not been falling at the right time and in the appropriate amounts for the last 10 years.

With respect to water authorities and catchment management authorities (CMAs), changing the names of water authorities to water corporations will make the irrigators in my electorate absolutely furious. They are now going to be paying for a name change on letterheads and on buildings. The building in Shepparton has only just been completed and it has lovely sign-writing on the front of it. Now what we are saying is that we are going to deal with the water crisis in Victoria by changing the name of the water authority to water corporation. Irrigators are now not only going to be paying for a change of name and for changing all the glossy brochures, they are also paying for water they will not receive.

At the moment irrigators in my electorate are paying for a 21 per cent water allocation. By February next year they are going to be expected to pay for 100 per cent, but they are not going to receive that. They will be lucky if they receive even 40 per cent. They are also paying exorbitant prices for water at the moment — \$480 a megalitre was the last price I was given by fruit growers in my electorate — and that is if they can get it, and at the moment it is very hard to come by. The government is putting money into those sorts of changes. It is putting money into making legislation for CMAs to be more receptive to the state government's way of doing things rather than putting money into groundworks or water initiatives.

Other changes in respect of catchment management authorities, or should I say corporations, being made through this legislation are about taking the power away from local communities and local leaders. It will give excessive powers to the Minister for Water and to the state government, and it will mean that the authorities will be less responsive to local issues and local communities. That is why the CMAs were put there in the first place: to actually look at and respond to local issues, to respond to the concerns about issues related to water and the environment that are impacting on local areas.

The Nationals spokesperson on water said in his presentation that the water authorities should work for their customers and not for the state government, and he is exactly right. I would like to commend the Goulburn Broken Catchment Management Authority in my electorate for the great work it does on stabilising river banks, for working with other environmental leaders and for its great on-the-ground works. Our

home is on the Broken River, and I see daily the work the authority does on stabilising the banks to stop the turbidity and to stop the degradation and fall-in of the banks. These works are having a huge impact on the health of that river.

We have lived there for about 20 years, and we have seen the platypus population increase from one platypus to about three or four now. That is really great.

Dr Sykes interjected.

Mrs POWELL — I am not sure what their names are. If there are platypuses in the river, then obviously the river is healthy. I commend the Goulburn Broken Catchment Management Authority for the works it does locally.

Unbundling — which will involve the removal of water value from land — will have a huge impact on local government. When this issue came forward I asked the Minister for Water what support he would give councils so that they could do the modelling to ensure that removing water from rates would not burden one part of the municipality as opposed to another. I do not believe that has happened yet. There has been some cost shifting, in that local government will have to do its own modelling. The government has acknowledged that there is now the opportunity for rorting of the rating system when water is removed from land. I believe a number of letters indicating just this were read out to the minister at the time.

The bill also provides for a mandatory consultative process for the decommissioning of dams. Because of time constraints I will not speak a great deal about that but only talk about the Lake Mokoan issue. The member for Benalla raised this matter in his presentation, giving a really good synopsis of the way the government handled the decommissioning of Lake Mokoan. It is one thing to say the government should listen and have a consultative process; it is another thing for the government to actually listen to what the local community says. As the member for Benalla said, the government only did a Clayton's consultation when it was dealing with the Lake Mokoan issue.

My locals ask what research was conducted to investigate any flood impact of the decommissioning on Shepparton and what research was conducted on its social impact. The member for Benalla talked about people being burnt out because they worked very hard to save Lake Mokoan. I went to a number of rallies with the member for Benalla and attended a number of meetings at Benalla and Shepparton on the community's very hard push to save Lake Mokoan. I

was the shire president in 1993 when we had the floods. A lot of that water came from Benalla, and locals said Lake Mokoan served as a mitigation reserve so the flooding was not as bad. Locals are concerned that the decommissioning will increase the flow of floodwater to Shepparton.

The Nationals support on-the-spot fines for people doing the wrong thing with regard to water theft, but we have grave concerns about this legislation. We believe the government is making a number of changes that do not address the issue. The issue is that the government has failed Victoria in terms of finding water initiatives and water savings to allow the state to continue to grow into the future.

Ms BUCHANAN (Hastings) — It gives me great pleasure to contribute to the debate in relation to the Water (Governance) Bill. I say from the outset that the intent of this legislation is very clear. It aims to improve current legislation governing the water sector to provide for a capable, innovative and accountable water sector that is able to deliver on the government's sustainability objectives for water, as outlined in the government white paper *Our Water Our Future*.

It is fair to say that no other government in contemporary Australian history has changed how its residents use water in the way the Victorian state government has. There have been water savings of 22 per cent across residential areas, which is an amazing achievement over a very short period of time. The influence this government has had in terms of changing the behaviour and usage patterns of Victorians has been absolutely outstanding. I commend the government for the great work it has done in that respect.

Many members of the opposition have raised the issue of consultation in relation to this legislation. I hark back to the white paper launched in June 2004 in which these sorts of issues were outlined. Since that time there has been an intensive consultative process on the issue of how we will look after our water, with many local stakeholders involved, including water authorities across the board. I think it is important to note that consultation has happened.

