

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY  
FIFTY-FIFTH PARLIAMENT  
FIRST SESSION**

**Thursday, 11 August 2005  
(extract from Book 1)**

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**Standing Orders Committee** — The Speaker, Ms Campbell, Mr Dixon, Mr Helper, Mr Loney, Mr Plowman and Mrs Powell.

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

*Parliamentary Services* — Secretary: Dr S. O'Kane

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**FIFTY-FIFTH PARLIAMENT — FIRST SESSION**

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Mr R. K. B. DOYLE

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Mr P. J. RYAN

**Deputy Leader of The Nationals:**

Mr P. L. WALSH

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Jenkins, Mr Brendan James	Morwell	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
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Kotsiras, Mr Nicholas	Bulleen	LP	Wilson, Mr Dale Lester	Narre Warren South	ALP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wynne, Mr Richard William	Richmond	ALP



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## Thursday, 11 August 2005

**The SPEAKER (Hon. Judy Maddigan) took the chair at 9.33 a.m. and read the prayer.**

### BUSINESS OF THE HOUSE

#### Notices of motion: removal

**The SPEAKER** — Order! I advise the house that under standing order 144 notices of motion 160–169 and 310–322 will be removed from the notice paper on the next sitting day. A member who requires a notice standing in his or her name to be continued must advise the Clerk in writing by 2 o'clock today.

### PETITIONS

#### Following petitions presented to house:

##### Schools: religious instruction

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned to ensure the continuation of religious instruction in Victorian government schools draws out to the house that under the Bracks Labor government review of education and training legislation the future of religious instruction in Victorian schools is in question and risks becoming subject to the discretion of local school councils.

The petitioners therefore request that the Legislative Assembly of Victoria take steps to ensure that there is no change to legislation and the Victorian government schools reference guide that would diminish the status of religious instruction in Victorian government schools and, in addition, urges the government to provide additional funding for chaplaincy services in Victorian government schools.

#### By Mr PERTON (Doncaster) (32 signatures)

**Ms BEARD (Kilsyth) (112 signatures)**

**Mr NARDELLA (Melton) (24 signatures)**

**Mr SAVAGE (Mildura) (29 signatures)**

**Mr WILSON (Narre Warren South) (58 signatures)**

**Ms CAMPBELL (Pascoe Vale) (50 signatures)**

**Mr CRUTCHFIELD (South Barwon) (147 signatures)**

##### Racial and religious tolerance: legislation

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws the attention of the house to the decision of the Victorian Civil and Administrative Tribunal in the complaint against Catch the Fire Ministries by the Islamic Council of Victoria, dated 17 December 2004. The decision has highlighted serious flaws in the Racial and Religious Tolerance Act 2001 which restrict the basic rights of freedom of religious discussion.

The petitioners therefore request that the Legislative Assembly of Victoria remove the references to religious vilification in the Racial and Religious Tolerance Act 2001 to allow unencumbered discussion and freedom of speech regarding religion and theology.

#### By Mr SAVAGE (Mildura) (186 signatures)

##### Housing: disruptive tenants

To the Legislative Assembly of Victoria:

The petition of residents in the electorate of Mildura in the state of Victoria draws the attention of the house to the loud, threatening, unruly, unsocial and sometimes criminal behaviour of certain residents of government-subsidised housing.

The petitioners believe that all Victorians, including public tenants and their neighbours, should be afforded peaceful enjoyment of the premises they occupy, irrespective of whether the premises are owner occupied, privately rented or government subsidised.

The petitioners therefore request that the Legislative Assembly of Victoria ensures that any residents of government-subsidised premises are bound to exercise due respect for their neighbourhood or face early intervention and eviction with no further assistance forthcoming.

#### By Mr SAVAGE (Mildura) (5 signatures)

##### Police: schools program

To the Legislative Assembly of Victoria:

The petition of certain citizens in the state of Victoria draws to the attention of the house that the police schools involvement program has been a successful, proactive policing program operating since 1989 which, with the school resource officers, has worked closely with school communities in many constructive ways including to:

develop a positive relationship between police and the community;

develop an understanding of the role of police in society; and

reduce the incident of crime in society.

In 2005 approximately 200 000 students statewide have benefited from this program, which has served as a model for similar programs in other states and, indeed, is recognised internationally as a positive model for police and school partnerships.

The proposed termination of the program, when law and order issues are of particular concern within Victorian communities, is not in the best interest of our children or the Victoria police.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria support the continuation of this most worthwhile police school involvement program in its present form for the year 2006 and beyond.

**By Mr SAVAGE (Mildura) (422 signatures)**

**Nightclubs: metal detector tests**

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the unnecessary and wholly avoidable death of Mark Russo, 23, of Wheelers Hill in the early hours of 20 November 2004. Mark was knifed to death at the bar of a popular nightspot as a direct result of the fact that no checks were made at any point to ensure that patrons were not carrying weapons of any kind. Had such a check been carried out, Mark would undoubtedly be alive today.

The petitioners therefore request that the Legislative Assembly of Victoria make it compulsory that all pubs, bars and nightclubs carry out metal detector tests on all patrons before they are permitted entry.

**By Mr ANDREWS (Mulgrave) (8025 signatures)**

**Schools: religious instruction**

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned to ensure the continuation of religious education in Victorian schools draws out to the house that under the Bracks Labor government review of education legislation the future of religious education in Victorian schools is in question, and the petitioners therefore request that the Legislative Assembly of Victoria take steps to ensure that there is no change to legislation which would diminish the status of religious education in Victorian schools and, on the contrary, require the government to provide additional funding for chaplaincy services in Victorian state schools.

**By Mr MULDER (Polwarth) (28 signatures)**

**Mr WELLS (Scoresby) (20 signatures)**

**Sandringham and District Memorial Hospital:  
car parking fees**

To the Legislative Assembly of Victoria:

The petition of the residents of the Sandringham electorate draws to the attention of the house the proposal by the Sandringham and District Memorial Hospital and Bayside Health to introduce a range of car parking fees to provide not only for car parking maintenance but also to assist in funding future capital works, equipment demands and improving staff and patient facilities. Residents are concerned that this may result in increased parking in nearby streets by both staff and visitors which will impact on local amenity and quiet enjoyment of their neighbourhood.

Prayer

The petitioners therefore request that the Bracks government provide sufficient funding for the efficient management of the hospital without the impost of these fees which will see hospital employees paying up to \$480 a year to subsidise projects which should be funded by the state government.

**By Mr THOMPSON (Sandringham)  
(133 signatures)**

**Tabled.**

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

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

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

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

**INSPECTOR OF MUNICIPAL  
ADMINISTRATION**

**Glen Eira City Council**

**Mr THWAITES (Minister for Environment), by  
leave, presented report.**

**Tabled.**

**Ordered to be printed.**

**BUSINESS OF THE HOUSE**

**Member for Polwarth: statement**

**Mr Batchelor** — Speaker, I wish to raise a point of order, and in doing so I seek your guidance on what appears to be a deliberate attempt to mislead you and, through you, the Parliament. Last night during the adjournment debate and through the vehicle of a point of order the member for Polwarth claimed the Liberal Party had just rung the port of Melbourne free-call number, 1800 731 022, and could only receive a recorded message. This could not possibly have been true, it could not be the case, as the message gives you at least two options of going through to a receptionist to speak to a person.

It was in that mode last night. We know that because my office had checked before my coming into the chamber and during the point of order taken by the member for Polwarth. It is in that mode this morning. A number of days ago the federal member, Greg Hunt, rang the 1800 number and his office was got back to

within 4 hours. That is the background, so the point of order — —

**Mr Cooper** interjected.

**The SPEAKER** — Order! Without the assistance of the member for Mornington!

**Mr Cooper** — Is this a ministerial statement?

**The SPEAKER** — Order! The member for Mornington will cease interjecting in that manner. The minister will continue.

**Mr Batchelor** — The point of order I wish to raise is this ongoing problem of members of the opposition abusing points of order, of saying things during a point of order that are demonstrably untrue, that they know are untrue at the point of saying them. I seek your guidance, Speaker, as to how we can bring some integrity back into the point of order process.

**Mr Honeywood** — On the point of order, Speaker, I would suggest that if you entertain the suggestion by the Leader of the House that points of order from this side of the house are a worry, you ought to look in *Hansard* at points of order from the other side, because only yesterday in the grievance debate the member for Hastings made the most inane points of order to interrupt the flow of debate quite deliberately. If we are going to have individual points of order raised, we would need to have a full and proper inquiry into the whole gamut of points of order being raised by honourable members.

**The SPEAKER** — Order! I do not wish to hear any further on the point of order.

**Mr Thompson** — On the point of order, Speaker — —

**The SPEAKER** — Order! I have just said I do not wish to hear any further on the point of order. It is not the role of the Chair to determine the truth or otherwise of any statements made by the members of this house, and I suggest if members of either side take objection to what other members say, there are many remedies available to them.

**Mr Thompson** — On a further point of order, Speaker — —

**The SPEAKER** — Order! Is this a further point of order?

**Mr Thompson** — A further point of order, Speaker.

**The SPEAKER** — Order! What is the point of order?

**Mr Thompson** — I rang the inquiry line last night — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Sandringham will take his seat.

*Honourable members interjecting.*

**Mr Thompson** — Speaker, on a further point of order — —

**The SPEAKER** — Order! I will not hear any trivial points of order from members, so I ask the member for Sandringham what his point of order is.

**Mr Thompson** — Speaker, it is not a trivial point of order, it is just for the accuracy of the parliamentary record.

**Mr Cooper** — It's for accuracy.

**Mr Thompson** — A point of order was made earlier on — —

**The SPEAKER** — Order! I will not hear any further discussion of that matter. As I have said, it is not a point of order. I have not upheld the point of order of the Leader of the House, and I have given quite clearly the course of action that is available for any members who wish to take it further, but I do not intend to hear it any further.

## DOCUMENT

### Tabled by Clerk:

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule No 95.

## MEMBERS STATEMENTS

### Lalor Park Primary School: environment program

**Ms GILLETT** (Tarnait) — It was my privilege on Wednesday, 27 July, to visit Lalor Park Primary School and specifically the grades 5 and 6 students there, who generously volunteered their green thumbs to grow seedlings as part of the 2006 Commonwealth Games environment program. It was wonderful to speak with the children and hear their genuine excitement at having tended from tiny seedlings these plants that are now available for planting around the state. The government intends to plant up to 1 million trees,

including those grown by the children at Lalor Park Primary School, for the first ever carbon-neutral Commonwealth Games.

The absolute excitement of the children and their commitment to the greening of their own environment was a delight to see. Not only had the children grown these seedlings for the Commonwealth Games; they had spent a couple of years redesigning and re-landscaping their own school environment to reflect native flora, and did a fantastic job with that. They have done a magnificent job growing these seedlings, and I wanted to let the house know and put on the public record the government's appreciation for the hard work and wonderful green thumbs of the children and the teachers and staff at Lalor Park Primary School.

### **Environment Protection Authority: performance**

**Mr HONEYWOOD** (Warrandyte) — Yesterday I raised in the grievance debate concerns that organisations which were established to be independent watchdogs for the Victorian community on key environmental issues such as the Environment Protection Authority have been missing in action on channel deepening. Last night in the adjournment debate I set out how the EPA has apologised to one of my constituents for being three years late in the introduction of its promised road traffic noise policy and admitted it is with the state government for approval. The EPA was also pushing the government's line on the Yarra River pollution causes in January this year which were proven to be totally inept.

An even more damning situation has occurred since Boxing Day last year when all 26 000 fish in Lake Modewarre between Geelong and Colac went belly up and died en masse. Volunteers and local residents were left to clean up the mess entirely. Seven months after the EPA did its initial water quality testing following that fish kill we are still waiting for the results. Only after it was embarrassed by local media did the EPA return to the lake, which is now dead, and perform more water quality testing on 26 May. The EPA has some of the best laboratories in the world and it still cannot tell us what the problem is. As a result of this cone of silence residents have taken matters into their own hands and sent water samples to a university in the United States of America for independent testing.

If local residents' suspicions about what toxins are killing fish in the lake are proven correct, this will have enormous environmental ramifications for other lakes in western Victoria such as lakes Colac, Connewarre and Murdeduke. Lake Murdeduke has also been

exposed to a similar fish kill and is now a dead lake. Serious questions must be answered about possible effluent run-off into these lakes as well. If recreational fishers transfer live bait and live bait water from one lake to another, it could well have a domino effect.

### **Friends of Vigano**

**Ms D'AMBROSIO** (Mill Park) — I wish to pay tribute to the Friends of Vigano. The friends group is a local group of residents who have been campaigning for the redevelopment of a property at Plenty Gorge parklands known as Farm Vigano. The property, which is on Crown land, is managed by Parks Victoria. It has a wonderful history which has only now come to light. The property was established by Mario Vigano, who was the person responsible for the establishment of the Latin restaurant in the city. His wife, Teresa, was a well-known artist, and some of her paintings are displayed in the National Gallery of Victoria. Descendants of this family include Mietta O'Donnell and Patricia O'Donnell.

The friends group has done a wonderful job in trying to generate interest in the broader community. It has prepared a business plan which includes broad and diverse community involvement. Community groups that are very keen to become involved include the Plenty Valley Community Health Service and the Northern Metropolitan Institute of TAFE, including its hospitality, building and horticulture departments. The business plan includes diverse activities including community gardens, kitchens, disability services, an art gallery, cafe and function centre. The master plan is currently under way, and I look forward to continuing support for this terrific initiative.

### **Wangaratta: Australian Rules international competition**

**Mr JASPER** (Murray Valley) — The Rural City of Wangaratta this week is playing host to a large number of overseas football teams competing in the Australian Rules international cup. Teams from Ireland, Japan, South Africa, the United States of America, Papua New Guinea and other smaller countries totalling over 400 competitors are playing games at the Wangaratta Magpies and Wangaratta Rovers grounds over three days.

The competition is organised by the Australian Football League and the Victoria Country Football League supported by a number of sponsors. Wangaratta won the right to host the competition promoting Australian Rules football outside Australia. This is the first time the competition with overseas teams has been played in

a country location, which is a great credit to the organisers and the Rural City of Wangaratta.

The two winning teams from this week's competition will be competing at the Melbourne Cricket Ground this coming Saturday as a curtain raiser to the Collingwood–Carlton evening game and will be a great spectacle.

As a strong supporter of country football within my electorate of Murray Valley, this is a great promotion of the game locally and the code generally. Importantly, it is also worth noting the current round of funding of \$4 million jointly by the AFL and the state government in developing country football and netball facilities. This funding should only be the first of regular rounds of funding for country sporting clubs that are the lifeblood of country cities, towns and small rural communities. Many of them are battling for survival and desperately need the continuing support of the Australian Football League and the state government.

### **Victorian Farmers Federation: Whittlesea branch**

**Ms GREEN** (Yan Yean) — Today I want to congratulate the executive and members of the Whittlesea branch of the Victorian Farmers Federation which has been named the VFF branch of the year. This award is much deserved as the branch was virtually defunct five years ago and now has 30 members ably led by president, Judy Clements and secretary, Lois Taylor.

As the winning branch, Whittlesea received the branch name on a plaque in the VFF reception area, Farrer House, a plaque for the branch, Branch of the Year letterhead, \$500 from the VFF, a branch mail-out to all members sponsored by QBE Farm Gate, and a luxury weekend for two at Rydges Hotel, Melbourne.

The branch was rewarded for its work throughout 2004–05 in lobbying the City of Whittlesea for rate relief for farmers; working with councillors and officers of the City of Whittlesea to develop a sustainable farming and land management support program; working towards fairer payments to farmers for their produce; aiming to make supermarkets more accountable; initiating and helping to organise a successful practical farming and land management expo for land-holders; having a variety of interesting speakers; encouraging and supporting other farmers with issues affecting them; and encouraging local farmers to join the organisation.

At the conference the branch had resolutions passed unanimously requiring the federal government to implement mandatory country-of-origin labelling for unpackaged food, requiring that imported food meet the same standards of quality and traceability as local produce and requiring the implementation of a policy to have supermarkets report their cost structure to ensure greater transparency between farm gate and consumer pricing.

### **Courts: Werribee**

**Mr McINTOSH** (Kew) — Last week I was invited to inspect the Werribee Magistrates Court by concerned members of the Wyndham Action Group. It was an opportunity to speak to local lawyers, staff, police, local councillors and residents. The Werribee court is over 25 years old, and while it is not past its use-by date, it is desperately in need of renovation to at least bring it up to a minimum standard from its current disgraceful condition. Given the chronic shortage of police in Werribee, only one police officer is regularly on duty on any court sitting day. Brick floors, uncomfortable tinny chairs and no real interview rooms render the court substandard.

A single magistrate sits in the Werribee court on two days each week. The magistrate deals with at least 100 criminal mentions, and another day is devoted entirely to domestic violence cases. Otherwise all civil cases, most cases involving prisoners and all contested or difficult criminal matters are sent to Sunshine, 40 minutes away, or down to Geelong. We all know that Wyndham is one of the fastest growing areas in Victoria. With 8 per cent growth it is rapidly approaching a population of 120 000, and it certainly deserves a better court. Sufficient numbers of criminal and civil cases are being generated in Wyndham to justify at least one and possibly two magistrates sitting all day, five days a week.

With a bit of clear thinking and proper resourcing by the government the large two-storey building with three courtrooms could be turned into a large centre for justice in Wyndham. Alternatively a functional courthouse could be built on government land adjacent to the Werribee police station to operate as a modern justice complex.

### **Environment: sustainability**

**Mr LUPTON** (Pahran) — Environmental sustainability has to be built into everything we do as a society — this is our obligation to future generations — and our success or failure in this endeavour will be a

measure of our maturity as a community and of the values we uphold.

The Bracks government is determined to make Victoria the sustainable state, and its record in the last five years is one of which we can be proud. We have seen the creation of world-first marine national parks and the greatest expansion of national parks by any government in this state's history. The new and expanded Great Otway National Park, which is soon to be established, and the protection of the Alpine National Park by ending cattle grazing are further examples.

Sustainability in energy sources is also occurring. This government is committed to reaching its target of generating at least 10 per cent of our electricity from renewable sources by 2010, and our wind energy and solar energy programs are world leaders.

In my electorate of Prahran we have installed solar hot water in all public housing high-rise buildings. We are also using recycled stormwater on housing estate gardens and are building the K2 apartments in Windsor. This building will have extensive water recycling features. Rainwater will be collected from roof surfaces and stored, treated and pumped to two domestic hot water plants to supplement the building's water supply. Wherever possible environment friendly materials such as timber from sustainable sources will be used in the construction.

The Bracks government is leading Australia in sustainability. We are determined to make Victoria the sustainable state.

### **Connex: performance**

**Mr MULDER** (Polwarth) — Since the Minister for Transport and the Premier of Victoria signed off the contracts with Connex, its performance has plummeted. Connex is now being fined \$4000 per operating hour for its abysmal performance under the new contracts set up by the Bracks Labor government. When the contracts were signed the Premier and the Minister for Transport stated that they accepted full responsibility for the public transport system in Victoria. Since that day the system has been in continual decline.

Late trains, cancelled trains and a lack of train drivers, along with appalling attacks on trains by rock-throwing thugs, are the hallmark of the Minister for Transport's lacklustre performance in running the public transport system. Who in their right mind could ever have deemed it appropriate to let the Minister for Transport sit down and negotiate a complex commercial contract with Connex, when history will tell you that his only

previous experience in commercial negotiation was with the printer who produced his phoney how-to-vote cards for the Nunawading Province re-election? Just as he was then, he has been caught out again.

When you add to that the disastrous performance of V/Line, with trains running late month after month, with the fast rail being the butt of all jokes in country pubs where it is known as the 'farce rail project', you begin to get a good understanding of just how appalling the performance of the Bracks Labor government has been in relation to public transport in Victoria.

Furthermore, when you read the commentary about the departure from politics of the New South Wales Premier, Bob Carr, and the copycat approach of Victoria you start to gain a better understanding of why our public transport system is not only mirroring that of New South Wales but is now starting to overtake New South Wales as the state with the worst public transport system in Australia.

### **Vietnam Veterans Association**

**Ms ECKSTEIN** (Ferntree Gully) — Today I would like to acknowledge the great work of the Royal Australian Army Service Corps Vietnam Veterans Association. This organisation does a tremendous job. I would particularly like to commend on its important work for Vietnam veterans the association's executive, including the president, Rob Lowe; the treasurer and senior vice-president, Ken Gregson; the junior vice-president, John Sumner; the secretary, editor, welfare and pensions officer, Paul Curran; and all the other committee members and volunteers.

As many members will know, some Vietnam veterans are still dealing with serious issues resulting from their experience in serving in the Vietnam War. The association does a lot of work with veterans and their families in times of crisis, providing counselling, financial and welfare support. They assist veterans in accessing their entitlements for TPI and other benefits for ex-servicemen and women. It is not unusual for the association to fund the funeral of a Vietnam veteran whose family has come on hard times and is suffering a financial crisis.

The association runs the Aussie veterans op shop/drop-in centre in Boronia which, together with other fundraising events and functions, raises money to fund the important welfare, counselling and referral services operating out of the drop-in centre. I have attended a number of these functions and can attest to their being great social occasions as well as an

opportunity to support the important social welfare work that the association undertakes.

Well done, and keep up this important work for Vietnam vets!

### **Fair Dinkum Food campaign**

**Mr WALSH** (Swan Hill) — Today the Fair Dinkum Food campaign will be in Canberra. This campaign was started by a group of Tasmanian growers who lost their potato and pea contracts which would have supplied McDonald's stores and Australian supermarkets.

Organiser Richard Bovill and his team are to be commended for the organisation that has gone into the convoy of tractors that has travelled something like 2000 kilometres through south-east Australia. Over three weeks ago the group arrived here in Melbourne and was on the steps of Parliament House. Two weeks ago the convoy was in Swan Hill, where over 300 horticulturalists turned up to show their support. Local federal member for Mallee, John Forrest, was there to also show his support.

Before the rallies Food Standards Australia New Zealand was proposing to lessen country of origin labelling on fresh and unpackaged food. But now, because of the rallies, there is a proposal to strengthen draft food labelling laws so they declare their country of origin labelling on all packaged and unpackaged food. I commend it on that initiative.

I also commend Ian McAlister and Michael Tripodi from Swan Hill, who have organised 58 farmers and six semitrailer loads of tractors to go to Canberra to show their support for the rallies, and the generosity of Lake Boga Transport in providing its semitrailers to assist in the carting of those tractors.

### **Craigieburn: school tree planting**

**Ms BEATTIE** (Yuroke) — On 29 July I attended the schools tree planting day at Craigieburn's Highlands estate. The Planet Ark event was organised again this year by the Highlands estate developer, Stockland. This is a terrific annual event that I am always pleased and proud to be involved with. It is a great success, and this year was no different. I was joined by the mayor of Hume, Cr Kevin Sheehan.

Over 250 students from four local primary schools harnessed their considerable energy into planting over 3000 trees. The students in attendance were from Our Lady's Catholic and Mickelham, Craigieburn South and Willmott Park primary schools. All the children

were a credit to their respective schools, with their hard work and excellent behaviour. They exemplified community spirit and really got their hands dirty for a fantastic cause. Future residents of Highlands Estate will reap great benefit from their toil. Not only has their area been beautified, but planting trees also works towards a high degree of environmental quality for people and wildlife.

This annual event, which always takes place in July, is the best time to plant trees, and it has been embraced heartily by the young students within our community. They have taken a proactive approach to improving their own environment. This invaluable example shows others within our society that making simple changes and contributions can have a hugely positive effect on the environment.

### **Minister for Innovation: questions on notice**

**Mr KOTSIRAS** (Bulleen) — On 3 May via a question on notice I asked the Minister for Innovation to advise me of all advertising campaigns undertaken by the minister's department. I recently received a response from the minister in which he basically said it was too difficult for the public servants to find the information because that would require them to actually do some work. What a sad and pathetic response from a person who wishes to be Premier. This is despite the fact that the Labor Party when in opposition made similar requests of the Kennett government in question 496 in 1995 and in questions 87 and 139 in 1996. In all three questions the Labor Party received a detailed response from the then government, yet now that the Labor Party is in government it is afraid of the truth and will do everything it can to hide the misuse of taxpayers money.

While we hear hollow rhetoric from members opposite such as, 'We are making Victoria the best place to live and raise a family', we know that Victorians are living in a secret state with a government that is refusing to be accountable to the people. Perhaps the next slogan should be 'If ignorance is bliss, Labor members of Parliament are the happiest people in Victoria', or 'The Labor Party is making this state what it once was, part of Antarctica, covered with ice!' Situations where ministers are refusing to answer anything are unacceptable, and the Premier should do something to ensure that the ministers are open and accountable to the people of Victoria.

### **Crime: Ballarat**

**Mr HOWARD** (Ballarat East) — 'Crime on the slide in Ballarat' — in saying that I am quoting from a

recent article in the Ballarat *Courier*. It of course was making a comment on the annual crime figures released last month. These show a 7.1 per cent drop in overall crime in Ballarat for the last financial year. This amounts to 581 fewer crimes reported. A major reason for this was given by the Ballarat police chief inspector, Bob Barby, when he said that extra resources and education had been applied.

Noted amongst the statistics is a 30 per cent turnaround in thefts of motor vehicles and 600 fewer crimes against property. Crimes against persons were also reduced, especially in the central business district. I highlight these for two reasons — first, because it is good news for those who may otherwise have been victims of crime, and more significantly because negative stories about crime too regularly gain significant public attention, causing many of our community members, particularly older residents, to become unnecessarily stressed. It is also important that they are reminded that we are fortunate to live in communities that are comparatively very safe and provide a secure lifestyle.

We should not, however, become too complacent about the potential for crime and the need to apply public efforts to reducing crime. I am pleased that the Bracks government continues to provide significant support for policing in our state.

### **Sandringham and District Memorial Hospital: car parking fees**

**Mr THOMPSON** (Sandringham) — If you are a pensioner resident of Sandringham, you have already been slugged the \$80 motor vehicle registration impost, and if a family member is in hospital and you have to visit the hospital, times are very tough indeed. The Sandringham and District Memorial Hospital recently introduced a \$4-a-day car parking fee. Many residents are concerned that the introduction of parking fees within the grounds of the Sandringham hospital has resulted in increased parking in nearby streets and will impact on the local amenity and quiet enjoyment of their neighbourhood. In addition a number of local traders who depend for access to their businesses on having car parking spaces outside their premises are concerned about the impact of that upon people's ability to drop by.

According to one resident in Jennings Street, Harold Street is already under siege from Bayside council employees who park there and walk across the open space to work. Outpatients, visitors and possibly staff also park there. State government funding should cover capital works, equipment and car park maintenance so that such impositions as car parking fees do not result in

the loss of neighbourhood amenity. Another resident from Harold Street claims parking in this street has been a problem for a long time due to Bayside council employees parking there. The imposition of parking fees will only exacerbate the problem. A Royal Avenue resident commented:

After the introduction of parking fees I counted over 30 parked cars in my street, which is the most I have ever seen. Both sides of Bluff Road near the hospital were full, and there were no available parking spots in the grounds of Fairway.

He is now experiencing difficulty backing out of his driveway. I call upon the hospital to reverse this decision to ensure the ongoing viability of local businesses.

### **Barwon Heads Primary School: art and craft centre**

**Mr CRUTCHFIELD** (South Barwon) — On 14 July I had the pleasure of joining the Minister for Education and Training, Lynne Kosky, in opening the \$1.38 million art and craft facility at Barwon Heads Primary School. The new building is made up of six classrooms and an art and craft centre and adjoins the Barwon Heads community library.

These wonderful facilities will not only ensure that the school continues to provide an exceptional standard of education for its students but will also enshrine the collaboration between the community and the school. The community already has access to the library, and these facilities give further scope for after-hours use by adult learners, local art students and seniors groups. It is important to note that the Barwon Heads school community dug deep and raised around \$90 000 for this project — a fantastic effort by all involved.

The celebrations started with a tour of the facility for invited guests, including a visit to diligent students who were working away in the new classrooms. The minister and other guests were welcomed by principal Peter Crossett, school council president Louise Caithness and school captains Declan Sands and Zoe 'Joffa' Miles, whose father played Australian rules footy with a number of Australian Football League clubs, including Geelong.

I thank the federal member for Corangamite, Stewart McArthur, for the federal government's contribution, and also the architects, MGS, and the builder, Rendine Constructions. This project had its genesis a number of years ago, so a special thankyou goes out to previous school council representatives, particularly former presidents Michael Bjork Billings, Paul Hantz and Liz

Brown. School principal Peter Crossett is to be congratulated on having a school community to be proud of.

### **Chinese voyage of peace and discovery: 600th anniversary**

**Mr LIM** (Clayton) — This month Chinese people the world over celebrated a very important milestone in their history: the 600th anniversary of the largest fleet the world has ever seen assembled setting sail from China.

The ships, some nearly 500 feet long, were commissioned by the Ming dynasty emperor Zhu Di and sailed under the command of the famous admiral Zheng He. He and his colleagues had at their disposal the most sophisticated astronavigational skills, an accurate method for determining longitude to draw maps with precision and other shipping and exploration skills, including those required in the desalination of sea water, transplantation, horticulture and mineral prospecting.

The emperor's orders in 1405 were 'to proceed all the way to the end of the earth'. It was the beginning of seven voyages of great exploration. It was dubbed 'the voyage of peace and discovery', and it lasted until the year 1421. These extraordinary Chinese mariners changed the face of the medieval world. Indeed, these were a series of the most incredible journeys in the history of mankind. They had been completely expunged from human memory, the majority of records destroyed and the achievements ignored and finally forgotten due to China's self-imposed isolation policy after 1421.

However, no-one can take away the fact that the Chinese circumnavigated the globe a century before Magellan, reached America 70 years before Columbus and reached Australia 350 years before James Cook. I join all Chinese in this proud celebration.

### **Emergency services: Gippsland**

**Mr JENKINS** (Morwell) — I would like to congratulate our emergency services, particularly those in the Gippsland region, whose members had to cope with extremely hazardous conditions yesterday. It may have seemed pretty and picturesque on television, but the reality was a different matter altogether. Not only were the great personnel in our State Emergency Service groups kept busy, but a whole community of government and volunteer services swung into action.

These included the police, who guided groups of cars through the snow from Morwell to Mirboo North so families could be reunited and parents could pick up their kids; the principal of Mirboo North Primary School, Alistair Hillis, and his staff who prepared to bed down for the night with the stranded students; the local Red Cross that swung into action with a blanket drive; the local government outdoor and by-laws staff, who continued to work keeping safe roads open and closing unsafe ones; and Peter Greenwell and his staff at the regional Department of Education office coordinated with the Department of Infrastructure, schools and private bus operators to get students home where they could or otherwise ensured their safety — they are continuing to make arrangements today to get students to school. There were also the professionals and the volunteers from our Country Fire Authority brigades, who kept transport links open and continued to turn out in hazardous conditions.

Hundreds, if not thousands, of people and volunteers pulled together right across Gippsland yesterday. They deserve and have our gratitude.

**The ACTING SPEAKER (Mr Smith)** — Order! I think you may have just done a snow job on us!

### **Committee for Bayswater: community projects**

**Mr LOCKWOOD** (Bayswater) — Today I want to acknowledge the work of the Committee for Bayswater. This committee was formed from the former reference group set up by Knox City Council as part of the Bayswater revitalisation project. It was made up of a number of council officers, local businesses and community members. Knox council committed several hundred thousand dollars over four years to the project. The state government committed funds via StreetLife programs and Pride of Place grants. The aim was to improve the community infrastructure and lift the horizons of the people of Bayswater, which has been a little downtrodden over a period of time, dominated by its large industrial area and paying the price for ageing infrastructure, poor planning and some disastrous investment decisions.

This is turning around. Optimism is improving, business is improving. We have a keen committee made up of Anna Porritt as president, Meredith Engel, Michelle McDonald, Bill Best, Karen Purtle, Darren Wallace, Wolf Theile, Joy Gude, Nic Hunter, Harvey Gude, Jane Kuchins, Rick Emonson, Chris Warren, Peter Harris and me. This committee will provide links to all community groups, residents and businesses in the 3153 area. It wants to make Bayswater better. It will do this by being a catalyst, by being innovative and by

seeking to enhance Bayswater as a dynamic commercial, industrial, technological, intellectual, cultural and community-minded centre in the outer east of Melbourne — and this is despite a paucity of council support. There is no further funding for infrastructure for the next two years. Council has effectively thrown the Bayswater community in at the deep end and walked away seemingly ignorant of the consequences. This is highly risky because the council needs local support for its Bayswater 2020 structure plan — some elements are controversial and it will take a huge effort to get everyone on board. I urge the council to rethink its approach and sit down with the committee for Bayswater and discuss the future.

### **Viewbank College: *Anything Goes***

**Mr LANGDON** (Ivanhoe) — I would like to congratulate Viewbank College for its production of *Anything Goes*, which was staged between 2 and 6 August. I particularly acknowledge the principal cast members: Jess, Emily, Lis, Broden, Tom, Andrew, Kinnersly, Ayisha, Madeline, Shaylah, Lucinda, Tamara, Nicola, Emily, Kylie, Imogen, Carla, Catherine, Anna, Jill, Alicia, Ashley and Melanie. It was an excellent production. I have been to many school productions at Viewbank in the past 10 years — I think I have sponsored all of them. This was an outstanding effort from the school team.

In addition to the principal cast members I would like to pay credit to all those behind the scenes — the students who set up the stage and moved in between scenes, the band and orchestra and the production team, particularly Andrew van Gemert who was the producer, music director and set designer — he wore three hats and did exceptionally well. The production team worked together fabulously and from what I ascertained from my daughter there was a wonderful atmosphere and everyone enjoyed each other's company. Well done to the school, to the students involved and to the production team behind it.

