PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Thursday, 27 October 2005

(extract from Book 7)

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By authority of the Victorian Government Printer

The Governor

JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

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Deputy Premier, Minister for Environment, Minister for Water and Minister for Victorian Communities	The Hon. J. W. Thwaites, MP
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Minister for Police and Emergency Services and Minister for Corrections	The Hon. T. J. Holding, MP
Attorney-General, Minister for Industrial Relations and Minister for Planning	The Hon. R. J. Hulls, MP
Minister for Aged Care and Minister for Aboriginal Affairs	The Hon. Gavin Jennings, MLC
Minister for Education and Training	The Hon. L. J. Kosky, MP
Minister for Sport and Recreation and Minister for Commonwealth Games	The Hon. J. M. Madden, MLC
Minister for Gaming, Minister for Racing, Minister for Tourism and Minister assisting the Premier on Multicultural Affairs	The Hon. J. Pandazopoulos, MP
Minister for Health	The Hon. B. J. Pike, MP
Minister for Energy Industries and Minister for Resources	The Hon. T. C. Theophanous, MLC
Minister for Consumer Affairs and Minister for Information and Communication Technology	The Hon. M. R. Thomson, MLC
Cabinet Secretary	Mr R. W. Wynne, MP

Legislative Assembly committees

Privileges Committee — Mr Cooper, Mr Herbert, Mr Honeywood, Ms Lindell, Mr Lupton, Mr Maughan, Mr Nardella, Mr Perton and Mr Stensholt.

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

Joint committees

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

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

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

Environment and Natural Resources Committee — (*Assembly*): Ms Duncan, Ms Lindell and Mr Seitz. (*Council*): The Honourables Andrea Coote, D. K. Drum, J. G. Hilton and W. A. Lovell.

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

House Committee — (*Assembly*): The Speaker (*ex officio*), Mr Cooper, Mr Leighton, Mr Lockwood, Mr Maughan and Mr Smith. (*Council*): The President (*ex officio*), the Honourables B. N. Atkinson and Andrew Brideson, Ms Hadden and the Honourables J. M. McQuilten and S. M. Nguyen.

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

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

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

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

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

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

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

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JUDY MADDIGAN

Deputy Speaker: Mr P. J. LONEY

Acting Speakers: Ms Barker, Ms Campbell, Mr Cooper, Mr Delahunty, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Lindell, Mr Nardella, Mr Plowman, Mr Savage, Mr Seitz, Mr Smith and Mr Thompson

Leader of the Parliamentary Labor Party and Premier:
The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
Mr R. K. B. DOYLE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
The Hon. P. N. HONEYWOOD

Leader of The Nationals:
Mr P. J. RYAN

Deputy Leader of The Nationals:
Mr P. L. WALSH

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Languiller, Mr Telmo Ramon	Derrimut	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Leighton, Mr Michael Andrew	Preston	ALP
Asher, Ms Louise	Brighton	LP	Lim, Mr Hong	Clayton	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Barker, Ms Ann Patricia	Oakleigh	ALP	Lobato, Ms Tamara Louise	Gembrook	ALP
Batchelor, Mr Peter	Thomastown	ALP	Lockwood, Mr Peter John	Bayswater	ALP
Beard, Ms Dympna Anne	Kilsyth	ALP	Loney, Mr Peter James	Lara	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Lupton, Mr Anthony Gerard	Prahran	ALP
Bracks, Mr Stephen Phillip	Williamstown	ALP	McIntosh, Mr Andrew John	Kew	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McTaggart, Ms Heather	Evelyn	ALP
Buchanan, Ms Rosalyn	Hastings	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maughan, Mr Noel John	Rodney	Nats
Carli, Mr Carlo	Brunswick	ALP	Maxfield, Mr Ian John	Narracan	ALP
Clark, Mr Robert William	Box Hill	LP	Merlino, Mr James	Monbulk	ALP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Delahunty, Mr Hugh Francis	Lowan	Nats	Munt, Ms Janice Ruth	Mordialloc	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Dixon, Mr Martin Francis	Nepean	LP	Nardella, Mr Donato Antonio	Melton	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Doyle, Mr Robert Keith Bennett	Malvern	LP	Overington, Ms Karen Marie	Ballarat West	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Pandazopoulos, Mr John	Dandenong	ALP
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Garbutt, Ms Sherryl Maree	Bundoora	ALP	Perton, Mr Victor John	Doncaster	LP
Gillett, Ms Mary Jane	Tarneit	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Plowman, Mr Antony Fulton	Benambra	LP
Haermeyer, Mr André	Kororoit	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Hardman, Mr Benedict Paul	Seymour	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Harkness, Dr Alistair Ross	Frankston	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Helper, Mr Jochen	Ripon	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Herbert, Mr Steven Ralph	Eltham	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Lyndhurst	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Kenneth Maurice	Bass	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Sykes, Dr William Everett	Benalla	Nats
Hulls, Mr Rob Justin	Niddrie	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Ingram, Mr Craig	Gippsland East	Ind	Thwaites, Mr Johnstone William	Albert Park	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Trezise, Mr Ian Douglas	Geelong	ALP
Jenkins, Mr Brendan James	Morwell	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wilson, Mr Dale Lester	Narre Warren South	ALP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wynne, Mr Richard William	Richmond	ALP

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THURSDAY, 27 OCTOBER 2005

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Thursday, 27 October 2005

The SPEAKER (Hon. Judy Maddigan) took the chair at 9:33 a.m. and read the prayer.

RULING BY THE CHAIR

Treasurer: comments

The SPEAKER — Order! I wish to make a ruling in relation to a point of order raised with me by the member for Box Hill yesterday afternoon. The member for Box Hill asked me to investigate whether the Treasurer may have misled the house when referring to a chart he made available to the house during question time. I have examined the *Hansard* record and it appears the Treasurer did not make a direct reference to the chart during his answer, and therefore I do not uphold the point of order.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 1 to 115, 234 to 235 and 378 to 380 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing by 6.00 p.m. 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, urge the government to provide additional funding for chaplaincy services in Victorian government schools.

The petition of citizens of Victoria [is] concerned to ensure the continuation of religious instruction in Victorian government schools, and to provide additional funding for school chaplains.

By Mr LOCKWOOD (Bayswater) (28 signatures)
Mr HUDSON (Bentleigh) (171 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 Dr SYKES (Benalla) (143 signatures)

Gas: Lakes Entrance supply

To the Legislative Assembly of Victoria:

The petition of Lakes Entrance, East Gippsland, Victoria, draws to the attention of the house that the citizens and ratepayers of the Shire of East Gippsland and more particularly the township of Lakes Entrance are to be denied access and supply to natural gas even though a pipeline exists adjacent to the township.

The petitioners therefore request that the Legislative Assembly of Victoria acts in support of the provision and reticulation of said natural gas to be connected to the town in early course.

The following petitioners append their name, address and signatures in support of this petition.

By Mr RYAN (Gippsland South) (543 signatures)

Preschools: accessibility

To the Legislative Assembly of Victoria:

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

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

By Mr SAVAGE (Mildura) (10 signatures)

Mornington Peninsula Freeway: noise barriers

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house that the sound levels of the Mornington Peninsula Freeway have been measured as above acceptable levels and as such adversely affect residents' enjoyment of their properties.

The petitioners therefore request that the Legislative Assembly of Victoria instruct VicRoads to build noise attenuation barriers along the Mornington Peninsula Freeway.

By Mr DIXON (Nepean) (298 signatures)

Planning: Diamond Creek and Yarrambat land

Petition to Legislative Assembly:

The petition of citizens of the state of Victoria draws to the urgent attention of the house that past and current planning and associated urban standard reticulated infrastructure anomalies, irregularities and inequities of land of Ironbark Road, Diamond Creek, and Ironbark Road, Yarrambat, and Pioneer Road, Yarrambat (and Diamond Creek), that needs equitable and fair correction that is possible with inclusion in amended Melbourne 2030 urban growth boundary. it is understood this area was included in the metropolis according to the 1961 Town and Country Planning Act and metropolis for drainage, sewerage and water.

The petitioners thereby request that the Legislative Assembly of Victoria urge the planning minister, the Honourable Mr Hulls, and the Victorian state government to include in the amended new urban growth boundary of Nillumbik shire section the following areas in their view.

(1) All of the Ironbark Road, Diamond Creek, acreage properties equitably with all the other lands of Diamond Creek to enable equal consideration and inclusion in all new Diamond Creek township and its associated Diamond Creek activity centre strategies including Diamond Creek 2020 strategy.

Any new lines or circles may divide the community and may inequitably/unfairly omit those residents who had and should still have distinctive reticulated urban services.

(2) All of the Ironbark Road and Pioneer Road, Yarrambat, acreage equitably with all the other lands of Yarrambat township to enable equal consideration and inclusion in all new Yarrambat township and its associated new Yarrambat strategies including extensions to the low-density rural residential areas of Yarrambat.

Any new lines or circles may divide the community and may inequitably/unfairly omit those residents who had and should still have distinctive reticulated urban services.

Any green wedge or new community aspirations can be recognised and protected as part of any subdivision and/or overall development plan of the areas mentioned above.

Please meet with petitioners as a matter of urgency to enable further explanations.

By Mrs POWELL (Shepparton) (5 signatures)

Tabled.

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

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

Ordered that petition presented by honourable member for Shepparton be considered next day on motion of Mrs POWELL (Shepparton).

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

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

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

ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY

Victorian implementation review

Mr HULLS (Attorney-General), by leave, presented implementation review of recommendations in volumes 1 and 2.

Tabled.

Ordered to be printed.

PUBLIC SECTOR ASSET INVESTMENT PROGRAM

Budget information paper 2005–06

Mr BRUMBY (Treasurer), by leave, presented public sector asset investment program — budget information paper no. 1.

Tabled.

PARLIAMENTARY DEPARTMENTS

Reports 2004–05

Mr LONEY (Lara), by leave, presented reports of Department of the Legislative Assembly and Department of Parliamentary Services for 2004–05.

Tabled.

DOCUMENTS

Tabled by Clerk:

Adult Parole Board — Report for the year 2004–05

Audit Act 1994 — Auditor-General — Report on Follow-up on selected performance audits tabled in 2002 and 2003 — Order to be printed

Auditor-General — Report for the Office for the year 2004–05

Barwon Region Water Authority — Report for the year 2004–05

Building Commission — Report for the year 2004–05

Central Gippsland Region Water Authority — Report for the year 2004–05 (two documents)

Central Highlands Region Water Authority — Report for the year 2004–05

City West Water Limited — Report for the year 2004–05

Coliban Region Water Authority — Report for the year 2004–05 (two documents)

Duties Act 2000 — Reports of exemptions and refunds for the year 2004–05 (two documents)

East Gippsland Region Water Authority — Report for the year 2004–05

EcoRecycle Victoria — Report for the year 2004–05

Environment Protection Authority — Report for the year 2004–05

Financial Management Act 1994 — Reports from the Minister for Planning that he had received the 2004–05 annual reports of the:

Architects Registration Board

Surveyors Board

Surveyors Registration Board

First Mildura Irrigation Trust — Report for the year 2004–05

Gippsland and Southern Rural Water Authority — Report for the year 2004–05 (two documents)

Glenelg Region Water Authority — Report for the year 2004–05

Goulburn Valley Region Water Authority — Report for the year 2004–05

Goulburn-Murray Rural Water Authority — Report for the year 2004–05

Grampians Wimmera Mallee Water Authority — Report for the year 2004–05 (two documents)

Greyhound Racing Control Board — Report for the year 2004–05

Harness Racing Victoria — Report for the year 2004–05

Human Services, Department of — Report for the year 2004–05 (two documents)

Infrastructure, Department of — Report for the year 2004–05

Justice, Department of — Report for the year 2004–05

Lower Murray Urban and Rural Water Authority — Report for the year 2004–05

Melbourne 2006 Commonwealth Games Corporation — Report for the year 2004–05

Melbourne Water Corporation — Report for the year 2004–05

North East Regional Water Authority — Report for the year 2004–05

Ombudsman — Report of the Office for the year 2004–05 — Ordered to be printed

Phillip Island Nature Park Board of Management — Report for the year 2004–05 (three documents)

Plumbing Industry Commission — Report for the year 2004–05

Port of Hastings Corporation — Report for the year 2004–05

Port of Melbourne Corporation — Report for the year 2004–05

Portland Coast Region Water Authority — Report for the year 2004–05

Public Transport Ticketing Body — Report for the year 2004–05

Roads Corporation — Report for the year 2004–05

Rolling Stock Holdings (Victoria) Pty Limited — Report for the year 2004–05

Rolling Stock Holdings (Victoria-VL) Pty Ltd — Report for the year 2004–05

Rolling Stock (VL-1) Pty Ltd — Report for the year 2004–05

Rolling Stock (VL-2) Pty Ltd — Report for the year 2004–05

Rolling Stock (VL-3) Pty Ltd — Report for the year 2004–05

Royal Botanic Gardens Board — Report for the year 2004–05

South East Water Limited — Report for the year 2004–05

South Gippsland Region Water Authority — Report for the year 2004–05

South West Water Authority — Report for the year 2004–05

Southern and Eastern Integrated Transport Authority — Report for the year 2004–05

Spencer Street Station Authority — Report for the year 2004–05

Sustainable Energy Authority Victoria — Report for the year 2004–05 (two documents)

V/Line Passenger Corporation — Report for the year 2004–05

V/Line Passenger Pty Ltd — Report for the year 2004–05

Victorian Communities, Department for — Report for the year 2004–05

Victorian Environmental Assessment Council — Report for the year 2004–05

Victorian Rail Heritage Operations Pty Ltd — Report for the year 2004–05

Victorian Rail Services Pty Ltd — Report for the year 2003–04, together with an explanation for the delay in tabling

Victorian Rail Services Pty Ltd — Report for the year 2004–05

Victorian Rail Track — Report for the year 2004–05

Victorian Regional Channels Authority — Report for the year 2004–05 (two documents)

Western Region Water Authority — Report for the year 2004–05

Westernport Region Water Authority — Report for the year 2004–05

Yarra Bend Park Trust — Report for the year 2004–05

Yarra Valley Water Limited — Report for the year 2004–05 (two documents)

Zoological Parks and Gardens Board — Report for the year 2004–05.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Investigative, Enforcement and Police Powers Acts (Amendment) Bill

Transport Legislation (Further Miscellaneous Amendments) Bill.

BUSINESS OF THE HOUSE

Adjournment

Ms PIKE (Minister for Health) — I move:

That the house, at its rising, adjourn until Tuesday, 15 November.