I want to respond to one point that was raised about catchment management authorities (CMAs). This bill will make CMAs more flexible and more responsive to the needs of local communities. I hark back to the Port Phillip and Westernport Catchment Management Authority and the fantastic work it has done to address soil erosion and siltation around Western Port Bay. Those problems were long neglected under previous

governments, but they are now finally being addressed through the proactive actions of this state government.

Secondly, this bill covers a range of governance issues, including requiring water authorities to take into account principles of sustainable management in their decision making; providing a stronger governance framework for water authorities, which is an integral part of these changes; establishing the role of water storage manager and setting out the functions of the role; strengthening governance arrangements for CMAs, which will change the structure of their boards, improve their performance, monitoring and financial evaluation procedures and again ensure that taxpayers money is used in the most efficient way possible; and providing for the development of statements of obligations for CMAs, to be issued by the Minister for Environment to clarify the ways in which they are accountable.

The changes that have been made address the issues raised in the feedback provided by the stakeholders. The fact that there are four major acts and three different types of corporate forms that define the governance arrangements of water authorities has led to confused reporting and accountability arrangements, different operational functions and powers, and inconsistent appointment processes for directors, board members, managing directors and chief executive officers.

While I endorse this bill, I am saddened by the fact that these sorts of governance arrangements do not apply to the federal government's management of the national water trust funds. As we know, prior to the last federal election the federal government made a commitment to allocate between \$1.6 billion and \$1.8 billion for water programs across the nation. That sounded like a fantastic amount, but there was a question mark over where it would come from. It was not new money; it was recycled money. It is a pity that the recycling philosophy the federal government has when it comes to funding commitments has not progressed to support for the water recycling programs which were put forward by this state government in the first round of the national water trust funding arrangements.

One of the classic examples the state government can give of the federal government's lack of attention to governance principles is what happened with the Nepean sustainable water scheme. From that point of view — —

Mr Dixon interjected.

Ms BUCHANAN — It is interesting that the member for Nepean interjects by saying, 'There were guidelines that the state government did not follow'. He cannot have read the so-called guidelines, which were not guidelines at all. The primary reason why the Nepean sustainable water scheme was rejected in round one was that 'the project was not of national significance'. If a recycling project across the Mornington Peninsula is not of national significance, I do not know what is. From my point of view it was absolutely appalling that the federal government knocked the scheme back for that reason.

It is also interesting to note not one recycling scheme in Victoria was approved by the federal government in round one. That is disgraceful. Where is the accountability of the federal government when it comes to actually supporting water recycling? Its accountability on water recycling is as bad as its commitment on addressing climate change and global warming, which as we all know have had an incredibly detrimental impact on rainfall across Victoria. It is a pity we cannot apply the governance principles in this bill to the federal government, because I think we would be in a much better state if we could.

Another important part of this bill is the annual reporting by significant water users. As members will know, most of our water authorities report annually. In relation to the proposed amendments, it is important that we have access to information about some of our major water users so we can look at the way they target the recycling of their water. Significant water users are one of the major target groups across the state, and through the bill we can support and assist them to meet some of the targets they need to meet.

It will allow for water corporations established under the Water Act 1989 to provide the Minister for Water with information on water users as part of their annual reporting requirements. This is a very important component of the bill. The information to be provided will be about water use by non-natural persons like corporate entities. Some would extend that to also include members of the Liberal Party, but I will not say any more about that. The information will identify the water user and water usage within a volumetric range, which will be determined by the Minister for Water, where the water is being used and whether the person using the water is participating in any water conservation program.

That is very important because we need to look at ensuring that our water authorities are encouraging and supporting many businesses within their regions to look at water recycling and using water in a very efficient

manner. This component of the bill will do a lot to address that. Most importantly also, the information on major water users will be provided in a fair and balanced way and within context to permit the public to assess the progress of industrial water conservation measures. We are making sure that some of our industrial commercial users, as well as residential users, are doing their bit for water recycling and conservation.

In summing up, this is a very good bill. It is a step in the right direction. It is in total philosophical agreement with *Our Water Our Future*, the fantastic document which has changed the behaviours of many Victorians. This has been evidenced by a 22 per cent reduction in water use across Victoria, which is a significant and amazing reduction. The accountabilities for our water organisations, boards and catchment management authorities will do a lot to support them in assisting farmers, businesses and residents to continue in that manner. I support and endorse this bill.

I commend to the house the magnificent work being done by the Minister for Water. He has been consistent in his approach in getting out there and making sure we are all accountable. The saving of water is a whole-of-community responsibility which extends to water authorities and boards. The endorsement he has received from cabinet, particularly from the Premier, is also to be commended. We have done an outstanding job in raising this issue to the nationally significant status it deserves. It is a pity it is not supported by the federal government, which seems to be turning its back on the issues of water and climate change. It needs to be held to account, and hopefully we will all get the opportunity to do that in the next 12 to 18 months, when there will be a federal election.