### **Industrial relations: federal changes**

**Mr HARKNESS** (Frankston) — With control of the Senate the Prime Minister, John Howard, is set to make life much more difficult for Frankston families. The job security and working conditions of Australian workers are under attack and working people are being treated with absolute contempt. No worker will be safe under the federal government's destructive plans.

The Howard government wants to abolish protection from unfair dismissal for 4 million Australian workers. It wants to allow employers to put workers on

individual contracts that cut take-home pay and reduce employment conditions. Workers who refuse to sign will face the sack. It wants to change the way minimum wages are set to make them lower. It wants to effectively abolish the award system and replace it with just five conditions. The Howard government wants a system where any Australian worker can be sacked at any time, without fair reason and without any recourse. This is an uncaring government which simply does not want job security for working families. Now that it has control of the Senate, this ideologically driven and uncaring federal government will attempt to make the system unfair by taking over occupational health and safety.

Frankston families can be assured that the Bracks government will keep fighting for them, especially the low-paid and vulnerable workers whom the federal government wants to punish by stripping away their safety net. Only Labor governments have ever offered protection for Australian workers.

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

## **SUSTAINABILITY VICTORIA BILL**

### *Second reading*

**Mr THWAITES** (Minister for Environment) — I move:

That this bill be now read a second time.

Becoming more environmentally sustainable is one of the greatest challenges facing Victorians.

It is not just a challenge for us, but for all the peoples of the world.

International agreements — most notably the Kyoto protocol to the United Nations Framework Convention on Climate Change — have been debated and ratified by national governments and are gradually — perhaps too gradually — leading to more environmentally sustainable practices around the globe.

State governments share a responsibility to act as well.

This bill sets out to further that aim by establishing a new body — Sustainability Victoria — which will tackle the sustainability challenge in a more holistic, accessible and efficient way.

In addition to adopting the previous functions of Sustainable Energy Authority Victoria and EcoRecycle,

Sustainability Victoria will play a role in sustaining Victoria's water resources in relation to households and businesses.

### **The challenge**

The evidence of the world's leading scientific agencies, including NASA, the Hadley Centre and the British Met Office, about the dangers of environmentally unsustainable behaviour to our planet and future standard of living is compelling.

They tell us that in just the past decade, carbon dioxide levels in the world's atmosphere have risen by as much as they did during the previous 10 000 years.

Scientists, including Australia's former Chief Scientist, Robin Batterham, advise that we need to reduce greenhouse gas emissions by around 50 per cent by 2050 to avoid dangerous climate change — that is, greater than a 2 degree Celsius increase.

World climate records already reveal that the five hottest planetary years ever recorded have occurred since 1998.

Global warming is a reality. It is happening now. And Victorians are not immune from its effects.

In a number of landmark studies, our very own CSIRO has reported on the current and likely future impacts of global warming on Victoria.

For instance, it predicts that unless global warming is slowed, Melbourne will lose water due to less rainfall, reduced river flows and higher temperatures.

The CSIRO's 'mid-range' scenarios project an 8 per cent loss of average flows by 2020, rising to a loss of 20 per cent by 2050. Combined with population increases, this will place enormous pressure on our future water resources.

For too long we have treated the environment as an inexhaustible bounty.

We have consumed natural resources at a faster rate than they can naturally replenish.

We have considered the needs of today, but not the rights of future generations.

In Victoria, like many places around the world, we are only now feeling the consequences of many of these past mistakes.

For example —

Since European settlement began in Victoria in the 1830s approximately 65 per cent of our native vegetation has been cleared, degrading the quality of some of our land and waterways.

Inappropriate land-use has led to around 670 000 hectares of land being at high risk of becoming saline and it is estimated that this could more than double by 2050.

Forty-four per cent of our native plants and 30 per cent of our native animals are either extinct or threatened.

We are creating 8 million tonnes of waste a year, half of which goes into landfill.

All up, our ecological footprint is huge. If everyone on the planet used as many of the world's resources as Victorians, we would need four planets to provide for us.

The enormity of our environmental footprint is a measure of our responsibility to change.

Facts like these necessitate action.

### **The vision**

In response to the growing public awareness of this issue, in April 2005, the government released a comprehensive environmental sustainability framework for Victoria, accompanied by a ministerial statement to the Parliament.

The framework and statement build on a long and proud history in Victoria of protecting the environment and moving towards sustainability. Victoria's achievements began with the establishment of the Environment Protection Authority, which since 1970 has acted as an environmental guardian and has worked in partnership with business and the community to improve sustainable practices — in recent times through establishing sustainability covenants.

The framework and the statement set out the challenges posed by environmentally unsustainable behaviour and the many environmental, social and economic benefits that will flow from adopting more sustainable practices.

They also set out a series of objectives against which Victorians can measure their progress and establish a series of principles for government, businesses and the community generally to guide future decision making.

The framework and the statement had one simple, important message: we must make sustainability a part of everything we do if we are to maximise our future economic growth, maintain our quality of life and protect our unique Victorian environment.

More precisely the framework and statement set out three crucial tasks:

1. we must continue maintaining and restoring our natural assets;
2. we must use our resources more efficiently; and
3. we must reduce our environmental impacts.

Victorians have already made great progress.

Our state now has a world-leading environmental reform agenda.

We are now starting to use our natural resources more sensibly and repair the damage we have caused to our natural assets.

We have launched the Victorian greenhouse strategy;

we have released a comprehensive water policy — Our Water Our Future — including 110 new initiatives for water conservation and \$320 million to ensure clean and sustainable water supplies for Victoria. Melbourne households now use an average of 19 per cent less water than in the 1990s;

we have achieved an historic agreement to boost the flow of the Snowy River from 6 to 28 per cent;

fifty per cent of waste is now recycled, and diverted away from landfills, compared to 26 per cent 10 years ago. Victoria currently leads the world in the recycling of newspapers;

we have established 13 marine national parks and 11 marine sanctuaries;

we have adopted Melbourne 2030 — a 30-year plan to protect Melbourne's liveability and manage growth; and

we have set a renewable energy target of 10 per cent by 2010.

Gratifying though those results are, this progress must be maintained and its pace accelerated.

More needs to be done to change behaviour and make Victoria even more environmentally sustainable.

More ambitious targets have to be met, which are spelt out in the environmental sustainability framework — including targets for reducing Victoria's climate impact.

States like California in the United States of America have made commitments to dramatically reduce greenhouse gas emissions. As good international citizens, it is our duty to do likewise.

This is the reason why in the ministerial statement accompanying the framework, the government announced its intention to establish a new body — Sustainability Victoria, which merges and replaces two existing state government agencies — Sustainable Energy Authority Victoria, which was established by the Sustainable Energy Authority Victoria Act 1990, and EcoRecycle, which was established by the Environment Protection (Amendment) Act 1996. The new body will also have responsibility for improving Victoria's sustainable approach to water use in relation to households and businesses.

The new body is based on the understanding that environmental choices do not happen in isolation.

The things that save energy are often the same things that save water, recycle products and cut pollution.

Just as major businesses that take recycling seriously tend not to have separate bodies looking at reducing energy use, saving water and recycling, so Victoria will now have a single body to advise and assist Victorians to live sustainably.

Sustainability Victoria will lead a more holistic approach to achieving sustainability.

It will work with business and communities to put in place the programs needed to take a quantum leap forward in the sustainable management of our natural and built environment.

It will be more convenient for business and the public to access by setting up a one-stop shop for sustainability advice and assistance.

And it will deliver these services in a more cost-efficient and effective manner.

In this way, it will achieve the aims of the environmental sustainability framework in integrating environmental sustainability into our everyday lives.

**The bill**

I now turn to the particulars of the bill.

***Purpose***

The purpose of the bill is to establish Sustainability Victoria and provide for it to be the successor in law of the Sustainable Energy Authority Victoria and EcoRecycle Victoria.

It amends the Environment Protection Act 1970 to repeal the provisions relating to EcoRecycle Victoria and gives its functions and powers to Sustainability Victoria.

It repeals the Sustainable Energy Authority Victoria Act 1990.

And also consequentially amends certain other acts.

***Principles***

The bill sets out a number of principles to guide the decisions and actions of the new body:

Its decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equity considerations. It is expected that this principle will take into account issues of intergenerational equity.

If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. This important guiding principle is to prevent the outcome desired by many global warming sceptics, who use the claim that our scientific knowledge of the causes of global warming is incomplete to argue that we cannot set limits to emissions of greenhouse gases. The basis of the bill is that the overwhelming majority of the world's scientific experts accept the reality and danger of global warming and that in this case, the principle of safety first demands that we act to reduce emissions.

Sustainability Victoria needs to consider the global impact of its actions and policies.

It assumes the development of a strong, growing and diversified economy will enhance, not hinder, environmental protection. And it assumes the need for Victoria to maintain international competitiveness in an environmentally sound manner. These two principles are based on the understanding that a more environmentally

sustainable economy will be a long-term source of economic growth and employment opportunities for Victoria. Acting sustainably is good for the economy.

Sustainability Victoria will recognise the need to adopt cost-effective and flexible policy instruments such as improved valuation, pricing and incentive mechanisms. This principle recognises that businesses and individuals must accept responsibility for the environmentally damaging by-products of their goods and services by including the full costs of pollution, disposal and recycling into their pricing arrangements. Environmental bodies around the world today recognise this process — 'internalising environmental externalities' — as crucial to reducing emissions and waste and boosting sustainability.

And finally, Sustainability Victoria will recognise the importance of facilitating community involvement in decisions and actions on issues that affect the community. This recognises that sustainability requires significant cultural change in the community. In other words, it requires the acceptance of the need to be sustainable and it requires changes in everyday behaviour — whether that be cutting down on car usage, using less water in showers and the garden, phasing out the use of plastic bags or other daily actions.

***Objective***

Clause 6 of the bill defines the objective of Sustainability Victoria, which is to facilitate and promote environmental sustainability in the use of resources.

At this point it is relevant to state that the definition of 'sustainability' under which the new body will operate comes from the World Commission on Environment and Development (the Brundtland commission) in its 1987 report *Our Common Future*, which defined sustainability as:

Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

***Functions***

Clause 7 of the bill sets out the functions of Sustainability Victoria.

The functions are broader than the functions of the Sustainable Energy Authority Victoria and EcoRecycle Victoria because Sustainability Victoria will take on an expanded role. Sustainability Victoria will assist all Victorians to integrate environmental sustainability into

their everyday lives; accelerate progress towards sustainability in businesses and households; and provide advice on new technologies and areas of market failure.

For example, its functions include:

facilitating the implementation of environmentally sustainable measures in all sectors of the Victorian economy, including local government, business and households; and

encouraging and promoting the development and use of environmentally sustainable practices, markets, technologies and industries, including resource efficiency, energy efficiency, renewable energy and water.

### ***Powers***

Clause 8 of the bill sets out the powers of Sustainability Victoria. It may do all things necessary or convenient to carry out its functions, including obtaining and holding intellectual property rights, including patents, copyrights, trademarks and registered designs.

### ***Annual business plan***

Clause 19 sets out requirements for Sustainability Victoria to produce an annual business plan, including its budget, priorities and other matters set out in the bill.

### ***Savings and transitional provisions***

And finally, clauses 20 to 25 of the bill set out the savings and transitional provisions to make Sustainability Victoria the successor in law to the Sustainable Energy Authority Victoria and EcoRecycle.

This includes:

details of the transference of responsibility for regulations, subordinate instruments, other documents and staff from the old bodies to the new one;

sundry amendments to the Environment Protection Act 1970 and the Electricity Act 2000; and

the repeal of the Sustainable Energy Authority Victoria Act 1990.

### **Conclusion**

In conclusion, the establishment of Sustainability Victoria, as proposed in this bill, will make a significant contribution to the creation of a more sustainable Victoria and contribute to global sustainability.

Creating the conditions for a sustainable society here in Victoria will not be easy. The goal will not be reached overnight. But we must head in this direction. Like all long journeys it starts with a small step — changing our culture and behaviour to become more environmentally sustainable. Sustainability Victoria will help lead us to this goal.

I commend the bill to the house.

**Debate adjourned on motion of Mr HONEYWOOD (Warrandyte).**

**Debate adjourned until Thursday, 25 August.**

## **GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL**

### *Second reading*

**Mr THWAITES** (Minister for Water) — I move:

That this bill be now read a second time.

The purpose of the bill is to approve and ratify an amendment agreement to the border ground waters agreement (principal agreement). The amendment agreement is set out as a schedule to the bill.

As some honourable members will know the principal agreement entered into between the states of Victoria and South Australia in 1985 provided for the coordinated management of ground water resources in the vicinity of the Victorian and South Australian border. In most areas adjacent to the border ground water is the only reliable water source. Over the last 20 years the principal agreement has provided a realistic and equitable framework for intergovernmental cooperation in the development of long-term strategies for protecting and sustainably harvesting the ground water resources in the border area.

The principal agreement is expressed to operate in both states for a distance of 20 kilometres from the border and extending for its full length. This strip of border land, defined in the principal agreement as the 'designated area', is therefore 40 kilometres wide. It is divided into 22 zones, 11 in each state. The principal agreement provides that the available ground water resources be shared equitably between the two states. It applies to all existing and future bores in the designated area, except stock and domestic bores. Extraction licences or permits may not be granted or renewed within the designated area other than in accordance with the management prescriptions set out in the principal agreement. The prescriptions limit water use

in a particular zone to that specified as the permissible annual volume for total withdrawals from all aquifers, or to an average annual rate of potentiometric (water) levels as specified, or a permissible level of salinity.

Along the Victorian/South Australian border, ground water occurs in two main aquifer systems comprising the 'tertiary confined sand aquifer' and the 'tertiary limestone aquifer'. The tertiary limestone aquifer is the primary source of ground water for existing users. The use of the tertiary confined sand aquifer is generally limited to municipal supply, but there are increasing demands to use the aquifer where the tertiary limestone aquifer is fully allocated.

The current management prescriptions were drafted with only the tertiary limestone aquifer in mind. They enable only broad-based management to be applied. This has served well to date but is no longer adequate due to the increased demand for ground water resources and the need for more targeted management approaches that can be applied to specific circumstances, aquifer types, geologic conditions and hydraulic conditions.

The amendments to the principal agreement proposed are:

firstly, to distinguish between the two aquifers and enable subzones to be established for more effective local management;

secondly, to allow management prescriptions to be set for the different aquifers and subzones within a zone;

thirdly, to simplify two of the management prescriptions which are unclear; and

finally, to update references to other legislation

In conclusion it is clear that the simple model set out in the principal agreement, which was developed in the 1980s, has proved to be a sound basis for the equitable sharing of the resource. Both Victoria and South Australia have undertaken considerable investigations into the status and use of ground water along the border and have established a sound framework for management of this important resource. The amendments to the principal agreement and the continuing goodwill of the contracting parties will ensure the ground water resources along our common border continue to be managed sustainably and effectively.

I commend the bill to the house.

**Debate adjourned on motion of Mr PLOWMAN (Benambra).**

**Debate adjourned until Thursday, 25 August.**

## RADIATION BILL

### *Second reading*

**Ms PIKE** (Minister for Health) — I move:

That this bill be now read a second time.

The purpose of this bill is to create new radiation protection legislation that will provide a consistent regulatory regime, consistent with national directions to protect people and the environment from harmful effects of ionising and non-ionising radiation.

The bill is based upon the national directory for radiation protection developed by the national Radiation Health Committee of the Australian Radiation Protection and Nuclear Safety Agency. Following substantial consultation, the national directory was agreed to by health ministers from the states, territories and the commonwealth. Health ministers undertook to revise legislation in accordance with the national directory and the bill before you is the result of such revision.

In creating new radiation protection legislation, the bill proposes to repeal sections 108AA to 108AK of the Health Act. The Health Act commenced operation in 1958 and is broadly consistent with the national directory, but requires further improvements to meet current agreed national and international directions in the practice of radiation safety as detailed in the national directory.

The bill provides a single piece of radiation protection legislation that will provide a consistent regulatory regime to protect the public and the environment from the harmful effects of radiation.

The Radiation Bill is also consistent with the recommendations of the national competition policy review of the radiation protection legislation completed in 2001.

The principal objectives of this bill are to protect the health and safety of people and the environment from the harmful effects of radiation

I will now turn to the key aspects of the bill.

Part 1 of the bill describes the purpose of the act and provides for the part of the act which ensures the

continued operation of the Health (Radiation Safety) Regulations 1994 to come into operation on the day after the day the act receives royal assent. The remaining provisions come into operation on 1 September 2007. This part also contains definitions and outlines the purpose and application of the act.

Part 2 of the bill contains the guiding principles including the radiation protection principle and the matters that the secretary must have regard to.

Part 3 of the bill deals with the role of the secretary. In particular, it sets out the functions and general powers of the Secretary of the Department of Human Services.

Part 4 of the bill deals with licensed activities. These include 'management licences' which may authorise the conduct of a radiation practice including possession of a radiation source and a 'use licence' authorising a person to use a radiation source for a specific purpose. This part creates offences for the conduct of unlicensed radiation practices and for the unlicensed use of radiation sources. It creates an offence for the unlicensed construction of radiation facilities. It also creates an offence for a licence-holder to not comply with a condition of their licence. It will create other offences for a person to falsely represent that they are a licence-holder and to allow a person who does not hold a 'use licence' to use a radiation source. It will require a management licence-holder to notify the secretary of the loss or theft of a radiation source. This part also creates the offences of causing another person to receive a higher radiation dose than is prescribed and to cause serious harm to the environment.

Part 5 of the bill deals with approved testers and the testing and use of prescribed radiation sources. Approved testers will be individuals approved by the secretary of the Department of Human Services to conduct tests on prescribed radiation sources to determine whether the source meets radiation safety standards. The secretary is also able to specify the radiation safety standard that must be met by a radiation source and the tests that must be used to determine whether the source meets the standard. If commissioned to test a radiation source, the tester must issue a certificate of compliance to the person that commissioned the test when the source meets the standard. The tester must also provide the information in the certificate to the secretary. There is an offence for a tester to knowingly issue a certificate of compliance that is false. The bill also creates an offence for a person in possession of a prescribed radiation source to require, direct, allow or permit a person to use the prescribed radiation source unless there is a current certificate of compliance in respect of that source. There is a

corresponding offence for a person to knowingly use a prescribed radiation source unless there is a certificate of compliance for that source that has not yet expired.

Part 6 of the bill deals with authorities which are defined as a management licence, a facility construction licence, a use licence and a tester's approval. The bill provides that any person may apply for the first two types of licence whilst only natural persons may apply for the last two types. The bill provides for certain information to be included with applications for licences and details the matters that the secretary may take into account when considering an application for a licence. The bill also provides for the secretary to have regard to the advice of relevant practitioner boards which are also defined in the bill. The bill describes the content and period of the licences which can be up to three years in length. The bill also provides for a detailed licence renewal process. Division 3 of this part provides for the suspension and cancellation of authorities under certain conditions. This process includes the issue of a show-cause notice. Division 4 provides for the transfer of management licences or facility construction licences and for the variation to a licence by the secretary.

Part 7 of the bill contains the enforcement provisions. This includes appointment of authorised officers and their powers including the power of entry. It sets out procedures for entry, both with and without a warrant. It also includes an offence of impersonating an authorised officer.

Part 8 of the bill deals with radiation emergencies. It provides for the secretary to authorise an authorised officer to take action in relation to a radiation event. These emergency powers are needed to ensure that the Department of Human Services has adequate powers to deal with radiation emergencies. Such powers are needed to deal with small or large-scale emergencies where a group of people or a place may have been contaminated by radioactive material following an accident or the intentional release of radioactive material or radiation.

Part 9 of the bill deals with the review of decisions and provides that applicants or licence-holders will be eligible, following decisions by the secretary in relation to their licence, for both an internal review within the department and where necessary an external review by the Victorian Civil and Administrative Tribunal (VCAT). The exceptions to this are in relation to prescribed radiation facilities. These facilities will be prescribed in regulations but can be expected to include the most active radiation sources, including a large facility such as the synchrotron. Applicants and

licence-holders will be eligible for an internal review but not for review by VCAT. Such decisions are considered to be of significant importance because of the nature of the facilities and, secondly, because the highly technical nature of the facilities is such that administrative review is impractical. Therefore the decisions in relation to prescribed radiation facilities will only be reviewable by the Supreme Court on matters of law.

Part 10 of the bill establishes the Radiation Advisory Committee, which substantially replicates the current provisions in the Health Act 1958 to ensure that this independent committee will continue into the future.

Part 11 of the bill is a general part which amongst other things establishes radiation analysts as persons who can be appointed by the secretary to certify certain things, including the radiation dose that a person has been exposed to. The part also establishes an infringement regime for prescribed offences. Division 5 details compensation and recovery-of-costs provisions. These will follow a finding of guilt by a court and could cover situations where a clean-up of a place has been necessary to deal with contamination caused by a radiation source. The bill also provides for an annual report to be published by the secretary of the activities under the act. There is a requirement for the secretary to notify the chief executive of the Australian Radiation Protection and Nuclear Safety Agency of prescribed radiation incidents that the secretary has become aware of. The bill also details provisions to provide for disclosure of information to other agencies, including the Environment Protection Authority and the Victorian WorkCover Authority, radiation regulators in other states or territories as well as bodies in other countries that have similar functions. A register of declarations, authorities and exemptions must be kept by the secretary. The bill also contains a regulation-making power as well as making consequential amendments to the legislation. There are also detailed transitional provisions.

The proposed regulatory framework will come into force on 1 September 2007, giving sufficient time for a proper development of regulations and importantly for an appropriate level of education and consultation with industry, and in particular with small business to ensure that they are well prepared for the introduction of the new legislation.

As I stated at the outset, regulatory reform of this nature can be expected to enhance the overall business competitiveness of the Victorian economy. The move to legislation that is consistent with the national directory for radiation protection is an important step

towards nationally consistent laws. Feedback from industry has confirmed that this is a positive move particularly for those businesses and individuals who conduct business across state borders.

I believe that the bill strikes the right balance between meeting national commitments to adopt nationally consistent legislation and avoiding unnecessary or overly complex regulation. It also provides a framework to ensure that radiation sources are secured.

In summary, the legislative proposal once enacted will place Victoria in a leading position in Australia in the regulation of radiation safety to protect both people and the environment.

I commend this bill to the house.

**Debate adjourned on motion of Mrs SHARDEY (Caulfield).**

**Debate adjourned until Thursday, 25 August.**

## PIPELINES BILL

### *Second reading*

**Mr CAMERON** (Minister for Agriculture) — I move:

That this bill be now read a second time.

I am pleased today to make good on the government's commitment to update the 1967 Pipelines Act, and in doing so deliver real triple-bottom-line benefits for Victoria.

The bill delivers on the government's commitment to review the 1967 Pipelines Act announced in the June 2000 ministerial statement on minerals and petroleum. It also implements a number of recommendations from the national competition policy review of the 1967 Pipelines Act.

The Pipelines Bill represents a substantial rewrite of the outdated and inefficient 1967 Pipelines Act and follows an extensive public consultation process that began with the public release of an issues paper in 2002, a proposal paper in 2003 and most recently an exposure draft in May of this year. The bill reflects current best practice by pipeline companies and current community expectations for establishing and operating pipelines.

The importance of major pipeline infrastructure to Victoria should not be underestimated. More than \$1 billion has been invested in gas pipeline infrastructure in Victoria in the last five years. Gas

pipeline infrastructure is particularly important as it underpins our ability to access clean, secure energy sources for years to come. For example, the SEA Gas pipeline was completed just in time to supply emergency gas from Victoria to South Australia following the Moomba gas plant fire in January 2004. Gas was also supplied from Victoria through the Eastern gas pipeline to Sydney. If this infrastructure had existed in 1998, when the tragic Longford gas plant accident occurred, Victoria would not have lost its gas supply for two weeks at a cost of hundreds of millions of dollars.

This bill is another example of the government's commitment to sustainable development for Victoria embodied in the *Growing Victoria Together* statement. This is reinforced by the sustainability principles in the bill that will guide implementation of this legislation.

The bill delivers greater certainty and efficiency to pipeline proponents so that they can access finance and minimise costs. The bill provides for one integrated licence authorising construction and indefinite operation of a pipeline. The bill also introduces clear time lines for a number of key decision-making processes, including time limits on 'good faith' negotiation between pipeline developers and land-holders.

The bill ensures a fair and open process for consultation and negotiation between pipeline proponents and land-holders that maximises opportunities and incentives for negotiated agreed outcomes. The bill enshrines early and ongoing consultation between parties and improved information on pipeline developments.

The bill promotes an approach of identifying and minimising potential environmental and safety risks throughout the lifecycle of a pipeline — from route selection, detailed design, construction and commissioning to decommissioning.

In determining the best route, pipeline proposals will continue to be subject to the Environment Effects Act 1978, and for the first time, pipelines will be banned from wilderness and reference areas which have the highest conservation values.

Pipeline proponents will have to prepare and have approved rigorous safety and environment management plans. Safety and environmental performance during the construction and operation of a pipeline will be enforced by Victoria's new independent safety regulator, Energy Safe Victoria. Compliance with workplace occupational health and safety requirements

will continue to be managed by the Victorian WorkCover Authority.

The bill will also require proper rehabilitation of affected land, which will minimise any environmental impacts and allow most land uses, such as farming, to continue.

Finally, the bill is underpinned by a modern enforcement regime including a graduated range of offences and penalties. In this way, regulators can encourage improved performance, deter poor performance and ensure companies do not obtain a commercial advantage through failing to meet safety and environmental requirements.

I now turn to a brief outline of the bill itself.

Part 1 of the bill sets out the purpose, objectives and principles of the act and provides for its commencement.

It makes clear that the bill aims to facilitate the development of pipelines for the benefit of all Victorians, with an effective, efficient and flexible regulatory framework that establishes sound consultative processes and protects the public from environmental, health and safety risks.

Part 2 describes which pipelines will be subject to the bill.

The bill is primarily aimed at major gas and petroleum pipelines, but provides some flexibility to regulate other potentially hazardous pipelines or exempt particular classes of or individual pipelines. For example, the bill could, in future, regulate pipelines transferring CO<sub>2</sub> for large-scale commercial carbon capture and storage operations.

Part 3 establishes that a person must not construct or operate a pipeline without a licence under this act. This abolishes the dual licence and permit structure of the 1967 Pipelines Act.

Part 4 imposes a number of pre-licence application obligations on proponents, including a requirement to have an approved consultation plan and to issue a notice of the proposed pipeline to all owners and occupiers of land being considered or surveyed for a pipeline.

This aims to ensure that potentially affected land-holders are notified and consulted early in the process, and are provided with comprehensive information. This will include information of activities on land, potential adverse impacts and the avenues

available for the negotiation of land access agreements. Details will also be provided to land-holders on the processes to be followed, including for any potential compulsory acquisition of land.

Part 5 sets out the pipeline licence application process to be followed, including notification of affected land owners and occupiers and key government ministers and agencies.

Substantial pipelines projects are likely to be subject to assessment under the Environmental Effects Act 1978, and this part provides for the coordination of pipeline and EES notification and assessment processes.

The bill provides for public submissions on an application, and where a pipeline proposal has not been subject to an EES, for a panel to review such submissions where the proposed pipeline raises significant environmental or social risks.

This part also sets out the matters for the minister to consider in determining an application, including the benefit of the proposed pipeline to the state relative to its potential impacts. Consideration will include economic, social, environmental, safety, and heritage issues, and advice arising from consultation across government and through assessment processes. Inherent in the determination process is a need to weigh local impacts with regional and statewide costs and benefits.

As well as introducing an explicit ban on pipelines in 'wilderness areas' and 'reference areas', the consent of the minister responsible for the National Parks Act 1975 must be obtained before a pipeline will be permitted to cross land managed under that act.

Part 5 provides for broad condition-setting powers including those relating to the protection of safety, environment and heritage. The minister must also ensure that all land access arrangements are in place, including any native title land, before granting a licence.

Part 5 also provides for a licence to operate indefinitely until the pipeline is decommissioned. It outlines a process for future dealings with a licence, including obtaining amendments to licence conditions, altering the authorised route of a pipeline and transferring, surrendering and cancelling a licence.

Alterations to pipeline routes will not be permitted unless it can be demonstrated that such alteration is necessary and does not substantially affect the rights or interests of other parties. Where a major route alteration is contemplated which would pose significant new

environmental or safety risks, a further EES may be required.

Part 6 sets out the process to be followed by a proponent in order to obtain the consent of the minister to compulsorily acquire an easement for the purpose of a pipeline. The process closely follows the well established process provided for under the Land Acquisition and Compensation Act 1986.

The bill provides incentives for proponents to reach agreements with land-holders on access to land, rehabilitation and compensation. It does this by mandating good-faith consultation and negotiation with land-holders, for a minimum period of six months, before a pipeline proponent can access the compulsory acquisition process.

The minister has been given some discretion to amend this six-month period in certain circumstances to avoid unnecessarily delaying a pipeline project. This discretion is intended to be exercised by the minister in circumstances where owners and occupiers of land consent to a pipeline proponent compulsorily acquiring land, or where a proponent is unable to identify any owner or occupier of land required for a pipeline.

Part 7 provides for the construction phase of a pipeline, ensuring that licensees comply with standards and conditions.

Where a pipeline interfaces with other existing infrastructure, such as roads and railways, the licensee is required to construct the pipeline to the satisfaction of the relevant authority for that infrastructure, reimbursing them for any expenses incurred.

Part 8 regulates the operation of a pipeline in order to ensure it meets best-practice safety and environmental requirements.

It prohibits digging near pipelines, building near pipelines and obstructing or interfering with a pipeline without the consent of the licensee.

It also provides a process whereby third parties can access any unused pipeline capacity or share the use of a pipeline easement for other infrastructure, such as another pipeline or electrical apparatus. This is in the state's interest, to ensure efficient use of established infrastructure corridors.

Part 9 establishes clearly the general duty of care a pipeline licensee has to minimise risks and protect safety and the environment. It provides for the preparation and approval of safety management plans and environment management plans before a pipeline

can commence construction and operation. These plans are required to address the construction, operation and decommissioning phases of a pipeline and will be enforced by Energy Safe Victoria. This reflects a flexible, objective-based approach that has been adopted in relation to safety and environmental management generally in Victoria.

Part 10 requires licensees to rehabilitate land following construction and decommissioning and removal of a pipeline.

Government policies, such as *Victoria's Native Vegetation Management Framework — A Framework for Action*, will be implemented and enforced through licence conditions, environment management plans and rehabilitation obligations.

Licensees must have acceptable rehabilitation bonds prior to constructing a pipeline. This will ensure that the state does not carry rehabilitation liabilities for companies who cannot, for whatever reason, carry out necessary rehabilitation. This part empowers the minister to rehabilitate land and recover the costs where necessary.

Part 10 also outlines entitlements for owners and licensees to negotiate compensation for loss and damage resulting from a pipeline operation, following survey work, construction and operation or emergency access to land. The entitlement to compensation will cover not only physical damage to the land, but any damage or disturbance to any activity being conducted on the land. In the event that the owners and licensees are unable to agree compensation for such loss and damage, a claim for compensation can be determined by the Victorian Civil and Administrative Tribunal under the Land Acquisition and Compensation Act 1986.

Part 11 sets out the enforcement regime for the bill, including the appointment of inspectors, giving them powers to monitor and enforce compliance under the bill using a range of modern enforcement tools such as improvement and prohibition notices.

It also gives the minister important powers to issue directions in emergency situations in order to ensure the protection of the environment or the health and safety of the public.

In the event that improvement notices, prohibition notices and financial penalties fail to ensure satisfactory compliance with the bill, the minister has the power to cancel the licence.

Schedule 1 to the bill sets out the pipelines that are excluded from the bill's operation. These include gas and petroleum pipelines operating below a certain pressure, water, sewerage and drainage pipelines and certain pipelines situated wholly within a residential property, a factory or farm.

Schedule 2 sets out the procedures to be followed by any panel appointed by the minister to consider submissions in response to a licence application.

In conclusion, the bill provides efficient modern processes for dealing with all aspects of pipeline route development, construction, operation and decommissioning. It reflects the government's expectation that pipeline infrastructure be developed and operated to the highest possible standards for safety and environmental protection.

Given pipelines are linear infrastructure which potentially affect a range of landowners and tenures, the bill seeks to foster early and ongoing consultation between all parties, transparent assessment processes and negotiated agreements on access to, use of and compensation for land.

The bill ultimately aims to facilitate ongoing investment in Victoria's important pipeline infrastructure. Demand for clean, secure natural gas across Victoria is growing, and this bill aims to provide clear, certain and efficient processes for pipeline proponents. I look forward to the increasingly sustainable development of Victoria's pipeline infrastructure.

I commend the bill to the house.

**Debate adjourned on motion of Mr PLOWMAN (Benambra).**

**Debate adjourned until Thursday, 25 August.**

## PRIMARY INDUSTRIES ACTS (AMENDMENT) BILL

*Second reading*

**Debate resumed from 10 August; motion of Mr CAMERON (Minister for Agriculture).**

**Mr COOPER (Mornington)** — I am pleased to make a contribution to debate on the Primary Industries Acts (Amendment) Bill because it gives me another opportunity to talk about a subject dear to my heart — that is, the question of dog control. I realise that the bill has a number of other aspects to it, and these have been

well canvassed by other speakers in the debate. But one of the important aspects of this bill is that it will improve control over menacing dogs and will affect other aspects of dog ownership.

It was interesting, although sad, to note a report in the media yesterday about another dog attack. This one was on a toddler in Perth. That shows there is still a lot to be learned by people in our society right around this country — certainly in Victoria — about dealing with dogs and the way they have to be controlled and managed.