Motion agreed to.

MEMBERS STATEMENTS

Domestic violence: legislation

Ms BUCHANAN (Hastings) — I had the humbling honour of being present in this house when the Crimes (Homicide) Bill was passed last night. I had a quiet drink later in the evening, when I sat and contemplated the women who had been killed by abusive partners or family members and those who have killed violent partners or family members. I said a little prayer for them, because finally — thankfully — we have abolished those gender-biased, paternalistic and draconian legal processes that I believe abused their victims many, many times over. I also quietly reflected on the mothers who have suffered and continue to suffer because the system has not acknowledged the mitigating circumstances of their complex physical and emotional state post childbirth. It will now.

To those women silenced by abusers, I believe this bill finally gives their senseless and terrible deaths a voice. To other sisters still on this earth, thank you for your enduring strength and resilience under extreme circumstances. We have won a battle of sorts, a bittersweet one, but there are still many more to come. To the grieving families, children, siblings, parents and friends, I hope the bill brings some peace of mind — albeit at a terribly devastating cost.

As the member for Bellarine stated in debate on another groundbreaking bill before the house this week, Victorians will not remember all the legislators of the day, but in years to come they will remember the visionary Attorney-General who drove these groundbreaking reforms. The Attorney-General often says he is proud to be Labor. With respect to the important social and justice reforms contained in the bill that was passed last night, I just want to state that I am damn proud to be a Labor woman, part of a great Labor woman's caucus in this house, and part of a great Labor government in this state today.

Police: Warrandyte station

Mr HONEYWOOD (Warrandyte) — Warrandyte police station has joined the growing list of undermanned stations across Victoria. One officer is currently on long-term maternity leave and another is on long service leave, and no replacement officers are to be found for either position. There is often only one police vehicle on patrol in an area that goes from Doncaster all the way up to the Yarra Valley and way past Kangaroo Ground — an enormous area.

To make matters worse, all too often the couple of Warrandyte officers remaining have been asked to fill in due to undermanning at Doncaster police station. We are not getting any of the so-called extra new police positions, wherever they are.

The irony here is that only yesterday the Minister for Police claimed in question time that a new police station had been constructed in Warrandyte. I invite the minister to come and visit my electorate and see for himself the wooden hut that is the local police station to this day. We have yet to move beyond the planning stage for any new station, despite six years of promises from this inept Bracks government; it is the annual budget promise that never comes to Warrandyte. If we ever get the new police station, can the minister give an undertaking that it will not be left empty of police officers, because if the current manning crisis is any guide, we will do without again.

Industrial relations: federal changes

Ms GREEN (Yan Yean) — Today I would like to bring to the attention of the house the perils that many of my constituents face under the Howard government's proposed misnamed WorkChoices industrial relations changes. One of the many of these constituents is Louise, a 24-year-old university student who works in a suburban hotel and bistro. Louise has come to me with concerns that she will no longer be able to support herself through her final years at university if the workplace reforms are passed.

Due to a heavy study load and daytime lectures, Louise works late nights, weekends and public holidays so she can earn penalty loadings that casual employees on these types of shifts are currently entitled to as she fits work around her uni schedule. She works these odd hours and weekends because it is the only way she can earn enough to live week to week to fulfil her study requirements. Under Howard's proposed changes Louise stands to lose these penalty loadings, which are only just enabling her to afford her rent, her living expenses and her study expenses. She has told me that she fears she will be unable to complete her university degree if the reforms are passed.

Violet, at 52, is at a different stage of life to Louise, but she also has extreme concerns about the impact of the industrial relations changes on her. She originally came to me looking for advice about a claim for unfair dismissal. Having worked for five years with the same employer she raised concerns with her boss that she was being underpaid. She was sacked on the spot. She is now over 50 and a single parent to three teenage boys and, with no formal qualifications, she is frightened she will not be able to find another job to continue to pay off her house. She currently has access to unfair dismissal provisions but would not in the future.

World Teachers Day

Dr SYKES (Benalla) — I wish to acknowledge the commitment and professionalism of the hundreds of teachers who teach our children in north-east Victoria. As I visit the 50 or so schools in the electorate of Benalla the standout impression I gain is that the teachers have a passionate commitment to the education and general wellbeing of their students — our children and grandchildren. Whether it is a small school such as Myrrhee, Tawonga or Strathbogie, or a larger school like Bright P–12 College, Mansfield Secondary College or Benalla East primary, which are state schools, or independent schools such as the Rudolph Steiner School at Mansfield or the Benalla Christian School or Catholic schools like Marian College at Myrtleford or kindergartens at Moyhu, Benalla or Mansfield, one thing is consistent: the principals, teachers and support staff all care about the kids that we entrust to their care.

Teachers and staff strive to help our children to achieve their maximum potential; they provide role models; they initiate, fund and operate school breakfast programs; they throw their full support into character-building programs such as the You Can Do It program or programs for children with special needs such as the Wrap Around Kids Program.

As we celebrate World Teachers Day tomorrow, on behalf of all parents and grandparents in north-east Victoria, I say thank you to our teachers for their passion and professionalism in helping our children to grow up to become responsible, contributing members of our communities.

Dr George Golding

Mr TREZISE (Geelong) — This morning I pay tribute to Dr George Ernest Golding, who died on 6 October 2005. Dr Golding was born in Yarra Junction in 1941, and like so many great leaders, he was a man from humble beginnings which he never lost sight of and which enabled him to connect with people from all walks of life.

He began his education at Colac Primary School and then attended Colac High School before receiving a scholarship to Wesley College. He studied medicine at Melbourne University and the Royal Melbourne Hospital and in 1968 came to the Geelong hospital. From 1970 to 2004 Dr Golding worked as a GP in

Geelong. Dr Golding was the complete doctor: he was a superb clinician who cared about his patients and was always available to them.

He was an active member of the Australian Medical Association Geelong branch, being treasurer, chair and Geelong branch representative, and he was a GP surveyor for Australian general practice accreditation. In 1993 he founded the Geelong GP Association, of which he remained executive director until his death. Under his guidance the association has grown to be a widely respected organisation with many innovative programs that have improved health care delivery in the Geelong region, as well as supporting GPs.

Many GPs in the region attribute their development and expertise in various areas of medicine to the encouragement and advice they obtained under Dr Golding's guidance. He was involved in the education and mentoring of medical students, registrars and GPs in the training programs. Dr Golding was a tireless worker furthering general practice community health outcomes and working for many groups including the local Koori community.

He is survived by his loving wife, Valerie, children Ben, Sam, Sarah and Jacob, and stepchildren Tim, Susan and Fiona, as well as 13 grandchildren and sisters, Joan and Betty. Geelong will be much the poorer for the passing of Dr George Golding.

Minister for Planning: performance

Mr BAILLIEU (Hawthorn) — The Bracks government's promise to respect local planning is in tatters. Powers have been stripped from local communities with regard to wind farms, planning scheme amendments and rural zones. Melbourne 2030 rides roughshod over local planning. Major call-ins have proceeded at Royal Park, Kew, and Burnley Gardens, against local wishes.

In Boroondara the government is bullying the Camberwell community over Camberwell station. The government unilaterally declared Glenferrie Road to be a major activity centre. Now the Minister for Planning has unilaterally appointed two advisory committees under the priority development panel label to oversee and 'scrutinise the Boroondara City Council's treatment' of the Tooronga Village and Henley Honda sites.

This is a deliberate act of intimidation, with the Minister for Planning once again attempting to heavy the Boroondara community and council's planning processes. This move by the minister was conveyed last week by fax just a few hours before the council was due to consider the Tooronga proposal. It came with a ministerial threat that 'refusal to accept assistance would be to the detriment of the city', as reported in the *Progress Leader* of 25 October. The minister then declared the panel would also report on other 'key strategic developments in prominent locations'.

The Boroondara community is outraged. Mayor Jack Wegman described this move in the *Progress Leader* as 'making a mockery of local government', as 'unfair', as 'a disgrace' and as 'against the wishes of the community and a travesty of the process'.

Planning director Philip Storer condemned the move, saying, 'We are of the view that council is the local planning authority and it ought to be left to undertake the planning issues that affect its own community'. The member for Burwood is silent on the crushing of his own council by his own minister, but rest assured the backlash is coming.

Pacific School Games

Ms MUNT (Mordialloc) — Four hundred successful young athletes have been selected in the Victorian team for next month's Pacific School Games in Melbourne. As the Minister for Education and Training says, it is a significant achievement to be selected to represent Victoria at an international sporting event. The seventh Pacific School Games is one of the largest school sporting events in the world and features the best young athletes from across Australia and the Pacific region.

I would like to congratulate the following students from my electorate on their selection, and I wish them all the best at the Pacific School Games: Alexandra Gale-Grime from Mentone Girls Secondary College, who is participating in wheelchair basketball; Jordan Riddell from Haileybury College, who is participating in swimming; Izabel Caligiore from Mentone Girls Grammar School, who is participating in swimming; Justin Griggs from Mentone Grammar School, who is participating in swimming; Sarah Grahame from Mentone Girls Secondary College, who is participating in track and field; Talita Hadda from Mentone Girls Secondary College, who is participating in 18-year-old basketball; Scott Royston from Mentone Grammar School, who is participating in swimming; and James Wilson from Mentone Grammar School, who is participating in swimming. I know these students from my area will be a credit to themselves, to their schools and to our local community. Once again, I wish them all the very best.

Studley Park Vineyard

Mr McINTOSH (Kew) — The Studley Park Vineyard is the only commercial vineyard in Kew — in fact, it is the only commercial vineyard in inner Melbourne. It is located on a Yarra River floodplain, which has been used continuously for agricultural purposes for over 100 years. The Studley Park Vineyard has been there for nearly 20 years. I have had the great pleasure of purchasing and enjoying at least two Studley Park vintages, which our local paper rightly describes as an acclaimed cabernet sauvignon. For wine buffs the 1999 Studley Park cabernet is a full-bodied barbecue stopper, with a dash of unique impudence guaranteed to surprise.

Regrettably the vineyard is under threat. The government's recent review of the Yarra River has resurrected an ancient proposal to compulsorily acquire land adjacent to the Yarra River to, among other things, construct a walking path that will only end up at a cliff face. Such a proposal would render the vineyard unviable, taking almost two-thirds of the vineyard and depriving the owner of a right to water. An acquisition order would affect not only the Studley Park Vineyard but other privately owned land in the area.

Mr Stensholt interjected.

The SPEAKER — Order! Would the member for Burwood please keep quiet!

Mr McINTOSH — While a representative of Parks Victoria has ruled out any immediate action to compulsorily acquire the land along the Yarra River, they will not remove an acquisition order. I sincerely hope that the member for Burwood, who is loudly supporting the Studley Park Vineyard, will do something to protect this unique vineyard.

Health: Aboriginal and migrant programs

Mr ANDREWS (Mulgrave) — Recently I was pleased to officially launch a web-based resource for Victoria's hospitals. The resource, called ICAP — improving care for Aboriginal patients — is aimed at better meeting the health needs of Victoria's indigenous community. The resource provides hospitals and health services right across our state with practical support, advice and assistance to help them ensure that they provide culturally appropriate care and service as well as a culturally appropriate environment. The web site provides useful advice and important case studies of practical experiences at other hospitals. ICAP is an important resource, and I was very pleased to launch it. It will build confidence and improve health outcomes for indigenous Victorians.

My electorate of Mulgrave is very diverse. More than 40 per cent of my constituents were born overseas, which makes issues of culturally appropriate care and service very important to me and my local community. To that end I was also recently pleased to announce funding to support the creation of a refugee health nurse position at the Greater Dandenong Community Health Service in Dandenong. This is a wonderful initiative. For the first time we will see dedicated funding to support the provision of critical support services by a primary health team to newly arrived migrants, often from war-torn parts of the globe, who frequently have difficult circumstances and extreme health needs.

These two programs demonstrate the government's commitment to appropriate care and service. We are all better off because of it.

Motor vehicles: liquefied petroleum gas

Mr JASPER (Murray Valley) — With the higher petrol prices in Victoria and little likelihood of a return to the lower prices of past years, the Victorian government must immediately consider a subsidy for the conversion of motor vehicles to liquid petroleum gas (LPG). The house will recall that I called on the government some years ago to implement a subsidy scheme similar to that operating in Western Australia. It offers a $1500 incentive to convert cars to LPG. With Australia locked into world parity pricing for petrol and the price for LPG remaining remarkably stable, conversion to LPG is becoming a more economical proposition. It is now critical that the government subsidise LPG conversions, recognising that Australia has a virtually unlimited supply of gas and that it is an environmentally cleaner fuel.

Three issues are relevant. Firstly, the state government is encouraging the purchase of vehicles using LPG for its fleet. Secondly, a number of gas conversion companies have gone out of business or into liquidation because of a lack of support, which could be reversed by the encouragement of the state government. Thirdly, the federal Labor opposition has put forward a proposal that a tax rebate for LPG conversions be incorporated in the opposition's blueprint for developing the Australian fuel industry.

The state government now has the opportunity to take the lead on this crucial issue by directly subsidising LPG conversions, which would utilise our massive gas reserves and assist the hard-pressed motor industry and the fuel users in the Victorian economy.

State Emergency Service: Craigieburn unit

Ms BEATTIE (Yuroke) — I take this opportunity to congratulate the Craigieburn State Emergency Service unit, which last week put its time and energy into saving a much-loved kitten, Chloe, who had managed to wedge her head into the metal grille of a security door at her home. The local SES unit controller, Alan Penaluna, took 10 minutes to free the pet cat, who was welcomed with open arms by her owners, Jesse and his mother, Susan Tate. Mr Penaluna stated, 'This is what we are there for. We are there as a rescue service'.

Such incidents bring home the amazing job these volunteers do and the valuable service they provide to their local communities. As a volunteer-based emergency service looking after our state the SES has many roles, including planning for and responding to floods, severe storms and earthquakes and carrying out road accident rescues as well as search and rescue operations.

Anyone who has a much-loved animal as part of their family can appreciate how important this rescue service is. There would be few among us who have not at some point been beneficiaries of the SES and its vital community service. I would like to take this opportunity to thank each of the 5500 volunteers and 72 staff whose commitment and dedication is a true asset to our lives, and of course to Chloe's life — she has lost one of her nine lives, but she has eight more to go.