In closing, this is a good bill. It is about sustainable water use across Victoria. I fully support and endorse it to the house. I wish it a speedy passage.

Mr DELAHUNTY (Lowan) — I rise on behalf of the Lowan electorate to speak on a very important issue for my electorate — that is, water. I believe the Water (Governance) Bill is another missed opportunity by the Bracks Labor government. Like my Nationals colleagues, I will be opposing this bill. The Bracks government has failed country Victoria on water management.

The bill has many purposes, but its primary purpose is to amend the Water Act 1989. I will not be able to go through all the amendments in the time allocated to me tonight, but it requires water authorities to sustainably manage water. It provides a stronger governance framework for water authorities by making them

corporations with a single corporate form, uniform governance provisions and set business objectives. It provides a mandatory consultative process for decommissioning dams.

I heard the member for Benalla speak about Lake Mokoan. I just cannot believe that with the shortage of water we have at the moment, we are thinking about decommissioning dams in Victoria. A lot of people in my electorate would be asking why we are not building more dams. As we know, that cannot happen north of the divide because of the Murray–Darling Basin cap, but in other areas of Victoria there should be opportunities. Water is a finite resource. Its value has never been more evident than in the current drought conditions in western Victoria — or right across Victoria, for that matter. Therefore the decommissioning of dams seems to be going against the trend of the needs of country communities.

The bill also amends and introduces on-the-spot fines for breaches of permanent water saving plans or drought response plans. It is interesting to note that the plans get heavier as the restrictions get heavier. We could not have heavier restrictions than we have at the moment in the western part of Victoria: we are on stage 4, which I believe is the most stringent water saving device available. There is a lot of concern about water supplies at the moment.

This bill also amends the Catchment and Land Protection Act 1994 and brings the governance of catchment management authorities (CMAs) under the Catchment and Land Protection Act but leaves their specific waterway management functions under the Water Act. The amendments also allow for the minister to issue formal statements of obligations for water authorities relating to performance, exercise of power, community engagement, corporate and business planning, and brings catchment management authorities (CMAs) under the provisions of the Public Service Act.

The main issues from my and my colleagues point of view is the potential to cost shift non-core environmental management works onto water authority customers because of the vagueness and sustainability management in the clauses. Also, there is evidence that the Water (Resource Management) Act 2005 was hastily drafted, requiring this bill to correct a whole range of discrepancies and inadequacies.

That covers the broad context of the concerns The Nationals have and also the concerns I have about water in the Lowan electorate. The Bracks government has failed all country Victorians, particularly in water management. They have issued many press releases,

and they have run many advertising campaigns. In fact, their campaigns are spending about \$160 million a year, according to the Auditor-General, and they have made many ministerial statements and visits, but they have not delivered one major water saving project that was not on the drawing board before they were elected. The water crisis is very serious. I do not believe the metropolitan area really understands the water crisis problems we have in rural and regional Victoria.

It is also interesting to note that since the Bracks government was elected it has collected \$1.6 billion in public authority dividend taxes from the Victorian water authorities. Every year this sum is being added to. The government now collects an additional \$60 million a year in environmental tax from the same water authorities. If there is one thing that gets up the noses of the community that I represent, it is that not only are they wild about paying for water they are not going to get delivered but to have an environmental tax — or what is commonly known as a Bracks tax — on top of that is really wrong and must be changed. The opportunity was available in this bill to do something about it, but the government did not take it.

The community I represent is very concerned about the way the water authorities are being managed, particularly by this government. Back in August I called for less talk and more action on water. I said then that desperate times — —

Mr Lupton — You talked!

Mr DELAHUNTY — That is correct. The reality is that I got some action from this government, but it is not enough, because I do not think it really knew what was going on in rural and regional Victoria. I said then that desperate times with water shortages required desperate measures, particularly in western Victoria. We do not need more reports; we need action. We need the government to provide practical assistance to support not only the local economies but, more importantly, the morale of the community. They have not done that at this stage.

We need practical support, like water rate and interest rate subsidies and drought infrastructure funding. We need the retention of skilled workers and assistance with water carting. We need other things like special purpose student grants. Because of this drought and because of the shortage of water in my electorate, we are finding that students are not going on school excursions because their parents cannot afford them. As I said, the best thing this government could do — and the Minister for Agriculture is here — would be to remove the environmental tax on water that is not being

delivered this year. It is wrong that farmers and land-holders should have to pay tax on water they are not receiving.

The other thing we need to fix is the water tank rebate. The government had a golden opportunity to extend the water tank rebate, which is about \$150 for people who are receiving reticulated water. Not only should we be giving it to them, we should be giving it to people outside that area. We must save water. We in The Nationals believe — and I strongly support it — that it should be increased to a \$500 cash-back scheme for all householders who install a rainwater tank. That is another missed opportunity with this legislation.