I note that the bill will make changes to the Domestic (Feral and Nuisance) Animals Act 1994 on issues dealing with menacing dogs. Because menacing dogs are not permanently identified, it can be difficult to work out whether a dog has actually been declared 'menacing'. This becomes a problem when a dog is relocated from one municipality to another, as the dog is not listed on the new municipality's records as being a menacing dog.

The amendments in the bill will make microchipping of all menacing dogs compulsory as a permanent record of such a declaration about a dog. No matter where such a dog is relocated to, it will always be identified as having previously been declared 'menacing'. This is a very sensible amendment and I am pleased that it has been introduced. But as I said when I started speaking a few moments ago, it opens up the whole aspect of dog ownership and dog control.

One thing that has always concerned me is where you can purchase dogs from. Basically it is a question of being able to purchase dogs from anywhere. You can purchase them from pet shops or from unregistered breeders — basically anyone who wants to sell a dog does not have to have a licence to do so; they simply advertise the animal and it is sold. A variety of animals are sold to a variety of people. In many cases the people who are purchasing dogs believe the puppy they are purchasing is one thing when in actual fact, which they find when it grows up, they end up with something completely different.

Recently — I cannot remember where I saw this, but I think it was only last week in one of the newspapers — there have been examples of people who had purchased what they thought was going to be a medium-sized or small dog once it became fully grown, only to find out that they had a crossbreed that was going to grow up to not quite, but almost, pony proportions.

In many such cases the upshot is that because the dog is not what people wanted or expected, they get rid of it.

They dump the dog in some instances, or they just send it to an animal pound, hoping that somebody else will take on the problem. Often by that stage the dog will be one or two years of age, it has not been appreciated by the people who had it and who therefore did not do anything about controlling the training of the animal, and so has become an unmanageable dog that is being put up in a pound for adoption. It is no wonder that the net result of all of that is that that poor animal — and it is not the animal's fault — is usually put down. What a disgrace that is. The pounds and facilities throughout this state are chock-a-block full of dogs and cats that often have been mistreated but almost always have been deserted by the owners who have taken them on as either puppies or kittens.

I have a personal view about crossbreed dogs. Crossbreed dogs, by definition, are the result of a union between two purebred dogs. The results of unions that occur after that are mongrels. I have a view that we should be doing everything we can to eliminate crossbreeding and the mongrels because they bring with them a significant amount of problems that many people do not envisage when they are buying a dog, particularly those people who are buying their first animal. If we could get people back to buying purebred dogs, we would be going a long way towards having better dogs in our community.

I admit I say that with some degree of bias from having been on five occasions an owner of purebred dogs, all but one of which were German Shepherds. I know the responsibility that acquiring ownership of a dog of the size and with the intelligence of a German Shepherd brings to an individual, and the capacity of such a dog, if it is not looked after and trained properly, to cause damage. German Shepherds are certainly a very smart breed. In fact, often when I look around this chamber I think there are a lot of German Shepherds it would be worthwhile having sitting in here and that some of the people in here should be out in a kennel! They are a particularly smart breed and they have served mankind very well.

**The ACTING SPEAKER (Mr Seitz)** — Order! It is disorderly to make reflections on members of the house.

**Mr COOPER** — There is nothing personal against you, Mr Acting Speaker, I can assure you. I am sorry you have taken it that way. They have served mankind very well in both peace and in war. They are a very smart dog, and there are lots of other very smart dogs too. But it should be made absolutely compulsory that somebody who purchases a puppy should be required to take it to obedience training school. There is no

excuse for people purchasing a dog and not taking it to obedience training school and going through a class or series of classes on responsible dog ownership.

Responsible dog ownership does not include just having the dog at your house, giving it a feed once a day and giving it water to drink. There is a lot more to responsible dog ownership than that. I simply cannot understand why people buy a dog and then do not do something about making it a pleasure to own.

You see so many dogs running amok in parks and elsewhere because their owners cannot get them back. They have run away and they are having a great time. Dogs being dogs, they get into mischief — that is what dogs are all about — and they do not understand the concerns humans have. Is it therefore any wonder, when a child in particular comes up to a dog almost at face level, confronts the dog and wants to pat it, that on occasion the dog sees that as a threat, reacts accordingly and bites the child.

Then we get stories in the newspaper about vicious breeds. I have yet to set eyes on a savage puppy. Puppies are never savage, but they can of course, by neglect, by lack of training and by abuse, be turned into savage dogs. When a dog bites somebody it is the dog that pays the ultimate penalty, but it should be the owner who should be paying a significant penalty. Some people are simply not capable of owning and looking after a dog, and they should be prevented from doing so. That is why when people purchase puppies they should purchase them from registered puppy breeders. They should be required under law to take them to classes on responsible dog ownership, and if they do not the puppies should be removed from them. We should not be waiting until the inevitable disasters occur; we should be ensuring that they are eliminated by making owners of pups responsible. That is the plea I make to this government.

**Mr LOCKWOOD** (Bayswater) — I am pleased to make a brief contribution on this Primary Industries Acts (Amendment) Bill. Following on from the member for Mornington, it sounded like he was requesting a licence for dog ownership, so that we would be licensing people to own dogs rather than giving dogs licences from the local council. I am not sure how well that would go down.

As we have heard, the bill improves the administration enforcement of the Prevention of Cruelty to Animals Act, the Domestic (Feral and Nuisance) Animals Act and the Fisheries Act. I will make a couple of comments about one or two aspects of them. In relation to cruelty, the bill will allow inspectors to seize things

suspected of having been used in connection with a cruelty offence. Previously inspectors were unable to do this, even when something was needed as evidence. That caters for situations in border areas, where people move animals interstate to avoid the rules. Now those things will be included in the orders they have been trying to escape from. This obviously applies to things like dog and cockfighting, which are obviously abhorrent activities that should never occur and result in remarkable cruelty to the animals that participate. I really do not see what fun people get out of things like that. It is right and proper that we tighten up the rules to make sure that the organisers do not get away with it and that they are found out and stopped.

Another part of the bill which should be mentioned allows the microchipping of menacing dogs. I seem to recall a member in this place referring to government backbenchers as mangy dogs, but I do not see any reference in the bill to them. I do not think he was talking about menacing dogs. I do not think we are very menacing, despite some of the references. Perhaps some of the debates in here might resemble dog fights, but there are no weapons involved. The microchipping will permanently identify the dogs, which is a good thing. All responsible owners have their pets microchipped anyway. It is good that this particular facility identifies dogs that have been found to be menacing. It already applies to dangerous and restricted-breed dogs and allows for the disposal of dogs where the owners cannot be found.

Having been in local government I know that one of the common problems people contact you about as a councillor is barking or misbehaving dogs. Another irritation people complain about is when they find the little gifts that dogs leave on bike paths when they go for a walk. There seem to be no enforcement measures requiring owners to clean up after their dogs in some areas, even though much manure is left behind.

There is a new power allowing the impounding of unregistered and unidentified cats that are found at large in parks and streets and whose owners cannot be located. Some councils have curfews on cats which allow them to be seized, but the majority of councils do not have any by-laws or local laws on that. Cat owners need to look after their moggies and not let them run at large. This is another way in which the Bracks government is making Victoria a much better place in which to live and raise a family. I commend the bill to the house.

**Mr MAUGHAN** (Rodney) — I wish to make a few comments on this Primary Industries Acts (Amendment) Bill, which amends three acts — the

Prevention of Cruelty to Animals Act, the Domestic (Feral and Nuisance) Animals Act and the Fisheries Act. I will confine my remarks to the first two acts and precede them by saying that most of the amendments are simple, logical, relatively minor and straightforward, and they will certainly not be opposed by The Nationals.

As I said I will confine most of my remarks to the Prevention of Cruelty to Animals Act, in which I have had an interest over a long period of time. I have been a livestock producer for many years, and through my association with the pig industry at the state level I was chairman of the Victorian Farmers Federation pig group, at the national level I was a member of the Australian Pork Producers Federation, and I was also a member of the Australian Pig Industry Research Council, which now operates as one of the rural industry research funds. In those various capacities I have had considerable involvement and responsibility in the Australian pig industry, it being one of the first industries — in fact it was the second — to develop nationally adopted codes of practice. I take quite a bit of pride in that, because at that stage codes of practice were not common in the industry.

I am a great believer in and supporter of codes of practice. They are certainly referred to in the principal act, the Prevention of Cruelty to Animals Act 1986, in section 7. Codes of practice allow for rules to be amended and changed relatively easily in the light of new knowledge, new practices and new industry procedures, and they allow for new management practices.

They should encourage good management and good stockmanship, and good codes of practice certainly do that, rather than attempt to be prescriptive — by that I mean providing rules and regulations about the size of pens, the weight of animals or specific practices that should or should not be used. Codes of practice give that flexibility, and I am a very strong supporter of them being amended from time to time to take into account new knowledge and new understandings of the effective and proper management of animals.

I am also very interested in the 1986 Prevention of Cruelty to Animals Act itself for a number of reasons. Firstly, because I was a member of an animal ethics committee — mentioned in section 3 of that act — and for a number of years I was a member of the animal ethics committee of the school of agriculture at Melbourne University. I also have a particular interest in that act because under the previous government the Minister for Agriculture — I think it was around 1995, but it might have been a bit earlier than that — I was

asked to do a one-man review of certain sections of the Prevention of Cruelty to Animals Act which resulted in amendments being introduced in 1995.

There were a range of those amendments, but I suppose the main one that was debated concerned dogs on utes — dogs travelling on tray trucks and on the back of utilities. Until that time dogs had been able to travel unrestrained on tray trucks and utilities and the veterinary profession had for some time been pointing out the number of dogs that had suffered serious injuries because as the drivers of the utilities scooted around a corner, the dog was catapulted off and finished up with a broken hip or even more serious injuries, in many cases having to be destroyed. Those figures were very concerning if you put them all together and considered the number of dogs that were killed and injured by being catapulted off utilities because they had not been restrained.

The amendments to the act were opposed by many people at the time; they saw them as a restraint on the freedom of the dog. In fact some of my colleagues in The Nationals felt very strongly about the issue and thought it was a ridiculous idea. My very good friend and colleague the Honourable Barry Bishop, a member for North Western Province in the other place, made a very entertaining speech — as many other members did — in the upper house about the rights of dogs to ride on utes. They argued that the dog had as much right as the owner. The legislation has proved to be right, because the deaths and injuries resulting from dogs being catapulted off utes have been significantly reduced and it is now an offence to have an unrestrained dog on the back of a utility or a tray truck.

With respect to the current legislation, I support the propositions that have been put and I want to comment on a few of them. The first amendment in the bill before the house on which I want to comment addresses the lack of effectiveness of court orders applying to a person living in a border area and moving animals interstate to circumvent the operation of a court area. As a member who represents an electorate that is right on the border of New South Wales I am well aware of a whole range of border anomalies. We have them raised here again in the operation of the Prevention of Cruelty to Animals Act, and this legislation will address at least one of those anomalies and prevent people from being able to circumvent the act by shifting their animals interstate.

The second issue I want to comment on relates to the provision that enables an inspector to seize and dispose of animals where the inspector reasonably believes those animals are being held in contravention of an

order. Again that is a sensible provision that tidies up an anomaly in the act. It will give inspectors powers to seize and dispose of those animals. The third issue I want to comment on — and I commend the member for Mornington on his comments — relates to menacing dogs and microchipping. We have spoken on a number of occasions in the house about menacing and dangerous dogs and the need for them to be identified and controlled. The legislation before the house today moves that a little bit further along by ensuring that menacing dogs are microchipped. I will come back to microchipping in a minute, because I am strongly of the view that all dogs and cats should be microchipped.

The fourth item I want to touch on is the disposal of seized dogs where an owner cannot be found. It is often the case that a dog is impounded, it is not registered and the owner cannot be found. These amendments will allow for the disposal of the dog rather than having it kept for a long period of time simply because the owner cannot be found. The fifth issue I want to speak on relates to the provision of powers to impound unregistered or unidentified cats found at large. I feel very strongly about this issue. People who own pets should look after them, and I get very angry with people who have pets they do not look after and people who do not have their dogs properly trained or who do not look after their cats and allow them to wander at large. In many cases people do not appreciate the damage that an unrestrained dog can do, particularly in country areas. The owner thinks the dog is causing no problem at all, but it can be out 3 or 4 miles away ravaging sheep.

With cats the situation is exactly the same. Cats can wander at large and cause inconvenience to neighbours, and they certainly cause enormous damage with the number of birds they kill. We really do need to deal with unidentified cats found at large and with wandering and uncared for cats, and I express the view, as I have done in the past, that every cat should be microchipped. If it is found wandering and picked up and has not been microchipped because the owner does not care enough to pay the small additional cost to have that done, that cat should be destroyed forthwith.

I conclude by saying that these are sensible amendments to the act and The Nationals will not be opposing them.

**Mr LIM** (Clayton) — Mahatma Gandhi, the father of Indian independence, is well-known for his many wise sayings but I think one of his most profound moments was when he said that the greatness of a nation and its moral progress can be judged by the way it treats its animals. The first part of this important bill

is concerned with animal welfare and protecting innocent and dumb animals from cruel practices. Following on from Gandhi's comment, I think it is a tribute to this government and to our society as a whole that we attach such great importance to animal welfare issues in Victoria. That is why stories such as we heard recently about the kangaroos which were decapitated in northern Victoria are most unacceptable and intolerable. The perpetrators should receive the full force of the law, or should I say the full blow of the law.

The bill makes amendments to the Prevention of Cruelty to Animals Act to improve enforcement mechanisms. The amendments will give inspectors the power to seize items they believe have been used in connection with a cruelty-to-animal offence — the present act does not give inspectors such powers. Such items may then be used as evidence of the alleged cruelty.

The bill also amends the same act so as to enable a minister from another state or territory to request the registration in Victoria of an order that has been made under that state or territory's legislation so that order would become enforceable here in Victoria. This is to deal with the situation where an owner moves animals across a state border to avoid such an order. Further amendments to the Prevention of Cruelty to Animals Act will empower inspectors to apply to a court to seize an animal in cases where they believe that animal is being held in contravention of an order.

The second half of this bill, which modifies the Domestic (Feral and Nuisance) Animals Act in relation to menacing dogs, makes me think of Mark Twain's wry observation on men and dogs: if you pick up a starving dog and making him prosperous, he will not bite you. This is the principal difference between a dog and a man. Many other speakers have visited this point and made fair comments.

Like Mark Twain, I believe there are no bad dogs, there are only bad men. However, bad and menacing men are apt to make their dogs bad and menacing, and it is important that such dogs be clearly identified. The present act requires that dangerous and restricted breed dogs be identified by microchip identification. The amendments contained in this bill will extend this requirement to dogs that have been identified as menacing. Would that their owners could be microchipped too!

The bill also modifies the principal act so as to provide the power to impound unregistered or unidentified cats found at large. It also makes important changes to the

Fisheries Act regarding the requesting of documents and the management of fisheries.

I began my speech today with a famous quotation and I will end it in the same way. This bill is in large measure about animal welfare issues and I think most people in this house would regard themselves as animal lovers and would see themselves as friends of dumb animals. In calling upon members to support this bill I therefore ask them to recall the wise words of Martin Luther King in speaking about injustice: we will remember not the words of our enemies but the silence of our friends. I commend the bill to the house.

**Mr MULDER** (Polwarth) — I rise to make a few brief comments in relation to the Primary Industries Acts (Amendment) Bill and the clauses in the bill that impact on the issues of the seizure and destruction of cats and menacing dogs. I had a significant native garden set up on a property I owned and there was a considerable amount of bird activity in the garden because we did not have cats on the property. That bird population was almost completely wiped out within a few days of straying cats starting to visit the property. Therefore, I support the elements of the bill that deal with straying cats and the ability to seize and destroy them.

I go back a step further to my early days of being a newspaper delivery boy and later a telegram delivery boy and I can assure you that the memory of menacing and savage dogs sits very clearly in my mind. The number of times I was attacked on bikes — I still have the scars on the back of my heels to prove my point. There was nothing worse. The owner of the newspaper shop would get a complaint from the people in some streets that you were throwing newspapers from one side of the road to the other but there was a good reason for that — you did not want to ride your bike past the place because you knew very well that you were going to get cleaned up by the dogs in there.

In this day and age people have a right to expect that they can walk freely around the streets and visit a property without fear of being attacked by a dog. As members of Parliament when we go around canvassing and doorknocking there is still that danger of being set on by a wild dog.

**Ms Beard** interjected.

**Mr MULDER** — Labor dogs are the ones you have to watch the most, they are the worst. I support fully the issue of dealing with menacing and savage dogs. As to whether it has gone far enough, I think we still could go further than this. There is nothing worse than those

continual newspaper reports about children being ripped apart by dogs and receiving permanent scarring and knowing very well that it is purely and simply a matter of an irresponsible owner who knows all the time that they have a menacing dog and if that dog gets out it is going to do something like that. I think we could look to doing a little bit more in the future in terms of menacing dogs and having savage dogs in our community. I do not think it is right that they are allowed to be kept and are allowed to wander the streets and cause the damage they do.

This bill has primarily focused on dogs, cats and cocks — fighting cocks and the instruments used in cockfights. However, I think it has some consequences for the racing industry whether it is harness racing, greyhound racing or thoroughbred racing. We know that the vast majority of owners and trainers take a great deal of pride and care in the way they look after their animals but I wonder how this is going to be implemented and what sort of protocols and procedures have been put in place to deal with incidents involving a thoroughbred racehorse, a standardbred racehorse or a greyhound. The bill provides the power for an officer to seize an animal, to take away any instrument that has been used in relation to cruelty to an animal, and to hold and destroy.

Given that in the thoroughbred and standardbred industries we are dealing with animals that can be worth hundreds of thousands of dollars and there are issues with very large syndicates of owners, I hope the government has gone down the path of consulting widely with the three codes in the racing industry to ensure that the owners associations, the trainers associations and Racing Victoria are fully aware of the implications of the legislation and the powers this bill provides.

Overall I am not opposed to the legislation. I think we could go a little bit further on the issue of menacing dogs, and we possibly will in the future. As a former newspaper boy and telegram delivery boy I can well and truly understand the fear most people feel when they are approached by a menacing or savage dog and know they are going to be attacked. With those few comments, I will not oppose the bill.

**Ms BEARD** (Kilsyth) — It is a great pleasure to make a contribution to the Primary Industries Acts (Amendment) Bill 2005. This bill amends the Prevention of Cruelty to Animals Act 1986, the Domestic (Feral and Nuisance) Animals Act 1994 and the Fisheries Act 1995. The bill further protects animals against those who are not committed to their welfare and wellbeing.

As a devoted animal lover and owner, I am enthusiastic about adding my support to the bill. I have to take the member for Mornington to task: we are now on our fifth and sixth labradors, and we enjoy them very much. They are very well trained, and in response to the member for Polwarth, they will attack any Liberals who come onto the property.

Unlike some of the contributors last night I would like to record my support of and extend congratulations to Dr Hugh Wirth, the Australian president of the Royal Society for the Prevention of Cruelty to Animals (RSPCA). He has devoted his entire life to the care and welfare of animals, and it is a bit disappointing that he is judged so harshly. Many members would have had the experience of visiting RSPCA animal shelters, joining the RSPCA and recognising the massive amount of work it does caring for animals belonging to irresponsible owners who have neglected their duty to their pets.

It could be said that the measure of any people can be found in the way in which they care for their animals. Any change to legislation which offers additional protection for animals has my wholehearted support. I commend this bill to the house.

**Mr CAMERON** (Minister for Agriculture) — I thank the honourable members for South-West Coast, Swan Hill, Benalla, Ballarat East, Bayswater, Clayton, Kilsyth, Polwarth, Mornington and Rodney for their contributions to the debate on the Primary Industries Acts (Amendment) Bill. While it canvasses a number of areas, most of the comments have been directed to the issue of animal welfare. Certainly the government is taking another step forward in the improvement of animal welfare. I thank honourable members for their support of that.

The honourable member for South-West Coast raised a couple of matters, and I have sought advice from the Department of Primary Industries about them. He had a query in relation to proposed section 24N about what will happen to the animal prior to sale. The advice of my department is that the animal is normally sold by the council through a pound or shelter. As a consequence a code under the Domestic (Feral and Nuisance) Animals Act applies, and as a result of that the animal is neutered and vaccinated.

He also raised a query in relation to clause 10 of the bill, which amends section 19(2) of the Domestic (Feral and Nuisance) Animals Act. He pointed out that clause 2(3) of the bill says:

If section 10 does not come into operation before 31 March 2007, it comes into operation on that day.

The member's query was about why there could be such a long delay. I have sought advice from the department, and it advises that it is hoped that it will come into operation before that time, but there are regulations to be done and the register of these types of dogs to be set up. A number of microchip registers that operate in Victoria will be married. That is a very positive step. On top of that there will be this register, which councils will be part of, so that there will be a specific register of the types of restricted dogs that we are talking about.

With those remarks, I thank honourable members for their support of the legislation. As I think some honourable members have said, these things are works in progress. They certainly have been works in progress over many years, and they will continue to be works in progress. I wish the bill a speedy passage.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## WORKING WITH CHILDREN BILL

*Second reading*

**Debate resumed from 10 August; motion of Mr HULLS (Attorney-General); and Mr McINTOSH's amendment:**

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until an independent child commissioner is appointed, whose responsibilities include proper consultation with key stakeholders, and to oversee the implementation of a simple and effective method of police checks for all applicants wishing to undertake child-related work, and who can oversee the implementation of child-safe policies'.

**Mr KOTSIRAS** (Bulleen) — It is a pleasure to speak on the Working with Children Bill. I strongly support checks being made to prevent undesirable people from working with children. The safety of our children must be our no. 1 priority. Article 19 of the United Nations convention states that:

Government should ensure that children are properly cared for; and protect them from violence, abuse and neglect by their parents or anyone else who looks after them.

The UN guidelines go on to say that consideration should be given to the establishment of an office of ombudsman or similar independent organ which would

ensure that the status, rights and interests of young persons are upheld and that proper referral to available services is made. It is very important that there are strategies in place which look after the wellbeing and safety of all the children in our society. While I support the legislation in principle, because it does make an effort to try to protect children, I do not think it goes far enough. It is important that we put more strategies into place to ensure the safety of all children. The bill before the house is cumbersome and is not as effective as members on the other side would like it to be.

Victoria already has a large number of highly inconsistent and complex regimes when it comes to checking people who work with children, such as the child employment laws and the laws requiring teachers to get registered through the Victorian Institute of Teaching. While I agree that the establishment of a list of people who are deemed to be unsuitable is good, it is only a first step; more needs to be done.

As I go around Victoria talking to youth groups I am told by them all that there needs to be a person looking after the interests of all young people. I have spoken to members of the Youth Affairs Council of Victoria (YACVic) a number of times, and they put out a discussion paper entitled *Are You Listening to Us?*. It is a case for the establishment of a Victorian children and young people's commission. In this paper they say:

A great deal of government, community and private resources are directed towards protecting and nurturing children and young people. However, children and young people do not have a high political profile in Victoria and their rights and interests are not promoted ... YACVic believes that the establishment of children and young people's commission led by an independent ... commissioner would better demonstrate commitment to protecting and promoting the rights, wellbeing and interests of children and young people in this state.

I ask government members to take this on board and look at the amendment that has been proposed by the opposition and to support it. YACVic's document continues:

The growing awareness about the rights of children and young people is evident in the establishment of commissions for children and young people both internationally and in Australia. Victoria and Western Australia remain the only Labor-governed states in Australia without an office of this kind.

YACVic is calling for it and has raised it with the minister on numerous occasions. Unfortunately the minister has refused to give an undertaking that this government will establish a children and young peoples commissioner. It is interesting that when the minister does go out and talk with the members of YACVic she

claims she is there to listen to their views and to come back and provide the safeguards to ensure the protection of our children. Unfortunately she does not do that. It is all rhetoric, and more needs to be done.

YACVic went on to say:

The focus of the commission would be upon assisting and influencing all Victorians to better understand, respect and give effect to children and young people's rights, interests and wellbeing. In addition to enhancing the effectiveness of existing remedies for young children and young people, it would be a proactive force in identifying constructive and systematic ways to advance the status of young Victorians.

One has to ask why this government does not agree with this proposal and say, 'Yes, we need to establish a commission for young children'. I know that the shadow Minister for Community Services has been very proactive and has spoken to a large number of groups, and everyone is calling for a commission for young children. Unfortunately this government has refused to agree to establish one.

The bill before the house is cumbersome, unclear and difficult to understand. For example, if I am a parent of a child who goes down to the local club where my son plays sport, I am allowed to coach my son and the rest of the team and no checks are needed for me. If, however, I coach the next team on the same day or a different team where my son is not involved, then I need to have a police check. There are inconsistencies, and it is difficult. While I support the concept of trying to protect our children, the process has to be easy and everyone has to be able to understand what is going on and it has to be simple to monitor. In its present form the bill does not do that; it is very difficult and there is a lot of red tape and confusion. It is important we get this right, and it is important for our children that we get it right, so I urge members opposite to take into account the amendment that has been proposed by the opposition and to support it.

The bill just looks at one solution. We need to put in place more strategies and policies to make sure that all children in Victoria are cared for, are safe in the workplace and are safe in society, and we must do everything we can to ensure that this happens.

**Mr WYNNE (Richmond)** — I rise to support the Working with Children Bill. I have just had the opportunity to review the contribution to this debate made by the shadow Attorney-General, the honourable member for Kew, and to refresh myself on some of the issues he raised earlier. I indicate from the outset that few responsibilities of a government or a Parliament are more important than the protection of our children, who are particularly vulnerable. This bill demonstrates the

commitment of the government to protect the most vulnerable in our community.

In simple terms this bill will establish a system that requires employees and volunteers who work with children to undergo a standard check; this will be of a minimum standard. A person found to have committed an offence of a serious sexual, violent or drug-related nature will be issued with a negative notice and will be banned from working with children. Of course there will be appeals against negative notices either to the Secretary of the Department of Justice or the Victorian Civil and Administrative Tribunal (VCAT) depending on the circumstances of the case.

The concept of a checking system for those who work with children is not new in Victoria. In 2003 the government introduced legislation to ensure that anyone guilty of a serious criminal offence could not be registered to work as a teacher. That is an important consideration because, as the house knows, the particular relationship between a teacher and student — that is, in loco parentis — is a position of significant trust. It is a position of authority and a position of power, and in that circumstance the test for those involved in the education of our children should be significantly more extensive.

I want to go briefly to a couple of matters in the bill. It is important to understand the intent and operation of the bill. It obviously does not seek to regulate private arrangements between family and friends. A police check will not be required to organise a game of backyard cricket, nor will it be required to have a teenage neighbour babysit one's children. We all reach these commonplace arrangements in our daily lives. The bill will instead regulate outside organisations, companies and persons working with children. Many of these organisations, whether they are voluntary or commercially based, have already established checking and vetting procedures, and there are well-established checks through the public sector and a number of private service providers.

The bill will standardise and extend those arrangements to organisations which have not yet established such procedures. In the process of standardising and extending these arrangements the government has been careful not to impose unreasonable obligations on individuals and organisations that work with children. We know that this will be the first time some voluntary and community-based organisations have had to conduct checks of this nature. For that reason, in the preparation of the bill we have undertaken quite exhaustive consultation. Likewise the government will not introduce every aspect of the system immediately; it

will be rolled out over a five-year period, because it has very broad coverage and it is anticipated that we will ensure the checking arrangements are fully in place over that period.

Importantly for volunteers, the working-with-children check will be provided at no cost and in any case will only be required for those who have direct, unsupervised contact with children. We believe these provisions will help to minimise the impact upon community groups and organisations. The cost of the check is about \$70. We do not want to unnecessarily burden community organisations in their day-to-day work. There have been some criticisms from the opposition parties that the checks will be burdensome and inconsistent.

I would submit to the house that the proposition the government is putting here is a minimum standard. We have in place very rigorous checking arrangements for a whole range of organisations that deal with the care of children on a day-to-day basis. We are seeking to establish a rigorous regime whereby those people in community settings who are working on a regular — not necessarily day-to-day — basis with young people will go through minimal checking. They will undergo a police check to ensure they are of appropriate character to work with young people.

I reiterate that we do not wish to create a burden for community organisations, but it is fair and reasonable in terms of checks and balances to ensure that when somebody is working with children — in my situation one of my two young sons plays hockey — they have been appropriately checked and that parents have some level of comfort that the people who are working with their children have appropriate backgrounds to be working with young people.

I reiterate that this is a minimal checking arrangement and that there are appeal rights for a person who may have gone through the system and believes that the police checking arrangement has discovered information which they believe is not accurate. The person can have that matter referred to appeal through the secretary in some circumstances or to VCAT.

There is no more important role that we as parents play than protecting the interests of our children. The Parliament as a legislator has no more important or noble role to play than ensuring it puts in place minimum checks to provide a level of comfort to the community, that people who are working with our young people in a close professional or voluntary relationship outside the family home and in the wider community environment are the suitable leaders of the

various social, sport and recreational pursuits that our young people are involved in. I commend the bill to the house.

**Mrs SHARDEY (Caulfield)** — The first thing I would like to clarify is that the Liberal Party does not oppose this legislation. I hope the member for Bentleigh hears my message loud and clear. We have introduced a reasoned amendment because we would like to see the government appoint a commissioner for children and young people who would implement this policy independently of government and introduce other child-safe policies for organisations. We think that is important. The Privacy Commissioner has strongly supported that.

First I would like to talk about the current situation and why we need this legislation. I refer to a document produced by the Australian Council for Children and Youth Organisations (ACCYO), which is headed by Nettie Horton and is supported by the federal government with funding and a large number of philanthropic organisations, many of which are based in Victoria. It states:

Thousands of organisations across Australia take on responsibility for children and young people on a regular basis. Numerous activities and supports are provided by a vast range of agencies including community groups, welfare services, sporting bodies, youth clubs, church associations and special interest groups. All of these organisations have one thing in common. By offering services to children and young people they are trusted to provide a safe environment. In particular the community assumes that this environment will be free of child abuse.

Sadly this is not always the case. As media reports have highlighted, child abusers have been able to infiltrate well-meaning and reputable community organisations gaining access to vulnerable children. For example, police data compiled in Victoria between 1988 and 1996 found that more than 20 per cent of child sex offenders (in cases involving two or more victims) used community-based organisations such as welfare, youth, church and sporting groups to gain access to their victims.

If anybody had any doubt about the need for this type of legislation, although not in the form that has been presented to this Parliament, those words make it very clear why we need it. I raised this issue in the house on 7 October last year reminding the government that a promise had been made prior to the 2002 election and that promise had not been fulfilled.

ACCYO in its document asks organisations what they can do to make their organisations safer for children. I would again like to quote it because it goes to the nub of what we are talking about and our position on the issue.

Unfortunately there is no one simple step which will totally protect your organisation. . . . There are many things that your organisation can do to make it less desirable to someone who is seeking to abuse children and young people. For a start there are basics such as getting a police check on all paid and volunteer staff. Although only about 5 per cent of sex offenders have police records, carrying out these checks will at least deter some people from accessing your organisation. Secondly, and most importantly, organisations can make sure they develop a child protection policy. This should cover areas such as recruitment and selection of staff and stipulate how your organisation operates on a daily basis with clear guidelines about how staff should act and the policy and procedures which will operate within the organisation.

We support this. We believe an independent commissioner for children could implement such a policy across Australia.

The Australian Council for Children and Youth Organisations has with federal government funding developed a process for organisations which involves not just police checks but the development of child protection policies. This organisation has the support of a large number of philanthropic groups, many of which are from Victoria, and delivers its program across hundreds of organisations in Australia with funding from the federal government. It has taken the step to show organisations how to introduce child-safe policies. ACCYO, Child Wise, the Centre for Excellence in Child and Family Welfare and Joe Tucci of the Australian Childhood Foundation are but some of the organisations in this sector which have supported the need for the introduction of police checks and child-safe policies to protect children in our community. This has also occurred in Queensland and New South Wales and is in process in Tasmania.

The history, as I have alluded to, goes back to prior to the 2002 election when the Attorney-General made a promise to introduce such legislation for police checks. It has taken until August 2005 for this legislation to finally come before the house. It is an indication that it was not exactly the highest priority for the Bracks government. Unfortunately, now we find that despite support in principle from the community sector and the Liberal Party, the legislation is found wanting for its complexity, the fact that there is no independent body to deliver the program and there is no real commitment for the introduction of child-safe policies in organisations dealing with Victorian children.

In response to submissions on the draft legislation there were some changes which led to the inclusion of serious offences against adults being included to exclude the perpetrators of such crimes from receiving a positive check. However, there were other issues such as child-safe policies which have been ignored. In my

view the sector came to the conclusion that the legislation was better than nothing.

The Liberal Party, which strongly supports the principle of protecting children, is of the view that the legislation should be withdrawn to allow for the introduction of a commissioner for children and young persons, who would be responsible for the introduction of a uniform, straightforward and efficient system of police checks and oversee the introduction of child-safe policies to ensure a more complete process for protecting children.

The commissioner would be independent of government and report to the Parliament, and he or she would provide for the confidentiality and security of the vast amount of information which will be collected and which the Victorian privacy commissioner alluded to as being in need of protection. He raised issues in relation to the government's performance, particularly the law enforcement assistance program in the Department of Justice, as an indication of the way in which information can be mishandled. Of course over the past few days we have seen how very sensitive files have been leaked from the Office of Police Integrity to an individual outside government. These areas are of grave concern.

The Labor Party knows that the appointment of a commissioner for children would have huge support within the community. The government has instead made a number of appointments within the Department of Human Services to try to satisfy the sector that it is actually doing something — except appointing an independent commissioner for children and young people. We have seen the appointment of a commissioner for child safety and an advocate of children in care, but neither of these positions is independent of government. Both these positions are public service positions, and we do not need more public servants!