Caulfield Junior College: facilities

Mrs SHARDEY (Caulfield) — I wish to raise the issue of the state of buildings and facilities at the largest primary school in my electorate, Caulfield Junior College, a very old school which I have attended on many occasions. The government has imposed enrolment restrictions on the school because of its large enrolment numbers. It has the reputation of probably being the fastest growing school in my electorate, although it is only one of many schools that I support. The school's popularity is a result of the fine reputation it enjoys because of its high teaching standards, information technology programs, French immersion programs and Hebrew studies.

The huge expansion of the school has only been possible through the provision of portable classrooms. The main building remains dilapidated, with peeling paint, threadbare carpets and unhealthily crowded conditions. The school's toilets were only refurbished as a result of a public campaign and outcry earlier this year. This school has prepared a master plan which I invite the minister to examine and give the utmost consideration to implementing for the sake of those families in my electorate who wish to access this great state primary school.

Jim Houlahan

Mr ROBINSON (Mitcham) — In the midst of yet another exciting Melbourne Spring Racing Carnival, it is more than appropriate and fitting that we pay tribute to legendary horse trainer Jim Houlahan. Jim recently surrendered his training licence. There is nothing unusual about that until you consider that he turned 92 in May and has been training winners with incredible regularity since taking up the profession in 1970. I believe he set a unique record in the middle of 2003 when he trained a city winner at the age of 91. I do not think there has been anyone who previously ever trained a winner at that age in town.

Jim has a great rollcall of success which includes: seven grand national hurdles, six Australian hurdles, four grand annuals at Warrnambool, two Australian steeplechases and one grand national steeplechase. He was a canny building industry operator until his late 50s when he took up training. He has had some wonderful horses including Strasbourg, Sharp As, Tennessee Blue, Commission Red, Marlborough, Moon Chase and Planet Hollywood.

Jim Houlahan's love of animals is well known. He has passed his skills down to his family, including his son Mark and more recently his daughter Fran, who made her mark when Sampan Man won the grand annual in Warrnambool in 2003. He has made a wonderful contribution. He has had a wonderful career. I extend my congratulations to Jim Houlahan.

Ministers: performance

Mr SMITH (Bass) — I wish to convey to you, Speaker, my gravest concerns about the abuse of this Parliament by the ministers of the Bracks socialist government. We consistently have ministers of this government come into this house with new legislation. They only give the opposition two weeks to consult on very important bills, and then they allow little time for full and proper debate before the bills are rammed through on Thursday afternoons. This week is a prime example, where two bills are going to be rammed through this house with minimum debate and consultation time.

The Children, Youth and Families Bill is 542 pages long and is concerned with our children, who are our

most precious resource and our future; and the Water (Resource Management) Bill is around 250 pages long and is about the future of our water. What do we hear from the mushrooms on the Labor back benches? They have prepared 5-minute speeches which most of them do not understand. I suggest that they do not want to understand them because all they are is fodder for the socialist ministers.

The way in which the Bracks socialist government treats the Parliament, the opposition and the people of Victoria is a disgrace. We are their voice. The Nationals have 64 amendments to the water bill. It appears that the bill will get through with very little debate in the consideration-in-detail stage. By the end of last night only seven or eight amendments had been moved and debated. That bill will, of course, be rammed through this afternoon and so will the children's bill without proper scrutiny or debate.

Rowville: combined church service

Ms ECKSTEIN (Ferntree Gully) — On 16 October I attended a combined church service to mark the centenary of the suburb of Rowville in my electorate. It was held at the Rowville community centre. The service was organised by a number of local churches including Rowville Baptist Church, St Bartholomew's Anglican Church of Ferntree Gully and Rowville, St Simon the Apostle's Catholic Church, the Salvation Army, Rowville, and the Rowville Uniting Church. The service was very well attended. Many children and seniors were present as well as state and federal members of Parliament, local councillors, and the mayor of Knox, Cr Jenny Moore.

The service was a delightful and eclectic mix of traditions from the various churches represented. It also reflected on the history of the Rowville churches and the contribution they make to the community today. I particularly enjoyed the children's story reading, which enabled the kids to have an important and active role in the service. Also, the choir from Peppertree Hill Retirement Village which sang a number of hymns from earlier days was very enjoyable. I would like to acknowledge the work of Reverend David Devine from Rowville Baptist Church, Reverend Phillip Meulmann from St Bartholomew's Anglican Church, Reverend Malcolm Fraser from Rowville Uniting Church, Paula and Wendy Hateley from the Salvation Army in Rowville and Sister Maureen O'Kelly from St Simon's for conducting a most inspiring and lovely service.

Buses: Sunbury

Ms DUNCAN (Macedon) — Yesterday I was very pleased to welcome the Minister for Transport to Sunbury, where he announced almost $1 million worth of improvements to bus services in and around Sunbury. The announcement of an extension to an existing route and a new service was very welcome. Bus route 486 is being extended to operate via the developing area of Rolling Meadows. The residents of Goonawarra and Rolling Meadows will also have a more direct and faster service to and from Sunbury, as the current service deviation to Victoria University will now be provided on a new bus route which will operate via Bellevue Drive, Jacksons Hill. It will also service Victoria University, providing an additional 10 trips per weekday between Sunbury and the university.

These improvements form part of the state government's Linking Victoria initiative, which is designed to improve the frequency and reliability of public transport for all Victorians. The metropolitan transport plan identified the need for additional services and new services to outer areas of Melbourne such as Sunbury. These initiatives will make a huge difference to the people of Sunbury, recognising their growing needs. We know there is more to do, but I congratulate the government on these initiatives and look forward to the commencement of these services early next year. I also congratulate the Hume City Council and the bus operators for working in partnership with the government to deliver these much-needed services to the people of Sunbury.

College Jacques Brel, Villers-Bretonneux

Mr MILDENHALL (Footscray) — I rise to acknowledge the visit to the Parliament of students and teachers from College Jacques Brel, a secondary school located in Villers-Bretonneux in France. The community of Villers-Bretonneux has a strong relationship with Victoria, which, as many members will recall, was mentioned as recently as last week during the tributes to the late Alan Wood.

On Anzac Day 1918, after two previous battles, the Australians, the majority of whom were Victorians, finally liberated Villers-Bretonneux from German forces. Thousands of Australian troops never returned from that battle. After the war the local primary school was rebuilt with donations from Victorian schoolchildren and renamed Salle de Victoria. It is emblazoned with the French translation of 'Never forget Australia'. The main street and square were renamed Rue de Victoria and Place de Melbourne respectively. The relationship has developed through

initiatives like the Robinvale–Villers-Bretonneux sister city relationship. Robinvale was named after an Australian airman killed near Villers-Bretonneux in May 1918.

Students from Victoria's Spirit of Anzac study tour joined in Anzac Day ceremonies in Villers-Bretonneux this year, and many were hosted by families of students from College Jacques Brel who are visiting our Parliament today. The logo on the students' shirts reads 'Villers-Bretonneux — Australia. Allies in the past. Friends in the present'. I am sure all members of this place welcome this visit by the French students and wish a long and healthy future for the relationship between our respective communities.

Jo Mulcahy

Mr DONNELLAN (Narre Warren North) — I want to talk today about a silent achiever in my electorate. Her name is Jo Mulcahy, and quietly and surely she has made a major impact on the local community. For about 10 years the City of Casey unfortunately failed to address the enormous sporting needs in the Narre Warren North electorate. In particular many of the councillors failed to address the needs of the Oaklanders Basketball Club, the largest in Victoria, the Narre Warren Foxes, the Narre Warren Cricket Club and many others. For years there was a slog-out between each club for the limited sporting facilities in the electorate.

Jo Mulcahy came along and convinced all the sporting clubs to work as a team to improve the number of facilities for all clubs. Over the space of two years this action has resulted in pressuring the City of Casey to buy land for two new ovals and enter into negotiations for the purchase of land for a basketball/netball stadium. Until Jo came along individual requests from clubs were simply defeated. Well done, Jo Mulcahy!

Tuong Van Nguyen

Mr NARDELLA (Melton) — Human life is precious and must be protected, and human rights are precious and fragile and must be protected. The case of 25-year-old Tuong Van Nguyen, who has been sentenced to death in Singapore, is tragic, and I urge the Singapore government to commute the sentence and save his life.

A civil society punishes convicted felons and criminals, and in this case punishment should occur, but the death penalty is state violence and is not a deterrent. It means that the family of this man become victims after his execution. Already Mr Nguyen's mother is in a distressed state. If Mr Nguyen is executed, she and the rest of her family will grieve her son's death, and that is something no mother should have to endure knowing that it does not need to happen. Many of my parliamentary colleagues and staff and supporters of Amnesty International are working to have this decision reversed. It is a sad case involving lots of heartache. There should not be state-sanctioned execution in this case.

Kilsyth electorate: Sudanese and Burmese communities

Ms BEARD (Kilsyth) — As members may be aware, this week is Refugee Week, with the theme this year of 'Different past — shared future'. The Migrant Information Centre (Eastern Melbourne), the Blackburn English Language School, the Communities Council on Ethnic Issues (Eastern Region) and Centrelink Multicultural Services are hosting a special event to be held in Croydon as part of Refugee Week to introduce our local community to the southern Sudanese, Chin, Liberian and Karen cultures and increase community understanding of the refugee experience and settlement.

A number of refugee families, particularly those originating from Sudan, are choosing to settle in the Maroondah and Yarra Ranges areas. Southern Sudan has experienced decades of war which have resulted in many families being displaced in refugee camps throughout Africa. The families have encountered much trauma, sometimes for many years, prior to resettlement in Australia. The opportunity to settle here is welcomed by these families. At last they are able to feel safe. They look forward to a future free of war and one where they and their children can learn English, gain employment and be contributing members of the Australian community.

Families from Burma are also settling in the Croydon area. These people come from two regions of Burma — the Chin and Karen regions. Chin and Karen people have struggled to cope with many years of persecution from the Burmese government and are now eager to establish themselves in Australia. I feel privileged to have been invited to present the welcome address to guests at the function, and I look forward to an evening of music, dance and African cuisine.

WATER (RESOURCE MANAGEMENT) BILL

Consideration in detail

Debate resumed from 26 October; further discussion of amended clause 11.

Mr THWAITES (Minister for Water) — I move:

2. Clause 11, page 13, after line 30 insert —

"(3) A review under this section must determine whether or not the timelines and targets in the implementation plan of the Strategy being reviewed have been met.".

3. Clause 11, page 14 line 1, omit "(3)" and insert "(4)".

In moving these amendments I indicate that they provide greater transparency in the implementation of sustainable water strategy, and they go some way towards meeting some of the issues The Nationals have raised.

Mr WALSH (Swan Hill) — I acknowledge that the minister is moving some way towards the issues we have raised. This moves some of the way, but I do not believe it goes far enough. What The Nationals would like to see is not only more transparency but factual accountability against the water and the money that will be invested in the environment, so that we make sure we deliver outcomes on the ground and that if we do not deliver those outcomes we go back and ensure we do so in the future. We as a state, and individual irrigators in particular, are going to make a major investment in the environment, and we need to make sure we get very defined outcomes that are accountable.

Amendments agreed to.

Mr THWAITES (Minister for Water) — I move:

4. Clause 11, page 14, line 7, before "A report on" insert "(1)".

This is essentially a consequential amendment.

Amendment agreed to.

Mr THWAITES (Minister for Water) — I move:

5. Clause 11, page 14, line 8, after "Strategies" insert "and on any current draft Strategies".

This amendment once again improves the transparency of the program of sustainable water strategies by requiring a report on the draft as well as on endorsed strategies. It is something that has been suggested and recommended by Environment Victoria, and I think it adds to the amount of transparency and information available.

Amendment agreed to.

The DEPUTY SPEAKER — Order! The Minister for Water to move amendment 6 in his name. I advise the house that if this amendment is agreed to, then the member for Swan Hill will be unable to move his amendment 8.

Mr THWAITES (Minister for Water) — I move:

6. Clause 11, page 14, after line 9 insert —

"(2) A report under sub-section (1) must —

(a) specify the measures being taken to implement the Strategy; and

(b) identify the priorities that apply to actions required by the implementation plan.".

Once again this additional amendment improves the transparency of the program of sustainable water strategies, and it has been suggested following concerns raised by Environment Victoria.

Mr WALSH (Swan Hill) — I rise with trepidation to agree with Environment Victoria on something. Again I acknowledge that it is a move in the right direction. It does not go as far as The Nationals would like, but it is important that we have had some acknowledgment that there was not necessarily enough transparency in the original bill. It also does not go far enough in setting some real targets for water quality. As we said during the second-reading debate last night, putting more flows down a river is not the only solution. We need to have very detailed measures of the outcomes we are achieving. It is about how the riparian zone is handled and about water quality, turbidity and salinity.

The big issue not being addressed is soil acidity. It is one of the biggest things we have coming at us into the future, which no-one, including the government, seems to want to acknowledge or know how to address. If soil acidity levels go below a certain level in catchments, then we are not able to retrieve them, and that has a huge impact on water quality and future catchment health. We acknowledge that this is moving in the right direction. We would have liked it to have gone further, but at least we are moving.

Dr SYKES (Benalla) — I would like to endorse the remarks made by the member for Swan Hill, particularly those highlighting the broader issue of the general health of our riverine areas and catchments.

There is also the issue of recognising that just putting water down a river does not solve the problems, and I have first-hand experience of this. The management of Holland Creek by Goulburn-Murray Water has resulted in levels in that creek going up and down very rapidly as water is diverted through the Mokoan channel. That has caused serious erosion of the bank and is an example of how simply putting more water down a river does not work. You need to manage your stream flows as well as give attention to the revegetation of the immediate riparian zones and, of course, control pests and weeds.

The other issue which the member for Swan Hill highlighted and which I would like to focus on is soil acidity. It is a major problem in north-east Victoria. Even on small properties owners invest thousands of dollars every few years to try and adjust that balance. Unless we address that issue as a state, the productivity and the environmental sustainability of north-east Victoria will be under serious threat.

Mr THWAITES (Minister for Water) — I will respond briefly to the issue that has been raised by the Deputy Leader of The Nationals. The government does not believe that simply putting water down rivers is the answer. The legislation itself indicates that what we are seeking to do is to improve the environmental values and health of water ecosystems. Sustainable water strategies will be required to do just that, so the legislation itself sets out the very issues that members have talked about.

However, extra water certainly is required in some rivers, because we have taken so much out. There is a vast amount of scientific evidence to support that. I think everyone, including farmers, now accepts that in some cases too much water has been taken out of rivers. For example, that is why, with the agreement of farmers and environmentalists, we have recently put back some 10 gigalitres — 10 billion litres — of water a year into the Thomson River. That is also why we have agreed to put back a substantial amount — 38 gigalitres this year — into the Snowy River.