The main concern I have is with the slow progress of the Wimmera–Mallee pipeline. More than two years ago funding was announced by both state and federal governments, and we have seen no progress, with no pipes being laid in that time. In fact we have seen no pipes laid in the southern Wimmera area since this government came to power.

Other issues of concern to people in my area are recreation water, piping priorities, pumping costs and the giving up of entitlements from the Waranga channel. The large increase in the authority's staff, together with the unfortunate loss of experienced people with local knowledge, is worrying the people I represent in western Victoria. As members know, the federal and state government contributions to the pipeline are capped. There are increasing concerns that the project costs will blow out. Who is going to pay the difference? It will be the people in the local community who are suffering from the drought at this stage.

Whereas the northern Mallee pipeline resulted in reduced rates, a Grampians Wimmera Mallee Water report shows that under the Wimmera–Mallee pipeline rates could increase by 100 per cent in the next 10 years. That is unsustainable for the communities that I represent. Wimmera irrigators have also criticised the lack of support from the water authority and in particular from the state government on pricing, bulk water entitlements and headwork and distribution costs. As I said, the Wimmera–Mallee pipeline is strongly supported by the community I represent because it will have enormous social, economic and environmental benefits. My understanding is that the reason we have not seen the tenders announced is that the bureaucracy here in Melbourne — and that comes from the minister down — cannot make the decision. Again I call on the government to do something about it.

The bill covers things to do with the catchment management authorities (CMAs). As members know,

back in the days of the Kennett government, of which I was not a member, the catchment management authorities were given the role of determining the implementation of regional policies on river management, salinity programs, water quality and sustainable development. They also assumed the responsibility for flood plain and rural drainage and Crown stream frontage management. As members know, the CMAs receive their funding from the federal and state governments for projects that include fencing off waterways and remnant bush, revegetation, drainage projects, weed and pest control, and salinity control.

I have a copy of a letter which was sent by Ian Ross from Telangatuk East in my electorate in which he says that he had to resign from the Glenelg Hopkins Catchment Management Authority. He did that because, he says:

Success at the GHCMA board level has not been measured by catchment outcomes but rather the size of the budget, number of employees and the first to do a strategy.

There are many concerns, and this legislation was a golden opportunity for the government to address some of those concerns. For those reasons and reasons similar to those of my colleagues in The Nationals, I will be opposing this legislation.

Debate adjourned on motion of Mr CAMERON (Minister for Agriculture).

Debate adjourned until next day.

Remaining business postponed on motion of Mr CAMERON (Minister for Agriculture).

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! The question is:

That the house do now adjourn.

Freedom of information: government performance

Ms ASHER (Brighton) — The issue I have is for the Premier. The action I wish him to take is to abide by the rhetoric of the Australian Labor Party's pre-election promise in 1999 to be open, honest and accountable, particularly in relation to freedom of information (FOI). There has been a significant failure on the part of all three ministers for major projects. I am, of course, familiar with their performance in particular. They have failed to perform on the matter of FOI.

Mr Smith — Name them!

Ms ASHER — I am more than happy to name them. The ministers have been the current Minister for Gaming, a former Minister for Major Projects, followed by the current Minister for Transport, followed now by Mr Lenders in the other place. All three of them have been deficient on matters of FOI. Every single major project, of course, is either late or over budget or both, and the government knows that. There is no doubt this is driving the issue of failure to perform on FOI.

Over the last seven years there has been a consistent feature of behaviour whereby documents have been either ordered to be released by the Victorian Civil and Administrative Tribunal or released on the eve of the VCAT hearing. There has been a raft of examples, but I particularly want to draw the house's attention — I am pleased the Minister for Agriculture is at the table, because it involves his department — to the handling of an FOI matter by the Department of Primary Industries (DPI).

The background to this is that Neil O'Keefe, who was the chair of the joint venture for the showgrounds redevelopment project — he is a former ALP member of Parliament who resigned prematurely over the handling of the joint venture — short-listed his business partner, Terence Cuddy. That bid did not get up, but the fact is that former ALP MP Neil O'Keefe short-listed his business partner.

I requested some documents in relation to that, and I received a letter back from the DPI on 20 July 2006 referring to the fact that it provided me with my own questions on notice as part of this response to the FOI request. The letter told me that the department was unable to give me a document dated 15 October 2003 written by Mr Cuddy. The letter then went on to inform me that the FOI act:

... provides rights of access to your own records —

that is fantastic: I know what my own records are —

but prohibits the unreasonable disclosure of information personal to others ...

It then went on to tell me that Mr Cuddy's letter was confidential:

This letter contains Mr Cuddy's personal views on the showgrounds redevelopment and was written with the intent that it remain confidential.

If you have a desire for confidentiality or a 'confidential' heading, then under this government your matter is exempt from FOI. This is an unsatisfactory circumstance.

Buses: Cranbourne electorate

Mr PERERA (Cranbourne) — I wish to raise a matter for the attention of the Minister for Transport. The action I seek is for him to improve the level of service, frequency and accessibility of public transport serving the electorate of Cranbourne that I proudly represent.