The details of the bill have been outlined by the member for Kew. He has highlighted the concerns held by the Liberal Party in relation to the complexity of and deficiencies in the bill. Concerns about the way the government has tried to deliver on its promises to protect children have also been raised by a number of organisations. One particular issue which I think still needs to be raised is the fact that someone who has committed crimes can still change their name and then apply for a working-with-children check. That is something which is still of grave concern: it is something which the Liberal Party tried to have addressed in this place, but it was ignored.

I will just cite some quick quotes from a couple of the people whose views I think should be listened to. The privacy commissioner has said:

A more subtle scheme — based on discretion and independently operated, with more detailed oversight — would reduce the adverse effects.

The Australian Council for Children and Youth Organisations also talks about the need for not just police checks but child-safe policies. Child Wise likewise says that we need to have child-safe policies and not just police checks, as they will not be enough. The Centre for Excellence in Child and Family Welfare also makes that point in its submission to government. Unfortunately I do not have time to give more detail, but I commend our position to the house.

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

**Ms BARKER (Oakleigh)** — The Working with Children Bill is a very important measure that the Bracks government is putting in place to further protect our most valuable assets, our children. The bill, as has been referred to previously, has been through a very thorough consultation process. A discussion paper and an exposure draft of the bill were released in December 2004, and as part of that public consultation process the Department of Justice held seminars for key stakeholders. It placed advertisements in major and regional newspapers and wrote to hundreds of organisations seeking their views.

As indicated in the second-reading speech, over 160 submissions were received. All these submissions from sporting clubs, church groups, community organisations, legal groups, child welfare organisations and interested individuals have been considered. What we have is a balanced and fair approach that will establish minimum standards for people who work with children, whether in paid employment or as volunteers.

People who apply for a working-with-children check will be checked for relevant criminal convictions or findings of guilt, pending charges and relevant professional disciplinary findings. A check will also identify whether a person is on the sex offenders register or subject to an extended supervision order under the Serious Sex Offenders Monitoring Act 2005. A reassessment will be automatically triggered if a person with an assessment notice is charged with a relevant crime or is professionally disciplined by a professional body.

The checking scheme, as we know, is not currently in operation. It will be a very large task, so again in order

to strike a balance the check will be phased in over five years from mid-2006. To conduct these checks and importantly to educate the community about the checks and the responsibilities which arise from them, a new unit will be established within the Department of Justice. The work of this new unit will also be complemented by the role of the child safety commissioner, who will conduct an independent review of the working-with-children checks each year and report the findings of that review to Parliament.

I would like to congratulate the Minister for Children, who appointed Bernie Geary, OAM, as Victoria's first child safety commissioner. Mr Geary has an outstanding record in serving the community and protecting the interests of vulnerable children. I am confident he will both advocate very strongly for children and provide very important advice and recommendations on how we as a government can strengthen systems to protect children in our community.

It is important to be clear on who will need a working-with-children check. Many people in my electorate raised questions regarding immediate family, and particularly grandparents. As is pointed out in the second-reading speech, the bill does not attempt to regulate private relationships that exist between family and friends. You will not need a check if you are under 18, none of the types of work you perform are defined as child-related work, you are volunteering in an activity in which your own child ordinarily participates, all the children you are working with are close family relations, you are a secondary school student under 20 performing volunteer work arranged through the school at which you are studying, you are a sworn member of Victoria Police, you are a teacher registered with the Victorian Institute of Teaching, or you are a visitor to Victoria who does not ordinarily perform child-related work in Victoria. But of course none of these exemptions applies to a person who is on the sex offenders register or subject to an extended supervision order. No-one in these categories will be permitted to work with children, and neither should they be.

I will not go into all the detail in regard to those areas where a check is needed, because I am aware of the shortness of time. They are clearly outlined in clause 9 in part 2 of the bill. I think they encompass what we are trying to achieve for those who are involved in regular direct contact with children where that contact is not directly supervised by another person.

An issue raised with me during the consultation was the cost to the many thousands of volunteers who give their

time very generously, as we all know, to our local community-based organisations. This cost was recognised by the government, and it will therefore fully fund that cost for volunteers. This was much welcomed by many organisations, as reported in the *Age* on Wednesday, 20 July 2005, where Volunteering Australia's policy officer, Louise Mitchell, said:

The Victorian government have acknowledged the economic and social contribution volunteers make to our society and that any cost creates a barrier to volunteering.

...

Guides state commissioner Ellen Boyd said the organisation's 1500 volunteers had been required to have police checks since 1998, at a cost of \$13 to the volunteer.

She said volunteer organisations would benefit from the government's decision to pay for the police checks.

There has been some concern in regard to the costs of those who earn money through working with children, but my understanding is that the fee will be set on a cost-recovery basis and that it will be around \$70. The checks will be in place for five years, and I think therefore the cost will be a reasonable one.

As I said, implementing this bill is a very large effort, and checks will be phased in over five years. There is more work to be done in educating our communities on the way the bill will operate and when the checks will begin for the many different organisations and activities. Again, while the unit will be set up in the Department of Justice, as indicated previously, I think we all share a responsibility for ensuring that our local organisations are kept informed of the process.

There are a diversity of views on this bill, with some people expressing their concerns. I understand these concerns, but I again emphasise that this bill is a genuine attempt to provide a fair and balanced process and to try to ensure that we can protect our children when they are in the community undertaking all those activities that we want them to enjoy and participate in.

The member for Caulfield quoted the remarks of Netty Horton, chief executive of the Australian Council for Children and Youth Organisations. I would also like to quote some of her remarks. As reported in the *Age* of Wednesday, 20 July 2005, she said:

Let's be clear here, there have been no checks at all in Victoria for many organisations and that has been truly appalling, and now we are seeing something brought in as a minimum standard.

I agree; that is what we are saying, this is a minimum standard. It is most regrettable that we cannot indicate that this or any other measures that we put in place to

protect children will absolutely guarantee that a child will never again be abused. That is a shame, but that is something we cannot guarantee. But we must do everything we can and be vigilant in our attempts to protect and nurture our greatest asset — our children. I commend the bill to the house.

**Dr SYKES (Benalla)** — I rise to speak on the Working with Children Bill. I support all practical means of protecting our children against sexual abuse. However, I cannot support this bill in its current form, as it is not practical, it has no apparent sound risk assessment base for volunteers and work groups requiring or being exempted from police checks, and it is extremely complex and will be an administrative nightmare — another bureaucratic burden on already stretched community and sporting groups. It is another classic example of legislation being made on the run.

The bill should be taken back to the drawing board and made more practical and more targeted. With the five-year phase-in of the legislation, a further six-month delay in getting the legislation right has little downside but significant upside effects. As mentioned by previous speakers, the bill was first circulated for public comment earlier this year. When the media, The Nationals and the opposition alerted the public to the implications of the bill there was a large response.

The community's feedback came from legislators, sporting clubs, community groups, lawyers, police and others. All voiced their concerns about what they saw as the impractical measures and administrative burdens that were going to be imposed. The bill has been redrafted, and attempts have been made to accommodate the concerns raised by the community. However, the bill has been made more complex and is still not practical.

Let us look at the logical basis of the bill. The bill applies a broad-brush approach rather than it enhancing a targeted approach. Over 500 000 volunteers and about 150 000 people who work with children will be checked at a total cost of more than \$20 million. That costly invasion of people's personal lives is to uncover about 3000 people with criminal records for sexual, serious violence and drug offences. Is there not a better way to do that? What about using the serious sex offenders register and other monitoring of known high-risk individuals, and zeroing in on them?

This bill will do nothing to attack the main causes of sexual abuse against our children as 85 per cent of sex offences against children are committed by family members and people close to their victims. They will be predominantly exempted from the police checks.

After looking a little further at the inclusions and exemptions I ask: what was the basis for including or excluding work groups and others from police checks? I note the member for Caulfield offered some statistical information on risk categories, but I still ask: what data was reviewed to quantify the relative risk of sex offences against children by certain classes of individuals or during certain activities or in certain environments?

It would seem in all probability that people involved in overnight stays or one-on-one close contact in enclosed areas will be in higher risk situations than those in contact in an open environment, such as where parents are assisting with the coaching of their children in Auskick or Little Athletics or Minkey. I repeat: what risk assessment is being done?

Clause 9(3)(r) contains an example of a certain commercial activity that would be subjected to a police check. It states that 'child-related work' includes:

providing, on a commercial basis and not merely incidentally to or in support of other business activities, gym or play facilities specifically for children;

It then states:

Example

The provision of play facilities for children by a fast-food business may be merely incidental to the business of providing food.

What number crunching was done to determine that children's play facilities at a fast-food outlet, or perhaps at a hotel, present any less risk to our children than those at, say, kindergartens where there may be coffee outlets? What number crunching has been done? I can envisage situations where the risks in the fast-food outlet environment could be equal to the risks in other situations which require police checks to be done.

Similarly, clause 29 relates to the exemption of young people under the age of 20 years who are still students at secondary institutions and who engage in volunteer work organised by the school. That exemption, as I understand it, extends to young people attending TAFE institutes who are undertaking secondary school subjects. How was the line drawn there? Why should children who are at a TAFE institute but are not doing the secondary school subjects be subjected to a police check if they are involved in working with children? What is the different level of risk? I would like answers because a line has been drawn, and it can be argued that it has been drawn for practical reasons, but I am not sure that it is related to the true risk of offences being committed against our children.

I also ask: what is the basis for not exempting, for example, apprentices working with children or youth groups, such as the young people at Euroa or the Benalla Up Youth group and people like Wendy Hazeldene, who are out there working with children as part of their community contributions? If she works through Benalla Up Youth she will, as I understand it, require a police check, but if she does it through the secondary college which she still attends, she will not. What is the rationale for that? I ask the minister: please tell me about the risk assessment component of arriving at that exemption. Similarly, young people at Mansfield often work with children.

I turn to other aspects of the bill. I commend the inclusion of a broader range of serious offences which would exclude people from passing a police check. It is encouraging that now not only convictions for sex offences but also convictions for offences involving serious violence and drugs will result in those offenders not being able to pass the police check. I commend the legislators for that.

I also commend the government for not proposing to charge volunteers for police checks. However, it can be argued that it is reasonable that those who are earning an income by working with children should pay for their police checks. But many of those who do paid work with children also work with children as volunteers. Will those people get a free police check to work as a volunteer but have to pay for another exactly the same police check to do paid work with children?

I reiterate that I support all practical means of protecting our children against sexual abuse, but I do not think this bill has been thought through properly. I suggest that it be sent back to the drawing board and that we learn more from the Queensland and New South Wales experiences; we should get the legislation nearer to being right the first time. A six-month delay is a small issue, given the importance and invasiveness of this legislation and its planned five-year lead-in time.

In closing, I encourage parents and community and sporting organisations to have in place sound child protection policies and to never rely on legislation alone to protect our children.

**Mr ANDREWS** (Mulgrave) — I am pleased to rise to make a brief contribution in support of the Working with Children Bill. There is great interest across the house on this bill and there are a number of other speakers who want to make contributions to the debate, so I will restrict my comments.

The way we provide for the most vulnerable members of our community is a great measurement of the strength of our community and the type of community we live in. The arrangements before the house today, through the hard work of the Minister for Children and the Attorney-General, are a great mark of this government's commitment to try to improve the score, if you like, that we might be given in terms of making appropriate provision for those who are most vulnerable. This is an important step forward. These are an important set of arrangements to give parents and the broader community some peace of mind that those who work with our children, those who exercise a fundamental and special trust, are suitable for that particularly important and delicate work.

The member for Caulfield said earlier that there was no one answer, no quick fix. Indeed there is no quick fix, there is no one absolute solution, but these mandatory police checks for those who work with children are an important step forward in providing confidence to the broader community that those who work with children, those who exercise that special trust, are appropriate people for that particularly important work.

I draw the house's attention to the fact that a detailed consultation process was gone through in relation to these complex and sensitive matters. On 16 December 2004 the government released the Working with Children Bill 2005 discussion paper and an exposure draft for public comment. I think it is fair to say there was significant public discussion about this in the media, and 160 submissions were lodged. This has been an open process and one that I think has delivered a very good outcome at the end. It is important to note that that process involved the community so very well.

These arrangements have a significant lead-in time. The process begins on 1 April 2006 and the police checks will be phased in over five years. That is important, as this is an important reform, a significant change, and bringing it in over time makes great sense. I mentioned that there is no one simple step, but this is an important step forward that builds on a whole range of other activities that the government has undertaken to better define the fact that we make the protection of the most vulnerable in our community a clear priority. There are few more vulnerable members of our society than our children.

The reforms that we have put in place include the formation of the portfolio of Minister for Children, the establishment of the Office of the Child Safety Commissioner and a whole range of other mechanisms. Not the least important of them deal with providing direct care to better ensure the care and treatment of

young people who need the appropriate special help, perhaps in the health area where I am privileged to play some role. These are very exciting areas, and the steps that have been taken are again a great demonstration of the government's commitment in a broad sense to looking after our children, particularly those who find themselves in vulnerable circumstances.

At the outset the first round of checks will apply to child protection workers, juvenile justice workers, foster carers and those involved in family day care and outside-school-hours child care. Then it will move to non-teaching staff in schools, workers in refuges, residential facilities and so on and so forth. Volunteers will be subject to this check, but they will not have to bear any cost. Those who are in paid employment while working with children as defined under the act will pay the modest amount of \$70, which is based on a cost-recovery model.

I repeat, there has been a lot of consultation, and this is a well-thought-out process and a very important and substantial step forward in increasing the community's confidence that those who work with children are suitable to undertake that very important work. I think this is a thoroughly sensible set of arrangements.

It is not a single magic bullet. It does not answer all the questions. It is not going to guarantee that no child will suffer abuse at the hands of an adult, but it is an important step forward, it is part of a broad range of different measures the government is taking to prioritise these issues and to cater appropriately for the most vulnerable in the Victorian community. I again congratulate the Minister for Children, the Attorney-General and the Parliamentary Secretary for Justice in the other place, who have worked hard on this. This is a great step forward. I wish the bill a speedy passage and commend it to the house.

**Mrs POWELL** (Shepparton) — The Nationals will be opposing this legislation and have put forward a reasoned amendment, which says:

That this house refuses to read this bill a second time until the government has fully investigated the Queensland and New South Wales equivalent legislation and develops a Victorian model reflective of those schemes particularly with regard to the issue of independence of oversight.

The Leader of The Nationals in his speech explained the differences in the legislation and also explained the experiences of those states with their legislation. What we are saying is that that needs to be looked at. It is important to also put on record that The Nationals believe it is important to protect our children from

predators and from paedophiles, but we do not believe this legislation will deliver that outcome.

In light of the second-reading speech there are a number of issues where we believe the government also has doubts about whether this is quite the right legislation. There are a number of flaws in the second-reading speech. In one part it says:

Any parent who entrusts their child to a person who holds an assessment notice under this act will know that that person has been vetted by the government and a decision has been made that that person is not unsuitable to work with children.

Then it goes on to give a disclaimer, saying:

... the working-with-children check alone is not enough. The check is based on a person's criminal record plus, in some cases, information from professional disciplinary proceedings. It does not, and cannot, tell a prospective employer everything he or she needs to know about a person.

It also goes on to give a warning:

The working-with-children check is no substitute for careful recruitment procedures and thorough reference checking.

It is a fact that some people are unsuitable to be working with children, but an employer might be convinced that if a person has an assessment notice the government believes that person is appropriate. There are those sorts of issues as well, when realistically the government only looks at the criminal record when it makes that assessment.

A number of people have been concerned about this legislation, and one of the letters I would like to read out was sent to me from a constituent who was an employment consultant with long-term unemployed people referred from Centrelink. She said:

Recently I had a situation where a mother whose children had been removed from her care through the Department of Human Services requested me to look for work for her in child care.

She went on to say that she is aware:

... that training through Goulburn Ovens Institute of TAFE in child care requires a police check and an interview process; however, they have confirmed for me no cross-referencing is done with DHS.

My question is:

Can someone be fined for offences against children and not have any evidence show on a police check? If this is possible, then the checks in place to ensure the safety of our children seem inadequate against child predators and abusers.

This constituent of mine raises a very important issue. There should be a cross-referencing with the Department of Human Services (DHS) for any

employment in child care or for any person working with children, because some people who may have had their children removed from them but may not have criminal mentions against them may not be appropriate persons to be working in child care. We need to have that cross-checking issue answered, because the answer that we were given was that there is no cross-checking. I did, however, receive a letter of support for the legislation from a person for whom I have a high regard and who cares professionally for children.

Shepparton has a high incidence of child abuse, as identified by the City of Greater Shepparton municipal health plan, so I want to make sure that any legislation we put in place to protect children does just that. We need to make sure that the legislation is not just a knee-jerk reaction from a government that in fact makes things worse because people will not volunteer as a result of the conditions being so onerous. We need to make sure we pass legislation to protect children, but we need to get it right.

Research shows that most abuse is perpetrated by someone who is known to the child. The second-reading speech acknowledges that the government is aware that most abuse of children happens within the child's immediate circle of family and friends, but then it admits that the Working with Children Bill does not alter the way in which the government tackles that problem. That issue really needs to be looked at. We talk about stranger danger, but as I said the research shows that most children are abused by somebody they know, whether they are from within their family or within their circle of friends. This is where the highest incidence of child abuse occurs. The government must make sure that is addressed.

The government is correctly reviewing the child protection system, and that is a step in the right direction. I have been advised by a number of welfare organisations — and I have spoken to people myself — that there are situations where children who are in government care are on the streets at night. These children are at a high risk of abuse. The government needs to get its own house in order and make sure these children are behind closed doors, that somebody is looking after them and that they are protected.

Other initiatives need to be put in place to protect children. We need to increase the penalties for sexual predators or paedophiles. There should be deterrents to make sure these people do not perpetrate those sorts of offences. We need to increase police powers and police numbers in this area. I acknowledge that some changes have been made following the release of the original discussion paper, and that was mainly due to

community outrage and concern. Volunteers will not now have to pay for police checks; the government has allocated \$20 million over four years to pay for them. But when we look at the numbers we see that 500 000 volunteers will need to be police checked — and quickly.

The Leader of The Nationals and I met with the director of ValleySport, Peter Bourke, and the head of Shepparton Little Athletics, Malcolm Duncan, on 12 April to discuss the issues facing community and sporting organisations in respect of the Working with Children Bill. One of the issues mentioned was that volunteers are already overburdened by administrative procedures and that this bill will mean more red tape. Clubs and organisations will have to employ someone to comply with red tape requirements, to give advice about the assessment notices, to monitor the checks and to see which of the parents is volunteering four times a year — and there is an exemption if you are volunteering under four times a year. Who in a club is going to be monitoring which parent is going to be doing that volunteering while making sure they are doing it under four times a year?

The second-reading speech says it is important that a scheme is created that does not bury employers and community organisations in red tape and responsibilities. It says there is a need to create a scheme that does not discourage volunteers, who are so vital to Victoria's community. I agree, but this legislation certainly does not achieve that aim. In fact it will create a huge burden for community groups.

There are many flaws in this legislation. There will be a need for two notices — one for volunteers and one for paid workers — and you will not be able to cross-reference those. You will not be able to use your volunteer assessment to go and work in a paid position, as you can in other states. The Secretary of the Department of Justice and her delegates who oversee this process will have huge powers. There is concern about the lack of independence of this office and the fact that it politicises the process. There are also concerns about the security of government offices.

The submission by Paul Chadwick, the Victorian privacy commissioner, raised some very relevant concerns that this government should seriously look at. We cannot make a mistake with legislation such as this, because it would have huge ramifications. It will be a criminal offence for a person to work with children without an exemption or an assessment notice. It will be a criminal offence for an employer or an organisation to engage a person to work with children if

that person does not have an assessment notice. The maximum penalty is two years jail.

There needs to be a toll-free advisory line — as recommended by the privacy commissioner — where people can get on-the-spot advice about whether they need an assessment notice or whether they are covered by an exemption. As the privacy commissioner suggests, that advice should form a defence for any subsequent criminal charges.

This legislation is costly, it is time consuming, it is confusing, it is cumbersome and it involves hundreds of thousands of people who may need to be assessed quickly. It needs to be redrafted to balance the protection of children with commonsense outcomes.

**Mr LIM** (Clayton) — I welcome this bill, which for the first time introduces mandatory checks and creates standards for adults who are involved with children in general activities across Victoria. This legislation requires those who work or volunteer to work with children in certain capacities to undergo screening for criminal offences. Of course for many years checks and standards of behaviour have been required of people such as teachers and police who regularly deal with children, but this bill extends these checks to anyone whose work or volunteer activities bring them into routine contact with our children.

As Parliamentary Secretary for Victorian Communities and Volunteers I was at first concerned about the impact this legislation may have on volunteering in Victoria. I am greatly reassured both by the provision that the government will pay for all checks required by volunteers and by the overwhelmingly favourable response of community groups to the legislation.

Many Victorian organisations already operate under a policy of voluntary police checks for their employees and volunteers who work with children. This policy has increasingly been adopted by community organisations following an initiative to prevent child abuse within such organisations by the Australian Council for Children and Youth Organisations. The compulsory checks under this legislation will begin in 2006 and will be phased in over various sectors over five years. With this long phase-in period, with clubs and associations not being checked until 2009–10, community groups and volunteers will have plenty of time to prepare for this new regime.

This bill reminds me in many ways of the Teaching Service (Conduct and Performance) Bill which was debated last year. I said then that while it may be a commonplace cliché to say that our children are our

future, it is nevertheless a truism. Our children are therefore of immense importance to all Victorians, and the Bracks government has recognised this fact by drafting and enacting bills such as this and the aforementioned teaching bill.

The Working with Children Bill has gone through a very thorough consultation process. A preliminary draft of the bill was made available in December 2004 and was widely circulated among community organisations, church groups and the like. There were over 160 submissions from such community groups plus submissions from the Law Institute of Victoria, the police and other legal organisations. The bill has been considerably modified in light of those submissions.

The Bracks government is to be commended for giving the safety of our children such high priority while at the same time ensuring, through an extensive consultation process, that this legislation will not cause distress to volunteers and community organisations. I commend the bill to the house.

**Mr ROBINSON** (Mitcham) — I wish to make a few brief comments on the Working with Children Bill which I will be supporting. This is very significant legislation, not so much because it pretends to bring into the house and implement a foolproof or failsafe system of vetting those people who work with Victorian children but because it responds to an outstanding need in the Victorian community — that is, we as legislators need to find improved ways to afford our children, the most vulnerable members of our community, the protection they so rightly deserve. It is an interesting reflection that even at this time when we are confronted with an international environment in which terrorism has reared its despicable head there is nothing that strikes more fear into the hearts and minds of Victorian families than threats to the welfare of children. It is for that reason that this government has followed the lead of other governments in bringing this sort of legislation before the Parliament.

A discussion paper was put out earlier and some members have referred to it. The Attorney-General has made the observation that opinions and views were very mixed — some believed it did not go far enough and some believed it went too far. I was particularly pleased to see some changes from the discussion paper to the bill to deal with a concern of voluntary groups. I am a member of the Nunawading Lions Club which for many years has actively supported the Licola camps. I know the Parliamentary Lions Club is also actively involved in that — it is a great facility in Licola. The practicalities of a voluntary or service club like Lions dealing with children and transporting them to the

buses for the drive down to Licola are such that a service club needs to ensure that everyone has a check.

It is difficult to guarantee that over any period of time only a limited number of members of a club will be dealing with children. In fact, by and large, clubs will need all of their members to have checks, and that is an appropriate thing. For that reason I was particularly pleased to see the government amend the arrangements set out in the discussion paper covering the costs of checks for members of service clubs like Lions. I think that is a terrific move forward.

I do not agree with the view put forward by some members of The Nationals that we can iron out the possible shortcomings of this bill over a fixed period. The challenge confronting every Parliament and every government is that whatever scheme is put forward will have problems. We are not proposing in this bill that we will have a failsafe or foolproof system. Indeed, schemes in other parts of the country have not guaranteed that anyone who receives a check will at no point in the future ever conduct themselves in a way which we find inappropriate. This is very much a work in progress. All jurisdictions are trying to deal with this issue, with this anxiety of parents and with the right of children not to be interfered with inappropriately. For that reason I do not think it would be appropriate to simply delay the bill to try to work out some problems. I think we are well within our rights to push forward with this bill as that is overwhelmingly what the community in this state wants.

**Mr DELAHUNTY (Lowan)** — I rise on behalf of the Lowan electorate. I — and, I believe, the Lowan electorate — strongly support the principle which forms the basis of this legislation. The protection of our children is something which we all agree is dear to our hearts and which we take a great interest in. We all have specialties in some area, whether it be in agriculture, human services, economic development or the like, but all of us in this chamber take a real interest in our youth, particularly our children.

This bill covers all people who work with children whether they are paid or are volunteers. The bill does not attempt to regulate the private relationships that exist between families and friends. It will not even stop teenagers from babysitting their neighbours. The member for Benalla spoke about the fact that in a lot of these cases this is where the offences we are trying to stop occur.

I know the government has consulted widely about this legislation. I consulted widely within the Lowan electorate, particularly in the early stages when the

government had released a discussion paper which said volunteers had to pay to get this police check. I received a letter from the Wimmera Regional Sports Assembly. Tom Gawith is a passionate person in that area. He has done an enormous amount of work for youth, particularly in the sporting area. I want to quote from his letter. It states:

As chairman of the Wimmera Regional Sports Assembly I am concerned about the impact that this bill will have, particularly on all sporting (and community) volunteer groups. No-one is denying the fact that the bill's intent is important in order to protect children from harm, but there has not been enough time to get the message out there into the community about what its introduction will mean. On one hand we have a government committed to tackling obesity, encouraging physical activity and providing additional funds to resource volunteers ...

Obviously he was concerned about that. He went on to say:

It is important for you to make a response, make some noise about what it may mean to the volunteer sector.

A lot of questions have been asked, particularly by the Leader of The Nationals, about how this will work. Who is responsible for that group? Is the secretary or the president of the junior football or netball club responsible if the person who is coaching the group does not get a permit? We have found out that the assistant coach does not have to get a permit but the coach might be away for a night and I am sure there will be times when the assistant coach, whether it be in netball, football or any sporting group, is in charge of those children. There are many unanswered questions in relation to this bill.

That was one concern. The letter highlights again the concern of volunteers. We have enormous respect for the volunteers in our communities, whether they be in urban or country areas. They play an important role in helping communities progress — and obviously working with youth is an important role. My fear is that if we do not get this right, we are going to lose a lot of those volunteers. That is why we have foreshadowed a reasoned amendment, to which I will turn at a later stage.

The other group that I have a response from is Wimmera Uniting Care. This is a very highly recognised group in the Lowan electorate and I want to read a letter from its chief executive officer, Peter Brown:

Wimmera Uniting Care is generally pleased with the concept behind the Working with Children Bill but is very concerned that the way in which it is being enacted may in fact result in more work and more cost for community welfare agencies.

We are concerned that the check will not cover all offences but only those described in the Working with Children Bill. This will result in our organisation requiring both the working-with-children check and a full police check as the working-with-children check will not disclose all offences that are of interest to us.

There is no doubt that Wimmera Uniting Care is not opposed to this legislation, but I think it highlights the concern we in The Nationals have about this legislation. We know it has a five-year phase-in period. It is important that we as legislators get the legislation right. In that respect I want to reflect on the comments made by the privacy commissioner. His comments form an appendix to the Scrutiny of Acts and Regulations Committee's *Alert Digest* on the bill. It states:

In summary, the privacy commissioner submits that the Working with Children Bill 2005 unduly requires or authorises acts or practices that may have an adverse effect on personal privacy within the meaning of the Information Privacy Act 2000 ...

The commissioner's submission is very lengthy, and a lot of good points in it have been picked up by the Leader of The Nationals and other members of the house. I heard the member for Mitcham speak about the fact that we might not get it right. Overall that is why The Nationals have foreshadowed a reasoned amendment saying that:

... this house refuses to read this bill a second time until the government has fully investigated the Queensland and New South Wales equivalent legislation and develops a Victorian model reflective of those schemes particularly with regard to the issue of independence of oversight.

I was in Queensland last weekend and I saw that state's blue card advertised on TV. Obviously Queensland is a little bit further down the track than we are in regard to this type of legislation. That highlights the concerns we within The Nationals have and the reason why the reasoned amendment was put forward. We did this after giving what I can assure members was very careful consideration to the details of the bill. I do not think any of us would be against the intent of the legislation, but we feel the bill is very clumsy, invasive and lacks the independence of oversight that should be applicable in circumstances such as those we have before us today.

I support the intent of the legislation but, because of the problems highlighted by the Leader of The Nationals and others in this house, I support the reasoned amendment. If that is not supported, I will be voting against the bill.

**Ms BEARD** (Kilsyth) — It is my pleasure to join the debate on the Working with Children Bill 2005. This is yet another measure being taken by the Bracks government to assist in protecting our children from

sexual or physical harm by ensuring people who work with or care for them have their suitability to do so checked by a government body. It will prevent people who have a criminal record that indicates they may be a risk to children from working or volunteering with children. The bill requires employers and voluntary organisations to ensure that all persons who work in child-related work have a working-with-children check, which will be undertaken by the Department of Justice. Child-related work, both paid and voluntary, is work which involves regular direct and unsupervised contact with a child.

The highest protection must be given to our children, and every effort made to prevent the mistakes of the past and the lifelong consequences of sexual or physical harm to children. Parents must have confidence, when they send their children to sporting or social clubs, that their children will be properly cared for.

I would like to thank Ruth Woolcock in her capacity as representative of Basketball Victoria, the peak body for basketball in Victoria. Basketball Victoria has a large number of players at Kilsyth basketball stadium in Kilsyth, at which my three children played. Basketball Victoria is to be congratulated on its stringent screening requirements which include a prohibited persons register of those found to be unfit for involvement with children.

The organisation was not familiar with and had some concerns about the definition of 'child-related work', and it suggested the bill should apply to those with regular direct contact with a child where that contact is not directly supervised by another person. It will be pleased to find that the government's definition is that also. I congratulate Basketball Victoria for the code of conduct it already provides and for the ongoing support of children in Victoria, and especially in Kilsyth.

It has been said many times that children are our most precious commodity, and any measures that further protect them and allow them to grow safely must be supported. We need to continue to ensure that Victoria is the best place to live and raise a family. I commend the bill to the house.

**Mr MAUGHAN** (Rodney) — I want to make a few comments on this legislation and to indicate that it goes without saying that all of us in this Parliament are concerned to ensure that children are protected from and not exposed to unnecessary risks, especially the risks of paedophiles and their ilk. Whilst we in The Nationals support the broad and laudable objectives of this bill, we will be opposing this legislation if our reasoned amendment does not get support. This is

because we believe the bill has not been well thought through. The objectives are laudable, but the bill has a lot of flaws.

It is clumsy. It is intrusive. It will discourage volunteers. It has the government of the day — not just this government but future governments — oversighting very sensitive material involved in police checks. We believe there should be a greater degree of independence, and the bill lacks that independence. It establishes two classes of cardholders: those who are volunteers and those who need police checks in order to get paid employment. It is costly. At \$70 per police check, checks on 500 000 volunteers total \$35 million. We would argue that that money could be better used in other areas to protect children. I could go into details about that, but I have not got the time.

The bill will unnecessarily inconvenience the 670 000 volunteers who will require police checks. They will not identify the most likely perpetrators. The research clearly shows that four in five convicted paedophiles have no previous record of sexual offences, so the checks are not going to pick them up. A third of those who sexually abuse children are children or young people themselves; the bill will not pick them up. About half of those who have abused children — and this is the concerning aspect — have assaulted children at a friend's home. The bill will not pick them up. I could go on with those sorts of statistics.

I note the concerns expressed by the privacy commissioner, and I think we should take note of them. I also note that the penalties — \$250 000 or two years jail — are disproportionate to the risk and are much greater than are applied to convicted sex offenders. In summary, the bill is cumbersome. We believe it should be withdrawn and redrafted. I commend to the house the reasoned amendment that has been presented by the Leader of The Nationals.

**Mr MERLINO** (Monbulk) — I rise to support this bill and make a brief contribution to the debate. This bill further protects children from harm. It establishes a statewide screening system for people who work with children, whether that be in a paid or voluntary capacity. As the house has heard, more than 600 000 people will be subjected to police checks. That massive endeavour aims to ban unsuitable people from working with our children. The checks only cover people engaged in child-related work and in activities that involve regular direct and unsupervised contact with a child. A person's suitability will be judged by their past criminal record, any charges they may be facing and, in some cases, whether serious disciplinary findings have been made against them. This is a

genuine and honest attempt to protect our kids when they engage in activities in our community.

I would like to quote from an article on page 1 of the *Age* of 20 July, where Netty Horton, the chief executive of the Australian Council for Children and Youth Organisations, stated:

Let's be clear here, there have been no checks at all in Victoria for many organisations and that has been truly appalling and now we are seeing something brought in as a minimum standard ...

As we have heard, the consultation has been extensive. The discussion paper and exposure draft attracted 160 submissions, many of them saying we have gone too far or have not gone far enough. Many constituents who have contacted my office have been overwhelmingly supportive of the intent of the legislation. There are just a couple of key concerns, one being the cost, which the government has dealt with by paying for the checks, and the other being whether this is a commonsense approach, which we have dealt with through the exemptions. I commend the bill to the house.

**Mr LEIGHTON** (Preston) — I enthusiastically support this legislation, as children are our most valuable commodity. Let's face it: the opposition's reasoned amendment suggests it is opposed to the legislation, because the amendment will not get up and the Liberal Party will vote against the legislation.