In relation to the Murray River, the federal government and the state government have agreed on the Living Murray initiative, which will see 500 gigalitres go back into the Murray. It is really an issue of doing both. It is about ensuring that we have adequate flows but also ensuring they are delivered at the right time. In relation to the Thomson, not only will we be putting water back but we have developed, in consultation with scientists, environmentalists and farmers, a flow regime to ensure we get the best value out of that water. That is what we will be doing.

Mr WALSH (Swan Hill) — I hear what the minister says but I am concerned that the words do not match the actions. If the words matched the actions, the government would have supported my amendment 3 last night and inserted a new clause to look at how we can achieve environmental outcomes without additional flow, as well as all the other objectives that have been set out as to how you achieve outcomes with more flow. If the minister was really serious about this, he would have supported our amendment 3 last night.

Mr THWAITES (Minister for Water) — To respond to that, new section 22C specifically calls for the sustainable water strategy to identify ways to improve the maintenance of the environmental water reserve in accordance with the environmental water reserve objective. This already specifies that the strategy must look at improving how the existing environmental water reserve can be better maintained to achieve the objectives we are seeking. It also looks at whether we should increase the environmental reserve and that will be considered. However, it is quite clear in the legislation that the sustainable water strategy can do just as the member has indicated.

Mrs POWELL (Shepparton) — In supporting the member for Swan Hill's comments and discussing the minister's comments about putting environmental flows down the Snowy River, we have to make sure that we have the timing right. A number of people in the north-east were angered by seeing the Premier of Victoria and the former Premier of New South Wales standing in the Snowy River and watching water being flushed down the river during the worst drought on record. Our farmers were having to pay astronomical amounts of money for water — if they could get water — and the premiers were flushing water down the Snowy River. That has to be looked at, not just the environmental flows but also the impact on our community and our farmers.

Dr NAPTHINE (South-West Coast) — I wish to make two points. Firstly, with regard to your ruling — —

Mr Thwaites — The Lone Ranger. You were really supported last night, weren't you?

Dr NAPTHINE — Why do you think we are here now? We are here now.

Mr Thwaites — Not because of you.

Dr NAPTHINE — The fact is we are here because I asked the question; otherwise we would not be here.

The DEPUTY SPEAKER — Order! If members do not wish to conduct the debate through the Chair, they will be sat down.

Dr NAPTHINE — The reality is the government wanted to close this debate down last night. Fortunately some members spoke up and said we should consider this bill further today and now the government has agreed to do so. I welcome that decision of the government.

The DEPUTY SPEAKER — Order! The member for South-West Coast, on clause 11 and the amendment.

Dr NAPTHINE — I wish to raise two issues on clause 11 and what is being considered by the house. The first concerns the principle of the decision you, Deputy Speaker, have made that if the government amendment is carried, the amendment foreshadowed by the Deputy Leader of The Nationals cannot be put. I suggest that creates a problem for the house. It may be that the house agrees with the amendment the government has moved but wishes to go a step further and consider, and even go another step further and agree to, the amendment foreshadowed by the Deputy Leader of The Nationals. However, it would be inappropriate for the house to vote against the amendment moved by the government on the chance that it gets the opportunity to vote on the amendment foreshadowed by the Deputy Leader of The Nationals. The house is in a quandary and a dilemma.

When I read the two circulated amendments I find the amendment proposed by the member for Swan Hill is the superior amendment. That is the way the house should vote; it is the outcome the house should reach. But in doing so the opposition would have to vote against the government amendment, which we actually support, because it is a step forward. However, the proposal of the Deputy Leader of The Nationals is two steps forward. I suggest that we ought to put these in sequence so the house has a chance to go two steps forward rather than just one step forward.

Secondly, I wish to speak on the amendment put by the member from Swan Hill — —

Mr Thwaites — On a point of order, Deputy Speaker, the member for South-West Coast is now saying that he is seeking to speak on an amendment put by the member for Swan Hill. It is my amendment that is being considered, and it should be considered.

The DEPUTY SPEAKER — Order! The member for South-West Coast is in order in that the Chair, at the moving of the amendment, made clear to the house the circumstances in relation to the amendment of the member for Swan Hill. The member for South-West Coast or any other member is therefore entitled to canvass the issues around both.

Dr NAPTHINE — The point I am making is that, while the amendment proposed by the minister is a step forward, the amendment proposed by the Deputy Leader of The Nationals would further improve the legislation significantly, because it has specific issues about water quality and waterway health and specific issues about the objective measurement of those outcomes. That is why it is a superior amendment, and is the amendment that the house ought to get to. I am concerned that the process the government has put in place makes it difficult for the house to get to that situation, because the moment we support the amendment of the minister, the amendment from the member of The Nationals will not be put, yet it is the superior amendment and is the one that really needs to be tested by the house, as well as the amendment from the minister.

Mr PLOWMAN (Benambra) — I support the member for South-West Coast, because The Nationals amendment is the superior amendment. It should have the opportunity to be debated; however, if we support the government's amendment that cannot happen. I will give an example: currently there are 17 000 megalitres of water a day going into the Barmah-Millewa Forest. The figure that should be going into the Barmah-Millewa Forest is 34 000 megalitres, because there could be compensation required for a flood that could affect country between Albury and Corowa. Clearly if the minister is prepared to renege on the promise of the 34 000 megalitres which was supposed to be going into the Barmah-Millewa Forest at this stage, how can those irrigators and the whole community have confidence in you actually doing what you are saying you are going to do? You said — —

The DEPUTY SPEAKER — Order! Through the Chair.

Mr PLOWMAN — My apologies, Deputy Speaker. The minister said that this legislation specifically looked after and cared for the health of the environment, for the rivers and so on, but if what is actually happening on the Barmah-Millewa Forest is an example of what is proposed, how can those communities have confidence in this government doing what it says it is going to do? How can those communities have confidence in the catchment management authorities having enough pull, enough ability, to influence the decision of the minister in a decision like this? If this cannot happen, how can we

have confidence in what the government has said will happen? For that reason I think it is essential that the amendment put by the Deputy Leader of The Nationals is able to be debated.

The DEPUTY SPEAKER — Order! While neither the member for South-West Coast nor the member for Benambra raised the issue as a point of order, there probably should be some comment from the Chair. The practice followed by the Chair is the practice which has been adopted by this house as part of its procedures.

Where two amendments seek the same thing — in this case they are seeking to insert a new subclause (2) — the practice is that the government's amendment will take precedence, and where two amendments are attempting to replace a clause of a bill, the test is the first amendment. Procedurally, if the member for Swan Hill wished to go further, the course of action would be to seek the agreement of the house to have his amendment moved as an addition to the amended clause — that is, it would become a new subclause (3) rather than subclause (2). That is the procedural manner by which it can be achieved.

Mr WALSH (Swan Hill) — Deputy Speaker, I seek clarification of what you have just ruled. Is the Chair saying that the house will vote on the minister's amendment, and if that is passed, then by a procedural motion we can put my amendment?

The DEPUTY SPEAKER — Order! The minister's amendment will need to be put. The Chair cannot presume one way or another what the house will do. If the minister's amendment were lost, obviously the member for Swan Hill's amendment would proceed in the form it is currently in. If the minister's amendment were carried and the member for Swan Hill wished to proceed, his amendment would require to be put in an amended form and it would require the permission of the house to put it in the amended form. The amended form I was suggesting would be that it would become a new subclause (3) rather than subclause (2), which is what is currently intended but which makes it inconsistent with the minister's amendment.

Amendment agreed to.

Mr WALSH (Swan Hill) — I wish to move my amendment 8. The Chair will have to guide me on the words I need to use.

The DEPUTY SPEAKER — Order! What the member will do is to move it in an amended form as a further addition to clause 11, not as an amendment to the minister's amendment.

Mr WALSH — I move:

8. Clause 11, after subclause (2) insert —

"(3) A report on a Sustainable Water Strategy under sub-section (1) must include measurements of water quality and waterway health as at the time of publication and a comparison of those measurements with the targets set out in the Strategy.".

The DEPUTY SPEAKER — Order! Is leave of the house granted for the member for Swan Hill to move his amendment in that way?

Leave granted.

Mr WALSH (Swan Hill) — I know the minister's amendment which has been agreed to goes some of the way towards achieving this issue. The Nationals concern, particularly with the people we represent, is that they are still words, strategies and pieces of paper. We want to make sure there is some rigour so that there are specific things to be measured against and accountable to. I believe our subclause will improve what the government is trying to do, and I urge the house to support the amendment.

Amendment defeated.

Mr THWAITES (Minister for Water) — I move:

7. Clause 11, page 14, lines 14 to 18, omit all words and expressions in these lines and insert —

"The Minister must cause a program of the preparation of long-term water resources assessments to be commenced —

(a) by the end of 12 years from the commencement of section 14 of the **Water (Resource Management) Act 2005**; and

(b) after that, by the end of the twelfth year in each consecutive 15 year period, where the first such period commences immediately after the fifteenth anniversary of the commencement of section 14 of the **Water (Resource Management) Act 2005**.".

This amendment makes the time frame for doing the assessments clearer. It requires that a program of long-term water assessments be commenced by the end of 12 years from the commencement of the act.

In relation to the member for Swan Hill's amendments, as I understand it they require that long-term assessments cannot be commenced until after 12 years. The assessments themselves do not qualify or affect rights; all they do is assess the various matters that

would then be considered if there is to be a qualification of rights. A later amendment that I will move makes clear that the qualification of rights does not occur until after 15 years from the commencement of the act. That ensures there will be no qualification within the next 15 years. The amendment I have moved means that the assessment process has to commence by the 12th year. This is a large process that will cover rivers and aquifers around the state. It may not be possible to complete the assessment process between 12 and 15 years; therefore it makes sense to start the commitment process earlier.

Farmers interests are not in any way reduced by starting the assessment process earlier, because if, for example, we are looking at the effect of climate change, one would expect it to be less after 8 or 9 years than it would be after 12 or 13 years. Similarly, if we are talking about a deterioration of river health, then once again if deterioration is less — —

Dr Napthine interjected.

Mr THWAITES — If there is an improvement, there would be no qualification. There is only a qualification if there is a deterioration. The legislation protects the interests of farmers. It gives a reasonable time period for assessments to commence, but my later amendment will ensure that the qualification does not occur until the 15-year period has expired.

Mr PLOWMAN (Benambra) — The opposition supports the amendment.

Mr WALSH (Swan Hill) — The Nationals do not oppose the amendment, but I need to make a couple of important points about the further amendments the minister talked about. There seems to be a natural presumption from the other side of the house that we are facing climate change and an approaching apocalypse. That may not be the case. If you go back in history to the drought at the start of the 20th century and the weather patterns in the late 1930s and 1940s, then you see we are in a similar weather pattern. This appears to be going longer than those previous events, but let us not panic and assume it will happen. There is debate among scientists as to where we are with climate change. There seems to be a presumption from the other side that we need to do this now because climate change has happened; it has not necessarily happened yet.

I believe our amendment goes further, but I accept that this amendment will achieve the end. The government had to move these amendments to get some credibility into the water debate. If this amendment had not come forward the level of mistrust of the government in country Victoria would have been justified. There was a very high level of mistrust — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Swan Hill has the call, not other members.

Mr WALSH — There was a very high level of mistrust that the way this clause was originally worded, as well as other clauses that the house will discuss later, the government would slip something in through the system and start a review immediately this bill was passed.

This clause goes some of the way towards correcting that level of mistrust, but I suggest to the minister that quite a bit of bridge building needs to be done so that this government regains some credibility with the irrigation community and starts to build some trust again, because that trust has been destroyed. People were thinking there was a way here by which they would be got at and that the minister was going to qualify their water rights sooner and actually take money off irrigators inside the 15 years.

Amendment agreed to.

Mr THWAITES (Minister for Water) — I move:

8. Clause 11, page 16, after line 27 insert —

"(4) The Environment Protection Authority must ensure that the report under sub-section (3)(a) is made within the period specified by the Minister, which must be not later than 4 months after the draft assessment is submitted to the Authority under sub-section (1).".

This amends new section 22N to allow a minister to specify a period within which the Environment Protection Authority must submit its report. Both Environment Victoria and the Victorian Farmers Federation have argued for more certainty regarding the timing of long-term water assessments and the reviews and qualification of rights, and so this amendment assists in giving that certainty.

Mr PLOWMAN (Benambra) — The opposition supports this amendment, but in doing so it puts the proposal that this should go not only before the EPA as a peer review but also before the Essential Services Commission, because this should also encompass the financial qualifications and impositions that will be incurred. Clearly the ESC is in a better position to appreciate that than the EPA is. I would have thought that to get some balance into this the outcome would be

far better for all parties concerned if the ESC were included.

Amendment agreed to.

Mr THWAITES (Minister for Water) — I move:

9. Clause 11, page 17, line 1, omit "**Publication**" and insert "**Consideration and publication**"

10. Clause 11, page 17, after line 2, insert —

"(1) The Minister, after considering the report of the Environment Protection Authority under section 22N, may —

(a) endorse a long-term water resources assessment; or

(b) endorse a long-term water resources assessment with any amendments the Minister considers appropriate; or

(c) refuse to endorse a long-term water resources assessment.".

Amendment 9 simply amends the heading, and amendment 10 amends new section 22O by specifying that the minister may endorse, with or without changes, or refuse to endorse, a long-term water resource assessment.

Amendments agreed to.

Mr THWAITES (Minister for Water) — I move:

11. Clause 11, page 17, line 3, before "As soon as practicable" insert "(2)".

12. Clause 11, page 17, after line 20 insert —

"(3) If a long-term water resources assessment has not been completed within 12 months of the publication of a notice under section 22M(a) for that assessment, the Minister must, on publication of the assessment, publish reasons for the delay in the preparation of the assessment.".

Amendment 11 amends new section 22O as a consequence of the insertion we have just agreed to. Amendment 12 requires the minister, if a long-term assessment has not been completed within 12 months of the publication of the notice of that assessment, to publish reasons explaining the delay. Once again this is because both Environment Victoria and the Victorian Farmers Federation have argued for more certainty regarding the timing of these types of assessments.

Amendments agreed to.

The DEPUTY SPEAKER — Order! Before calling the member for Swan Hill to move his amendment 10, I advise the house that it is the Chair's opinion that if this amendment is not agreed to, the member will be unable to move amendment 13 in his name because it is consequential. Accordingly it is the Chair's view that the member for Swan Hill should address the principle of what he is seeking to insert rather than simply limiting himself to the details of amendment 10.