The residents in the electorate of Cranbourne have dearly welcomed the improvement and new services that the Bracks Labor government has provided since 1996, including the state-of-the-art TrainLink service. Cranbourne TrainLink route nos 896 and 897 give Cranbourne East and Cranbourne West residents direct bus access to Cranbourne station. Cranbourne TrainLink meets each train at Cranbourne station, ensuring that local commuters have a reliable and comfortable ride between home and the station. The service operates seven days a week, 365 days a year, providing a seamless integration of public transport facilities for local residents.

Another new route, no. 777, provides two daily trips on weekdays to McClelland Gallery Art and Sculpture Park in McClelland Drive, Langwarrin. Commuters who travel from Frankston to Cranbourne now have a bus route that features four extra trips on Friday nights and six more on Saturdays. Residents have also welcomed the extension of bus route 832 from Frankston to Skye. This service is being extended into developing areas along McCormicks Road, Wedge Road and Cadles Road in Carrum Downs and will run 3 extra weekday bus services earlier in the morning, 13 later in the evening and 3 across the day. There will be 12 additional services on Saturday afternoon.

There are many areas in my electorate that are experiencing substantial residential growth, so it is essential that we have extra services to meet the demand. The provision of additional bus services will also help those commuters who have been previously restricted because they do not own a vehicle. It is also an alternative to driving. With petrol prices expected to increase even more in 2006, commuters will look for more cost-effective transport options.

The Liberals have no credibility on public transport. They gutted our public transport system, they ran it into the ground, and they would do it again if they returned to government. I recommend to the Minister for Transport that he take into consideration an upgrade of bus services in the electorate of Cranbourne.

Rural and regional Victoria: government assistance

Dr SYKES (Benalla) — My issue is for the attention of the Premier, and it concerns the impact of frost and associated disasters in northern Victoria. The action I seek is an immediate assistance package to help the people and communities affected.

Last week's frost in north-eastern Victoria and the Goulburn Valley resulted in losses in excess of \$100 million. The extent of the damage and its impact can be measured in three ways. First of all there is the geographical aspect, and the geographical area affected by the frosts includes Nagambie, Shepparton, the Warby Ranges, the Ovens and King valleys and the Rutherglen area. The products affected include stone fruits, particularly apricots, plums, nectarines and cherries, and grapes. Broadacre crops also appear to be affected, with canola, vetch and cereal crops suffering damage. The full impact of the cereal crop damage will not be known for a number of weeks, and it is similar with the grapes.

The context of this disaster is also important. This disaster comes on top of a series of tough years in our area. We have had about a decade of dry years, but 2003 was particularly dry, and severe frosts in the Goulburn Valley caused a lot of damage to fruit; in 2004 for a number of properties that had suffered severe frost damage there was little or no fruit for the orchards; in 2005 there was hail damage throughout the Goulburn Valley; in 2006 we have extremely high water costs and low wine prices, and in the Ovens Valley we have the cessation of the tobacco industry, which will result in \$30 million of income being removed from that valley alone.

The impact of these disasters can be measured first of all in individual losses, and we are looking at losses to some individuals such as the Raks, who have lost half a million dollars worth of income in newly created export markets. At Shepparton one farmer has lost \$1.5 million worth of income, and many other farmers have lost hundreds of thousands of dollars. Early this week the Leader of The Nationals, the member for Shepparton and I met with growers. The other serious impact is the emotional impact. These people are putting on a brave face, but they are hurting like hell underneath. Their resilience and ability to go on is going to be severely tested.

The help we need is immediate support and an application for a prima facie exceptional circumstances declaration, followed by a full exceptional circumstances declaration. We also need cash grant

subsidies of \$20 000, and we need no charges for undelivered water. We need the creation of employment opportunities and the fast tracking of labour-intensive programs. We need financial counsellors.

Rail: Hurstbridge line

Mr HERBERT (Eltham) — I raise a matter for the attention of the Minister for Transport. The action I seek is for the minister to ensure that any proposed upgrade of signalling on the Hurstbridge line includes all sections of track from Greensborough to Hurstbridge.

As members will know, the 2006 budget included significant funds for upgrades to the Hurstbridge rail line to replace outmoded systems and alleviate bottlenecks and points of delay. The government has committed more than \$50 million for the duplication of the Westgarth–Clifton Hill section of track, which will help alleviate this absolutely notorious bottleneck. This project will significantly reduce delays, increase capacity and allow for more frequent services on the Hurstbridge line in the future. Of equal importance is rectifying the many delays which currently occur further along the track by upgrading signalling equipment between Greensborough and Hurstbridge station. This is a project the member for Yan Yean and I have been working on for some time.