**Mr Honeywood** interjected.

**Mr LEIGHTON** — I certainly heard that from The Nationals. That is an absolute shame.

I only have a couple of minutes, so I particularly want to comment from my perspective as a member of the Scrutiny of Acts and Regulations Committee. The opposition has behaved inappropriately on this issue. It has taken liberties it is not entitled to take with the submission of the privacy commissioner. There is obviously an overlap of interest between the Scrutiny of Acts and Regulations Committee and the privacy commissioner, and we frequently receive submissions from him.

You only need to look at the submission dated Monday, 8 August, to see one of the problems. That was the day the committee adopted its report. I think the committee received it at midday. It is very difficult for the committee to work its way through a detailed report in the space of a couple of hours. So one of the things we have done is attach his report as a whole submission. However, some areas of his report go outside our terms of reference to policy matters. That certainly does not

entitle the opposition to take the liberties it has. We need to look at ways of streamlining the consideration of the privacy commissioner's report and, indeed, how we present it as part of our report.

I strongly support this legislation. I welcome the application of mandatory checks to voluntary workers as well as to paid workers. The fact that it is to be implemented over five years indicates the seriousness of the government's intention to get it right and gives the lie to what the opposition, which has been trying to run different scenarios as to why the legislation will not work, has been saying.

**Sitting suspended 12.59 p.m. until 2.01 p.m.**

**Business interrupted pursuant to standing orders.**

### DISTINGUISHED VISITORS

**The SPEAKER** — Order! Prior to calling questions without notice I welcome to the gallery this afternoon the Speaker of and delegation from the Parliament of Canada.

### QUESTIONS WITHOUT NOTICE

#### Office of Police Integrity: police files

**Mr DOYLE** (Leader of the Opposition) — My question is to the Premier. Given that law enforcement assistance program (LEAP) file printouts are used as recycled photocopying paper by Victoria Police and that, in one example provided to me, information was printed on the reverse side of the detailed LEAP data of a recent notorious homicide, I ask: following the LEAP files fiasco at the Office of Police Integrity, how could the public have any confidence that the OPI could investigate this latest abuse of the LEAP system?

**Mr BRACKS** (Premier) — I thank the Leader of the Opposition for his question. As this house would know, the director, police integrity, reported on the security of the police files to this house in one of his reports and recommended that some additional support and resources be given to the upgrading of those files. The chief commissioner has also undertaken a re-examination of the law enforcement assistance program (LEAP) files more broadly, as we are intent on making sure that the LEAP files in the future are better and more secure than when we found them in 1999 under the previous government.

We would like to see much more improved security as a result of this examination, and we will ensure that we

have a significant improvement on the legacy that was left to us in 1999.

#### Rural and regional Victoria: economic development

**Ms McTAGGART** (Evelyn) — My question is to the Premier. Can the Premier outline how the government intends to build upon the ongoing success of its economic development strategies for regional and provincial Victoria?

**Mr BRACKS** (Premier) — I thank the member for Evelyn for her question, which goes to the further improvements in provincial and country Victoria, building on that which we have already achieved over the last five and a half years. It is worth reminding this house of some of the key achievements over the last five and a half years before I go to the question of what the next steps we will take will be to make sure we build on those achievements and improve regional and country Victorians' prospects for employment, educational attainment and a better quality of life.

We know that regional unemployment peaked under the Kennett government at 13.8 per cent at the same time that the previous government closed 176 schools around Victoria, and it closed 12 hospitals and shut down 5 train lines in this state as well. We have created some 88 000 new jobs in country and regional Victoria over the last five and a half years. That increase means 88 000 more people are in work in country and regional areas.

That is an increase of some 15.7 per cent in employment opportunities for country and regional Victorians. If you look at the population, an additional 66 000 people have moved to country and regional Victoria. As we know, that would be the highest population growth for the last 40 years. The last time we had population growth in country Victoria of 1.2 per cent was when the Premier on this side of the house was Sir Henry Bolte.

**An honourable member** — They are always on that side of the house.

**Mr BRACKS** — Yes, that's true! We have seen more jobs, more people coming to country Victoria and more investment as a result of the work that our government has undertaken. We have seen \$4.6 billion of new investment in country and regional Victoria.

You only have to look at construction and what has happened with building approvals. We have seen record building approvals the like of which has never

been seen before in country and regional Victoria. We have seen \$3.5 billion of building approvals this year in country and regional Victoria, which is 70 per cent higher than when that crowd opposite left office in 1999.

To build on this great success I indicated at a community cabinet meeting recently, when we were in Port Fairy with the Minister for State and Regional Development, that we would be pursuing a new set of policies in a provincial statement to be released later this year. The regional statement will build on the achievements we have had with the Regional Infrastructure Development Fund, with over 100 different projects committed to and funded under that fund. We have seen the rollout of natural gas around Victoria under this government, despite the privatisation of the gas suppliers by the previous government.

*Honourable members interjecting.*

**Mr BRACKS** — There is the renewal faction over there.

**The SPEAKER** — Order! I ask the house to come to order, and I advise the member for Bass that if he continues to yell out in that manner I will deal with him.

**Mr Ryan** — You will embarrass the Canadians.

**Mr BRACKS** — Yes, that's right! I am very proud that in Bendigo in September we will be getting together with the mayors and chief executives of all the 48 regional councils around Victoria not only to report on what we have achieved but to work with them on those areas which we know in the future will drive growth, drive investment and drive new initiatives to attract more and more people to come to country Victoria. Just as we meet regularly with the mayors of our provincial cities and just as we have other forums to have input into our new policy, I will be very pleased to investigate and report on the new policies which we will be releasing in the future.

Could I congratulate many ministers, but in particular the Minister for State and Regional Development, who has done an outstanding job. Could I say —

*Honourable members interjecting.*

**Mr Plowman** — On a point of order, Speaker, the Premier has now been speaking for over 5 minutes, and I ask that you have him conclude his answer.

**The SPEAKER** — Order! Yes, the Premier has been speaking for some time, and I ask him to conclude his answer.

**Mr BRACKS** — Yes, Speaker, I will conclude by again congratulating many ministers, especially the Minister for State and Regional Development, both in government and in opposition, when he helped form some of the key policies which we took into government in 1999. Those policies have worked. We have seen more people in work, more people moving to provincial Victoria and a renewed sense of confidence. We want to keep that going in the future, and that is what the statement is about.

### **Tourism: estate agents licences**

**Mr RYAN** (Leader of The Nationals) — My question is to the Minister for Tourism. I refer to a recent Magistrates Court decision following action by Consumer Affairs Victoria which has effectively closed a South Gippsland holiday accommodation business, simply because its owner did not hold a Victorian real estate agents licence, and I ask: what is the minister doing to protect the dozens upon dozens of small business operators in the Victorian tourism industry who take bookings and provide services for holiday-makers but who do not hold real estate agents licences?

**Mr PANDAZOPOULOS** (Minister for Tourism) — I thank the Leader of The Nationals for raising this important matter. He wrote to me on 25 July, as did Mrs Keating of Venus Bay, about this matter. As the Leader of The Nationals said, the matter is with Consumer Affairs Victoria and has to be dealt with in a very sensitive way. From my point of view, certainly a complaint was made by estate agents in the region. The Estate Agents Act has to be enforced, and there is a view that such operators need to be licensed. There was agreement, I understand, by Consumer Affairs Victoria during the Magistrates Court hearing that the action would be withheld and that Mrs Keating would seek an estate agent's licence.

More importantly, as the Leader of The Nationals said, this is a significant and growing part of the tourism industry. There are many holiday homes across Victoria that get rented out by their owners and become a very important part of the industry. I launched a report in South Gippsland shire a couple of years ago that said the industry could be worth something like \$200 million — that is, just the South Gippsland holiday-home travel market.

I understand that it is very important that we deal with this issue in a proper way, as it has been understood that there could potentially be many operators now affected by the interpretation of the Estate Agents Act. Discussions have already been held with the Minister for Consumer Affairs, and these matters will be dealt with appropriately. Certainly I will be putting the case that this has been an important part of the tourism industry for a long period of time, and I will work together with my colleague in the other place, the Minister for Consumer Affairs.

### **Water: government initiatives**

**Ms DUNCAN** (Macedon) — My question is to the Minister for Water. I ask the minister to update the house on recent government initiatives to secure water services for Victorians.

**Mr THWAITES** (Minister for Water) — I thank the member for Macedon for her question. Just over 12 months ago the Premier and I released the Our Water Our Future policy, which was widely supported by the community, by newspapers, by the Victorian Farmers Federation and by environment groups — by just about everyone except the state opposition. We said we would deliver better management of our water system for farms, towns and the environment, and that is exactly what we have done.

Just look at some of the initiatives we announced in the last week or so. I was very pleased last week to be with the member for Macedon when we released the western water action plan and announced a \$6 million project to join Macedon, Gisborne and the region to Melbourne's water supply so that it will have a backup in times of drought and water shortage — a very major announcement. I was also with the member for Melton when we announced that we were connecting farmers at Toolern Vale to recycled water. We are putting recycling on the map.

I am sure the member for Benambra would be very pleased about this one — the announcement at Mount Hotham that for the first time in the world we are going to have snow-making connected to recycled water

*Honourable members interjecting.*

**Mr THWAITES** — This is a world first, and I am sure — —

**The SPEAKER** — Order! The level of audible conversation is too high.

**Mr THWAITES** — As we all know, our snow resorts are absolutely vital for regional tourism. They

provide thousands of jobs, and there is great investment in our snow areas.

But we have a problem with the security of our snow, especially with climate change. I am sure our guests from Canada would be interested to know that we are introducing world-leading technology that will enable our snow-making machines to use recycled water. I would particularly like to acknowledge the role of the Hotham resort board and the ski company. The head of the ski company was reported in the *East Gippsland News* as saying:

The benefits are exponential for both the ski and tourism industries in Australia. This will place Hotham on the map as one of the most innovative, snow-reliable and environmental friendly ski resorts in Australia, if not the world ...

It was a great announcement. Another important initiative, which I announced with the member for Morwell last week, is that we are returning 10 billion litres of water to the Thomson River. This was a great announcement, and it has been achieved by making savings in Melbourne. On this side of the house we are saving water in Melbourne to return it to the rivers in Gippsland. That of course contrasts with Liberal Party policy, which is to set up dams and take water from Gippsland and give it to Melbourne.

*Honourable members interjecting.*

**Mr THWAITES** — Member for Benambra!

**The SPEAKER** — Order! I ask the house to come to order, and I ask the minister to address his comments through the Chair. Has the minister completed his answer?

**Mr THWAITES** — No, Speaker. This is yet another very positive initiative, and I might say that it was supported by Environment Victoria's Healthy Rivers campaign director, Paul Sinclair, who was thrilled with the government's announcement, describing it as a landmark day. It was also supported by irrigator John O'Brien, a local farmer and very good man, who praised the state government's announcement that 10 000 megalitres of water would be saved in Melbourne and put back into the Thomson River.

**Mr Plowman** — On a point of order, Speaker, again the minister has exceeded his time limit, and I ask him to conclude his answer.

**The SPEAKER** — Order! I ask the minister to conclude his answer.

**Mr THWAITES** — As Mr O'Brien continued, in the past irrigators have borne all the load — that is what he said — whereas now city people are paying and are providing the water. That is yet another initiative, and these are all initiatives that we are taking.

If you look back over the past 300 days, you will see that there are so many things we have done in water, including major initiatives like the Wimmera–Mallee pipeline and the Eildon Dam. While we have been delivering better water management over the past 300 days, we have seen the opposition vacillating.

**The SPEAKER** — Order! I ask the minister to conclude his answer. He has been speaking for much longer than the normal time.

**Mr Plowman** — On a point of order, Speaker, the Deputy Premier has now been speaking for over 6½ minutes and defying your ruling to conclude his answer.

**The SPEAKER** — Order! I have just asked the minister to conclude, and I ask him to do so now.

**Mr THWAITES** — We have widespread support for our actions and our delivery of water management. That compares to the delays and vacillations on the other side.

#### **Office of Police Integrity: police files**

**Mr DOYLE** (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his claim, and the assertion of the Office of Police Integrity that the problems outlined in Acting Inspector Jim Conomy's memorandum have been rectified, and I ask: if this is true, how did the Office of Police Integrity police files fiasco happen as recently as 14 June this year?

**Mr BRACKS** (Premier) — I thank the Leader of the Opposition for his question. We will find out when the privacy commissioner does his work; that is the answer to that question. That investigation is proceeding, and it is one which has been invited by the director, police integrity. I support that, and we await the investigation.

#### **Rural and regional Victoria: transport**

**Mr JENKINS** (Morwell) — My question is to the Minister for Transport. I refer the minister to the government's commitment to govern for all Victoria, and I ask what investments the government is making to improve transport infrastructure in regional Victoria?

**Mr BATCHELOR** (Minister for Transport) — I thank the member for Morwell for his question. He represents country Victoria in an excellent way, and he knows we are looking after the people of country Victoria. The Bracks government realises that a safe and efficient transport system for people and goods is absolutely crucial to the economy of regional Victoria. That is why since coming to office this government has committed \$3 billion worth of projects to improve transport infrastructure in regional Victoria. That is a huge commitment and one we see as being critical to the ongoing wellbeing and economic sustainability of country Victoria.

VicRoads, for example, is building infrastructure across the length and breadth of country Victoria. We have already seen major upgrades to the Geelong road. Sections of the Bass Highway have already been upgraded, as have the Henty Highway, the South Gippsland Highway, the Lakes Entrance bypass, the Pyalong bypass, the Hallam bypass and sections of the Calder Highway. These have already been completed, but we still have a lot of work to do, and we are getting on with it.

In the last 300 days, for instance, we have opened two new duplicated sections of the Calder Highway, one at Ravenswood South and one at Kyneton North. In the last 300 days we have called for tenders for the new 22-kilometre section, the Malmsbury section, of the Calder Highway upgrade. In the last 300 days we have commenced the \$242 million Pakenham bypass. In the last 300 days we have called for the commencement of works through a tender process for the \$380 million Geelong bypass. In the last 300 days tens of thousands of passengers have used and enjoyed new passenger rail services to Bairnsdale and to Ararat. These reintroduced train services are thriving, and we are bringing our cities and our towns closer together. Really it is amazing what can be done in 300 days!

A safe, world-class transport network gives regional Victoria the opportunity to share in the benefits of a thriving economy and a prosperous state. Major new investments in transport are all part of our \$5 billion Linking Victoria program, and rural Victoria is a great beneficiary of this strategic program. We have upgraded 123 school bus interchanges in regional and rural Victoria. We have implemented safety improvements to over 600 rural school bus stops. We are delivering the iconic Spencer Street redevelopment so it will act as a transport hub for all of Victoria, helping regional passengers no matter from what part of the state they come.

The regional fast rail project has been part of the biggest rail revitalisation in Victoria's history and will bring real economic and social benefits to the people of country Victoria — people who were ignored by the previous government. In relation to the fast rail project, we have already completed two of the biggest rail bridges in Australia.

*Honourable members interjecting.*

**The SPEAKER** — Order! If the member for Brighton and the member for Mornington wish to have a social afternoon, I suggest they leave the chamber.

**Mr BATCHELOR** — That is right. It is terribly disconcerting from this side of the house to look at, I can tell you!

We have completed the rail bridges over the Moorabool River and Lal Lal Creek. These are very large, complex bridges that have been completed as part of the rail project. We have installed 430 000 concrete sleepers on the fast rail project; we have laid over 350 kilometres of high-quality, heavier grade rail; and we have upgraded over 100 level crossings.

In Sunbury we rebuilt the rail yard in just seven days. Imagine what we can do in 300 days! So we are getting on and delivering major transport infrastructure for the people of country Victoria. We are doing that, and we will do it each and every 300 days for the people of rural Victoria.

### **Hazardous waste: Nowingi**

**Mr SAVAGE** (Mildura) — My question is directed to the Premier. I refer to the proposed toxic waste containment facility at Nowingi and the report by Professor McKinna into the impact on the export markets for Sunraysia, and I ask: will the McKinna report be released in its entirety?

**Mr BRACKS** (Premier) — I thank the member for Mildura for his question. He is aware that the Deputy Leader of the Liberal Party asked me a similar question and that I indicated that it will be part of the environment effects statement (EES) process. I can inform the honourable member that, as the EES is going to its next stage, all these matters will be released in full, and this document will be released as part of the environment effects statement.

### **Rural and regional Victoria: schools**

**Ms BEATTIE** (Yuroke) — My question is to the Minister for Education Services. I refer the minister to the government's commitment to govern for all of

Victoria and ask her to outline for the house what the government has done to improve education in regional Victoria.

**Ms ALLAN** (Minister for Education Services) — I thank the member for Yuroke for her question and her continued support, like all members of the government, for our schools here in Victoria. As all members of the house know, the Bracks government is working very hard. We are building new schools and upgrading school facilities right across the state. Since coming to office in 1999 we have invested over \$358 million into 162 schools in rural and regional Victoria. That is a great building program for our country schools. Our recent achievements in school capital works are equally impressive.

If you just take as an example the last 300 days, you will see that in the last 300 days we have completed 47 major capital works at schools right across the state. I am sure members in country Victoria will be pleased to know that a third of these have been completed in regional Victoria.

**The SPEAKER** — Order! There is far too much audible conversation in the house. I ask members on both sides to give the minister the courtesy of being able to answer the question and be heard.

**Ms ALLAN** — Also in the last 300 days we have started building works at a further 72 schools. I am proud to inform the house that in the past 300 days we have also seen 400 new teachers commence work in regional schools right across country Victoria. These 400 teachers make up just a small part of the 40 000 Victorians who have taken up newly created jobs in Victoria in the past 300 days.

All this has happened in past 300 days, while we continue to wait for the explanation of the Leader of the Opposition on just how he will pay for ripping up the ConnectEast contract. We want to know what the consequences will be. We know what the opposition did the last time it was in government; we know its policy was to close schools down and sack teachers, and we do not want to see a repeat of that.

**Mr Plowman** — On a point of order, Speaker, the minister is now debating the question, and I ask you to bring her back to government business.

**The SPEAKER** — Order! I uphold the point of order, and I ask the minister to return to relating her comments to Victorian government business.

**Ms ALLAN** — There is a vast number of projects right across country Victoria that have either

commenced or are on the way to completion over the past 300 days. I know the honourable member for Murray Valley in particular has a great interest in the project at Numurkah Secondary College where in the last 300 days we have commenced stage 2 of extensive modernisation work. That is a \$3.3 million project at Numurkah Secondary College. I know the honourable member for Murray Valley has great pride in his schools, but I am sure that he, like all members of The Nationals, would not want to see country schools withering away for the purpose of implementing a \$7 billion promise from the Leader of the Opposition. Nationals members do not want to see jobs lost across country Victoria.

**Mr Plowman** — On a point of order, Speaker, the minister has now reverted to debating the question and avoiding government business, and that is despite your earlier ruling.

**The SPEAKER** — Order! I ask the minister to return to answering her question in relation to Victorian government business.

**Ms ALLAN** — The Bracks government will certainly continue to invest in schools and school buildings. Projects are also under way at Apollo Bay P-12 college. I am sure the honourable member for Polwarth is very pleased to know there are projects worth \$2.1 million under way. How is he going to explain it to his community if he has to see those sorts of projects being stopped just as a sop to his leader to enable him to keep his tolls promise on ConnectEast?

**The SPEAKER** — Order! I have warned the minister twice. I will not warn her again. I ask her to return to Victorian government business.

**Ms ALLAN** — We will continue this investment in our country schools and country teachers, as we have done right across the state of Victoria. We will continue to invest in schools, we will continue to employ teachers and we will continue to support all Victorian families as we work very hard to make Victoria the best place to live, work and raise a family.

### **Office of Police Integrity: police files**

**Mr WELLS** (Scoresby) — My question is to the Minister for Police and Emergency Services. I refer to media reports today in which the minister claims he never saw the memo of Acting Inspector Conomy listing serious deficiencies in the Office of Police Integrity, and I ask: when was the minister briefed on the contents and the concerns contained in the memo and what action did he take as a result of that briefing?

**Mr HOLDING** (Minister for Police and Emergency Services) — I thank the member for Scoresby for his question. I want to make this absolutely clear: I did not receive the memorandum that was circulated yesterday. The former minister has indicated that he did not receive the memorandum that was circulated yesterday. I was not briefed in relation to the contents of that memorandum. But when I met with George Brouwer, the director, police integrity, on Monday morning I inquired, obviously, of the circumstances of the release of this information and the processes that the office of the director, police integrity, was putting in place to ensure that both the case management systems and the correspondence-handling systems at the director's office were as effective as possible. He indicated to me that in relation to the case management system the office was at that stage implementing a best practice system based on an interstate model — —

*Honourable members interjecting.*

**Mr HOLDING** — This is in relation to the case management. This system had been being developed for some time by the Office of Police Integrity's office, it was currently in the process of being implemented and it was based on a best practice model developed by an interstate agency.

It also indicated that it is currently also implementing a correspondence and document management system, also based on best practice, to ensure that the office's correspondence management systems are as effective as possible.

**Mr Doyle** interjected.

**Mr HOLDING** — The Leader of the Opposition asserts that they must have started on Monday. I make it absolutely clear — —

**Mr Wells** interjected.

**The SPEAKER** — Order! The member for Scoresby!

**Mr Wells** interjected.

**The SPEAKER** — Order! If I called the member for Scoresby in normal polite society, he would cease interjecting. I expect him to do so in the chamber.

**Mr HOLDING** — It is very clear that the director, police integrity, has as an ongoing process for the implementation of effective case management and correspondence management systems to make sure that the materials handled by the director's office are handled as effectively as possible.

I would reiterate that in relation to all these matters the establishment of the office of the director, police integrity, has meant that for the first time in Victorian history we have a robust and effective mechanism for investigating allegations of police corruption. This is an office which has delivered effective reports into a whole range of police ethical, health and corruption issues. Whether it is the witness protection system, whether it is the management of the law enforcement assistance program database or whether it is the development of a longitudinal study into allegations of police corruption, for the first time we have an effective management mechanism for investigating allegations of police corruption.

From the opposition we have a mishmash of policy being developed on the run. We have calls for royal commissions, we have calls for a separation of the Office of Police Integrity and the Ombudsman's office, and we have calls for the appointment of a retired judge. But what we have is a consistent, ongoing, robust, resolute mechanism for tackling allegations of police corruption.

### Rural and regional Victoria: infrastructure

**Mr MAXFIELD** (Narracan) — My question is to the Minister for State and Regional Development. I refer the minister to the government's commitment to improving infrastructure in regional Victoria, and ask him to detail to the house any recent government announcements that reflect that commitment.

**Mr BRUMBY** (Minister for State and Regional Development) — I have further good news for the house about new infrastructure investments in regional Victoria. I particularly want to thank the member for Narracan. I was in his electorate last week for some very important announcements. I want to advise the house today particularly of the continuing rollout of the government's program of natural gas connections.

We have now completed \$70 million of approvals for natural gas. Last week in Gippsland I announced that a further five towns would be included as part of this rollout.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Bass and the member for South-West Coast!

**Mr BRUMBY** — I should say of course that we have been announcing the rollout of this program over the last — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask members once again to cooperate with the Chair to enable question time to continue and the minister to be heard. I ask members to be quiet to allow the minister to continue.

**Mr BRUMBY** — We have been announcing the rollout over the last 300 days, and now 34 towns have been announced. Last week I was in Leongatha announcing that five towns in South Gippsland would be connected to natural gas. I am pleased to advise the house that Leongatha, Korumburra, Inverloch, Wonthaggi and Lang Lang will all be connected to natural gas. This is a \$50 million program — a \$50 million investment — in South Gippsland. I happen to have a copy of that great newspaper, the *Great Southern Star*, with me. Here is the front page — 'We get gas!' — —

*Honourable members interjecting.*

**The SPEAKER** — Order!

**Mr Cooper** interjected.

**The SPEAKER** — Order! The member for Mornington will not interject while the Speaker is on her feet. I ask members once again to restrain themselves to allow question time to continue.

**Mr BRUMBY** — Here is the editorial of the *Star*, headed 'We must be ready for opportunities', and I quote:

We all rapturously welcome the announcement last week of a \$50 million project to extend natural gas to South Gippsland.

**Mr Honeywood** interjected.

**Mr BRUMBY** — That is what the newspaper says. You wouldn't know! Have you ever been there? Do you know where it is?

**Mr Honeywood** interjected.

**The SPEAKER** — Order! I ask the minister to address his comments through the Chair, and I ask other members, particularly the Deputy Leader of the Opposition, to cease interjecting in that manner.

**Mr BRUMBY** — Here is what some other people have said about it. Cr Jim Forbes of the South Gippsland Shire Council — he is a very good man, by the way — said:

It is by far the most important announcement in this shire since electricity.

That's not bad, is it?

*Honourable members interjecting.*

**Mr BRUMBY** — The mayor of South Gippsland — —

*Honourable members interjecting.*

**Mr BRUMBY** — There is more to come; I have not quoted the Leader of The Nationals yet. South Gippsland mayor, Cr Diane Casbolt, said:

This will have the biggest impact on this community this century.

*Honourable members interjecting.*

**The SPEAKER** — Order! If members cannot behave in a manner appropriate to question time, I will remove them from the chamber. I ask members to be quiet to allow question time to continue.

**Mr BRUMBY** — Of course no-one really cares for the Liberal Party's views, but here is the Leader of The Nationals saying in a press release of Friday, 5 August, headed 'Natural gas a boost for South Gippsland' — it is a long press release but a very positive press release — —

**Mr Ryan** interjected.

**Mr BRUMBY** — I am not going to read the whole thing; I do not want to embarrass you too much.

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister will address his comments through the Chair.

**Mr BRUMBY** — I quote:

We can expect opportunities for business expansion and jobs growth as a result of the natural gas rollout, which is positive news, particularly for young job seekers.

It is clear that when you look at this issue of gas — —

**Mr Honeywood** interjected.

**Mr BRUMBY** — There is a fair bit of nitrogen monoxide coming from the other side of the house — and the scientists amongst you will know that that is laughing gas! Over the last 300 days — —

**Mr Doyle** interjected.

**Mr BRUMBY** — Wayne Campbell last night announced that 297 was enough and that he was giving it away. The siege of Leningrad was 300 days, King Solomon had 300 concubines — —

*Honourable members interjecting.*

**Mr Plowman** — On a point of order, Speaker, the Treasurer is now clearly debating the question, and I ask you to ask him to conclude his answer. He has been going for well over 5 minutes.

**The SPEAKER** — Order! The minister's answer has got nothing to do with the question. The minister has been speaking for a long time, and I ask him to conclude his answer now.

*Honourable members interjecting.*

**Mr BRUMBY** — I am told he had more — —

**The SPEAKER** — Order! The minister will conclude his answer now!

**Mr BRUMBY** — We have been waiting 300 days for the Leader of the Opposition to release his — —

**The SPEAKER** — Order! I will not warn the Treasurer again. The Treasurer will complete his answer in relation to the question or I will sit him down.

**Mr BRUMBY** — The last 300 days have been very positive for regional Victoria. We have seen, as the Premier said before, \$3.88 billion worth of building approvals, and I want to leave the house with this thought: five years ago the quantum of building approvals in Victoria was \$1.7 billion, this year it is \$3.88 billion. We have got record population growth and record building approvals.

The natural gas rollout we have announced — by the way, the biggest rollout since the 1970s — is 940 kilometres of pipeline, which is more pipeline than from here to Newcastle. Regional communities are excited by the progress and development which is occurring. The government believes there are great opportunities for further investment, and this rollout of natural gas will drive further investment and further savings for households.

**The SPEAKER** — Order! The time for questions has now expired.

## WORKING WITH CHILDREN BILL

*Second reading*

**Debate resumed.**

**Ms BUCHANAN** (Hastings) — I rise to make a brief contribution to the debate in support of the Working with Children Bill. I do so on behalf of the

children and, by extension, their parents, carers and all the child-related businesses and organisations across the Hastings electorate, the Mornington Peninsula and Western Port regions. The intent of this bill is very clear, and as I have said previously in this house our young are our most precious of assets. As a government and as communities we must vigilantly strive to ensure our children are nurtured in an environment where they can be just children. This bill is about protecting children in as many aspects of their interactions with adults as possible so they can thrive in an abuse-free and exploitation-free society.

This government has taken a leading role in respecting, protecting and supporting children. We have enacted several bills with this intent in mind, and the five-year phasing-in process reflects the fact that there are thousands of adults involved in child-related activities such as preschool child-care centres. However, the process is not easy, and I think we all acknowledge that this is how it must be. It must not be an easy process in terms of people being screened for such responsibilities. With the many organisations that this applies to and considering their diversity, the one constant throughout is the issue that each —

**Mr Honeywood** — On a point of order, Speaker, the member is reading her entire speech word for word. The standing orders of this Parliament require that members do not read their speeches word for word. The member may like to table her speech so that the house can otherwise be informed.

**The SPEAKER** — Order! The member for Hawthorn should remove himself from the area of the member speaking. Is the member for Hastings speaking or reading from notes?

**Ms BUCHANAN** — I am referring to my notes. I am sorry that my eyesight is not as good as that of the member for Warrandyte.

**The SPEAKER** — Order! The member is referring to her notes.

**Ms BUCHANAN** — As I said, the process is not easy, but the issue here is that the one constant in all these scenarios is that there are adults who are in a position of trust and also in a position of power in relation to their interaction with children, and that situation is intensified when the contact or interaction with the children is unsupervised. Therefore the process must be a stringent one, and that is why I have indicated that the phasing-in of this process over five years reflects the fact that we are going to look carefully and

considerately at all the organisations involved to make sure that they have the credibility of such checks.

Moving on from that, after consulting extensively with people across the Hastings electorate I consider that the working-with-children check process for approving the suitability of applicants is a fair and balanced one. There has been much debate around the issue of privacy. It is important to say at this stage that for any government it is difficult and challenging to balance the privacy of individuals against the protection from harm of our children. I do not think there is one government around the world that can say absolutely that it has got that scenario right. We have certainly got a process here that will move very much towards that. I have had the chance to speak with hundreds of people across the Hastings electorate on this issue — organisations, individuals, sporting clubs, religious groups, businesses — and they all support this bill. There has been overwhelming support for the process outlined.

What I would also like to mention very quickly in concluding is that the debate around this Working with Children Bill — as has been the case with previous bills introduced by this government during the two years I have been in this place that have striven to protect the rights of children — has raised to the top of the Victorian agenda the undeniable premise that children and their welfare, health and wellbeing are a whole-of-community responsibility. This is not just the responsibility of our police, welfare organisations, teachers, parents, social workers or judges, it is a whole-of-community response. I think one of the benefits — and to me it is one of the privileges of being part of this government — is that by raising this issue we have raised the profile of the rights of children and made them a whole-of-community responsibility.

The community has acknowledged that each and every person within it has a responsibility for the care of children. It has given me great pleasure to go around and deal with communities on this issue. People I have spoken to across the area have also been quick to point out that, human nature and society being what they are, there is no fail-safe system.

Opponents of the bill earlier in the debate raised the issue of the terribly high incidence of incest and interfamilial abuse. This is where community accountability will play a lead role in changing acceptable behavioural norms. That change will not come from demanding and legislating on how family members should behave and monitoring that. That is absolutism. It is the worst type of action that any democratic government could undertake. In conclusion, I wish this bill a speedy passage.

**Debated adjourned on motion of Mr DIXON (Nepean).**

**Debate adjourned until later this day.**

## VICTORIA STATE EMERGENCY SERVICE BILL

*Second reading*

**Debate resumed from 9 August; motion of Mr HOLDING (Minister for Police and Emergency Services); and Mr RYAN'S amendment:**

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until the government has fully investigated the West Australian property-based funding model for fire services, and those findings are subjected to public scrutiny'.

**Mr DIXON (Nepean)** — I welcome the changes to the status of the State Emergency Service this bill will bring about because it is about time the SES was recognised as a true emergency service. There are a range of tasks that SES volunteers around Victoria are called upon to perform, and they are called upon to perform those tasks often, not just in isolation but in conjunction with other agencies such as the Country Fire Authority (CFA), the police and the Metropolitan Fire Brigade (MFB).

They are recognised within the community as the true emergency service professionals. They might be involved in search-and-rescue operations, often in dangerous and very hazardous weather and geographical conditions; rescuing home owners and trying to make fast their homes after extensive flooding or storm damage; and attendance at road accidents and helping with traffic control, as well as a lot of the other awful tasks that are associated with road accidents. I am glad that all those sorts of things our SES volunteers do are being recognised through the provisions in this bill.

It is very important that all our state emergency services — and Lifesaving Victoria is now part of our emergency services — are working together and that they have the same recognition within the state. That really helps in the coordination of their attendance, their tasks and their training as well as the coordination of their response to whatever the particular crisis might be. In lots of ways this not only gives the community greater confidence in that organisation and the other emergency services in this state, it means they provide a better service, there are fewer overlaps, administration can be cut back and in the end we get a better emergency service for the people of this state.

I would like to pay tribute to my local SES, the Sorrento State Emergency Service unit. Even though it is called the Sorrento SES, it actually covers the southern Mornington Peninsula. It was originally formed as a breakaway group from the Southern Peninsula Rescue Squad, which continues to do its work. Unfortunately the Sorrento SES has been quite nomadic in terms of finding a permanent location. The local shire has helped it out on many occasions and its last location was the old shire depot. That has since been sold and has now become the local Catholic primary school and parish centre, leaving the SES without a home again. The unit is now in a leased factory in Rosebud, which is quite satisfactory in the short-to-medium term, but long-term planning for a permanent location — which I will return to in a moment — certainly needs to be addressed.

I would like to pay tribute in particular to the late controller of the Sorrento SES, Terry Goddard, who passed away very unexpectedly a couple of months ago. He really held the group together during its various moves and set the direction for the group in the future. He was also responsible for the great service it provided, its status within the community and the high competency of its volunteers.