Mr WALSH (Swan Hill) — Deputy Speaker, I seek your guidance. Am I correct in believing that this is a procedural amendment that goes to my amendment 13 but that if amendment 10 is lost I can still put my amendments 11 and 12?

The DEPUTY SPEAKER — That is correct, yes.

Mr WALSH — As you have said, Deputy Speaker, amendment 10 is a procedural amendment that allows us to move our amendment 13.

The DEPUTY SPEAKER — I am sorry to interrupt the member for Swan Hill again, but I ask him to formally move the amendment.

Mr WALSH — I move:

10. Clause 11, page 17, line 23, before "If" insert "(1)".

I am glad someone is on the ball! This procedural amendment, which allows us to move amendment 13, again goes to the need to take into account the economic cost of addressing these issues and the need to make sure that we get a real outcome for the environment. In other words, if we do something we need to balance that against what it costs. It is not only about taking water off people, it is actually about how you give them incentives to make sure they use water more efficiently on their properties — that is, incentives that could allow them to not only reduce their water usage but actually achieve the same or an even greater economic result from the water they use.

The philosophical difference that we appear to have with the government is that we want to make sure there is economic rigour in this debate. As I said in my contribution to the debate last night, if you actually have money on the table it focuses people's attention on the decisions they make. If you do not have money on the table, it is very easy to say 'We will take something off someone', or 'We will go and do something', without taking into account the economic cost. In regard to this whole bill we have the irrigators of Victoria with their money on the table but we do not have the government with its money on table and being accountable for the irrigators' money it is going to take away.

So we believe this amendment improves the accountability of the minister and makes sure that if he is going to qualify water rights it will be as an absolute last resort. We do not want the easy option. We do not want Peter Cullen's view of the world; and we do not want the view of the world of the South Australian Minister for the River Murray, that we just go in and take water off the farmers, because it is the easy option. I repeat: we want to make sure that if the minister is going to qualify water rights it will be as an absolute last resort — in other words, that we will have explored every other option possible in achieving the environmental outcomes we want to achieve and that we will be accountable for those things we are wanting to achieve for the environment.

Mr MAUGHAN (Rodney) — I simply want to support the sentiments expressed by the member for Swan Hill about the importance of doing this assessment properly. Sure, the environment is absolutely vital, but we need to weigh it up against the economic consequences of what we do — and that should be the case with anything we do. There are enormous investments out there in the irrigation industry. Towns like Shepparton, Kyabram and Rochester depend on those investments, and we need to be very careful that we are not just making emotional decisions on this issue. We need to have a proper consideration of the economic and social consequences of any actions we propose. And as the member for Swan Hill says, if it is necessary at the end of the day to ultimately resume some water entitlements, then that has to involve proper compensation.

Mr PLOWMAN (Benambra) — Again, the opposition supports this amendment, principally because it would ensure that if changes are to be made following an assessment of this sort, the economic and social costs of the changes and their impact on local communities would be considered. It is essential that these issues are addressed and incorporated in the bill.

These amendments propose, by the insertion of new section 22P(2)(c)(i), (ii) and (iii), the action that clearly should be taken — that is, investment in infrastructure, an area in which this government is clearly lagging behind. That should be the first provision. That is what the national water initiative (NWI) asks for, and that is what this government has agreed to under the NWI, but frankly it is not doing it.

The incentive to water users is the second provision, and the third is that the qualification of rights should always be considered as the very last option. I mentioned last night the classic case of the first stream in Victoria, the Merri River in south-western Victoria, where there has been a reduction in the amount of irrigators water because of environmental use. This has cost those irrigators in the upstream area of the Merri River $3 million. They can show those figures; they can show the loss of production. But there is absolutely no definition as to what improvement there has been with respect to the environment.

Dr Napthine interjected.

Mr PLOWMAN — That is correct; with the best of intentions in the world those people in the department who wanted these changes to be effected cannot show any improvement. If we are going to have a request of this nature to come to any of our streams, then it has to be qualified by the economic and social costs that will be incurred. I will keep citing that case, particularly as it was the first stream in Victoria to have that assessment done on it and to have those provisions applied to it.

Dr SYKES (Benalla) — I desire to add my support for the amendment moved by the member for Swan Hill, on the basis that we are seeing an example of this water recovery process going on at the moment in relation to the proposed decommissioning of Lake Mokoan. One of the major issues that has concerned the people in the local area is the apparent lack of appreciation of the local social and economic impacts of any decisions to decommission the lake, and in particular the direction in which the process appears to be heading — that is, buying water out of the system. It would appear that in the decision-making process the cost of buying water out of the system is measured at the actual cost of the water — which may be, say, $1200 a megalitre. There does not seem to be any factoring in of the removal of the wealth generation potential of that water when it is taken from the area. It is absolutely critical that that be factored into the decision-making process in a very rigorous way so that communities such as those in the Benalla area do not have their wealth generation capacity sold down the river.

Mr THWAITES (Minister for Water) — I will clarify a few issues. First, I really would urge members opposite to read the national water initiative. This is a document that is signed by Victoria and also by the commonwealth coalition government. I would urge members to understand that Victoria is bound by that and that we agree with its provisions. I would urge members to look at the provisions of paragraph 48 of the national water initiative, which makes water users liable for the full amount of any reduction in water from climate change. The national water initiative has a more stringent rule than this legislation is implementing.

The initiative also contains another provision that allows parties to implement a different rule if there is agreement around that. That is what we are doing, because we have reached agreement with the Victorian Farmers Federation (VFF) and others to have a more generous provision for farmers than the national water initiative allows for. So all of this humbug that is being put out about farmers losing water without compensation really ought to be put in the context of the fact that federal coalition members — members of the same parties that those opposite are members of — have supported the national water initiative. The member for Benambra talked about a particular case in south-west Victoria. That is not under the new legislation, that is under the existing legislation which his party supported.

The existing legislation, as I pointed out, allows qualification with no process whatsoever. That is what the member's party supported. What we are introducing is a process where there is far more transparency and far more opportunity for everyone to have their say, whether they are farmers or environmentalists. So to come into this place and raise fears amongst farmers that they will lose something that they already have is total humbug and hypocrisy — and I am sick of it. I am sick of the sort of hypocrisy we are seeing from the other side. They are running around the country raising concerns in public meetings that farmers will lose something, when under the very legislation that they supported, the very legislation that has been in for years, there was less protection than they are getting now.

Let us be quite clear about this. Our government has worked very hard with farmers and the VFF to get a good outcome — to get a reasonable outcome. It is an outcome that gives farmers more security than they get under the national water initiative. It is an outcome — —

Mr Plowman — That is not what they say.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The debate will be conducted properly through the Chair, not across the table.

Mr THWAITES — If people do not say that, it is because they have not read the current act and do not understand the national water initiative and because they are being spurred on by people for political purposes — such as the Liberal Party members in this state, who are totally split on this, as they are on all issues, and who are being opportunistic. Look at the facts. The facts are that the current legislation does not provide the sorts of protections this legislation provides. The complaints the member has made are about the current legislation. This legislation is providing more protection.

Mr WALSH (Swan Hill) — With respect, the minister has actually just contradicted himself. He said that the national water initiative has to be abided by, but then he said that if someone can sit around a table and get agreement, we can have something different to the national water initiative, which is what we are talking about now. We are going through the democratic process of sitting around this table, and we do not necessarily agree with what he has put forward as the alternative to the national water initiative. We are undertaking the very process you were talking about, so do not stand there and berate us for sticking up and thinking that maybe the government should make some changes to do it better — —

Mr Thwaites interjected.

The DEPUTY SPEAKER — Order! The debate is through the Chair, not across the table.

Mr WALSH — The minister is arguing against the very process we are going through here, arguing against the democratic process. The minister says he has talked with sectors of the industry and has, in his mind, an agreement to do something additional to the national water initiative. We are using the Parliament of Victoria as it was designed to be used and putting forward some alternate views as to how we believe we could make the minister's new deal, which is separate to the national water initiative, even better. I find it rather perplexing that the minister would berate us here for going through the democratic process that this house was designed for.

Mr PLOWMAN (Benambra) — I would like to add to that by saying two things. One is that although the minister has said that what happened in the Merri River happened under the existing legislation — and that is quite true — it is an example of how changes directed to try to get environmental benefit can come greatly unstuck if the economic and social impacts are not taken into consideration before they do. Clearly, if this is a true example — and I believe it is — of what can go wrong, this is what the farming community is concerned about with the introduction of this new legislation. That is because the new legislation gives far greater power to the minister in his own right to achieve a lot of the changes which are going to be introduced as a result of this legislation.

Can I just comment briefly on the national water initiative? The initiative makes it explicit: that the first

consideration of a state government should be to get its savings out of improvement to infrastructure — out of water savings. That is what it should be doing. That is an explicit requirement of the national water initiative. Not only has the Prime Minister enunciated this, but also before his retirement the former Deputy Prime Minister emphasised this very same principle. I would suggest, as the Deputy Leader of The Nationals has said, that this debate should not be used to berate us for raising these issue which we see as important with respect to the introduction of this legislation. I would suggest that if the minister is prepared to consider it — as he was at the last minute prepared to introduce 60 amendments to his own legislation — he should listen to us and accept that maybe some other changes should be made.

Dr NAPTHINE (South-West Coast) — I think it is important that we realise what we are here for: we are trying to get the best outcome in terms of water legislation for now and into the future. The 1989 Water Act was a very significant piece of legislation, and it took a lot of time to go through the Parliament. As with many pieces of legislation, over time we learn more and see how we can do it better. The important issue here is not to argue whether the 1989 act is perfect or not perfect or whether mistakes have happened under the 1989 act but to learn through the history of the 1989 act and to make sure that the amendments we make today will give us a better long-term outcome.

As the member for South-West Coast I acknowledge that the Merri River flows through my electorate and I reiterate the comments made by the member for Benambra. The Merri River is an example — and it may have been managed under the previous legislation — that we can learn from as a Parliament and as a community about what we should do for the future. That is the point being made by the member for Benambra. The story of the Merri River in simple terms is that there have been significant reductions in water available for irrigators to the tune of a loss of $3 million or $4 million in lost production, lost job opportunities, lost opportunities for economic development and lost opportunities for south-west Victoria.

One would expect that as a result of water being taken away from irrigation usage and being put back into the river as environmental flow there would be some measurable outcome in terms of improved river health. But when information has been requested about that improved river health as a result of that decision, departmental officers cannot demonstrate any improved river health, and they cannot point to any objective measures of this improvement. What we must learn from that is that we need to ensure that we have a proper review process, and this is what this legislation is about. We need to have a proper review process that considers all the factors and looks at the best way forward in terms of getting a good environmental outcome and a good irrigation water-use outcome to result in a win-win situation. It is not about one view or the other; it is about win-win.

The classic example — and the minister would agree — is the Wimmera–Mallee pipeline, where we have a significant investment in infrastructure that will actually reduce the loss of water through seepage and evaporation. By investing in infrastructure, as this amendment says, and by putting a priority on investing in infrastructure we can get a better outcome for water users and a better outcome for the environment; we can have that win-win outcome. That is what I put to the minister. This amendment provides us with a more comprehensive framework for the review and a more broad-ranging discussion in terms of that review, so that we can get the balance right and we can potentially get more win-win outcomes. We can have wins for farmers; wins for regional communities and wins for the environment because we can use innovation, investment for infrastructure and a range of better ways to manage and handle the water to achieve this.

There are enormous water savings to be made in terms of investment in infrastructure, better management of channels and moving to pipelines, and better water irrigation systems on farms. We have to provide incentive, we have to provide encouragement and we have to provide support. I believe it would be very disappointing if this house limited itself to an ‘us versus them’ argument. What we have to do with this amendment is to provide a framework for getting a proper review process to consider all the factors so that there is a distinct possibility in nearly all cases of achieving win-win outcomes. That is what we should be trying to achieve.

Mr THWAITES (Minister for Water) — Deputy Speaker, let me make it clear that what I was berating the opposition and The Nationals for was not that they were putting forward amendments. I welcome them, and I have sought through the conduct of this legislation to properly brief members. I think we have had two briefings on this, and we have given more than adequate opportunity for moving amendments. I was berating members opposite because they have been going round the country running a scare campaign to mislead farmers into believing they are losing rights that they already have, or that they will be less protected than they are now. In fact this legislation gives more protections.

The member for Benambra misled the house by saying that the national water initiative requires investment in water infrastructure over and above purchase on the water market or other measures. It does not. It specifically sets them out as alternatives and does not give any priority in relation the those. Further, that particular provision only relates to where government reduces water rights as a result of a change in government policy — that is the only time it applies. In fact when water rights are to be qualified on the basis of climate change, the consumer bears all the risk under the national water initiative. That is why the Victorian Farmers Federation and Paul Wells said that this legislation is better and provides more protection to farmers.

House divided on amendment:

Ayes, 23

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

**Noes, 52*

Allan, Ms	Kosky, Ms
Andrews, Mr	Langdon, Mr
Barker, Ms	Languiller, Mr
Beard, Ms	Leighton, Mr
Beattie, Ms	Lim, Mr
Brumby, Mr	Lindell, Ms
Buchanan, Ms	Lobato, Ms
Carli, Mr	Lockwood, Mr
Crutchfield, Mr	Lupton, Mr
D'Ambrosio, Ms	McTaggart, Ms
Delahunty, Ms	Maxfield, Mr
Donnellan, Mr	Mildenhall, Mr
Duncan, Ms	Morand, Ms
Eckstein, Ms	Munt, Ms
Garbutt, Ms	Nardella, Mr
Gillett, Ms	Neville, Ms
Green, Ms	Overington, Ms
Hardman, Mr	Pandazopoulos, Mr
Harkness, Dr	Perera, Mr
Helper, Mr	Robinson, Mr
Herbert, Mr	Seitz, Mr
Holding, Mr	Stensholt, Mr
Howard, Mr	Thwaites, Mr
Hudson, Mr	Trezise, Mr
Hulls, Mr	Wilson, Mr
Ingram, Mr	Wynne, Mr

[**Division subsequently corrected; see page 1908*]

Amendment defeated.

Mr LANGDON (Ivanhoe) — I move:

That the debate be now adjourned.

Mr PLOWMAN (Benambra) — Despite the fact that the opposition is pleased to have had an additional hour this morning to debate this bill, we oppose the motion to adjourn the debate. As I have said many times before in this house, this is the most important legislation to country Victoria since the Water Act was totally amended in 1989. There has been no legislation before this Parliament about water that comes within cooee of the importance of this legislation to country Victoria.