The existing manual and mechanical signalling along this section of track is antiquated and not up to the demands of the modern, 21st century mass transit system. Much to the frustration of regular train travellers, this old and outdated signalling system seems to be a key cause of delays on this section of track. Modern signalling would not only make train movements more efficient but would improve service reliability for commuters along the entire Hurstbridge line. Local speculation is that the Eltham–Hurstbridge section's signalling will receive a much-needed upgrade to a new automated system, and whilst I will be delighted at this prospect and I am sure the member for Yan Yean will be delighted at this prospect, frankly it would be quite stupid and a wasted opportunity not to replace the old electric staff system on the Greensborough–Eltham section.

The government is spending a significant amount of money on improving infrastructure on this line because it has been plagued by delays and poor service for customers. But the strength of any chain is governed by its weakest link, which is why it is important to spend a little bit extra and eliminate the old and outmoded technology along the entire line. To leave this section of

old signalling in place between Greensborough, Montmorency and Eltham simply does not make sense. I believe that would continue to impact on service delivery along the entire rail line.

Water: Mornington Peninsula

Mr DIXON (Nepean) — I raise a matter for the attention of the Minister for Water regarding the Mornington Peninsula sustainable water initiative. I ask the minister to follow the guidelines of the National Water Commission and increase the state government's contribution to match that of the commonwealth.

The project is to upgrade the Boneo treatment plant to provide class A water, which would allow 4.5 megalitres of water a year to be upgraded and piped for local agricultural and recreational use. A number of benefits would come from this project, one of which would be to reduce flows at the Gunnamatta sewerage outfall. It would also provide a secure class A water supply to the extensive market gardens and golf courses in the area. The project would allow the depleted aquifer to recover, because it is under extreme duress at the moment.

Local users are prepared to put up \$14.5 million, which is a sizeable contribution and shows their commitment to the project. So far the various state instrumentalities have promised \$9.9 million, and the Mornington Peninsula Shire Council, \$140 000. The National Water Commission says it will put in \$12 million if it is matched by the state government; therefore the state has a \$2 million shortfall. According to the guidelines, the state contribution must match the federal government's contribution of \$12 million.

At the moment 2500 acres in the area are used as market gardens, and a more sustainable and long-term water supply could double that. Currently 400 people as well as about 400 seasonal workers are employed in market gardens in the area. Those numbers also have the potential to double. The industry is worth \$100 million to the local area. There are 21 golf courses in the area, which is quite a sizeable number. They employ 330 full-time equivalent staff and more than 200 casuals; they turn over \$50 million a year. Also, local vineyards cover 900 hectares and generate \$54 million for the area. They employ 500 full-time and 100 seasonal workers.

This project is very important to the area. If the state government steps up to the mark and matches the commonwealth contribution, many more jobs will be created, which would be a win for jobs, a win for the community and a win for the environment.

Rail: Burwood car park

Mr STENSHOLT (Burwood) — I raise a matter for the attention of the Minister for Transport. I ask the minister to seal the back half of the eastern car park at Burwood station. I will provide a little history of car parking at Burwood station, which is on the Alamein line.

During the Burwood by-election campaign in 1999 I asked the minister and the head of Hillside Trains to improve car parking, and it was agreed to provide better car parking at the station. A year or two later a new car park was constructed on the western side of Burwood station. I discovered at the time that, under the railways agreement entered into by the Kennett government, the privatised railway was required to supply new car parks, but there was no provision for sealing unsealed car parks, like the one on the eastern side at the Burwood station.

While the community and I welcomed the unexpected gift of a new car park, the old unsealed eastern car park continued to be a problem. It was potholed and dusty in the summer, and potholed and puddled in winter. In mid-2004 when the car park became particularly bad I asked if it could be sealed, and at that stage the answer from Connex was no. I decided a bit of grassroots democracy was needed, so I took a petition to Burwood station, collected signatures and presented the petition to Parliament later that year.

Several months later the minister listened to the pleas of local commuters, and the top half of the eastern car park was sealed. Discussions were held between local residents, the Hartwell scouts, who have their hall near the car park, Boroondara council and me. New drainage was provided along the full length of the car park, and 60 spaces were sealed. This left half the car park unsealed — not our preference, of course, but Connex said the numbers did not warrant it at that stage. The park-and-ride at Burwood is very popular, and within weeks there were well over 30 cars parking on the unsealed section on the lower half as train patronage increased. I spoke again to commuters and we all agreed it would be very sensible to seal the rest of the car park as soon as possible.

Once again it was felt it was important to stand up for the Burwood community, so several days ago I again collected signatures on a petition to Parliament calling for the rest of the car park to be sealed. That petition was presented to the Victorian Parliament in this house this morning. It says:

This petition of train travellers using Burwood station and other local residents commends to the house the recent

provision of 60 car parks ... and points out that these are already full and many now park in the unsealed part. The petitioners therefore request that the Legislative Assembly of Victoria supports the sealing of the rest of the car park as a matter of urgency.

That is the action which I seek the Minister for Transport to undertake now as a matter of urgency for the commuters at the Burwood railway station.