The plan at the moment for the final home for this emergency service is in a combined facility to be located at Rosebud. At the moment we have the shire offices, the Rosebud police station — a 24-hour police station — and the CFA station located together in Boneo Road, Rosebud. The CFA station will have professional firefighters joining it soon, and therefore alterations need to be carried out. Also on the site is the Rosebud community house, which is a great community house that is very busy, but again it is an old, dilapidated centre that is not purpose built.

The emergency services and the shire have worked together to come up with a master plan which would incorporate new SES headquarters, extensions to the fire station and a new community house, all next door to the police station and attached to the shire offices. It would be a great outcome, and the plan has been put to the government for funding. It is a \$3.2 million plan, and the shire has indicated that it is quite willing to go dollar-for-dollar and split the cost with the government. An application for funding was not successful, and that was accepted by the groups involved. They are very keen and have been led to believe they have a very good application. They are pleading that it be looked upon favourably in the next financial year.

In the meantime, so that they can move into that home very quickly, \$40 000 would allow them to prepare the

tender pack, so that if they were successful in the next financial year they could start building straight away. Recent meetings with the shadow Minister for Police and Emergency Services, the shire, the SES and the local police indicated that everybody thinks that would be a great step forward and a vote of confidence in the future of the SES on the Mornington Peninsula. With those words I wish the bill a speedy passage and commend the government for this initiative in making the SES part of our emergency services.

**Mr NARDELLA** (Melton) — I also rise to support this bill to establish the State Emergency Service Authority. This bill puts in place a long process for the establishment of this authority. The SES volunteers who make up this fantastic organisation are absolutely overjoyed and see this as a wonderful development for their organisation.

It has been a long time coming. Two nights ago I was at a function with the Premier and the Minister for Police and Emergency Services presenting new equipment to the SES. All the volunteers present were absolutely thrilled that they were getting this assistance from the Bracks Labor government. This was never done before we came to office. They were also excited about the establishment of the authority. This means the SES will be on the same footing as the Country Fire Authority. It will be able to better lobby this and future governments for the things it needs.

The SES does a fantastic job. The Melton unit is led by its controller, David Warren, and his team. The Bacchus Marsh SES, which is also in my electorate, recently celebrated its 25th birthday. The then Minister for Police and Emergency Services, André Haermeyer, attended that function in Bacchus Marsh. These people are the world champions, not just in Victoria or Australia but world champions, in the road accident rescue competition. Both SES branches do a fantastic job in the region. The volunteers are absolutely committed to their role. They are very highly skilled in the duties they need to perform — you see them practising, upgrading and maintaining their skills at the meetings they have every Monday night.

I think it is relevant to talk about fundraising, but not in the way The Nationals seek to through this reasoned amendment. The reasoned amendment tells the Parliament that The Nationals oppose the legislation before the house. It says The Nationals are extremely lazy, that their members are so lazy that they cannot put together a set of amendments to say what they want to say — that is, that they want a different funding model. They refer to the Western Australian legislation, but they are too lazy to talk to their WA colleagues, get on

to the Internet or go to the parliamentary library and work out what amendments are needed and propose them to the Parliament. They come in here opposing this legislation. They are supposed to be representing the interests of country Victoria, where a lot of SES volunteers live, but they are opposing this legislation. The Nationals are opposing the establishment of the SES authority, apparently because they want to make the point that they are so lazy that they cannot put pen to paper to work out what the amendments should be. I could have helped them. I could have sat down with them and worked through it, but no, they want to oppose the legislation before the house.

It is a disgrace for The Nationals not to be supporting the great work the SES does and the great work the volunteers do. Members of The Nationals who speak after me will come in here and bleat, saying, ‘That is not the case. The honourable member for Melton is saying the wrong thing. We support the SES and the volunteers in this legislation, but we are going to vote against it with a reasoned amendment’. How hypocritical is that? They will be bleating like stuffed pigs when the vote is taken shortly.

With those very few words, I fully support the bill before the house. It is fantastic legislation. It supports the great work that my volunteers do in the SES to help lots of people in the community in times of distress.

**Dr SYKES** (Benalla) — It gives me great pleasure to rise and speak on behalf of The Nationals on the Victoria State Emergency Service Bill. This is effectively two separate bills. One part enables the establishment of the Victoria State Emergency Service Authority, which we strongly support. The other part of the bill contains proposed changes to the fire services levy, which we strongly oppose. However, these two things have been presented as one bill instead of two separate bills and as a result we are forced to oppose the full legislation in order to make the point that the proposals relating to the fire services levy are inequitable and unjust and should not be proceeded with.

In relation to the Victoria State Emergency Service Authority component of the bill I would like to recognise that the State Emergency Service (SES) members and volunteers provide an extremely valuable and much appreciated service when emergencies occur throughout Victoria. The SES may be a primary response service as in the case of floods and storms or it may provide communications and other support to the police and Country Fire Authority (CFA), as occurs in road traffic accidents and bushfires.

The electorate of Benalla is very well serviced by the State Emergency Service. The SES involvement in major disaster responses in the electorate of Benalla includes the units at Myrtleford, Bright and Mount Beauty having an amazing input into fighting the 2003 fires. I should say they were well supported by units from throughout Victoria which worked alongside the CFA, the then Department of Natural Resources and Environment and many other hardworking combat authority members. I was able to keep in touch with them on and off throughout the three or four weeks of the fires. The Myrtleford SES was also involved in helping residents cope with a large storm in 2002. It participates in the driver reviver program and I have enjoyed having a cuppa and a chat with them en route through Myrtleford at various times.

The Benalla SES has done some outstanding work, particularly during the catastrophic floods of 1993. I was there working shoulder to shoulder with them sandbagging, albeit in a hopeless attempt to stem the amazing floodwaters that came through the town. The SES units along the Hume and Goulburn Valley highways receive many call-outs to road traffic accidents. These units include the Euroa, Benalla, Murchison and Nagambie groups. They are all doing wonderful work, often very emotionally draining and physically difficult work. The Bright, Mansfield and Alexandra SES units are often involved in searches for lost bushwalkers and skiers and those regrettable incidents where there are plane crashes involving loss of life in the high country.

The part of the bill which relates to the setting up of the Victoria State Emergency Service Authority provides a sound basis for the continued successful functioning of the SES. I support that strongly. However, one clause is of concern. Clause 10 refers to the requirements of directors. Clause 10(1)(b) says directors must have an 'understanding of volunteer issues'. While I understand that the minister intends to appoint an SES volunteer representative to the board, the sound future management of the Victorian SES would be better assured if there were a specific requirement that at least one director possessed relevant and appropriate SES volunteer experience.

Another issue is that future funding of the SES is not covered by this bill. A further issue is that there is a concern when emergencies go on for a long time, such as the 2003 bushfires, that the contribution in time by volunteers and their employers can run into thousands and thousands of dollars. The issue of how to recognise those inputs which are way beyond the brief emergency response which would normally only last hours or days still needs to be looked at.

I now turn to the fire services levy component of the bill. As the Leader of The Nationals said, the fire services levy is a dog. It is a mongrel dog at that, and it should be put down immediately. It is inequitable that the beneficiaries of fire services do not equitably share the costs of the provision of these fire services. For example, motor vehicle owners account for 15 per cent of the CFA and Metropolitan Fire Brigade call-outs, but they do not contribute to the operation of those organisations. Nor do those who do not insure property. That includes owners of vacant land. Between 10 per cent and 25 per cent of house owners and many others do not fully contribute to the cost of fire insurance because they underinsure. Apparently 50 per cent of the houses burnt down in the Canberra fires were underinsured, which meant that a lot of those people could not replace like with like.

Others avoid making a full contribution to the fire services by insuring via discretionary mutual trusts. That is a legal means of reducing the fire services levy they pay. There are others who pay a lesser contribution to the fire services levy by choosing to accept a higher excess when they do their insurance.

This legislation perpetuates the inequity of the fire services levy by only focusing on the group that elects to share in the risk by having a larger excess. Is it just to focus only on the one group that has done its own risk assessment calculations and has chosen to share the risk — and in doing so has no doubt made a considerable input into reducing the likelihood of fire on their properties by putting in place preventive management strategies? Not only is it unjust to focus on this group to the exclusion of other avoiders of the full fire services levy, but it will be complex to manage. This was pointed out by Allianz Australia in a letter to the Minister for Police and Emergency Services of 5 August by Noel Paterson, the chief executive of the National Insurance Brokers Association, and by Peter Jamvold from the Insurance Council of Australia.

Clearly, as the member for Box Hill has stated, this bill reflects yet again the fact that the Bracks government lacks real-world commercial understanding. The insurance industry is telling it that. If the government will not listen to this side of the house, it should listen to those in the insurance industry who know. Interestingly the government did not consult the insurance industry at any stage during the development of this bill. It thought it knew better.

Another issue of concern within the industry is that Victoria has the highest taxes on insurance in the world, as was pointed out to me by my insurance brokers, Peter and Leanne Barri in Benalla. Surely that is a

dubious honour and something we should be looking to resolve. To that end, rather than supporting a bill that continues the inequitable nature of the fire services levy and discourages businesses from setting up in Victoria, I support the principle of a property-based fee, as is apparently working very well in Western Australia.

**Mr HARKNESS** (Frankston) — It is a great pleasure to rise to speak on the Victorian State Emergency Service Bill 2005. The Bracks government is putting a lot of effort into emergency services throughout the state, and I think it is appropriate to pay homage to the current and former ministers for police and emergency services for the work they have done. This legislation establishes the State Emergency Service as a statutory authority. The new SES will be an independent and fully fledged member of the emergency services network, with an improved structure.

The Frankston SES is the biggest SES unit in the state. It looks after one-fifth of all the call-outs in a year. I am lucky to represent this particular unit, along with the member for Carrum. The hard work and the dedication of the SES volunteers, particularly in this unit but also right around the state, is second to none. The work they do each and every day — their pagers go off at all hours of the day and night — the floods they had to deal with in February and all the road traffic work they have to do, certainly in my part of the state, keep them very busy. They do a tremendous job.

I would particularly like to acknowledge the work of controller Brian McMannis and Adele McMannis, Phil Holt and Andrew Ferris, because they work tirelessly. They are just some of the 5500 volunteers around the state, supported by 72 staff, who provide this excellent volunteer service. The job they do is incredible. They raise a lot of funds to run their headquarters. People in the Frankston and Carrum/Chelsea areas are very fortunate to have such a wonderful SES unit. I certainly support this bill wholeheartedly and wish it a speedy passage through the house.

**Mr THOMPSON** (Sandringham) — The changes to the fire services levy in relation to deductibles add a further level of complexity to the proposed scheme. From the point of view of the opposition, the government has failed to demonstrate that the changes are fair and workable; therefore the opposition is not in a position to fully support the legislation before the house.

Emergency services in this state undertake a valuable role in a variety of capacities. On the wider flank of emergency services the work of Life Saving Victoria

and a number of lifesaving clubs around the state is an important adjunct to the rescue work of emergency services in Victoria.

People within lifesaving in this state have done outstanding work over a hundred years. During the mid-1990s the number of deaths by drowning reached a total of 69, which was a high point over a period of time, given that it has been well over the 100 mark and up to 200 a year at times over the course of the last hundred years.

There was a deliberate decision taken by the former Kennett government to address this issue. Two programs were instituted. One was Lifesaving into the 21st Century, which saw a massive investment in facilities and infrastructure in lifesaving around the state. The other was Play it Safe by the Water, which was a public advertising campaign especially directed towards numbers of recent arrivals to Australia and people from culturally and linguistically diverse communities in this state. Thereafter, following the implementation of that program, there was a significant reduction in the number of deaths by drowning in Victoria.

Norm Farmer, the recently retired chief executive officer of the Royal Life Saving Society, received an emergency services medal for his contribution to lifesaving administration in this state. He served at the local club level, he served at the state level, he served at the national level and he also served at the international level in advancing the interests of lifesaving.

Shortly we will see the world lifesaving championships being held in this state, which will serve to further promote water safety in Victoria as well as the development of skill levels. Within the Sandringham electorate there are a number of lifesaving clubs, including the Hampton Life Saving Club, the Sandringham Life Saving Club, the Half Moon Bay Life Saving Club, the Black Rock Life Saving Club, the Beaumaris Life Saving Club and the Mentone Life Saving Club. All of them have trained generations of lifesavers who have played a very important role in advancing the interests of water safety in Victoria's coastal waters and bays and on inland waterways, always with the objective of reducing the number of deaths by drowning. They are also significant competition elements to that.

Another by-product of the development of the sport of lifesaving has been the achievement by some lifesavers of renown in other areas. At the turn of the century a great Australian swimmer, Annette Kellerman, gained international renown for her swimming prowess. Over

the last 20 years we have seen the outstanding work of Tammy van Wisse, who has swum the English Channel on a number of occasions as well as swimming from King Island to Apollo Bay and around and across the bay. It is the role modelling of people such as Tammy van Wisse, who has been the ironwoman champion of Victoria 17 times, that has set an excellent example for junior Victorians.

Many of these clubs are very well led. Terry Peterson, the president of the Black Rock Life Saving Club, has been president for over 25 years. His is one of the great youth clubs in the district and is well supported by good role models including Tony Bucci, a former state swimmer and current member of Victoria Police.

Following the storm damage done to a number of properties when a number of trees fell down, it was the excellent work of the State Emergency Service personnel who were on hand that retrieved the situation. Also within the last 18 months some mature trees near the Mentone railway station fell on a number of cars in the car park. It was again due to the excellent work of the State Emergency Service that the situation was retrieved, enabling the commuters whose cars were blocked in the car park to make their way home.

I reiterate that the opposition is not satisfied that the government has demonstrated that in relation to the fire services levy the changes are fair and workable. Therefore the opposition is not in a position to support the bill before the house.

**Mrs POWELL** (Shepparton) — I am pleased to speak on this bill on behalf of The Nationals and to put on the record my admiration and support for our wonderful State Emergency Service volunteers, who are more likely to be known as the SES. I mention in particular my local SES branch in Tatura.

This legislation establishes the Victoria State Emergency Service Authority, a statutory authority, to manage Victoria's SES. This will give the service the same professional status as the Melbourne Fire and Emergency Services Board and the County Fire Authority. Hopefully this authority will be able to assist the regional SES groups in a managerial, operational and financial capacity. I am sure this will be great news for volunteers, because it will free up their time and enable them to do call-outs rather than bear the administration burden they have borne. I would like to congratulate Richard Cosgriff, the Tatura SES controller, who puts in many volunteer hours on recruiting and training as well as responding to call-outs. As I said earlier, he has a number of administrative obligations.

I have seen the members of the Tatura SES in action many times. I was a councillor of the Shire of Shepparton during the floods in 1993, when the SES members were called out to clear the roads and repair any water damage. They are called out in storms to remove fallen trees from the roads and protect houses with rain-damaged roofs. They are called on when people are under stress, and they do a great job. It is great to see them in their new \$200 000 premises in Tatura. These premises were funded by the City of Greater Shepparton and the Victorian and federal governments and through donations from the SES volunteers themselves as well as from the broader community.

I had much pleasure in attending the official opening of the new headquarters in Tatura on Saturday, 7 May, along with the Minister for Police and Emergency Services. About 65 people turned up to the opening. These new premises will help them with their response times and training. The old building had passed its use-by date; it was stifling in the summer and freezing cold in the winter, and the working conditions were not good. Currently the Tatura SES has 25 members. They are starting a recruitment drive, and they believe the new building will enable them to increase the membership. So for anybody who lives in the area, training is on Thursdays, from 7.00 p.m.

However, we are lucky in Shepparton because we have another independent rescue unit. The Shepparton Search and Rescue Squad, which was established in 1971, has approximately 20 members. It is recognised by the Victorian government and is managed by volunteers. It also has a good reputation and assists in road accidents and responds to diving call-outs. We have a number of rivers — the Goulburn River and the Broken River — and channels around my area, so its members have to respond to diving incidents and often have to remove cars as well as bodies out of the rivers. The squad has about \$300 000 worth of equipment, including the first Jaws of Life in country Australia. It also does some fundraising and quite a lot of training. They work with the SES, the police, the Country Fire Authority (CFA) and the other emergency services. This bill is about SES workers, and I congratulate them on the way they work together with the other services. I congratulate the SES volunteers for their commitment.

The Nationals are opposed to the fire services levy mentioned towards the end of this bill. We had a policy last year to abolish the fire services levy and introduce a much more equitable system. The one in place now is inequitable. The member for Melton said The Nationals should come up with a system and bring in some legislation. I have to remind the member for Melton

that we are not the government, so if there is legislation to be brought into this house about this, then the government should get it right the first time.

This is an inequitable system. Not everyone pays insurance for the fire services levy; some people underinsure. That means that those who do pay are subsidising those who do not pay, those who do not pay the appropriate amount or who underinsure. There are many reasons why people do this. The fact is that sometimes they cannot afford it. We have had farmers going through seven years of drought. They may think insurance is one luxury they can do without even though, unfortunately, it is not. Some people think that a fire will not happen to them, so they do not insure, and some people just forget. The government must look at more appropriate methods of funding.

The government earlier would not separate the two purposes of this bill, so The Nationals have put forward a reasoned amendment. I support the reasoned amendment that this house refuses to read this bill a second time until the government has fully investigated the Western Australian property-based funding model for fire services and those findings are subjected to public scrutiny.

**Ms GREEN** (Yan Yean) — It is a great privilege to briefly join the debate on the Victoria State Emergency Service Bill. I think it could be no better summed up than how the president of the Victorian Emergency Services Association, Laurie Russell, did at a function in this place on Tuesday night when he thanked the Premier and the Minister for Police and Emergency Services on behalf of SES volunteers across the state. He said that over the last four and a half years they had got their respect back. Laurie also spoke about the importance of partnerships in emergency services, which Laurie himself has epitomised, being both a Country Fire Authority (CFA) and SES volunteer.

I thank the Eltham SES for the work it does in servicing my local community and for coming to the function on Tuesday night, led by Ivan Powell, the controller, along with Marg Shepherd, Dean Palmer, Symon Mountford and Gary Mackinnon. It was great to talk with them again about the wonderful work they did in February when answering 700 calls during the floods. As a CFA volunteer I have often had the opportunity to turn out alongside the SES.

I also put on record my thanks to SES personnel at Broadmeadows, Craigieburn and Kinglake who serve the city of Whittlesea, which does not currently have its own SES unit. The government is committed to rectifying that situation, and I look forward to

successful negotiations between the council and the SES so that a unit can be established at Whittlesea. I thank the government for the contribution it is making in better resourcing the SES and wish the bill a speedy passage.

**Mr BAILLIEU** (Hawthorn) — I rise to make some brief comments about the Victoria State Emergency Service Bill. The opposition is not opposing this bill. Other members have spoken about the fire services levy, and I do not want to revisit those issues, but I do want to make some remarks about the emergency services and the State Emergency Service (SES) in particular.

I share the view of other members who have spoken so glowingly of our emergency services in Victoria. They do a great job, the SES in particular, but the lifesavers, the helicopter crews, those who work on the water, and those with the Country Fire Authority (CFA) — the whole works! — all do a fantastic job. When it comes to the SES, even last night they were out there assisting Victorians and other emergency services to get through difficult weather conditions in the Alps.

I am very conscious of the work the SES does with so many volunteers. They have got 5000 volunteers and around 150 units based around Victoria. They are hard to miss. Invariably in trying conditions the SES is there and does its job brilliantly. I had personal experience in 2003 and 2004 of the flooding in Hawthorn and Camberwell and more recently this year in the February floods and winds. Not as a member of the SES but as a curious local member I was out there in February in the middle of the night and found myself amongst trees falling across our roads all over the place and saw a lot of flooding.

The SES volunteers were there working cooperatively with other emergency services. They did a great job. I was able to access them and assist in directing them to particular emergencies where we had trees down and a lot of cabling down as well. Trees had come down over cables and caused dangerous situations. The volunteers worked in those situations effectively, quickly and very professionally. I think the secret to the SES is that it is made up of local people with local knowledge, local understanding and local experience working within their local networks. We really have to ensure that in our volunteer networks we protect and preserve that local focus.

It is interesting to look at the SES and the role it plays, particularly in smaller towns and in regional centres. There are many local groups in smaller towns, and invariably there is an overlap of personnel, often with

the CFA but also in many of the other environmental groups that operate in those small towns. On 8 June this year the Outer Suburban Interface Services and Development Committee had the pleasure of having Ms Warren, the deputy controller of operations at the SES, as a witness. She made mention of a number of concerns that the SES has and I quote from page 2 of her evidence:

At present we are still struggling to maintain numbers due to excessive fundraising needs.

...

Our weaknesses are that there is a lack of membership available to fundraise. As was mentioned and has been highlighted to you all the time, this area tends to be very asset rich but cash poor. They are spending more and more hours at work. They are spending more and more time doing things when they should be with their families.

She made some comments about the lack of facilities. She was particularly talking about the Melton area. She said:

In terms of our threats and the instability of state and regional quarters level we have a major lack of human resources in these areas. If you have heard otherwise, I would like to know why, because we can never get any staff on the phone. There is just a lack of people.

In terms of the lack of public awareness, people see the orange overalls and wonder what church group you are associated with or they wonder if maybe you are there to help with the garden or maybe if we ring you up you might come and take away our rubbish.

I am not quite sure that is a widespread reflection, but there are resourcing issues.

Interestingly, prior to Ms Warren appearing as a witness at this committee, Lex de Man, who is the area manager of the Country Fire Authority, gave evidence. I asked him in particular about the interaction with the SES. He responded:

In this area we operate pretty well with the SES, more so probably from an operational aspect. But I will give you an example. We currently do not have, I believe, any SES units co-located with our CFA brigades in region 14, except we currently have an offer out there. When I say 'an offer', the SES has asked if they can move into one of our fire stations on the other side of the region at South Morang. We have said, with open arms, 'Yes, come in' — with a view in the future of co-locating into another community with the SES. But it is more so in region 14 from an operational aspect.

His associate Mr Deering, the operations manager, said:

The CFA was the backfill for the excess of the jobs the SES were handling.

I asked Mr de Man about the overlap between the SES and the CFA. He said:

I could not tell you offhand, but I will give you one example. Outside this area brigades such as Port Campbell, the SES and the CFA are in the same building and they are all the same members, and depending on the call will depend upon whether they put their orange or yellow on whoever the boss is, if the captain of the fire brigade is the deputy controller, and the controller is the first lieutenant — the deputy captain. So that is what we call pure integration.

The reality is that in many locations there is a very close relationship between the CFA and the SES. Mr de Man went on to talk about some of the benefits of being a member of the SES, and no doubt there are in terms of training and camaraderie and the construction of communities — and that is indeed what the Outer Suburban/Interface Services and Development Committee is investigating.

There are dualities at least between the SES and CFA. They are important separations, but there are also overlaps. In some cases there are urgings that there be more SES units, and in some places there is a need for more CFA units. Indeed the member for Shepparton mentioned that SES unit at Tatura, which is some 15 or 20 minutes from Shepparton, and the Shepparton search and rescue unit. They worked cooperatively. I have had a number of people come to me and say they wished they could have an SES unit — or at least the resources of an SES unit — in Shepparton. I hope the search and rescue group can get the benefit of SES resources in due course. It would seem there is a need there. There are two towns, and there are two groups doing slightly different work.

I want to mention the floods in February and the SES role in flood warning and management. Melbourne Water operates an electronic flood warning system and is responsible for flood warnings on a number of our rivers. Whilst we have been publicly told that everything was hunky-dory in Melbourne Water, it is clear now — and I do not have the opportunity by way of time to present it here — that in February the flood warning system in Melbourne failed dramatically. As a consequence the SES was put under enormous pressure, and it covered that pressure. There were many situations in which people were put in danger because of the failure of that flood warning system. Melbourne Water has a lot of work to do. It would be useful if all of that was done in a transparent and open way. The SES and other groups did an extremely good job, and their role in that is recognised, but there are problems with the flood warning system.

It has been put to me that there are moves behind the scenes to merge the administration of the CFA and the SES. I do not have any further evidence of that, and I think it would not only be very unwelcome —

**Mr Maughan** — It would go down like a lead balloon.

**Mr BAILLIEU** — It would go down like a lead balloon, as the member for Rodney says. If anyone in the government is thinking that the establishment of this administrative arrangement is a forerunner to merging the CFA and the SES, taking the overlap of some units as a justification, they should think again. They are separate units with separate cultures, as much as in many situations they cooperate very well and overlap. We are strong supporters of the SES and all emergency services. There are reservations in the Liberal Party about the fire services levy. We will not be opposing the bill.

**Ms MORAND** (Mount Waverley) — I want to speak very briefly in support of the Victoria State Emergency Service Bill. It establishes the State Emergency Service as a statutory body and provides the administrative framework for the operation of the authority. This reform will provide the service with the recognition and status it deserves. This is an important reform and will send a clear message to SES volunteers that they are highly valued and vital components of the Victorian emergency services strategy.

As I just have a few minutes I want to pay tribute to the Waverly SES, lead by unit controller, Greg Johnson. It is typical of SES units across Victoria. The volunteers are all exceptionally community-minded people. They are men and women of all ages. The youngest is about 18 and the oldest is in his mid-60s. They are all volunteers and give up their valuable time in responding to emergencies and in undertaking training on both weekdays and weekends. This year the Waverly SES has already responded to about 340 emergencies of great diversity, from building damage to trees down. In February this year during the floods they responded to 240 calls. They work in support of the city of Monash at the Clayton and Oakleigh festivals, and they assist Carols by Candlelight at Jells Park. All of this is undertaken in addition to the training and the fundraising they do, so I greatly respect and commend the work they do.

I want to also mention briefly that on Tuesday night here in Parliament House I joined the Premier and Minister for Police and Emergency Services at the presentation of new equipment to the State Emergency Service. It was the biggest ever handover in history and it will mean that every volunteer will have equipment of their own.

I pay tribute to the two volunteers who came in from the Waverly SES, Justin Kinnane and George

Anestopoulos. I look forward to the establishment of the Victorian SES board, and I congratulate the previous and current ministers for bringing this important reform into Parliament. I commend the bill to the house.

**Mr MAUGHAN** (Rodney) — Like other members who have already spoken I wish to express my very strong support for and appreciation of the work of State Emergency Service volunteers, and the training and fundraising they do. I think all members of the house genuinely appreciate the work they do.

I want to mention in passing one of the things that I do not think has been mentioned so far — that is, the coffee break they provide to motorists when they are travelling over the Easter period and the Christmas holidays. It is a very valuable service. It is very difficult to quantify how many lives are saved by the SES being there at Heathcote, Rochester and all the way up the various highways so that people come off and have a coffee break, relieve some of that tiredness and have a chat as well. I think that reduces death and injury on the roads.

I am very supportive of the principle of establishing the Victoria State Emergency Authority as a statutory body. I think that is a good notion, but as the member for Hawthorn pointed out, if the government thinks this is a forerunner of a merger between the CFA and the SES, they need to do a lot more work and a lot more thinking before they move down that track.

I want to express my very strong opposition to the principle of funding these services with a fire service levy, as is currently the case and as will continue, because that will involve very significant increases in the levy. In terms of commercial properties, it will be up by about 25 per cent; and in terms of householders, it will be up by about 15 per cent. The reason I am strongly opposed to it is that this method of funding is most inequitable. The burden falls on those who insure, particularly those who fully insure, and lets off scot-free those who either choose not to insure or to underinsure, even though they benefit from the services that are provided by the CFA and the SES when they are required.

Neither of those services asks whether people are fully insured when they go out to answer an emergency call. As The Nationals have proposed, a much better way of funding these emergency services is a property-based tax where everybody pays an equitable share and everybody benefits from the services.

The other point I make is that the Insurance Council of Australia was not consulted by this government, so there was no consultation on the increase in levies, which is very significant income amounting in some large commercial organisations to hundreds of thousands of dollars. That is the reason for The Nationals' reasoned amendment which the honourable member for Benalla has moved.

**Mr Baillieu** interjected.

**Mr MAUGHAN** — It is a very reasonable reasoned amendment, as the honourable member for Hawthorn points out.

There are five or six SES squads in the Rodney electorate and they all do fantastic work. But I also want to pay tribute to another organisation that the honourable member for Shepparton alluded to — that is, the search and rescue squads at Echuca and Shepparton. The Echuca-Moama Rescue Squad was formed in 1966 in response to a series of drownings in the Murray River. Right from the start the members of the squad have been very generous in resolving that they would not charge people for providing their services because their families may have already suffered tragic losses.

The squad is made up entirely of volunteers, many of them off-duty police officers, ambulance officers and CFA volunteers. Until recently the squad had received virtually no financial support from the government. There is now a modicum of financial support, but in spite of that over the years the squad members have built up a terrific collection of equipment — vehicles, boats, generators, lighting equipment, diving equipment, the jaws of life — all of which is available to the community and all of which has been provided through fundraising by a very active auxiliary that has done all this out of the goodness of their hearts and by working hard for the community. I think it is about time the auxiliary got a bit of support from the government.

They pay for training courses for their divers, who are the ones called out if ever there is a tragedy in the Murray River because they have the trained people who have the skills, yet they get no support from the government to provide those sorts of services. The rescue squad provides an excellent service to the community. Whilst they could have affiliated with the SES, they chose not to do that for a whole range of reasons that I will not get into because of the limited time.

I conclude by saying that the Echuca-Moama Rescue Squad provides excellent service to the community. All

the SES units right throughout the state, and certainly those in my electorate, also provide excellent services. I paid my respects and appreciation to them, but I commend to the house the reasoned amendment that has been put forward by The Nationals.

**Mr LOCKWOOD** (Bayswater) — I will make only a brief contribution to the debate on the Victoria State Emergency Service Bill now before the house. As members know, it establishes a statutory authority for the State Emergency Service (SES) and improves transparency and equity of funding arrangements for our two fire services.

My electorate is serviced by two SES units, one based in Maroondah, the Croydon SES, and one based in Knox, which services the area of Knox. Both these units were in Parliament on Tuesday night to hear about their new equipment and the announcement about the statutory authority.

The Croydon SES is in the north part of the electorate — as I said, in Maroondah. It has 45 members. Barry, Kevin and Andrew from that SES came to Parliament on Tuesday. The unit has two general purpose vehicles, a four-wheel-drive and a boat; the Metropolitan Fire Brigade attends any car accidents in Maroondah. The SES is more concerned with the weather: it does the storm damage and things like that. It is interesting that the unit has a boat in land-locked Croydon; apparently units across the state call on the use of it for various flooding occurrences. They are a dedicated bunch of volunteers. It is an all-volunteer unit, as all SES units are.

I guess I have a particular empathy for the SES. Many years ago when I lived in Canberra I was a member of ACT emergency service, although we did mainly bush rescue — we did not do some of the things these SES volunteers do in my area. I applaud the work of the SES units. They do a great job in my area. I commend the bill to the house.

**Debate adjourned on motion of Mr LANGDON (Ivanhoe).**

**Debate adjourned until later this day.**

**ENVIRONMENT AND WATER  
LEGISLATION (MISCELLANEOUS  
AMENDMENTS) BILL**

*Second reading*

**Debate resumed from 10 August; motion of  
Mr THWAITES (Minister for Environment); and  
Mr PLOWMAN's amendment:**

That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to (a) retain the provisions relating to the Sustainable Forests (Timber) Act 2004, the Safety on Public Land Act 2005 and the Victorian Conservation Trust Act 1972; and (b) take into account the outcome of public consultation with key stakeholders on the effects of the proposed amendments to the Water Act 1989 and the Melbourne and Metropolitan Board of Works Act 1958'.

**The ACTING SPEAKER (Mr Languiller) —**  
Order! The minister has moved that the bill be now read a second time, to which motion the honourable member for Benambra has moved a reasoned amendment, proposing to omit all the words after 'That' with the view of inserting other words, which have been circulated and are in the hands of honourable members. The question is that the words proposed to be omitted stand part of the question.

**House divided on omission (members in favour vote no):**

*Ayes, 59*

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

Kosky, Ms

Asher, Ms  
Baillieu, Mr  
Clark, Mr  
Cooper, Mr  
Delahunty, Mr  
Dixon, Mr  
Doyle, Mr  
Honeywood, Mr  
Jasper, Mr  
Kotsiras, Mr  
McIntosh, Mr  
Maughan, Mr

*Noes, 23*

Mulder, Mr  
Naphthine, Dr  
Plowman, Mr  
Powell, Mrs  
Ryan, Mr  
Shardey, Mrs  
Smith, Mr  
Sykes, Dr  
Thompson, Mr  
Walsh, Mr  
Wells, Mr

**Amendment defeated.**

**Motion agreed to.**

**Read second time.**

*Consideration in detail*

**Clause 1**

**Mr PLOWMAN (Benambra) —** The main concern the opposition has is with parts 5 and 6 of this bill in respect of the reduction of the powers of a consultative committee when drawing up a draft management plan for a water supply protection area. This bill gives the minister unfettered rights to overrule that consultative committee in respect of these issues.

The second part that is of concern is the government's attempt to ensure that a legal challenge could not invalidate an approved management plan. There is no argument if this relates only to the tabling of a plan, but the way the bill is written it relates to the substance of and the implementation of the plan, and this bill certainly should not eliminate it. That is the main reason why the opposition wishes to later move its amendments, and certainly that is the substance of clause 1.

**Mr THWAITES (Minister for Environment) —**  
The member was talking in relation to clause 1, as I understand it, which details the purpose and objects of the bill. I point out that the legislation covers a number of acts — the Sustainable Forests (Timber) Act, the Safety on Public Land Act, and the Water Act, which is what the member was talking about.

In relation to the Water Act provisions the government believes that a reasonable balance has been achieved. The minister is responsible and accountable to this Parliament for all actions under the act and it is appropriate that the minister has discretion and flexibility. The minister is not bound by a consultative

committee, and it is not the consultative committee that is responsible to this Parliament. So the government believes this is an appropriate balance, all things considered.