Can I say that in discussions I had over the table with the minister, the major issues that came by way of amendments from The Nationals were addressed. The major issues the government had by way of amendments were addressed. But with the 60-odd amendments the government brought in at the last moment, we are only up to clause 11. As always, it is the fine detail of the legislation which is important. There is a need to go into the fine details to see how this will impact on country communities and the implications for the irrigators. These are the details we would like to continue to debate in this consideration-in-detail stage. On that basis, we oppose the adjournment of the debate.

I personally did not agree to it. In discussions over the table with the minister I agreed that the basis of the amendments put forward by The Nationals had been agreed to. I also said to the minister that the detail was important and that the detail of 9 or 10 issues needed to be addressed so that we would know exactly how the bill would be implemented. The adjournment of this debate denies members of the house the opportunity to debate those details. Effectually, it is a gag on this debate.

Mr THWAITES (Minister for Water) — I am very concerned about the comments the member for Benambra has made. We have a process to try to manage the business of this house whereby agreements are made between the parties about how debate will be conducted. Last night we had an agreement that we would debate and then go into the consideration-in-detail stage which would completed at 12 o'clock. That was an agreement. By 12 o'clock, there were still some further matters that The Nationals wanted to discuss and debate. I agreed to lengthen the debate. At 12.25 a.m. the debate was adjourned, which was consistent with the agreement that had been reached amongst the parties. At that stage that could have been the end of the debate. It may not have

resumed until 4.00 p.m. today, which is consistent with the procedures.

Because we knew on this side of the house that the Liberal Party and The Nationals had further amendments, this morning we agreed to allow another hour of debate. This was a further agreement: we understood it was agreed to. I understood the members of the Liberal Party and The Nationals had in fact agreed with the Leader of the House. To manage the house, we agreed to an extra hour which was not required under our original agreement. There has been an extension beyond that hour: the debate has been going well over an hour today.

Now, when we are at this stage of adjourning the debate pursuant to the agreement we had, the Liberal Party is turning around and breaking the agreement. That is what is happening: if it is opposing the adjournment of the debate, it is breaking the agreement. That is what it is doing. That is something the Liberal Party may do, but let me say that if that is going to be the way it is done, it makes it very difficult, if not impossible, to reach agreements on the understanding that this side of the house will be able to trust that those agreements will be honoured.

Mr RYAN (Leader of The Nationals) — We have got two distinct issues here. The first is that the Leader of the House said to me across the table this morning that extra time would be allowed for debate on this legislation until 5 minutes to 11 o'clock this morning — that was said, and that was accepted by me on behalf of The Nationals. We have now gone an extra 20 minutes over and above the time stipulated, and I accept that too. But a separate issue is our agreeing to adjourn the debate knowing that that will consign this forever after into the law of the state. We are not going to agree to do that. We acknowledge that an extra 20 minutes was granted this morning, but if the government expects us to simply walk away from the whole thing, by agreement, forever after, then we cannot do that.

Mr Holding interjected.

Mr RYAN — We will conclude this aspect of the debate now in accordance with the agreement. Yes, we will. But let the house understand, and let those watching, hearing and reading this understand — let everybody understand — that when these agreements are struck they do not happen in a circumstance of two equal parties making an agreement in the usual sense. We are faced with essentially negotiating a position with the government — —

Mr Holding interjected.

Mr RYAN — Yes, you are the government. By heck you are! The fact is that, if we had not agreed last night and again today to take a position in this which at least gives us some time to talk about these issues, the government would have slammed the bag and there would be no debate. It would have been shut down at 10 o'clock last night and guillotined today, and the people who came here last night to hear it would have heard nothing, seen nothing and read nothing. So it is that we are in this invidious position — and we accept that it is the way politics works. We accept the fact that the government has got the upper hand, but the notion of these agreements being struck in the way that is being talked about — that is, in the usual sense of the word — just simply is not the case. We accept, as I have said already, that time was extended this morning in this context, but let everybody be clear that that is the context in which it happened.

Mr NARDELLA (Melton) — This is appalling! Here we have — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The debate will be conducted through the Chair without the assistance of members of the house from all sides wishing to conduct a debate across the chamber.

Mr NARDELLA — Here we have members of an opposition that cannot keep deals. They talk to members of the government, they sit down and agree with the process, we give them extra time, and what do they do? They walk away from the deal. This is appalling! I have been present during this debate. All they have done is come in here and filibuster. They have talked rubbish. They have always been beaten on the arguments, and yet here they come breaking their deal, just like they broke their deal when they did not look after country Victoria in the seven long, dark years.

Dr NAPTHINE (South-West Coast) — I wish to express my concern and that of my electorate at the prospect of a gag on this most important debate. The water debate is — —

Mr Thwaites — We are adjourning it as agreed.

Dr NAPTHINE — The minister knows full well, despite his interjection, that this is going to be adjourned and will not come back for debate before this house; he knows that. This is a gag imposed by the city-centric Bracks Labor government on the debate on water, which is another insult by this government to

regional and rural Victoria. Regional and rural Victoria will know full well that the Bracks Labor government has insulted them once again by gagging democratic debate in the Parliament of the people on this very important issue of water.

There are a number of issues about the rest of the clauses that I wish to raise particularly on behalf of my electorate, which has expressed real concern with a number of the clauses in the remainder of the bill which give unfettered, unprecedented and uncontrolled power to the minister to make unilateral decisions on water management that will potentially harm regional and rural Victoria, the environment and Victoria in general. They are the issues I want to raise on behalf of my electorate. Let me conclude by saying that this is a gag on a most important debate perpetrated by the Bracks Labor government, which is just another sign that this city-centric government does not care about country Victoria.

The DEPUTY SPEAKER — Order! Six contributions having been made, the debate on the question has concluded.

House divided on Mr Langdon's motion:

Ayes, 51

Allan, Ms
Andrews, Mr
Barker, Ms
Beard, Ms
Beattie, Ms
Brumby, Mr
Buchanan, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Delahunty, Ms
Donnellan, Mr
Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Gillett, Ms
Green, Ms
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Kosky, Ms
Langdon, Mr
Languiller, Mr
Leighton, Mr
Lim, Mr
Lindell, Ms
Lobato, Ms
Lockwood, Mr
Lupton, Mr
McTaggart, Ms
Maxfield, Mr
Mildenhall, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Pandazopoulos, Mr
Perera, Mr
Robinson, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr
Wilson, Mr
Wynne, Mr

Noes, 24

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

Motion agreed to and debate adjourned.

Debate adjourned until later this day.

Mr Langdon — On a point of order, Deputy Speaker, in the previous division I counted 52 votes, but there were actually 51. I counted the Premier, who was not here.

The DEPUTY SPEAKER — Order! I ask the Clerk to correct the vote on the previous division.

ENVIRONMENT EFFECTS (AMENDMENT) BILL

Second reading

Debate resumed from 6 October; motion of Mr HULLS (Minister for Planning).

Mr BAILLIEU (Hawthorn) — I rise to present the opposition's response to the Environment Effects (Amendment) Bill. This is not a large bill, only some dozen pages, and its purpose as defined literally in clause 1 is very short — that is, to amend the Environment Effects Act 1978.

In short, this bill must represent a significant embarrassment to the government. It is an embarrassment to the current Minister for Planning, and certainly an embarrassment to the previous Minister for Planning and indeed a significant embarrassment to the Minister for Planning previous to her. There have been three ministers for planning in this government, all of whom have been part-time ministers, and it shows. After five years of consideration this is it. As the great Peggy Lee said, 'Is that all there is?'. It is extraordinary that after a five-year process we have come to a bill with 10 clauses, only 2 of which are deemed to have a material impact on the act. Others are said, even by the government's own advisers, to be just a gathering together of existing practice and provisions in a different way.

There is a substantial consideration when it comes to an environment effects statement (EES), and that is the consideration of trust. It is whether or not the community trusts the outcomes of any environment effects statements. I am sorry to report that people have

lost faith in this government. They do not trust this government and they do not trust this minister. I listened with interest to the radio today and heard the member for Mildura speaking on just this subject. He indicated to the people of Victoria that he no longer trusts the Premier and the ministers of this government. He drew attention to this government's broken promises and to the fact that in his electorate trust in this government had vanished on a couple of significant issues.

He also noted that there must be others in Victoria who have also come to a position where they no longer trust this government. Yes, there are — and they are all over Victoria. They are people who have lost faith in the government and no longer trust it. I refer to people such as Troy and Natasha at Cape Bridgewater, who have been subjected to extraordinary ministerial decisions on the wind farm there; Vince and Gail at Hattah-Nowingi; and Dimitri and Tula down at Dollar. They have all lost faith in this government and no longer have any trust left. Trust is significant, because when it comes to the environment the people of Victoria expect to be able to trust the government to present adequate, reasonable and comprehensive environment effects statements, and for the government to behave in a way which would lead it to the position where the community did have faith in it.

I give the example of the Hazelwood power station. The previous Minister for Planning appointed a panel and directed that panel not to consider the environment effects of the extension of the Hazelwood arrangements. That direction by the minister proved to be unlawful and was overturned by the Victorian Civil and Administrative Tribunal, but that was a fundamental issue on environmental matters where it fell to VCAT to demonstrate that the government had no good faith and that the people of Victoria should not have trusted the Minister for Planning, and this is not the only example.

Some 1500 objectors to the wind farm at Bald Hills effectively were ignored by the Minister for Planning. I have already mentioned Cape Bridgewater near Portland, and there are also Waubra and Dollar planning issues. At Hattah-Nowingi we see toxic waste dump exercises. At Wonthaggi the six turbines have absolutely destroyed a piece of precious coastline, and no EES was undertaken.

Now we are going through the channel-deepening process. Last year in this house it was interesting when the minister bagged the opposition because we were being critical of the EES process being undertaken for channel deepening. Only after that did we discover that the panel itself was critical of the process to the extent that a supplementary EES had to be ordered, and the government had to bow to the wishes of the panel and concede that the process had been flawed.

In regard to this bill, it is not the benign bill it claims to be. It will not lead to an improvement in the operation of environment effects statements, will not add protection to the environment and may lead to neglect and damage. As such the opposition cannot support the bill and will oppose it.

In summary, this bill makes a number of cosmetic changes, but there are two changes of which it might be said that they are at least material to the operation of the Environment Effects Act. The first in clause 7, which provides a new section 8(3), allows a proponent of a development to request the minister to direct that an EES either be made or not be made. Whilst it is a material change, it is not a great change because at present a proponent can ask the minister to request a council to require an EES; hence there is no material change, but perhaps just a shortening of the time line.

The significant change on which I want to focus is also in clause 7, which inserts new section 8B(3)(b). This provision allows the minister to move from a situation where the minister can say yes or no to the requirement for an EES and to add a third option. Under this bill the minister will now have a third option, which will be to say that no EES is required subject to some conditions. That is the issue about which we have considerable concern.

Another concern I have about this bill is that not only has it come through a five-year process — I will come back to that — but it is too little too late. Most of the government's significant projects have managed to avoid the scrutiny of any new EES process, which is a subject others have spoken on.

At the briefing we were assured that this new provision on which I want to focus — new section 8B(3)(b) — would only be operational for minor projects. At the briefing I asked, 'Where are the constraints on this power?'. There are none — none at all. It is a simple proposition that the minister will now be able to say no, subject to some conditions. The net result of that is that we have fewer EESs. We will not have more with the addition of that power; we will have fewer EESs.

The conduct of the government in regard to wind farms where EESs should have been undertaken has already led to community unrest, and as a consequence of this new provision we are likely to have fewer still EESs, and that is a great concern. At the briefing I requested

an example of when a provision such as this might apply. Perhaps it was not a surprise to me, but it came as a surprise to many others that the example given was a wind farm. In fact it might not be necessary to have an EES, if some conditions would be provided.

Mr Carli — How can there be less EESs?

Mr BAILLIEU — Fewer EESs. Are you happy? You have the Minister for Education and Training here.

My concern in regard to that particular example is that wind farms have a significant impact. That is being seen around Victoria. We have long said that wind farms should not go where local communities do not want them and they should not go in sensitive landscapes. However, we are seeing examples of this on a more regular basis. I suspect the member for Bass will be referring to the Wonthaggi example later on, and it is a tragedy. You only have to drive down the Kilcunda road and turn the corner from the Phillip Island turn-off to see what devastation has been caused to a piece of precious coastline. That development proceeded without an EES. It should have had an EES but it did not, and we now face a situation where such projects will proceed without an EES and the minister will simply say, 'I have applied some conditions'. That, in my view, is not satisfactory.

I will proffer another suggestion. At Hattah-Nowingi we are enduring an extraordinary community backlash against the government and its proposal to establish a toxic dump there. Under these legislative provisions it would be possible for the minister to determine that Hattah-Nowingi will not proceed and the toxic dump will go ahead somewhere else — Shepparton, somewhere else, who knows?

Mr Nardella — Hawthorn?

Mr BAILLIEU — Unlikely to be Hawthorn, I suspect. However, it may be that the minister determines that a relocated toxic dump could proceed without an EES, subject to some conditions which the minister unilaterally applies. I believe that is an unsatisfactory position.

I want to refer briefly to the Victorian Competition and Efficiency Commission report of January 2005 entitled *Regulation and Regional Victoria — Challenges and Opportunities*. On page 126 and subsequent pages of that report, commissioned by the Treasurer, deals extensively with the EES process. I will have some more to say about the report later on but I note that the commission said:

> … the Minister for Planning appears to have significant discretion in determining when an EES will be required.

That is a bald statement of fact. The reality is that under this bill that discretion of the minister will be increased. The objectives which are supposedly outlined in the second-reading speech will be undermined. The second-reading speech refers to:

> … facilitating greater public scrutiny in the environmental impact assessment system …

I think this bill will lead to less public scrutiny, and that is the basis for our concern. There will be less transparency and fewer EESs. Councils will be bypassed. There will be more ministerial power. There will be more backroom deals. The reality is it is too late for many major projects already.

I will come back to the origins of this bill in a moment. I asked myself who is supporting this bill. The environment groups are not out there supporting this bill. The planning industry is not out there supporting this bill. I think there is a particular shortfall, and that shortfall has led to our position to oppose this bill. The context of this bill is in itself a long and tortuous one. In November 2000 the previous, previous Minister for Planning — the member for Albert Park — announced that there would be a review of the Environment Effects Act. He noted in a press release dated 1 November 2000 that the Environment Effects Act 'no longer reflects leading practice'.