Rail: Mildura line

Mr SAVAGE (Mildura) — The issue I raise is for the attention of the Premier. The action I seek is the implementation of the return of the passenger train service to Mildura. There is an old saying in this place that a week in politics is a long time. I have been puzzled by this, because I think sometimes it is more like 'All is not what it seems in politics'.

In 2000 the Minister for Transport said that, if the Mildura community could show there was support for the return of the passenger train, it would be reintroduced. As a consequence the train committee was formed and a community survey was widely circulated. The responses to the survey indicated that 97 per cent of the community were in favour, and over 10 000 people indicated they would travel on the train regularly.

A subsequent budget after 2000 listed \$10 million for a survey and preparation works, plus \$96 million for the standardisation works. The commitment was made that the train would return by the year 2004. It is now 2006, and we still see no works at all. Earlier this year, at budget time, some six months ago, the Premier committed a further \$73 million, which included \$20 million from the federal government's transport implementation program, and he indicated that the works would commence within two months, and that would be July at the very latest. We are now some months past that time and works still have not been commenced. The program was to be over four years, but the Premier indicated that it would be over a two-and-a-half-year time frame.

The community I represent has been very patient about this issue, but it has dragged on for too long. The government has given a promise and a commitment that it would deliver this train. We are the most isolated community in Victoria and we have a large number of elderly people who are without transport and who have been isolated as a consequence. The Liberal-National Kennett government's removal of the train service has had a devastating impact on my community. It has meant that we are the only community in Victoria that

is very remote from Melbourne that does not have a proper transport network.

I call upon the government at this late hour, in the sense that we have an election on 25 November, to fulfil the promise of commencing these works before the next state election and to live up to the promises that have been made repeatedly in this house.

Hurstbridge Tennis Club: funding

Ms GREEN (Yan Yean) — I wish to raise a matter for the matter of attention of the Minister for Sport and Recreation in another place. The action I seek is for him to support funding for the Hurstbridge Tennis Club to upgrade its court playing surface.

Earlier this year Joanne White, the president of the Hurstbridge Tennis Club, met with me at my regular mobile office in Hurstbridge and, together with ward councillor Bill Penrose, we inspected the tennis club's facilities and noted the very degraded surface. There was also running away at the edges, which must create a lot of pressure and problems for competitors. We also heard first-hand what a great competitive and social environment the club provides for players of all ages. There is a growing youth program, and junior and senior coaching is offered.

I wish to place on record my congratulations to Cr Penrose for his advocacy in getting council support to ensure that the application for funding has gone forward. It is another great example of the cooperation that exists between the state government and the Nillumbik Shire Council.

Nillumbik and Yan Yean residents love their sport — and it shows, with obesity rates for adults and for children much lower than the state average. But to keep up this good effort they need to keep a good investment in sporting facilities in the area. The state government has a good record in investing in funding for new facilities in the area, with funding going to the Pantom Hill football and cricket clubs, Yarrambat Junior Football Club, Whittlesea Football Club, Coventry Oval in Diamond Creek, Plenty Park, Epping tennis club, Diamond Valley Archers, Diamond Creek Bowls Club, tennis at Mill Park Lakes, soccer at St Helena Secondary College and bike trails along the Maroondah Aqueduct and planned from Diamond Creek to Hurstbridge.

I would also like to thank the minister for his interest in the players of sport and his support for sport in my electorate, including his recent visit to Greensborough Hockey Club. I urge the minister to support the

Hurstbridge Tennis Club in its latest application for funding to replace the court playing surface at the club. It would be \$30 893 well spent on the health and enjoyment of tennis players in Hurstbridge.

Dental services: waiting lists

Mr SMITH (Bass) — I wish to raise an issue with the Minister for Health regarding public dental clinics and the undesirable time delay from when people first approach a dental clinic and go onto a waiting list to be seen for appraisal of their dental condition. They then have to go onto a waiting list for dental treatment. I ask the minister to provide more financial help to the public dental clinics and cut the waiting lists.

I was appalled to see on page 12 of the *Sunday Age* of last Sunday an article by Peter Weekes headed 'State of decay — our teeth worst in developed world'. It says there are 110 579 people in Victoria on the government's waiting list to get public dental treatment. I have raised this issue on many occasions with Bass Coast Regional Health at Wonthaggi, which conducts the service at the southern end of my electorate. I have been told that there are not sufficient funds to cut the time delay for people. I have also raised the issue with the minister on more than one occasion because of my concern.

Recently I have been approached by another constituent in Wonthaggi, who has asked me for help. I have written to the minister regarding the case, but will advise the house of the difficulties faced by many people in my electorate. My constituent advised me that she has been on the waiting list since 2001 and has recently been advised that she still has at least two more years to wait for a new set of dentures. She has been told by staff at the service that there are hundreds worse off than she is. What a disgrace, to think that this woman will have had to wait seven years to get a set of dentures. It is not much good when you cannot chomp into an apple or another piece of fruit, or whatever it may be, and bananas are too dear for them to eat.