**Clause agreed to; clauses 2 to 8 agreed to.**

**Clause 9**

**Mr THWAITES** (Minister for Environment) — I move:

1. Clause 9, line 12, omit “Principal Act” and insert “Victorian Conservation Trust Act 1972”.

This is a very minor technical amendment and simply changes ‘principal act’ to ‘Victorian Conservation Trust Act 1972’, which is the act that is being amended.

**Amendment agreed to; amended clause agreed to; clauses 10 to 13 agreed to.**

**Clause 14**

**Mr PLOWMAN** (Benambra) — I move:

1. Clause 14, lines 20 to 24, omit all words and expressions on these lines.

The reason for this is that those lines are indicative of the fact that the approval of a draft management plan with any amendments the minister considers appropriate gives the minister virtually that unfettered right I mentioned before. The reason we oppose this is because it goes against the very spirit of the initial legislation, which required the consultative committee — that had on it at least 50 per cent local farmers, local irrigators and local people who understood their area — to be able to give advice on how that draft management plan should be formulated. For the minister to have that complete overruling right without reference back to that committee seems inappropriate.

I agree with the minister that he is responsible to the Parliament and he has the right to make changes in his own name, but to not actually refer them back to that consultative committee seems totally inappropriate. The Victorian Farmers Federation certainly strongly opposes that part of the bill and the other parts of clause 14 in respect of that.

**Mr WALSH** (Swan Hill) — The Nationals are opposed to clause 14 in its entirety because we believe that it gives the minister unfettered power. It takes away the decision-making process and advisory process or thwarts the advisory process of the consultative committee.

These consultative committees are made up of a balance of the users in that particular ground water supply protection area or surface water supply protection area. The committees usually go through an absolutely tortuous process of coming up with their recommendations, because it quite often involves a cost to the water users in those areas, be it to set up a metering or a monitoring regime. More importantly it can quite often involve the clawback of entitlements in that particular water area. To take away the committee involvement and the tortuous process they go through in coming to a conclusion, and then giving the minister absolute power to override that, is an unjust way forward for the management of water in this state.

**Mr THWAITES** (Minister for Water) — The government does not support the amendment circulated by The Nationals — —

**Business interrupted pursuant to standing orders.**

**The DEPUTY SPEAKER** — Order! The time set down for consideration of items on the government business program has arrived and I am required to put the following questions.

**Mr Plowman** — It is not yet 4.00 p.m.

**Mr Cooper** — Which clock are we operating on?

**The DEPUTY SPEAKER** — Order! I am referring to the clock in front of me.

**An honourable member** — That clock is fast.

**The DEPUTY SPEAKER** — The other clock may be slow.

**Mr Plowman** — The other clock is correct.

**The DEPUTY SPEAKER** — Order! I am operating from the clock I can see. The question is that the words to be omitted by the member for Benambra’s amendment stand part of the clause. All those supporting amendment 1 moved by the member for Benambra should vote no.

**House divided on omission (members in favour vote no):**

*Ayes, 59*

Allan, Ms  
Andrews, Mr  
Barker, Ms  
Batchelor, Mr  
Beard, Ms  
Beattie, Ms  
Bracks, Mr  
Brumby, Mr

Langdon, Mr  
Languiller, Mr  
Leighton, Mr  
Lim, Mr  
Lindell, Ms  
Lobato, Ms  
Lockwood, Mr  
Lupton, Mr

Buchanan, Ms  
Cameron, Mr  
Campbell, Ms  
Carli, Mr  
Crutchfield, Mr  
D'Ambrosio, Ms  
Delahunty, Ms  
Donnellan, Mr  
Duncan, Ms  
Eckstein, Ms  
Garbutt, Ms  
Green, Ms  
Hardman, Mr  
Harkness, Mr  
Helper, Mr  
Herbert, Mr  
Howard, Mr  
Hudson, Mr  
Hulls, Mr  
Ingram, Mr  
Jenkins, Mr  
Kosky, Ms

McTaggart, Ms  
Marshall, Ms  
Maxfield, Mr  
Merlino, Mr  
Mildenhall, Mr  
Morand, Ms  
Munt, Ms  
Nardella, Mr  
Neville, Ms  
Overington, Ms  
Pandazopoulos, Mr  
Perera, Mr  
Pike, Ms  
Robinson, Mr  
Savage, Mr  
Seitz, Mr  
Stensholt, Mr  
Thwaites, Mr  
Trezise, Mr  
Wilson, Mr  
Wynne, Mr

*Noes, 23*

Asher, Ms  
Baillieu, Mr  
Clark, Mr  
Cooper, Mr  
Delahunty, Mr  
Dixon, Mr  
Doyle, Mr  
Honeywood, Mr  
Jasper, Mr  
Kotsiras, Mr  
McIntosh, Mr  
Maughan, Mr

Mulder, Mr  
Naphine, Dr  
Plowman, Mr  
Powell, Mrs  
Ryan, Mr  
Shardey, Mrs  
Smith, Mr  
Sykes, Dr  
Thompson, Mr  
Walsh, Mr  
Wells, Mr

**Amendment defeated.**

**Clauses 14 to 16 and circulated government amendment 2 as follows agreed to:**

- Clause 14(4), page 12, line 23, omit "A draft" and insert "An approved".

**Bill agreed to with amendments.**

*Remaining stages*

**Passed remaining stages.**

**WORKING WITH CHILDREN BILL**

*Second reading*

**Debate resumed from earlier this day; motion of Mr HULLS (Attorney-General); and Mr McINTOSH's amendment:**

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until an independent child commissioner is appointed, whose responsibilities include

proper consultation with key stakeholders, and to oversee the implementation of a simple and effective method of police checks for all applicants wishing to undertake child-related work, and who can oversee the implementation of child-safe policies'.

**House divided on omission (members in favour vote no):**

*Ayes, 59*

Allan, Ms  
Andrews, Mr  
Barker, Ms  
Batchelor, Mr  
Beard, Ms  
Beattie, Ms  
Bracks, Mr  
Brumby, Mr  
Buchanan, Ms  
Cameron, Mr  
Campbell, Ms  
Carli, Mr  
Crutchfield, Mr  
D'Ambrosio, Ms  
Delahunty, Ms  
Donnellan, Mr  
Duncan, Ms  
Eckstein, Ms  
Garbutt, Ms  
Green, Ms  
Haermeyer, Mr  
Hardman, Mr  
Harkness, Mr  
Helper, Mr  
Herbert, Mr  
Holding, Mr  
Howard, Mr  
Hudson, Mr  
Hulls, Mr  
Jenkins, Mr

Kosky, Ms  
Langdon, Mr  
Languiller, Mr  
Leighton, Mr  
Lim, Mr  
Lindell, Ms  
Lobato, Ms  
Lockwood, Mr  
Lupton, Mr  
McTaggart, Ms  
Marshall, Ms  
Maxfield, Mr  
Merlino, Mr  
Mildenhall, Mr  
Morand, Ms  
Munt, Ms  
Nardella, Mr  
Neville, Ms  
Overington, Ms  
Pandazopoulos, Mr  
Perera, Mr  
Pike, Ms  
Robinson, Mr  
Seitz, Mr  
Stensholt, Mr  
Thwaites, Mr  
Trezise, Mr  
Wilson, Mr  
Wynne, Mr

*Noes, 24*

Asher, Ms  
Baillieu, Mr  
Clark, Mr  
Cooper, Mr  
Delahunty, Mr  
Dixon, Mr  
Doyle, Mr  
Honeywood, Mr  
Ingram, Mr  
Jasper, Mr  
Kotsiras, Mr  
McIntosh, Mr

Maughan, Mr  
Mulder, Mr  
Naphine, Dr  
Plowman, Mr  
Powell, Mrs  
Ryan, Mr  
Savage, Mr  
Shardey, Mrs  
Smith, Mr  
Sykes, Dr  
Thompson, Mr  
Walsh, Mr

**Amendment defeated.**

**House divided on motion:**

*Ayes, 76*

Allan, Ms  
Andrews, Mr  
Asher, Ms  
Baillieu, Mr  
Barker, Ms

Kosky, Ms  
Kotsiras, Mr  
Langdon, Mr  
Languiller, Mr  
Leighton, Mr

Batchelor, Mr  
 Beard, Ms  
 Beattie, Ms  
 Bracks, Mr  
 Brumby, Mr  
 Buchanan, Ms  
 Cameron, Mr  
 Campbell, Ms  
 Carli, Mr  
 Clark, Mr  
 Cooper, Mr  
 Crutchfield, Mr  
 D'Ambrosio, Ms  
 Delahunty, Ms  
 Dixon, Mr  
 Donnellan, Mr  
 Doyle, Mr  
 Duncan, Ms  
 Eckstein, Ms  
 Garbutt, Ms  
 Green, Ms  
 Haermeyer, Mr  
 Hardman, Mr  
 Harkness, Mr  
 Helper, Mr  
 Herbert, Mr  
 Holding, Mr  
 Honeywood, Mr  
 Howard, Mr  
 Hudson, Mr  
 Hulls, Mr  
 Ingram, Mr  
 Jenkins, Mr

Lim, Mr  
 Lindell, Ms  
 Lobato, Ms  
 Lockwood, Mr  
 Lupton, Mr  
 McIntosh, Mr  
 McTaggart, Ms  
 Marshall, Ms  
 Maxfield, Mr  
 Merlino, Mr  
 Mildenhall, Mr  
 Morand, Ms  
 Mulder, Mr  
 Munt, Ms  
 Naphthine, Dr  
 Nardella, Mr  
 Neville, Ms  
 Overington, Ms  
 Pandazopoulos, Mr  
 Perera, Mr  
 Pike, Ms  
 Plowman, Mr  
 Robinson, Mr  
 Savage, Mr  
 Seitz, Mr  
 Shardey, Mrs  
 Smith, Mr  
 Stensholt, Mr  
 Thompson, Mr  
 Thwaites, Mr  
 Trezise, Mr  
 Wilson, Mr  
 Wynne, Mr

*Noes, 7*

Delahunty, Mr  
 Jasper, Mr  
 Maughan, Mr  
 Powell, Mrs

Ryan, Mr  
 Sykes, Dr  
 Walsh, Mr

**Motion agreed to.****Read second time.***Remaining stages***Passed remaining stages.****VICTORIA STATE EMERGENCY SERVICE BILL***Second reading***Debate resumed from earlier this day; motion of Mr HOLDING (Minister for Police and Emergency Services); and Mr RYAN's amendment:**

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until the government has fully investigated the West Australian property-based funding model for fire services, and those findings are subjected to public scrutiny'.

**House divided on omission (members in favour vote no):***Ayes, 76*

Allan, Ms  
 Andrews, Mr  
 Asher, Ms  
 Baillieu, Mr  
 Barker, Ms  
 Batchelor, Mr  
 Beard, Ms  
 Beattie, Ms  
 Bracks, Mr  
 Brumby, Mr  
 Buchanan, Ms  
 Cameron, Mr  
 Campbell, Ms  
 Carli, Mr  
 Clark, Mr  
 Cooper, Mr  
 Crutchfield, Mr  
 D'Ambrosio, Ms  
 Delahunty, Ms  
 Dixon, Mr  
 Donnellan, Mr  
 Doyle, Mr  
 Duncan, Ms  
 Eckstein, Ms  
 Garbutt, Ms  
 Green, Ms  
 Haermeyer, Mr  
 Hardman, Mr  
 Harkness, Mr  
 Helper, Mr  
 Herbert, Mr  
 Holding, Mr  
 Honeywood, Mr  
 Howard, Mr  
 Hudson, Mr  
 Hulls, Mr  
 Ingram, Mr  
 Jenkins, Mr

Kosky, Ms  
 Kotsiras, Mr  
 Langdon, Mr  
 Languiller, Mr  
 Leighton, Mr  
 Lim, Mr  
 Lindell, Ms  
 Lobato, Ms  
 Lockwood, Mr  
 Lupton, Mr  
 McIntosh, Mr  
 McTaggart, Ms  
 Marshall, Ms  
 Maxfield, Mr  
 Merlino, Mr  
 Mildenhall, Mr  
 Morand, Ms  
 Mulder, Mr  
 Munt, Ms  
 Naphthine, Dr  
 Nardella, Mr  
 Neville, Ms  
 Overington, Ms  
 Pandazopoulos, Mr  
 Perera, Mr  
 Pike, Ms  
 Plowman, Mr  
 Robinson, Mr  
 Savage, Mr  
 Seitz, Mr  
 Shardey, Mrs  
 Smith, Mr  
 Stensholt, Mr  
 Thompson, Mr  
 Thwaites, Mr  
 Trezise, Mr  
 Wilson, Mr  
 Wynne, Mr

*Noes, 7*

Delahunty, Mr  
 Jasper, Mr  
 Maughan, Mr  
 Powell, Mrs

Ryan, Mr  
 Sykes, Dr  
 Walsh, Mr

**Amendment defeated.****House divided on motion:***Ayes, 76*

Allan, Ms  
 Andrews, Mr  
 Asher, Ms  
 Baillieu, Mr  
 Barker, Ms  
 Batchelor, Mr  
 Beard, Ms  
 Beattie, Ms  
 Bracks, Mr  
 Brumby, Mr  
 Buchanan, Ms

Kosky, Ms  
 Kotsiras, Mr  
 Langdon, Mr  
 Languiller, Mr  
 Leighton, Mr  
 Lim, Mr  
 Lindell, Ms  
 Lobato, Ms  
 Lockwood, Mr  
 Lupton, Mr  
 McIntosh, Mr

Cameron, Mr	McTaggart, Ms
Campbell, Ms	Marshall, Ms
Carli, Mr	Maxfield, Mr
Clark, Mr	Merlino, Mr
Cooper, Mr	Mildenhall, Mr
Crutchfield, Mr	Morand, Ms
D'Ambrosio, Ms	Mulder, Mr
Delahunty, Ms	Munt, Ms
Dixon, Mr	Naphine, Dr
Donnellan, Mr	Nardella, Mr
Doyle, Mr	Neville, Ms
Duncan, Ms	Overington, Ms
Eckstein, Ms	Pandazopoulos, Mr
Garbutt, Ms	Perera, Mr
Green, Ms	Pike, Ms
Haermeyer, Mr	Plowman, Mr
Hardman, Mr	Robinson, Mr
Harkness, Mr	Savage, Mr
Helper, Mr	Seitz, Mr
Herbert, Mr	Shardey, Mrs
Holding, Mr	Smith, Mr
Honeywood, Mr	Stensholt, Mr
Howard, Mr	Thompson, Mr
Hudson, Mr	Thwaites, Mr
Hulls, Mr	Trezise, Mr
Ingram, Mr	Wilson, Mr
Jenkins, Mr	Wynne, Mr

*Noes, 7*

Delahunty, Mr	Ryan, Mr
Jasper, Mr	Sykes, Dr
Maughan, Mr	Walsh, Mr
Powell, Mrs	

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

**Remaining business postponed on motion of Mr BATCHELOR (Minister for Transport).**

**Mr Plowman** — On a point of order, Speaker, as you are fully aware, at the end of the last debate, during consideration-in-detail, it was determined that the clocks are different. You made a ruling, and I accept the ruling, but I ask that before every session the clocks be adjusted and synchronised.

**The DEPUTY SPEAKER** — Order! I understand there has been some attention to the clocks in recent days. Since the member raised the matter previously, I have been advised that for our timings all day today we have been working from the clock that is in front of the Chair. However, the issue the member raises, of having the clocks work together, is an important one, and we will endeavour to ensure that that does occur.

## ADJOURNMENT

**The DEPUTY SPEAKER** — Order! The question is:

That the house do now adjourn.

### Housing: application review

**Mr KOTSIRAS (Bulleen)** — I raise a matter for the Minister for Housing in another place. I ask the minister to review an application for public housing made by a constituent. I have recently written to the minister with the constituent's details, together with her special circumstances.

Helen's application number is 834159. Helen's special circumstances warrant a review of her application. Helen has multiple sclerosis (MS), her condition is unpredictable and her needs change on a daily basis. She is currently working part time and living with a friend. Helen made an application for priority housing but was rejected as her income was over the limit that has been set by the Office of Housing. Even though she works part time, she works long hours and therefore gets paid more than what she might otherwise get. The problem is that her present employment could change as a result of her MS, and her lodging arrangements are temporary. Her fear is that she might be left homeless and unable to rent a house.

While I appreciate the need for guidelines, I also feel the system should be flexible enough to cater for individual needs and cases. I therefore ask that the Minister for Housing in the other place take Helen's special needs into account and provide her with public housing. The Multiple Sclerosis Society of Victoria has also written a letter in support of Helen's application. In its letter it claims:

Helen is a 38-year-old woman who was diagnosed with multiple sclerosis in 2004. Helen has been assessed as suffering from generalised decrease in strength and ... fatigue. Her other current major symptoms include: heat sensitivity, poor balance, lower limb weakness and painful sensation ...

The letter goes on to say that Helen's MS continues to deteriorate. I urge the minister to look at her application once again, take her special needs into account and give her special housing. One day she may be left without a home. Her MS is getting worse. She is staying with a friend, but it is only for short period of time — she might be left out on the street. I ask the minister to look at her application once again.

### Commonwealth Games: volunteers

**Ms MARSHALL** (Forest Hill) — I rise this evening to raise a matter for the Minister for Commonwealth Games in the other place. The action I seek from the minister is to ensure that all Commonwealth Games volunteers are made aware of their special rights and privileges during the games, in particular the availability of free public transport for the duration of the competition period.

Victorians have a rich history of volunteering at international sporting events, demonstrating an astounding level of civic engagement and commitment to community. In January this year approximately 3100 volunteers officiated at events, welcomed visitors and assisted in the opening and closing ceremonies of the 2005 Deaflympics. In 2003, 160 volunteers helped spectators find their way to events around the Docklands precinct at the Rugby World Cup. More Victorians will be needed later this year to assist with the 2005 Artistic Gymnastics World Championships occurring from 11 to 27 November and also for the 2005 Pacific School Games, to be held from 26 November to 4 December.

In March next year around 4500 athletes from 71 nations will travel to Melbourne to compete in the Commonwealth Games. This will be a truly exciting event, which simply would not be possible without the assistance and dedication of the over 15 000 volunteers who will generously donate their time. The volunteers will perform a variety of tasks, including participating in the opening and closing ceremonies; assisting the press; providing first-aid assistance; driving competitors and officials; providing meet-and-greet services in the venues and public areas; providing directions, information and general help; and a large number of specialist jobs.

A number of my constituents are volunteering at the Commonwealth Games in various capacities, and I commend and thank them for their time and energy. One constituent recently contacted my office — a sport-specific volunteer. She had been sent a letter explaining that in order to volunteer she was to make her own way from Blackburn South to the Melbourne International Shooting Club in Port Melbourne. My constituent was deeply concerned, as she had already taken three weeks leave from her job in order to volunteer and was unsure whether she could afford extra public transport or parking costs. Upon further investigation I found that the Bracks government will be providing all volunteers with free public transport during the competition period of the Commonwealth Games. My concern, however, lies with the effective

communication of these entitlements to the volunteers themselves.

I commend the Bracks government for its ongoing support of Victorian volunteers. In addition to making volunteering more affordable by allowing all volunteers to enjoy free public transport during the games, the government will enable volunteers to receive free uniforms that they will be able to keep, which will be wonderful mementos of their involvement in such a significant sporting event. In order to maintain the fantastic show of support and continued assistance given by Victorian volunteers, it is imperative that the Bracks government continue to provide incentives to volunteers and ensure that all volunteers are aware of the privileges they are entitled to.

### Planning and Environment Act

**Mrs POWELL** (Shepparton) — I wish to raise an issue with the Minister for Planning. The issue I raise is about the confusion and inadequacy of section 60, particularly subsection (1)(b), of the Planning and Environment Act 1987. The action I seek is for the minister to immediately review section 60 with a view to clarifying and defining the meaning of that section and to develop guidelines or a practice note on the use, acceptance and meaning of that section.

There has been concern about section 60 and its use by councils and in Victorian Civil and Administrative Tribunal (VCAT) decisions over many years. An application for a Club X mega sex store was received by the City of Greater Shepparton last year, and it was recently approved by the council.

A community committee formed to oppose the Club X application, the Goulburn Valley Community Against Pornography group (GVCAP) is made up of church leaders, welfare organisations, community leaders, and its spokesperson is Glen Cox. There has been strong opposition to this proposal. The council received 199 objections, about 700 people attended a rally against the store and 1250 names were on a petition which was collected in a few days.

We are advised that you cannot use moral issues to object to a planning application even though the permit conditions request that these sorts of businesses must be a certain distance from schools, churches and houses. Is this because people will be offended or is this provision to protect the community from these types of businesses? I would suggest that these are moral issues.

I asked the state government planning experts, including Department of Sustainability and

Environment manager of planning, Oliver Moles, what provisions councils could use under the Planning and Environment Act to reject Club X-type applications if they chose to. I was advised that section 60 is the appropriate section. It says:

What matters must a responsible authority consider?

- (1) Before deciding on an application the responsible authority —
  - (a) must consider —
  - ...
  - (b) if the circumstances appear to so require, may consider —
    - (i) any significant social or economic effects on the use or development for which the application is made ...

GVCAP hired a barrister and fought Club X's application in the Victorian Civil and Administrative Tribunal using the social and economic effects under section 60(1)(b)(i).

Shepparton district is socially unique. It has the highest Aboriginal population outside Melbourne, a large diverse, multicultural and multifaith population, a large itinerant population during the fruit season and a high incidence of child abuse which was identified in the City of Greater Shepparton municipal health plan which also raised the critical importance of creating safe, nurturing environments for children, particularly in their earlier years.

The building would be situated on a major entrance into Shepparton; it is en route to the Pine Lodge Cemetery in an industrial and commercial area where families visit and do business. On 21 July VCAT allowed the Club X application. The tribunal discounted socioeconomic issues, saying the differences were marginal and unimportant.

If Shepparton cannot meet the social and economic effects criteria, what town ever will? The minister must clarify the meaning of 'social and economic effects' to give all councils, responsible authorities and VCAT better direction on its use and give the community the ownership — —

**The ACTING SPEAKER (Ms Barker)** — Order!  
The member's time has expired!

### **Glennville Homes: complaints**

**Mr HARDMAN (Seymour)** — I would like to raise a matter for the attention of the Minister for Consumer Affairs in the other place. The action I seek is for the

minister to investigate the claims and experiences of Mr Ruberto and Mr and Mrs Zaicos of Hidden Valley and other customers who have had bad experiences with Glennville Homes, with a view to ensuring that their experiences are not repeated.

There is a building and conciliation service in Victoria which brings building disputes to their resolution but every now and then there seems to be a complaint or experience which defies the system. In the case of Mr Ruberto and Mr and Mrs Zaicos it seems to be that a builder is defying the system. These are customers of Glennville Homes which was named in the Consumer Affairs annual report for 2003–04, which states:

Consumer Affairs Victoria became aware of Glennville after receiving three complaints from concerned and frustrated customers who reported significant structural defects to their homes. Consumers reported problems as varied as cracked foundation slabs, incorrect wind load capacity, and significant material quality issues.

Mr Ruberto has reported to me an alarming series of defects and an apparent failure by Glennville to comply with the law. However, he now finds himself being taken by Glennville to the Victorian Civil and Administrative Tribunal. Mr and Mrs Zaicos have had similar problems to those of Mr Ruberto.

Along with the building problems they also raised the matter of preliminary contracts with Glennville. These contracts seemed to be used to evade the basic protections of the Domestic Building Contracts Act. When you sit down and listen to these people you quickly become dumbfounded and even outraged about how they could be treated so badly. The government should learn from their tales and seek to ensure that this does not happen again. I have met with the Rubertos several times, visited their home on two or three occasions and seen the defects both in the quality of work and the brand of materials. The Rubertos have not got what they paid for or what they expected.

The purchasing of the family home, as we all know, is the biggest investment that most people make. Building a home is a time of high emotion and excitement, and what should have been a positive experience for people building their dream home has been turned into a nightmare. When I spoke to other people who had problems with Glennville the members of the group gave me a number of examples of matters of concern. They included the use of cheaper and inferior quality products and brands than those originally listed in the contract; repair work often being of a lesser standard than the original work which initiated the complaint and Glennville Homes' use of intimidatory methods when requesting payment prior to completing a stage such as

use of clauses and special conditions in the contract, and the use of special conditions in the contract to justify shoddy work and treatment. Addressing the issues outlined may prevent enormous and unnecessary heartache in the future.

### **Housing: Coleman Crescent, Reservoir**

**Mrs SHARDEY** (Caulfield) — The issue I wish to raise is for the Minister for Housing in another place. I would ask her to address the continuing problems in relation to an Office of Housing home in Coleman Crescent, Reservoir, occupied by the O'Sullivan family. The residents say that their home has serious mould problems which is causing them health problems. Mr Bill Casserly of Three C Architects carried out the inspection on behalf of the Royal Australian Institute of Architects Archicentre Service. He claims there are numerous problems and said there did not appear to be any rising damp in the house, so it appeared that the mould was caused by moisture inside the house. He said:

The air temperature is so cold that the heating that's there is insufficient to combat it.

He also reported poor drainage in the soil on which the house is built. This report occurred last year. The O'Sullivan family said that their house was not fit for a dog when they moved in with their four children three years ago. Despite the Office of Housing spending \$64 000 on renovations to the bathroom and the kitchen, the O'Sullivans said the house at that time was uninhabitable. Mr O'Sullivan said:

It is leaking; there are watermarks on the ceilings; you can push the ceiling back up on to its beams; there's mould throughout the house and a room is coming away from the back of the house ... Our daughter can't even use the room any more; it's getting worse and worse.

Apparently a spokeswoman said that the minister could not comment on individual matters but in any event, because this issue has been raised by the local newspaper, this afternoon the family received a letter saying that the Office of Housing is going to put an exhaust system in the home.

According to building inspectors, putting an exhaust system into one room would be absolutely useless, and in fact exhaust systems would have to be put into two or three rooms to make the situation better. The architects have said there needs to be a better heating system in this house. It is apparent that the whole issue with regard to this home has been very badly mishandled, and I ask the minister to get someone to look into it. After spending \$64 000 the problem should have been fixed, and someone needs to be taken to task.

I ask the minister to look at the issue and make sure the proper thing happens.

### **Smoking: bans**

**Mr LOCKWOOD** (Bayswater) — The matter I wish to raise is for the Minister for Health. In the tobacco legislation that was recently before the Victorian Parliament the Bracks government introduced the most far-reaching tobacco reforms in Victoria's history, with support from health groups, unions, industry and the community. The action I ask for is that this recent legislation be implemented on schedule. The proposed ban on smoking in pubs, clubs and licensed premises will not only usher in momentous cultural change down at the local pub but also improve the lives of Victorian workers in the hospitality industry. Smoking is a social evil for many people. It is at the very least unpleasant for those who do not wish to be exposed to it. It is a habit smokers cannot keep to themselves. If only they could! Cigarette smoke is dangerous for people who must be exposed to it for extended periods in the workplace.

Passive smoking is the source of many respiratory problems in children and leads to serious disease and possibly death. Those who suffer illness and allergies have their quality of life damaged, quite often seriously. It is important that smoking be banned in enclosed places by March 2006. It is also important to ban smoking in enclosed licensed premises by July 2007. It is vitally important to ban smoking at under-age music events by March 2006, to prohibit buzz marketing by March 2006 and to restrict access to vending machines. It is important to keep smoking away from young people and where possible to stop them from taking it up at an early age and getting addicted. Once you are addicted it takes you years to get out of it. Somebody who thinks it is a good idea and cool to take up smoking when they are 13 or 14 often regrets it 10 or so years later when they are struggling to rid of the addiction and often spending quite a bit of money on remedies, whether they be patches or other treatments.

It is also a good thing that smoking will no longer be permitted at train stations or bus and tram stops. Often these areas get quite crowded, and it is unpleasant when one or more people light up in the midst of a group and everybody is forced into passive smoking. It is only right and proper that people should expect to be able to travel to and from work or leisure without having to inhale cigarette smoke. As I said, it is a habit smokers cannot keep to themselves. If they could, then perhaps we would not have many problems, but wherever they are they share the habit with everybody. This is a particularly important matter for young people.

The sighting of photo IDs will now be the only defence for vendors selling cigarettes. If they happen to sell them to a young person they must sight a photo ID — or ask for it. There is also a provision for agents, in that employers will be responsible for their employees if they happen to sell cigarettes to under-age people. It is important that vending machines be restricted to line of sight as well, so that young people do not get unrestricted access and take up the habit when they should not.

### **Gas: Gippsland supply**

**Mr SMITH (Bass)** — I would like to address my adjournment matter to the Minister for State and Regional Development, who at question time today waxed lyrical, promising gas to towns in South Gippsland. I was thrilled to hear that some of those towns — Wonthaggi, Inverloch and Lang Lang — are in my electorate. I ask the minister to extend the pipeline to other deserving communities as well. We also had to listen to the minister quote from local papers which had been conned by his announcement. But he did not quote from the other local newspaper, the *Phillip Island and San Remo Advertiser*, whose headlines screamed ‘Island and San Remo miss natural gas’. The minister has ignored the island and San Remo and has missed towns like Koo Wee Rup which badly need natural gas connections.

The truth is that the minister is full of gas and not much else. He has been making promises all around the state on this gas issue, but in response to a question from the Honourable Philip Davis in the other place, the Minister for Energy Industries and Resources said that none of the 29 towns that have been promised gas connections has ever been connected. Nothing has actually happened; they have never been connected, which I think is pretty disappointing. There are a lot of promises and not much action at all. The fact is that Minister Theophanous mumbled and fumbled around. In the end talk of these gas connections has only been hot air, just like the Minister for State and Regional Development gave us today.

These most recent announcements are nothing but a cruel hoax on the people of South Gippsland, who have had wind towers forced on them against their wishes and who have been denied the opportunity to have developments in their areas which would have generated economic and employment opportunities in their communities. The minister should remember that rural Victoria deals harshly with governments that promise much but deliver very little.

The government has cost rural Victorians dearly since it has been in power. It promised them the fast rail, and that has never been delivered. It promised them gas, and that has never been delivered. It promised them rail standardisation, and that has never been delivered. But it has delivered some things, including child employment laws that deny farmers the right to have young people working on their farms. The government has discriminated against country taxi users, and it has closed seven harness racing tracks in the bush. Bushfires have broken out in Victoria’s national parks because of neglect, and weeds and feral animals have also been a problem.

I ask the minister for more than just the hollow promises he has given the people of South Gippsland. I ask him to really be fair dinkum and give rural people a go.

### **Agriculture: South American research agreements**

**Mr LANGUILLER (Derrimut)** — My adjournment matter is for the attention of the Minister for Agriculture. I refer the minister to the memorandums of understanding (MOUs) that have been signed by the Victorian Department of Primary Industries and the national institutes of agriculture in Chile, Uruguay and Argentina. The action I am asking the minister to undertake is to implement the MOUs. A framework for collaborative research and development between the DPI and the national institutes of agricultural research in Uruguay, Chile and Argentina has been established in the form of memorandums of understanding. This demonstrates Victoria’s commitment to entrenching itself within Latin America over the long term.

These MOUs were created to enhance agricultural research, development and extension. They have affirmed our desire in Victoria to promote scientific collaboration and the exchange of personnel and knowledge in the fields of agriculture, biological sciences and related technologies. The parties have committed themselves to the development of joint activities which will lead to an expansion of cooperation in those scientific areas.

These memorandums of understanding state that the cooperation will take place through various means including the exchange of materials and information, particularly in relation to pasture, plant breeding and molecular biosciences; the exchange of scientists, researchers and other specialist staff; the exchange of plant germ plasm, seeds and other living material; the

development of joint research programs; and the exchange of results.

There are supplementary benefits to our increasing integration with Latin America which are often overlooked. One benefit is the maintenance of our biosecurity. There are few better ways of ensuring safety than educating others in programs that maximise biosecurity and having clear and open lines of communication for discussion and resolution of these matters. This is one of those core areas where closer ties with Latin America can help our security today and into the future.

The Bracks government has made substantial improvements to regional research facilities, and last year's budget included a program to defend our farms against disease. This means that Victoria will have an increase in animal and plant biosecurity due to the four-year pledge of \$8.4 million to employ more regionally based officers with a focus on plant biosecurity. The memorandum of understanding can only further help Victorians in the fight for biosecurity.

This message was reinforced by the Minister for Agriculture, who recently said:

Defending our farms against the threat of disease and being able to respond quickly to any outbreaks is a key to protecting Victoria's reputation as clean and green.

### **Neighbourhood houses: funding**

**Mr JASPER** (Murray Valley) — I wish to raise for the attention of the Minister for Local Government in another place a matter concerning her responsibility for neighbourhood houses. The neighbourhood house program has been a great success across country Victoria, and indeed across my electorate of Murray Valley. They provide excellent services. They have been operating for over 30 years, providing community interaction, lifelong learning, pathways to education and employment, wellbeing and resilience, and social cohesion.

I can cite many neighbourhood houses across my electorate that have been highly successful. One I wish to highlight operates in Yarrowonga. It has been brought to my attention that it is having difficulties in continuing to provide those services with the level of funding that has been provided by the state government. It needs additional facilities so that it can continue to provide those programs.

The Premier announced on 28 April that \$12.4 million would be allocated to neighbourhood houses over the next four years, but the Association of Neighbourhood

Houses Learning Centres has indicated to me that the funding level is totally inadequate to allow them to continue to provide the range of services the neighbourhood houses undertake and indeed to end those services to meet the growing demand within country communities.