Given that the act was introduced in 1978 that might have been a reasonable proposition. One might have expected that things would have moved on from there but tragically they have not. Many major projects have proceeded under an EES system which the previous, previous planning minister concluded was not leading practice. Calls to have that review advanced fell on deaf ears for the better part of five years.

In April 2002, having considered an issues paper prepared, I understand, by the department, the previous Minister for Planning — the member for Northcote — decided to appoint an advisory committee. There were four members of that advisory committee, all distinguished in their own fields: Dick Seddon, Trevor Budge, Bronwyn Ridgway and Peter Davies. They had a public process, considered submissions and completed a report in December 2002 — the better part of three years ago. That report came with 60 recommendations and has been buried until just recently. It was sought under freedom of information.

The government's failure to make public that report was commented on at length by many groups including

the Victorian Competition and Efficiency Commission, which I just mentioned, and the Planning Institute of Australia. I quote from the planning institute's *Victoria — A Planning Scorecard* of September 2004. The report makes many comments on the failure of the government to publicly release the review. It states:

> Evidence of bypassing the EES/EIA process by conducting impact assessments through planning panels or via a planning permit process raises grave concern about appropriate strategic input, technical expertise and due process. Long delays in completion of EES/EIA legislation review also causes grave concern to the planning community. No public account given for delay in EES review, or shift in procedures for considering major project impacts.

Further on it states:

> The lack of progress in EES/EIA review deprives cabinet and government from thorough impact assessment for major transport infrastructure expenditure projects.

And still further:

> Unexplained delays have beset the EES/EIA review and legislative amendments that would follow from it.

I note the reference to legislative amendments. In that same report the planning institute called on the government to:

> Legislate for a better environmental effects process.

The report goes on to say:

> No clear evidence of cabinet decisions being subjected to full environmental impact assessment; or requirement to meet more substantive sustainability assessment-based criteria including robust health/social and economic impacts.
>
> …
>
> Inexplicably long delays in EIA review and reform legislation.

The report then recommends:

> A total rewrite of environmental assessment legislation to ensure comprehensive, open and accountable environmental impact studies.

That is just one report. A number of other organisations have commented on the failure of the government to review this. In the previous planning minister's press release of April 2002 she called for this review to go to a panel. She said:

> The result of this process will be a system that provides greater clarity, efficiency and certainty for local government, industry and local communities.

She went on to say that the recommended improvements — this was April 2002, more than three years ago — would include:

> Quicker assessment through clearer study requirements;
>
> Better focused studies leading to reduced cost and time lines;
>
> More opportunity for stakeholder input; and
>
> Coordination with the Planning and Environment Act.

She said:

> Changes could be achieved through amendments to the Environment Effects Act or the Planning and Environment Act.

As I go through that list now, there will not be more opportunity for stakeholder input, there will be less. There will not be coordination with the Planning and Environment Act, or no more or less than there is currently. And, in fact, changes to the Environment Effects Act have been reduced to an almost absolute minimum. The 60 recommendations in the EES review undertaken by that panel included many recommendations for legislative change. None of them have been picked up in this bill. You simply have to ask yourself why.

When the review was finally released a couple of months ago the government also released some new draft guidelines. I have to say that most of the recommendations in the EES review were not picked up in the guidelines either. The guidelines are out for community comment. The submission date was 30 September this year, and we have not yet had a government response. The reality is that those draft guidelines have minimal relevance to the bill we have before us today.

Clause 9 of the bill notes that the minister may prepare guidelines. In section 10 of the Environment Effects Act there is already a provision for the preparation of guidelines. The reality is that new section 10 does not provide us with anything that is not available under the current act, and it simply adds some things which are probably undertaken as current practice. It is an exercise in going through the motions. Those who would have us get carried away about the guidelines are kidding themselves, because the review called for legislative change and it has not happened. The only change of significance is one which is likely to lead to less scrutiny, less transparency and the more extensive use of ministerial discretion, which the VCEC refers to in its report.

I have mentioned the planning institute's comments about the failure to proceed. I also want to refer to a report undertaken by an eminent lawyer, Mark Dwyer, entitled *Review of Operation of Planning Panels in Victoria — Consultant's Report, April 2003*. That report, like the environmental assessment review report,

has lain dormant. Requests for its release under freedom of information have been resisted to the very last by the government — and I know, because I have made those requests. Interestingly, I think the first recommendation of that report was that it should be made public. Despite that, it was not. However, I want to particularly highlight section 7.5, recommendation 58, of the planning panel's review report, which says:

> As part of finalising the environment assessment review, and in any consequential redrafting of the *Environment Effects Act 1978* or the creation of a new act, the new provisions should provide clear guidance on —

and then we get a classic Bracks government statement —

> 'Exempt from release under the Freedom of Information Act 1982'.

Indeed in section 7.5, Mark Dwyer also said:

> The government is currently considering changes to the environment assessment process in Victoria. DSE has released its own issues and options paper, and has also received the report of the Environment Assessment Review Advisory Committee …

Again, another slab of material has been exempted from FOI. The government's lack of transparency and its secrecy with regard to the EES review was even poisoning the panel's review report. Then there are further comments from the VCEC. Looking at that EES review process the VCEC report says in section 7.3:

> As a result, the commission considers the delay in the government response to the 2002 review of environment assessment processes is creating uncertainty about the future regulatory environment facing proponents of major projects. The delay is also hindering the realisation of any benefits that may flow from process improvements. The commission thus considers the Victorian government should give a high priority to issuing a response to the environment assessment review.

Then draft recommendation 7.3 — we are yet to get the government to formally respond to the VCEC report — states:

> The Victorian government release as soon as possible the report of the review of the *Environmental Effects Act 1978* and its proposed response.

That was in January of this year. I think it took until August until there was finally a release of the report.

That Victorian Competition and Efficiency Commission report went on to make a recommendation about the Environment Effects Act. Draft recommendation 7.4, which has not yet been responded to by the government, reads:

> That the Victorian government's response to the review of the Environment Effects Act 1978 should address the need for (1) a staged EES process that is related to the complexity of projects and the nature of the environmental risks, (2) clear criteria for determining the applicable level of assessment, (3) early identification of assessment time lines and reporting of compliance against these, and (4) streamlined and coordinated input into assessment processes by government agencies.

The VCEC report considered the EES process extensively and recommended legislative change. Again, that is not happening.

I go back to the EES review undertaken by the advisory committee appointed by the previous planning minister. It made 60 recommendations, and many of them went directly to legislative change. I refer to recommendations 45, 47, 48, 51, 53 and 54. They included recommendations 2 and 3 for specific definitions of words whether they be environmental or sustainable development. Recommendation 4 specifically recommended the addition of explicit objectives in the Environment Effects Act which are not there. There was an extensive recommendation associated with that. Without going through each recommendation in detail, recommendation 60 was particularly interesting. It is detailed on pages 76 and 77 of the report. It states:

> The advisory committee suggests that the Environment Effects Act 978 should be revised to incorporate key elements of the recommended changes in this report. This would give statutory effect to recommendations such as those for definitions of the environment and sustainable development, objectives for the act and for assessment, levels of assessment, ministerial decisions on screening and assessment, integration with other statutory processes, and public involvement requirements. It should also provide greater certainty and clarity in the environment assessment process to all key stakeholders including the community, conservation groups and proponents.

That recommendation followed a discussion in the report and no doubt in the public hearings that were held and in the issues and options paper which reflected on three options put to the review panel; they were a rewriting of the Environment Effects Act; integrating environment assessment into the Planning and Environment Act; and new guidelines under the existing Environment Effects Act. The review panel itself came to the conclusion that legislative change was necessary, but it is legislative change that we do not have. Victorians will be the poorer for that proposition.

We are in a situation where material change being presented by the bill in new section 8B(3) inserted by clause 7 provides for the minister to say, 'No, an EES is not required subject to conditions'. There will be three choices for the minister. He can say, 'No, an EES is not

required' — that provision is in the principal act. He can say, 'Yes, an EES is required' — and that will proceed presumably under guidelines that will at some stage in the future be confirmed. His third option is to say, 'No, but here are some conditions'. We will not get more scrutiny under that. We will not get more EESs, but fewer. As a consequence the desire for Victorians to have a greater role in some of these projects will be undermined. I come back to where I started — the position of trust. Victorians do not trust the government. They have had experience of environment effects statements and the failure of the government to require EESs and now they are confronted with a bill which says that in the future there will be fewer EESs and less scrutiny.

Mr Carli interjected.

Mr BAILLIEU — I notice the Parliamentary Secretary for Infrastructure says there will not be fewer environment effects statements. That is the only conclusion you can get from this bill. You cannot have more EESs out of this bill. This is an unconstrained power. There is not a constraint as to what level of project compliance is required or whether councils will have to accede to it.

Mr Carli interjected.

Mr BAILLIEU — The parliamentary secretary says by interjection, 'Regional state significance'. I invite him to indicate where it says that in the bill. There will be an unconstrained power and less scrutiny. That is a position for the worse. The opposition opposes the bill.

Mrs POWELL (Shepparton) — I am pleased to speak on behalf of The Nationals on the Environment Effects (Amendment) Bill. As the member for Hawthorn said, it is not a big bill, but the purposes provision says that it is to amend the Environment Effects Act 1978 to improve the operation of the act. That is a broad-brush statement. Members of The Nationals do not believe this bill will achieve that outcome and will oppose it.

We have been told the act is outdated and in need of review. The member for Hawthorn went through the long history of the bill. In 2000 the then Minister for Planning, now the Minister for Environment, initiated a review of the Environment Effects Act, because he said it was outdated and we needed to look at the best value of the decisions we make and ensure we have moved along with the changes in the world and environment. In 2002 the then Minister for Planning, now the Minister for the Arts, appointed an advisory committee to consider the options paper that was put out and to consult stakeholders. It was a commitment by the government during the election that it would review the act, update it and include mainstream ideas, so it reflected what was commonly happening in the world.

That review report was finished in December 2002, and 60 recommendations were made. In 2005 the current Minister for Planning introduced this bill into the house. We have the extraordinary situation of having had three ministers for planning over five years.

Mr Baillieu interjected.

Mrs POWELL — All of them part time, as the member for Hawthorn says. In fact the now Minister for Planning has the important portfolio of Attorney-General. While most of his experience is with that portfolio, planning is a very important issue for the state and needs the full consideration of the government, not just part-time consideration. At the moment we see a lot of areas where we are getting part-time consideration so reports are being held up on ministers' desks for a number of years and finalised many years after. That needs to be looked at. Councils are telling me that planning permits are being held up because the department is not putting them through or allowing them to go through in a timely manner. Planning is really important; any hold up affects not only councils but also development in the state.

Last month the government released the consultation draft entitled *Guidelines for Assessing Environmental Effects Under the Environment Effects Act 1978*. We have been told that the decisions made under the current environment effect statements protocols were not based on current best models or protocols. It is concerning for The Nationals to know that some of the EESs that have been called for and completed may not have had the best protocols or the best science in place because we have been working with a flawed set of guidelines which we hear are outdated and in need of review.

We are told the current guidelines are out of date. They have not changed for two decades. The second-reading speech states:

> The environmental impact assessment system that is established by the act and ministerial guidelines made under section 10 of the act has a key advisory role in the context of relevant statutory approval processes.

We believe that is important, but we have not even seen the guidelines yet. The current guidelines for the act, we are told, are outdated, need to be reviewed and will be reviewed over five years, but we are also being told to

trust the government to bring in guidelines that will reflect what our communities and what The Nationals will support. Under the current guidelines in section 10 there is no mention at all of the social or the economic — not one word.

We are told in the second-reading speech how important the social and economic provisions are and how important the government regards those provisions when it is looking at the environment. Whether it is heritage, water or anything else, we are being told that the social and economic considerations are vitally important and as important as the environment. There is not one word of that in here. The words 'social' and 'economic' are not in the act, and they are not even in the bill currently before the house. We have been told in the second-reading speech how important they are, but all we have is the spin: the words 'social' and 'economic' are not even in the bill.

Mr Nardella — Put up an amendment.

Mrs POWELL — I am going to make a suggestion later.

Mr Nardella — Good. Is it an amendment?

Mrs POWELL — It is a suggestion on the recommendations that were made, asking for guidelines to say what 'environment' is and what the social considerations are. I will put that on the record a bit later, but it is interesting that the government has not picked up the recommendations. Its own report said there needed to be a definition of 'environment' and 'social' and 'economic', and I will speak on that later.

As the member for Hawthorn said, the changes in the bill have two main components. The first is to enable a proponent or developer to refer a proposal directly to the minister to find out whether they need an environment effects statement (EES). As the member for Hawthorn said, currently the minister can say, 'Yes, you need one' or 'No, you do not need one'. There is now that third option, where the minister can say 'No, you do not need one, but we would expect you to put these requirements and conditions on it'.

The other concern we have, as new section 8B(4)(a)(iii) says, is the provision that enables the minister to apply the conditions if the EES is not required. This bill also does not apply to any current projects — and as an example, those current projects include the Port Phillip channel deepening. The cost of the EES for that project was about $12 million and there has been great criticism of that EES and the effects and the outcome. That was $12 million for a statement that has to be looked at again. We know that the guidelines used are outdated and really do need to be updated.

Under the headline 'State "stalling" on environment laws' an article in the *Age* newspaper of 19 July 2004 says:

> In 2002, Premier Steve Bracks launched the Victorian greenhouse strategy. One of its promises was to consider including greenhouse gases in environmental effects investigations.
>
> 'If the EES review had proceeded as planned, Victoria would not be facing this major environmental threat', said Environment Victoria's climate change campaigner Darren Gladman.
>
> 'Is this incompetence, or has there been a deliberate decision to delay reform of the act until some controversial projects have been approved?'

I think that is something the community out there is asking.

A number of controversial projects have been assessed, and certainly there have been some community concerns about them. I shall name just a few. The house has just been debating the Water (Resource Management) Bill and the effects it will have on the social fabric of the communities that will be affected and the effects on the economy of the water leaving the district. It will have a huge social and economic effect. The government says we need water for the environment, and we all agree that we do, but not to the detriment or disadvantage of the people in our community or our agricultural base.

We also have the toxic waste dumps. Three were to be looked at formally and researched — Baddaginnie, Tiega and Pittong. It would have had huge social and economic effects if, for instance, Baddaginnie in my region had been chosen. It is the food bowl of Australia. We campaigned on the steps of Parliament House to make sure that toxic waste dumps were not put in those three areas. It is really important that we do that to make sure that any EES takes into account the perception that is out there as well.