It is of great concern that my constituent seems to be getting pushed down the list because of others, who the service says are in worse condition than she is. What could be worse than having no teeth and not being able to eat normal food, let alone the cosmetic problem of having no teeth?

I say to the minister that consideration must be given to assist these people who are suffering for years and are in desperate need of dental health treatment in a reasonable time frame. The government must take some action to take some of the pressure off this

uncaring system which is being perpetrated by the government as a free service that goes to all people in my electorate. It is no service to people when they have to wait for seven years.

Peninsula Community Health Service: Hastings site

Ms BUCHANAN (Hastings) — My adjournment matter is directed to the Minister for Planning. The action I seek is for the minister to investigate the feasibility of utilising land at the VicUrban site on High Street, Hastings, as the future site of the Hastings base of the Peninsula Community Health Service. PCHS, as it is locally known, is currently located at the site of the old Hastings Bush Nursing Hospital, which was built with funds raised by the residents and privatised and sold off under the previous Liberal government.

Its current owners want to use the site for nursing home beds, and I certainly endorse this concept. It is important to note that some 80 nursing home beds will have left Hastings by the end of 2006. It is a shameful figure. That is mainly due to a lack of federal government interest or commitment in both regulating the nursing home operators and investing in upgrading nursing home facilities so that this pending crisis in the number of nursing home beds will be alleviated in some small way and will allow this district's senior citizens to live and receive quality care in nursing homes in their home town. Thus it is imperative that PCHS finds a new home in Hastings.

Established in 1985, PCHS has been providing excellent health services to residents across the Mornington Peninsula. The current chief executive officer, Di Collins, and administrator, Cathy Wilson, and their team of great staff and committed volunteers have worked hard to build up a quality service that addresses a diverse range of local community health needs, including allied health, diabetes education, dental care, women's health, family violence support, disability support, and indigenous health and mental health support. The Peninsula Community Health Service in Hastings has really made a great difference to the health and wellbeing of many people across the Hastings electorate.

I am proud to be part of a government that has increased the resources of PCHS in record amounts, unlike the previous government which neglected health services across the Mornington Peninsula and silently stood by while the federal government slashed its support for vital health services such as dental services.

The VicUrban land on High Street, Hastings, has as its neighbour the Western Port Secondary College and is close to the commercial centre and medical precinct of the township, the railway station and bus routes. It would be a sensible planning outcome and consistent with the principles of the excellent Melbourne 2030 scheme. I would like to take this opportunity to relay to the Minister for Planning that many residents across the Mornington Peninsula and Western Port region have wholeheartedly endorsed Melbourne 2030, the ratification of urban growth boundaries and the protection of our precious green wedges; they would also support this investigation into a permanent site in Hastings which addresses access and equity issues in relation to health services.

I have worked closely with the Mornington Peninsula Shire Council and the Department of Human Services to identify potential sites in the Hastings township, and I think in principle this site meets all the criteria to ensure that a quality community health service will continue to exist in this community.

I ask the minister to investigate this potential site, knowing as I do that the residents of the Hastings electorate value the services that PCHS provides and that only this Labor government is committed to providing the best quality health services for Victoria. I will continue to fight to make sure that they continue in Hastings.

Responses

Mr CAMERON (Minister for Agriculture) — The honourable member for Benalla raised a matter relating to frost in the Goulburn Valley and the north-east.

Mr Smith — Where is he?

Mr CAMERON — The honourable member for Bass asked, 'Where is he?'

Mr Smith interjected.

Mr CAMERON — It would appear that the honourable member for Benalla has decided to leave the chamber and get home to bed, as the honourable member for Bass said. However, although there are no other members of The Nationals here, other members may want to be apprised of the situation that has resulted from the very bad frosts that occurred across large parts of Victoria. Certainly it is going to cause a substantial reduction in fruit production and other agriculture in those particular areas.

You may be aware, Acting Speaker, that the federal government has been able to respond, and an

application for exceptional circumstances assistance is being fast-tracked for the Goulburn Valley. As part of the Prime Minister's new national exceptional circumstances arrangements, which were announced last May, it is important that industry and the communities, particularly through their municipalities, come together to make an application. Certainly we would encourage that. If people need advice as to what should or should not be put into an application, the Department of Primary Industries can assist.

I have been made aware from newspaper clippings that the honourable member for Benalla would like an exceptional circumstances application to be pursued for that area because of the damage caused to crops by the recent frosts. Certainly to that end I hope — even though he is not here — he can bring it together and provide the necessary information to get that ball rolling.

Can I say that the response from the federal minister in relation to the Goulburn Valley has been very good. Cooperation between the state and federal governments is very important at times like this. Certainly we hope that, if there is to be an application generated locally, it can be done as quickly as possible so that it can then be forwarded to Canberra.

The honourable members for Brighton, Cranbourne, Eltham, Nepean, Burwood, Mildura, Yan Yean, Bass and Hastings raised matters, and they will be referred on.

The ACTING SPEAKER (Mr Nardella) —
Order! The house is now adjourned.

House adjourned 11.43 p.m.