The association put a submission to the government for increased funding to ensure that the services can continue to be supplied within those local communities. It has been brought to my attention that the funding for the provision of these services only goes to 80 per cent of the award rate that houses are required to pay coordinators. The government says it wants to maintain appropriate payment of salaries and wages to people within the community and criticises the changes in industrial relations that are proposed by the federal government, but here the state government is providing funding to these organisations that is not enough to pay the coordinators. The neighbourhood houses are always seeking additional funding.

We have that situation in Yarrowonga. Not only do we have difficulty in continuing to provide the range of services people are looking for, but the facility, which is a former department of housing house which has been successfully extended on a number of occasions, is totally inadequate for the services that are currently being provided.

I am seeking from the minister consideration of additional funding being provided for capital works for neighbourhood houses across Victoria, and particularly in Yarrowonga, and additional funding to provide appropriate services from the neighbourhood houses generally.

### **Bend of Isles: Neil Douglas memorial reserve**

**Ms GREEN** (Yan Yean) — I wish to raise a matter for the Minister for Environment. The action I seek is for the establishment of a reserve in honour of the contribution of Neil Douglas, arguably not just the father but the grandfather of the green wedge. Neil was an unconventional man, an artist, an activist and most importantly a passionate environmentalist. I am very sad that I did not have the privilege of knowing Neil, but I feel, through the stories of those who knew, loved and respected Duggo, that I did. Neil died on 25 October 2003 aged 92. He was a visionary who led others to achieve something unique in Victorian planning and conservation — an area specifically zoned for residential conservation: SUZ2, environmental living, Bend of Isles.

There is an opportunity for the government to retain ownership of a parcel of land at the end of Gongflers Drive. This is currently to be sold by Melbourne Water for residential use, but it would be ideally suited for preservation as the Neil Douglas reserve. Being at the end of the peninsula, it is almost surrounded by the Yarra River and is of high conservation value. Local residents are proud of this zoning and would like to see permanent public recognition of what Neil achieved in the form of a Neil Douglas reserve within the Bend of Isles area.

I want to thank the residents of the Bend of Isles for showing me around and making me understand how special the ecology in this area is. It is their passion and persistence following in the footsteps of Duggo that has led to the soon-to-be established Kinglake Warrandyte nature reserve, which will create a continuous wildlife corridor and habitat link between the Kinglake National Park and the Warrandyte State Park.

Let me quote Mick Woiwod's words on Duggo:

Who among us would have dared appear at the gate of Government House barefoot, all beard and hair and homespun, and hope to get away with it? Who else but Neil would have had the imagination to appear before a government panel to declare, 'I have come here today to speak on behalf of the kangaroos' or refer to the Bend of Isles as 'this the last remaining patch of pre-Captain Cook bush'?

Duggo was born into a world which has long since gone. We all like to see ourselves as good environmentalists, but if we were to be true to ourselves we would have to admit that much of the groundwork had already been done by individuals such as Neil Douglas with the foresight to transform their vision into reality. It is not that Neil could ever be described as true-blue environmentalist — he was not. He was a man of his times with a foot in each of two very different worlds. His first big battle was to save his mother's English cottage garden in Bayswater. He lost that one, but went on to champion the big ones out here in the Bend of Isles.

Neil was no purist — purists do not win the big ones. Instead it always had to be a balancing act about hearts and minds and an awareness that he needed to stand somewhere left of centre to win the bureaucrats over to something as radical as nature conservation in the 1970s. I wholeheartedly support the establishment of a Neil Douglas reserve, and I urge the minister to do all in his power to achieve this.

### Responses

**Mr HAERMEYER** (Minister for Manufacturing and Export) — The member for Bulleen raised a matter

for the Minister for Housing in the other house regarding special needs for housing by a multiple sclerosis sufferer in his electorate, and I will refer that to the relevant minister.

The member for Forest Hill raised a matter for the attention of the Minister for Commonwealth Games in the other house, asking him to ensure that Commonwealth Games volunteers are aware of their entitlements, including free public transport. I will draw that to his attention.

The member for Shepparton raised a matter for the Minister for Planning regarding section 60(1)(b) of the Planning Act relating to an application for a permit by a Club X in Shepparton. I will draw that to the attention of the Minister for Planning.

The member for Seymour raised a matter for the attention of the Minister for Consumer Affairs in the other place relating to a Mr Ruberto and Mr and Mrs Zaicos and others in Hidden Valley regarding complaints about the quality of workmanship of Glenvill Homes. I will refer that to the Minister for Consumer Affairs.

The member for Caulfield raised a matter for the attention of the Minister for Housing in the other house, asking her to address some alleged problems relating to public housing precincts in Coleman Crescent, Reservoir.

The member for Bayswater drew a matter to the attention of the Minister for Health, asking her to make sure the recent extensions to the tobacco bans are implemented on time. I will draw that to the minister's attention.

The member for Bass raised a matter for the attention of the Minister for State and Regional Development. He asked the minister to ensure that the gas pipeline is extended to other deserving communities. In doing so he had a whack at the minister for — —

**Mr McIntosh** interjected.

**Mr HAERMEYER** — I have to say, Acting Speaker, that the member for Bass rushes out and takes credit for anything the government does in his electorate but then goes on to criticise it; for him, the glass is always half empty. If he wants the minister to do something, one way to go about it is to congratulate the minister for what he has done and then maybe lead a deputation to him, rather than trying to beat him around the head with a baseball bat. I will certainly draw that matter to the attention of the Minister for State and Regional Development, who I am sure has a

great deal more respect for the constituents of the member for Bass than he has for the member for Bass.

The member for Derrimut raised a matter for the attention of the Minister for Agriculture and asked him to implement the memorandum of understanding that was signed with Uruguay, Argentina and Chile regarding some collaborative research on a number of agricultural projects. I will draw that to the attention of the Minister for Agriculture.

The member for Murray Valley raised a matter for the attention of the Minister for Local Government in the other house seeking funding for neighbourhood houses to ensure they are able to cover the full payment to their coordinators. I will draw that to the attention of the Minister for Local Government.

The member for Yan Yean raised a matter for the Minister for Environment. As the former member for the seat she now holds, I join her in recognising the contribution of Neil Douglas, who was very much the father of the green wedge. I have to say that the Bend of Isles community has people who do not just talk green — they walk the talk; they are people who really believe it and live it, and I think they are a model of a truly sustainable environmental community. Neil Douglas deserves a lot of credit for the role he played in that particular community. The member has called for an area of land there to be preserved as a reservation named in honour of Neil Douglas. I will certainly draw that to the attention of the Minister for Environment.

**The ACTING SPEAKER (Ms Barker)** — Order!  
The house is now adjourned.

**House adjourned 4.57 p.m.**



**QUESTIONS ON NOTICE**

*Answers to the following questions on notice were circulated on the date shown.  
Questions have been incorporated from the notice paper of the Legislative Assembly.  
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.  
The portfolio of the minister answering the question on notice starts each heading.*

**Tuesday, 9 August 2005**

**Agriculture: Melbourne Showgrounds redevelopment project**

- 535.** Ms ASHER to ask the Minister for Agriculture in relation to the Melbourne Showgrounds redevelopment project —
- (1) On what date was Mr Neil O’Keefe appointed as Chair of the Joint Venture for the Showgrounds redevelopment project.
  - (2) On what date was the actual decision made to short-list the three bidders, Westpac/Baulderstone Hornibrook, Eco-vida and PPP Solutions, for the Showgrounds redevelopment project.
  - (3) What were the names of the people who took the decision to put Westpac/Baulderstone Hornibrook, Eco-vida and PPP Solutions on the short list.
  - (4) On what date did Mr Neil O’Keefe advise that he had a conflict of interest.
  - (5) On what date was the Minister advised that Mr Neil O’Keefe had a conflict of interest.
  - (6) Did Mr Neil O’Keefe advise the Minister that he had a conflict of interest.
  - (7) On what date was the probity auditor appointed.
  - (8) On what date was the probity auditor advised that Mr Neil O’Keefe had a conflict of interest.
  - (9) If the Minister was advised that Mr Neil O’Keefe had a conflict of interest, what did the Minister do to protect the integrity of the tender process.
  - (10) If Mr Neil O’Keefe resigned in May 2004, why was a public announcement delayed until August 2004.
  - (11) On what date was the Minister advised that the Westpac/Baulderstone Hornibrook bid had been renamed Showcase Victoria.
  - (12) Were there any variations in the number and name of the companies involved in the Westpac/Baulderstone Hornibrook bid and the Showcase Victoria bid; if yes, what were the variations.
  - (13) On what date was the decision made to remove the Showcase Victoria bid from the short list.
  - (14) What were the names of the people who took the decision to remove the Showcase Victoria bid from the short list.
  - (15) Why was the Showcase Victoria bid dropped from the short list.
  - (16) What remuneration did Mr Neil O’Keefe receive while Chair of the Joint Venture for the Showgrounds redevelopment project.

- (17) Did Mr Neil O’Keefe receive any remuneration after he advised the Government of his resignation as Chair of the Joint Venture for the Showgrounds redevelopment project; if yes, what was the amount.
- (18) On what date was the probity auditor advised that Mr Terence Cuddy was involved in the Westpac/Baulderstone Hornibrook bid and was also a Director of RIP3e, a company of which Mr Neil O’Keefe was also Director.
- (19) Did the probity auditor give any advice regarding the promotion of the Westpac/Baulderstone Hornibrook bid by Mr Neil O’Keefe in the article featured in *The Sunday Age* dated 1 February 2004.
- (20) On what date was the Government advised that Mr Terence Cuddy was involved in the Westpac/Baulderstone Hornibrook bid and was also a Director of RIP3e, a company of which Mr Neil O’Keefe was also a Director.
- (21) Did the Government at any time approve Westpac/Baulderstone Hornibrook’s use of Mr Terence Cuddy in their bid.

**ANSWER:**

I am informed that:

The former Chairman of the Joint Venture for the Showgrounds Redevelopment Project, Mr Neil O’Keefe, was appointed chair in May 2003 and resigned in May 2004.

The probity auditor on the project, following a request for guidance from Mr O’Keefe on matters relating to his own business and personal interests, advised Mr O’Keefe that no conflict of interest was identified.

All other matters have been addressed in an answer to the Honourable Graeme Stoney in question 3796 tabled in the Legislative Council on 16 December 2004. [*Hansard reference: Legislative Council, vol. 464, 16 December 2004, page 2631*]

**Treasurer: Shannon’s Way Pty Ltd**

**596(ah).** Ms ASHER to ask the Treasurer with reference to Shannon’s Way Pty Ltd —

- (1) What payments have been made to the company by the Minister’s department or private office or any agency or statutory body under the Minister’s administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

**ANSWER:**

I am informed that:

There were no payments in the time period specified.

**Information and communication technology: Shannon’s Way Pty Ltd**

**596(aj).** Ms ASHER to ask the Treasurer for the Minister for Information and Communication Technology with reference to Shannon’s Way Pty Ltd —

- (1) What payments have been made to the company by the Minister’s department or private office or any agency or statutory body under the Minister’s administration since 28 October 2003.

- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

**ANSWER:**

As at the date the question was raised, the answer is:

This question has previously been asked by a Member for Central Highlands in the Upper House (Question 4417) and has already been answered. [*Hansard reference: Legislative Council, vol. 465, 22 March 2005, page 338*]

**Finance: Social Shift Pty Ltd**

**597(ai).** Ms ASHER to ask the Treasurer for the Minister for Finance with reference to Social Shift Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

**ANSWER:**

I am informed that:

There have been no payments in the time period specified.

**Corrections: court prisoners**

**640.** Mr THOMPSON to ask the Minister for Corrections — how many prisoners have escaped from court lock-ups or while in transit to court lock-ups in Victoria over the past five years.

**ANSWER:**

I am advised that:

Corrections Victoria is responsible for the custody of prisoners held in lock-ups at the Melbourne Supreme Court, the Melbourne County Court, the Geelong Supreme Court and the Geelong County Court.

For the period 1 January 2000 to 23 March 2005, there is no record of any prisoner escaping from Corrections Victoria's custody while held in, or under escort to or from, these court lock-ups.

Victoria Police is responsible for the custody of prisoners held in lock-ups at police stations and other court houses located in Victoria. Information relating to escapes by prisoners while held in police custody is kept and maintained by Victoria Police.

**Innovation: departmental staff**

**667.** Mr KOTSIRAS to ask the Minister for Innovation — how many full-time equivalent staff, part-time staff and casual staff are employed in the Department of Innovation, Industry and Regional Development as at 3 May 2005.

**ANSWER:**

As at 3 May 2005 687.16 full-time equivalent (FTE) staff were employed by the Department of Innovation, Industry and Regional Development. This total included (in FTE's):

Full-time staff	657
Part-time staff	30.16 (47 Staff)
Total FTE	687.16

In addition to the above total, the Department employed 3 casual staff as at 3 May 2005.

**Innovation: advertising campaigns**

**668.** Mr KOTSIRAS to ask the Minister for Innovation with reference to the Minister's department and each agency and authority within the Minister's administration — what are the details of all advertising campaigns since 2 March 2004, including —

- (1) What was the purpose of each campaign.
- (2) What were the total costs of each campaign.

**ANSWER:**

I am informed as follows:

A detailed response to this question would be too voluminous and an unnecessary diversion of the Department's resources.

**Housing: public housing — Kensington**

**696.** Mrs SHARDEY to ask the Minister for Health for the Minister for Housing with reference to the proposed redevelopment of the public housing estate at Kensington Estate —

- (1) What is the time line.
- (2) Has a developer been selected; if so, who.
- (3) Has the Government received a planning permit; if so, when.
- (4) If a planning permit has not been received, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget over the life of the project.
- (6) How much was budgeted in 2003–04.
- (7) How much has been spent so far.
- (8) What is the expected completion date.
- (9) Broken down by the number of bedrooms how many units will be available for —
  - (a) public housing;
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) Construction of the new public and private housing which began in March 2003 is to be spread over several stages with final completion scheduled for 2008.
- (2) The Becton Group has been selected as the developer for this project.
- (3) A planning permit for the redevelopment was issued in 1999.
- (4) A planning permit has been received.
- (5) The estimated budget for the public housing component of the project is \$39.8 million.
- (6) A budget allowance of \$10.96m was made in the 2003–04 budget.
- (7) As at the end of April 2005, \$24.3 million has been spent on the redevelopment.
- (8) The redevelopment is expected to be completed in 2008.
- (9) (a) It is anticipated that the completed redevelopment will provide a total of 436 new and upgraded public housing units. These will comprise 226 bedsit and one bedroom units, 143 two bedroom, 62 three bedroom and 5 four bedroom units.
- (b) Up to 455 new private dwellings will be provided as part of this redevelopment. A breakdown by bedroom numbers for the private dwellings is not available.

**Health: public housing — Shepparton**

**700.** Mrs SHARDEY to ask the Minister for Health for the Minister for Housing with reference to the proposed redevelopment of the public housing estate at Parkside Estate —

- (1) What is the time line.
- (2) Has the Government received a planning permit; if so, when.
- (3) If a planning permit has not been received, has an application been lodged with the relevant Council; if so, when.
- (4) What is the budget over the life of the project.
- (5) How much was budgeted in 2003–04.
- (6) How much has been spent so far.
- (7) What is the expected completion date.
- (8) Broken down by the number of bedrooms how many units will be available for —
  - (a) public housing;
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) With Shepparton being confirmed as a Neighbourhood Renewal area in mid 2002, an overall master plan was prepared in liaison with VicUrban, the Council and the community for a land sale and VicUrban controlled private unit development.
- (2) An overall planning permit has not been received.
- (3) A planning application was lodged by VicUrban in October 2003.
- (4) In May 2003, an estimated budget allowance of \$13 million was announced for the Parkside redevelopment component. In addition, a budget of \$7.5m for upgrade works related to the Neighbourhood Renewal project has been allocated, including the forward estimate period.
- (5) \$1.78m was allocated for this project in the 2003–04 financial year budget comprising \$1.354m for the Parkside redevelopment component and \$435,000 for the Neighbourhood Renewal component.
- (6) As at the end of April 2005, a total of \$3.08m had been spent on the Parkside redevelopment project and \$3.77m on Neighbourhood Renewal activities.
- (7) Completion dates for the VicUrban project are subject to the final master plan and receipt of planning approvals from Council. In addition, the Office of Housing plans to replace demolished units with 84 new public housing dwellings in Greater Shepparton over the next four years.
- (8) The total number of people the redevelopment will house is subject to the final master plan and receipt of planning approvals from Council.

The 84 replacement public housing units planned for Greater Shepparton is expected to comprise a mixture of one, two, three and four bedroom units.

### **Housing: public housing — Carlton**

**701.** **Mrs SHARDEY** to ask the Minister for Health for the Minister for Housing with reference to the proposed redevelopment of the public housing estate at Rathdowne Street —

- (1) What is the time line.
- (2) Has a developer been selected; if so, who.
- (3) Has the Government received a planning permit; if so, when.
- (4) If a planning permit has not been received, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget over the life of the project.
- (6) How much was budgeted in 2003–04.
- (7) How much has been spent so far.
- (8) What is the expected completion date.
- (9) Broken down by the number of bedrooms how many units will be available for —
  - (a) public housing;
  - (b) private housing.

**ANSWER:**

I am informed that

- (1) Master planning is underway. It is anticipated that the project may take approximately seven years subject to community consultation and statutory approval processes.
- (2) A developer has not been selected for the project.
- (3) A planning permit has not been received at this time.
- (4) A planning permit application has not been lodged.
- (5) A budget for the life of the project will be confirmed in the course of the preparation of the business case.
- (6) An allocation of \$500,000 was made for this redevelopment project in the 2003–04 budget.
- (7) At the end of April 2005, a total of \$603,000 had been spent on this project.
- (8) A completion date has not yet been set for the project.
- (9) The mix of private and public units and the appropriate bedroom sizes will be determined in the course of the planning and development approval process.

**Housing: public housing — Windsor**

**702.** Mrs SHARDEY to ask the Minister for Health for the Minister for Housing with reference to the proposed redevelopment of the public housing estate at Raleigh Street —

- (1) What is the time line.
- (2) Has a developer been selected; if so, who.
- (3) Has the Government received a planning permit; if so, when.
- (4) If a planning permit has not been received, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget over the life of the project.
- (6) How much was budgeted in 2003–04.
- (7) How much has been spent so far.
- (8) What is the expected completion date.
- (9) Broken down by the number of bedrooms how many units will be available for —
  - (a) public housing;
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) A construction contract for the redevelopment was let in November 2004.
- (2) The contract was awarded to Hansen Yuncken Pty Ltd.
- (3) A planning permit for the redevelopment was issued in June 2003.

- (4) A planning permit has been received.
- (5) The budget for this project is estimated at \$31.2 million.
- (6) An amount of \$2.3 million was allocated for this project in the 2003–04 budget.
- (7) As at the end of April 2005, a total of \$5.2 million had been spent on this project.
- (8) The project is expected to be completed by February 2007.
- (9) (a) 96 units will be available for public housing comprising 40 two bedroom and 50 one bedroom units.
- (b) There is no private housing associated with this project.

**Housing: public housing — Seymour**

**705.** Mrs SHARDEY to ask the Minister for Health for the Minister for Housing with reference to the proposed neighbourhood renewal project at the public housing estate at Anzac Avenue —

- (1) What is the time line.
- (2) Has a developer been selected; if so, who.
- (3) Has the Government received a planning permit; if so, when.
- (4) If a planning permit has not been received, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget over the life of the project.
- (6) How much was budgeted in 2003–04.
- (7) How much has been spent so far.
- (8) What is the expected completion date.
- (9) Broken down by the number of bedrooms how many units will be available for —
  - (a) public housing;
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) There is no proposal for a new neighbourhood renewal project. There is an existing Neighbourhood Renewal project which commenced in 2002. The housing and physical improvement works associated with the Neighbourhood Renewal program were anticipated to take approximately five years. A three year extension was announced as part of the social policy action plan *A Fairer Victoria*.
- (2) Not applicable.
- (3) Not applicable.
- (4) Not applicable.
- (5) Within the forward estimate period, the total budget is estimated at \$8.6 million. As the works and activities to be undertaken in the three year extension period are in planning, a budget for the total extended project has not yet been defined.

- (6) (a) \$1.02 million was allocated for housing and improvement works for the 2003–04 financial year.
- (b) \$0.25 million was allocated for all other elements of the Neighbourhood Renewal project in Seymour for 2003–04 financial year.
- (c) \$1.27 million was allocated in total for the Seymour Neighbourhood Renewal project for 2003–04.
- (7) As at the end of April 2005, a total of \$3.74 million had been spent on this Neighbourhood Renewal project.
- (8) Allowing for the three year extension, the Seymour Neighbourhood Renewal project is now scheduled for completion at the end of the 2009–10 financial year.
- (9) Not applicable.

**Housing: public housing — Traralgon East**

**708.** Mrs SHARDEY to ask the Minister for Health for the Minister for Housing with reference to the proposed neighbourhood renewal project at the public housing estate at Traralgon East —

- (1) What is the time line.
- (2) Has a developer been selected; if so, who.
- (3) Has the Government received a planning permit; if so, when.
- (4) If a planning permit has not been received, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget over the life of the project.
- (6) How much was budgeted in 2003–04.
- (7) How much has been spent so far.
- (8) What is the expected completion date.
- (9) Broken down by the number of bedrooms how many units will be available for —
  - (a) public housing;
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) There is no proposal for a new neighbourhood renewal project. There is an existing Neighbourhood Renewal project at Traralgon East, together with projects at Morwell East, Moe East and Churchill, which is part of the Latrobe Valley Neighbourhood Renewal, an initiative of the Latrobe Valley Ministerial Taskforce. The Traralgon East renewal project commenced in 2002 and has been funded to June 2005. As part of the social policy action plan *A Fairer Victoria*, a three year extension was announced in May 2005.
- (2) Not applicable.
- (3) Not applicable.
- (4) Not applicable.

- (5) The total budget for the whole Latrobe Valley project is \$18.6 million. Separate budgets for the four areas within the Latrobe Valley project have not been defined. As the works and activities to be undertaken in the three year extension period are in planning, a budget for the total extended project has not been determined.
- (6)
  - (a) \$3.96 million was allocated for housing and improvement works for the 2003–04 financial year for the overall Latrobe Valley project.
  - (b) \$0.57 million was allocated for all other elements of the Neighbourhood Renewal project for 2003–04 financial year.
  - (c) \$4.5 million was allocated in total for the Neighbourhood Renewal project in the Latrobe Valley for 2003–04.
- (7) As at the end of April 2005, a total of \$17.2 million had been spent on the Latrobe Valley Neighbourhood Renewal project as a whole.
- (8) The Traralgon East Neighbourhood Renewal project is scheduled for completion at the end of the 2007–08 financial year.
- (9) Not applicable.

**Housing: public housing — Moe East**

**710.** Mrs SHARDEY to ask the Minister for Health for the Minister for Housing with reference to the proposed neighbourhood renewal project at the public housing estate at Moe East —

- (1) What is the time line.
- (2) Has a developer been selected; if so, who.
- (3) Has the Government received a planning permit; if so, when.
- (4) If a planning permit has not been received, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget over the life of the project.
- (6) How much was budgeted in 2003–04.
- (7) How much has been spent so far.
- (8) What is the expected completion date.
- (9) Broken down by the number of bedrooms how many units will be available for —
  - (a) public housing;
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) There is no proposal for a new neighbourhood renewal project. There is an existing Neighbourhood Renewal project at Moe East, together with projects at Traralgon East, Morwell East and Churchill, which is part of the Latrobe Valley Neighbourhood Renewal, an initiative of the Latrobe Valley Ministerial Taskforce. The Moe East renewal project commenced in 2002 and has been funded to June 2005. As part of the social policy action plan *A Fairer Victoria*, a three year extension was announced in May 2005.

- 
- (2) Not applicable.
  - (3) Not applicable.
  - (4) Not applicable.
  - (5) The total budget for the whole Latrobe Valley project is \$18.6 million. Separate budgets for the four areas within the Latrobe Valley project have not been defined. Further, as the works and activities to be undertaken in the three year extension period are in planning, a budget for the total extended project has not been determined.
  - (6)
    - (a) \$3.96 million was allocated for housing and improvement works for the 2003–04 financial year for the overall Latrobe Valley project.
    - (b) \$0.57 million was allocated for all other elements of the Neighbourhood Renewal project for 2003–04 financial year.
    - (c) \$4.5 million was allocated in total for the Neighbourhood Renewal project in the Latrobe Valley for 2003–04.
  - (7) As at the end of April 2005, a total of \$17.2 million had been spent on the Latrobe Valley Neighbourhood Renewal project as a whole.
  - (8) The Moe East Neighbourhood Renewal project is scheduled for completion at the end of the 2007–08 financial year.
  - (9) Not applicable.



**QUESTIONS ON NOTICE**

*Answers to the following questions on notice were circulated on the date shown.  
Questions have been incorporated from the notice paper of the Legislative Assembly.  
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.  
The portfolio of the minister answering the question on notice starts each heading.*

**Wednesday, 10 August 2005**

**Finance: Shannon's Way Pty Ltd**

**596(ai).** Ms ASHER to ask the Treasurer for the Minister for Finance with reference to Shannon's Way Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

**ANSWER:**

I am informed that:

There have been no payments in the time period specified.

**Housing: public housing — Ashburton**

**695.** Mrs SHARDEY to ask the Minister for Health for the Minister for Housing with reference to the proposed redevelopment of the public housing estate at Victory Boulevard —

- (1) What is the time line.
- (2) Has a developer been selected; if so, who.
- (3) Has the Government received a planning permit; if so, when.
- (4) If a planning permit has not been received, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget over the life of the project.
- (6) How much was budgeted in 2003–04.
- (7) How much has been spent so far.
- (8) What is the expected completion date.
- (9) Broken down by the number of bedrooms how many units will be available for —
  - (a) public housing;
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) The construction of public housing began in November 2002 and was completed in June 2004.
- (2) Loriana Homes (Vic) Pty Ltd was engaged for the construction of the public housing.
- (3) The planning permit for the public housing was issued in June 2002.
- (4) Not applicable.
- (5) The original budget for this redevelopment was \$5.65m. This was subsequently revised to \$5.85m to accommodate an increase in units and to deal with unforeseen site conditions.
- (6) An amount of \$3.28 million was allocated for this development in the 2003–04 budget.
- (7) The total project expenditure was \$6.1m.
- (8) Construction of the public housing was completed on 29 June 2004.
- (9) The completed redevelopment comprises:
  - a. 37 two-bedroom older persons dwellings for public rental.
  - b. The sale of the remaining land will provide 10 private sector dwellings.

**Housing: public housing — Maidstone/Braybrook**

**698.** Mrs SHARDEY to ask the Minister for Health for the Minister for Housing with reference to the proposed redevelopment of the public housing estate at Maidstone/Braybrook —

- (1) What is the time line.
- (2) Has a developer been selected; if so, who.
- (3) Has the Government received a planning permit; if so, when.
- (4) If a planning permit has not been received, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget over the life of the project.
- (6) How much was budgeted in 2003–04.
- (7) How much has been spent so far.
- (8) What is the expected completion date.
- (9) Broken down by the number of bedrooms how many units will be available for —
  - (a) public housing;
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) The Office of Housing (OOH) has been undertaking redevelopment activities in the area over the last 9 years based on a Master Plan agreed with the City of Maribyrnong in 1995. It is anticipated that redevelopment within the Master Plan area will continue over the four year forward estimates period.

- (2) No single overall developer has been selected for this redevelopment. Many building contractors have been engaged for separate contracts throughout the area.
- (3) Planning permits have progressively been issued on numerous multi-unit developments in the area since 1995.
- (4) Town planning applications are lodged progressively as OoH properties become available for redevelopment.
- (5) Budget for the redevelopment works is determined annually, subject to the availability of sites. Inclusive of the forward estimate period, the total budget estimate is \$57.5 million.
- (6) Funding of \$4.36m was allowed in the 2003–04 budget.
- (7) Approximately \$46m has been spent on this project since 1997.
- (8) The redevelopment is expected to continue over the next four years.
- (9) As at April 2005, 530 new public housing units of various types have been constructed as part of this redevelopment.

**Housing: public housing — Norlane and Corio**

**706.** Mrs SHARDEY to ask the Minister for Health for the Minister for Housing with reference to the proposed neighbourhood renewal project at the public housing estate at Norlane and Corio —

- (1) What is the time line.
- (2) Has a developer been selected; if so, who.
- (3) Has the Government received a planning permit; if so, when.
- (4) If a planning permit has not been received, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget over the life of the project.
- (6) How much was budgeted in 2003–04.
- (7) How much has been spent so far.
- (8) What is the expected completion date.
- (9) Broken down by the number of bedrooms how many units will be available for —
  - (a) public housing;
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) There is no proposal for a new neighbourhood renewal project. There is an existing Neighbourhood Renewal project at Norlane and Corio which commenced in 2002. The housing and physical improvement works associated with the Neighbourhood Renewal program were anticipated to take approximately five years. A three year extension was announced as part of the social policy action plan *A Fairer Victoria*.
- (2) Not applicable.
- (3) Not applicable.

- (4) Not applicable.
- (5) The total budget based on the initial five year program is estimated at \$20.7 million. As the works and activities to be undertaken in the three year extension period are in planning, a budget for the total extended project has not yet been defined.
- (6)
  - (a) \$6.2 million was allocated for housing and improvement works for 2003–04 financial year.
  - (b) \$0.266 million was allocated for all other elements of the Neighbourhood Renewal project in Norlane and Corio for 2003–04 financial year.
  - (c) \$6.47 million was allocated in total for the Norlane and Corio Neighbourhood Renewal project for 2003–04.
- (7) As at the end of April 2005, a total of \$15.2 million had been spent on this Neighbourhood Renewal project.
- (8) Allowing for the three year extension, the Norlane and Corio Neighbourhood Renewal project is now scheduled for completion at the end of the 2008–09 financial year.
- (9) Not applicable.

**Housing: public housing — Morwell East**

**709.** Mrs SHARDEY to ask the Minister for Health for the Minister for Housing with reference to the proposed neighbourhood renewal project at the public housing estate at Morwell East —

- (1) What is the time line.
- (2) Has a developer been selected; if so, who.
- (3) Has the Government received a planning permit; if so, when.
- (4) If a planning permit has not been received, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget over the life of the project.
- (6) How much was budgeted in 2003–04.
- (7) How much has been spent so far.
- (8) What is the expected completion date.
- (9) Broken down by the number of bedrooms how many units will be available for —
  - (a) public housing;
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) There is no proposal for a new neighbourhood renewal project. There is an existing Neighbourhood Renewal project at Morwell East, together with projects at Traralgon East, Moe East and Churchill, which is part of the Latrobe Valley Neighbourhood Renewal, an initiative of the Latrobe Valley Ministerial Taskforce. The Morwell East renewal project commenced in 2002 and has been funded to June 2005. As part of the social policy action plan *A Fairer Victoria*, a three year extension was announced in May 2005.

- (2) Not applicable.
- (3) Not applicable.
- (4) Not applicable.
- (5) The total budget for the whole Latrobe Valley project is \$18.6 million. Separate budgets for the four areas within the Latrobe Valley project have not been defined. Further, as the works and activities to be undertaken in the three year extension period are in planning, a budget for the total extended project has not been determined.
- (6)
  - (a) \$3.96 million was allocated for housing and improvement works for the 2003–04 financial year for the overall Latrobe Valley project.
  - (b) \$0.57 million was allocated for all other elements of the Neighbourhood Renewal project for 2003–04 financial year.
  - (c) \$4.5 million was allocated in total for the Neighbourhood Renewal project in the Latrobe Valley for 2003–04.
- (7) As at the end of April 2005, a total of \$17.2 million had been spent on the Latrobe Valley Neighbourhood Renewal project as a whole.
- (8) The Morwell East Neighbourhood Renewal project is scheduled for completion at the end of the 2007–08 financial year.
- (9) Not applicable.

**Housing: public housing — Fitzroy**

**712.** Mrs SHARDEY to ask the Minister for Health for the Minister for Housing with reference to the proposed neighbourhood renewal project at the public housing estate at Atherton Gardens —

- (1) What is the time line.
- (2) Has a developer been selected; if so, who.
- (3) Has the Government received a planning permit; if so, when.
- (4) If a planning permit has not been received, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget over the life of the project.
- (6) How much was budgeted in 2003–04.
- (7) How much has been spent so far.
- (8) What is the expected completion date.
- (9) Broken down by the number of bedrooms how many units will be available for —
  - (a) public housing;
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) There is no proposal for a new neighbourhood renewal project. There is an existing Neighbourhood Renewal project at Fitzroy that started in 2002. The housing and physical improvement works associated with the Neighbourhood Renewal program were anticipated to take approximately five years. A three year extension was announced as part of the social policy action plan *A Fairer Victoria*.
- (2) Not applicable.
- (3) Not applicable.
- (4) Not applicable.
- (5) An overall budget covering both physical improvements and other community building activities is estimated to be \$70 million.
- (6)
  - (a) \$8 million was allocated for housing and improvement works for 2003–04 financial year.
  - (b) \$201,500 was allocated for all other elements of the Neighbourhood Renewal project in Fitzroy for 2003–04 financial year.
  - (c) \$8.2 million was allocated in total for the Fitzroy Neighbourhood Renewal project for 2003–04.
- (7)
  - (a) \$19.744 million has been spent to date for housing and improvement works at Fitzroy as part of the Neighbourhood Renewal project.
  - (b) \$252,000 has been spent on all other elements of the Neighbourhood Renewal project to date.
  - (c) In total, \$20 million has been spent to date for the Fitzroy Neighbourhood Renewal project.
- (8) Allowing for the three year extension, the Fitzroy Neighbourhood Renewal project is now scheduled for completion at the end of the 2009–10 financial year.
- (9) Not applicable.