If you put a toxic waste dump in an area that provides food not only for Australia but also the world, because of that perception the overseas market will say 'No, we are not buying your produce because you have a toxic waste dump near rivers and irrigators actually use that water to put onto their fruit trees'. We would have a ridiculous situation in the domestic market because of that perception. People would see that the fruit comes from an area that has a toxic waste dump and would fear that some of that waste was leaching into the earth or into the water.

We also have the contentious issue of wind farms. We could see a minister saying, 'No, you do not need to have an environment effects statement, but I will impose conditions about the siting of those wind farms'. That decision could be made and delivered without the issue even going back to the community. We have some huge issues regarding controversial projects, so we really need to make sure that the environment effects statements are up to date and are modernised and that they include provisions that enable the community to have an equal say as to the effect of the project on the social fabric of their community and also the economic conditions in their community.

The second-reading speech states:

> The clarity, efficiency and reliability of the planning system, and … greater public scrutiny in the environmental impact system will result in better planning decisions and better economic, social and environmental outcomes for Victoria.

It says that in the second-reading speech, but it is not reflected in this bill. We all totally agree with the sentiments, but again the bill does not say how it is going to provide for that. It is providing for the environmental issues but it is not providing for the social issues and economic conditions that we are being told it does provide for. I was told by a Department of Sustainability and Environment officer that social considerations are not well articulated in the current act and that as well as environmental considerations this bill gives more weight to social and economic considerations. Again we ask: how will that be determined when the words 'social' and 'economic' are not even in the bill or the act? There is no definition of 'environment' in the act. We were told it includes social, economic health and cultural considerations, but one of the advisory committee's recommendations was that there should be a definition in the draft guidelines.

If I can just read a recommendation from the consultation draft dated August 2005 and entitled *Guidelines for Assessing Environmental Effects Under the Environment Effects Act 1978*:

> Environment includes the physical, biological, heritage, cultural, social, health, safety and economic aspects of human surroundings, including the wider ecological and physical systems within which humans live.

That could be a bit confusing, because when we are talking about the environment we need a description of what 'environment' is; but we also need definitions of 'social' and 'economic'. So that could be a bit confusing, but the government has not even turned its mind to it.

Recommendation 2 of the report of the Environment Assessment Review Advisory Committee of December 2002 — it was so highly thought of that it was put in recommendation 2 — states:

> The advisory committee considers that there should be a definition for the term 'the environment' —

and it gave some suggestions about what that could be. Recommendation 3 is similar: it says that there needs to be a definition of 'sustainable development'. Those recommendations were not picked up by the government, yet it has had three years to look at them, research them, consult with the community and set out some guidelines that finally define where we are going with the social and economic considerations, not just the environmental ones.

In the adjournment debate on 11 August I asked the Minister for Planning to urgently review section 60 of the Planning and Environment Act in regard to social and economic considerations. We also see it in the planning act, which talks about 'social' and 'economic'. A number of councils have gone to the Victorian Civil and Administrative Tribunal using section 60 or section 12 or section 4 — the three areas of the Planning and Environment Act 1987 that discuss social and economic implications. Again I ask the government to review section 60 and come up with some practice notes or some guidelines about how councils and VCAT can consider the social ramifications of any development in the community and how people can make better use of the word 'social' so they know that when they are using it they will be able to have it pass through VCAT.

I raised that matter on 11 August. That was almost 11 weeks ago, and I still have not received a response from the minister. We were seeking guidelines for local government so that, for example, if the City of Shepparton wanted to oppose a brothel under the Planning and Environment Act it could do so under 'social considerations'. The council says its hands are tied, so it supported it. The City of Casey rejected a similar application and developed a case citing social ramifications, and it actually won the case in VCAT. The minister really needs to look at how we deal with the notion of 'social' in the Environment Effects Act and in the Planning and Environment Act.

I have been a member of an environment effects statement (EES) consultative committee, so I know about how it works and about the importance of looking at and consulting to see how any development affects a community. I was on the Goulburn Valley Highway bypass environmental effects study consultative committee in about 1992 or 1993. The

Goulburn Valley Highway bypass has still not been built — quite a number of years later. The reason for that is that as a committee we had to go out to the community, and when you put lines on a map showing where a road will go, particularly around an area like Shepparton, of course there will be objections, so you have to work through them.

I was on that committee for a number of years, and while I was a member of the previous government a decision was made to build the bypass to the west of Shepparton. Then when the government changed, this government rightly had another look at that decision, and after further consultation it also agreed that it should go to the west. The issue with that was that although the community had time to look at it, the committee did not significantly look at the costs to the community or the social ramifications or economic consequences. The committee had to come up with the best option for building the bypass. We looked at all those issues, and we included all the stakeholders, but I do not believe the terms of reference of any committee give as much weight as they should to the social ramifications. I think that needs to be looked at.

The minister has had the report of the environment assessment review advisory committee for three years. It has been kept secret; we have not been able to get a copy of it. There are obviously some good things in that report, but I know that on some issues — and I do not have time to go through them at the moment — there are criticisms about the way the act is applied. There are also some criticisms about having a single environment act. There is a suggestion that the Environment Effects Act be included in the Planning and Environment Act. The decision was made not to do that. I would hope there were some really good and genuine discussions about that and that the government had a look at it, because having a separate act for the environment would seem to be a double layer of bureaucracy. While there are some recommendations that the government did not take up, there are a couple that perhaps should have been looked at in more detail, and that was not the case.

The advisory committee report also states that under the act an EES can be required only for works deemed by the minister to have or to be capable of having a significant effect on the environment. Again, there is no definition of 'environment'. When I looked in the act I found very few definitions. In fact there are about three. 'Environment' should be there so we all know what the environment is. The word 'social' should be in there, so we know what the implications of 'social' are, and so should the words 'economical considerations'. We should understand what is being talked about when the government is in the process of making these decisions. The guidelines are absolutely critical in making sure that we have environment effects statements that are up to date, that are not outdated and that deal with situations that are happening in a changing world and a changing environment.

After five years of reviewing this act, because it is outdated — and the government has not taken any notice of the report, so I am not sure how those people who put forward the report — —

Mr Carli interjected.

Mrs POWELL — They might have read it, but certainly the recommendations are not reflected in the bill before the house. I am not sure whether the report will come back to the Parliament or whether further recommendations will be made, but there are a number of really great recommendations in that report.

I would urge the government to seriously consider putting the word 'environment' and what it means into the definitions so that when it is talking about the environment there are not such broad-brush statements and we all know what is being talked about. The government should also make sure that it includes a definition of 'social' so that we all know absolutely what the social considerations are.

We are concerned that this legislation is being rushed through in the second-last week of the sitting. A lot of the recommendations should have been taken up by the government — but they have not been. We do not trust the government and doubt that these guidelines will be any good. In planning we do not trust the government to come before this house and make sure that we understand and are able to see the transparency and accountability that is needed. The Nationals certainly oppose this bill.

Mr CARLI (Brunswick) — I am really disappointed in the member for Shepparton and the member for Hawthorn and their opposition and the opposition of the Liberals and Nationals to this bill. These are important reforms that impose clear obligations on both the minister and any proponents to be more proactive in considering the environmental impact of projects. That is why there is a third option. When we consider the environment effects statement (EES) process in Victoria we recognise that historically very few EESs have been done. There are probably around 6 to 10 effects statements in any year, so the suggestion that there will be fewer is a nonsense. The reality is that EESs are not done very often, and the

reason they are not done very often is that they are done for projects which have regional and state significance.

One of the things this bill stipulates is that where projects have environmental impacts the minister can put some conditions on those projects. A proponent can prepare them and put them to the minister, and the minister can have a third option under which further conditions are put on. That is better for the environment. EESs are just not done for the majority of projects that impact on the environment in this state, and that has been the case since EESs were introduced. It needs to be said that this is part of a series of reforms that are about ensuring that both the proponents and the minister are more proactive in terms of meeting the needs of the environment.

Currently the act enables the minister to require an EES to be done on projects which are capable of having a significant impact on the environment. This bill envisages that new ministerial guidelines will provide guidance on how this is to be interpreted in practice and how there can be a better focus on matters of regional and state significance. So it is very much about a clarification of the minister's powers.

What we heard from the member for Hawthorn was essentially an attack on wind farms. To all intents and purposes that is what he and the Liberal Party have been on about for a long time. They do not want wind farms, and they are doing whatever they can to put whatever impediments they can in their way. This is not a bill about wind farms. I mean, there will be wind farm projects that will need an EES because they will be of regional or state significance, but that does not mean every wind farm will have to undergo the same rigorous process. It depends on what is being introduced and where it is being introduced.

With these reforms the government is making improvements. The decision was a clear one. As previous members have indicated, a study was done and the government decided that the best way to strengthen the environment effects statement process in Victoria was through amendment to the act to improve the clarity and to ensure it has stronger guidelines for the minister.

If we look at the reforms proposed in the bill we see, first of all, that there will be an expansion of the number of parties who can refer a proposal for a determination on whether there is a need for an EES. As I said, there will be a third option for the minister where currently there are only two, one of which is to go through an EES process, relatively few of which are done in Victoria. The third option is to put conditions in place.

This bill contains clearer mechanisms to ensure that environmental objectives are met where an EES is not required, and I would have thought that that is a very good thing. It is a very important improvement on the EES process, and it is certainly an improvement in terms of the projects which will have an impact on the environment but for which a full EES is not justified because they are not considered to have regional or state significance.

The bill also clarifies the minister's ability to specify the form and requirements for environment effects statements for individual projects and also clarifies the circumstances in which a supplementary statement can be required. What we have is a significant improvement in terms of the role of EESs in Victoria and certainly in the role of the Minister for Planning.

In terms of how it is decided whether an EES is required, obviously the screening is done by the minister, and it is the minister who determines whether the proposed works are capable of having a significant effect on the environment. The guidelines will be a very important feature, because they will provide guidance to inform the minister. The guidelines will specify that in determining the significance of a potential effect, the minister should have regard to the following factors: firstly, the nature of the environmental risk posed by the project; secondly, the sufficiency of applicable policy and standards to guide the management of potential effects; and thirdly, the suitability of applicable approval processes to assess potential environmental effects. Basically we have a much clearer sense of focusing on the risks, focusing on what mechanisms we have to avert those risks and also focusing on the management of those effects.

A good example of that process is the EES on channel deepening, because it is indicative of that type of practice. I know that the member for Warrandyte will no doubt criticise the EES, but the member for Hawthorn claimed that the channel deepening EES process was faulty. I do not think there was anything faulty about it. It went through a process and it went through an independent panel, and the independent panel found that the EES was wanting, The panel asked for a whole lot of follow-ups, so a supplementary environment effects statement has now been committed to which involves the channel dredging trial that has just been undertaken. That was part of it. That is a very expensive but very necessary part of ensuring that the environment effects statement process is done. What this bill highlights is good environmental practice,

which is exactly what we have undertaken in the channel deepening project. It is good practice, and the fact that the panel has ultimately required the government to provide a supplementary EES illustrates that the system works.

Mr Honeywood interjected.

Mr CARLI — No, it demonstrates that the EES process needs to focus on the risks; it needs to provide the management plan and the standards, and where the panel sees that as not having been included or believes sufficient work has not been done it requires the proponents to go away and work on a supplementary EES. That shows that the system is working. I believe, unlike the member for Hawthorn, who claims the channel deepening EES process was faulty, that it demonstrates that the system is working and how best practice can work in the environment effects process and how an environment effects statement can best be conducted.

Doing an EES involves a significant amount of work, and probably no EES demonstrates that more than the channel deepening project, where we saw 16 studies of the bay being undertaken in the initial process. We are now seeing supplementary work being done, including the trial dredging. It is a massive exercise.

I go back to the comments of the member for Hawthorn, who said there would be fewer EESs. There will not be fewer EESs; there will be the same number, and that number is already relatively low. Historically speaking there are between 6 and 10 EESs conducted in the state of Victoria in any given year. What this bill indicates is that the minister has a role to impose conditions on other projects that would not meet the requirements of a full EES so that they meet conditions that ensure that they do not impact on the environment in a significantly detrimental way.

In terms of the environment, this is a good bill. These are important reforms. They demonstrate the clarity of the role of the minister and make the proponents more proactive in their consideration of the environmental impact. This gives the minister new tools and ensures that there is good practice. We have put good practice into legislation in terms of the environment effects process.

I am very supportive of this bill. I am very disappointed in the opposition parties, which have tried to turn this into a debate about wind farms or opposition to channel deepening rather than focusing on the significance of this legislation in reforming our EES process, ensuring that we have the most rigorous environmental effects process in the country and ensuring that this state continues to lead Australia in terms of our performance with major projects.

Mr HONEYWOOD (Warrandyte) — Apparently there has been some agreement that this important environment effects statement debate is to be adjourned. I must say I was not privy to that agreement, and I would hope that I am not going to be gagged and prevented from making a contribution to this important debate as shadow environment minister. I move:

That the debate be now adjourned.

Motion agreed to.

Debate adjourned until later this day.

ENVIRONMENT EFFECTS (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Minister for Planning).

Mr HONEYWOOD (Warrandyte) — I will try and start again. The way this house seems to be operating is quite bizarre.

This is another example of where the government has lifted the high-jump bar. Great expectations have been raised, and it has failed yet again to meet its own test. Much was promised, and I have quoted to this house time and again the assessment by the now Minister for Environment — the then Minister for Planning — of the environment effects statement (EES) process, which was that the process that had been inherited from the previous Labor and Liberal governments was inadequate, that it was not up to scratch and that we had to bring in a whole new process. If this is the best the government can do after six years in office, then it should be held to account for having let the environment down.

It must be noted that the government had a real opportunity to improve its already dwindling reputation on environmental policy reform, but not surprisingly it has again failed to show its commitment to environmental protection by dishing out self-serving amendments to legislation seeking to further increase its stranglehold on due process when it comes to genuine environmental assessments.

The government is fully aware, and has been for several years now, of the overwhelming opposition in the

community to the current EES system. Environmental and political groups have raised many concerns about the EES system, including lack of transparency in the current system, the lack of community engagement that the current system facilitates; the lack of defined objectives in the current legislation and the lack of legislative procedures to ensure consistency in impact assessments. This contrasts greatly with those procedures that are legislated in detail in the commonwealth Environmental Protection and Biodiversity Conservation Act 1999. In the case of the EPBC act, consistency and confidence in the commonwealth environmental assessment process is of a high standard, because the methods used for assessment and scrutiny of proposals are entrenched in law, not in flimsy guidelines.

In 2000 the then Minister for Planning stated that the 1978 Environment Effects Act was 'outdated' and in need of significant change. In that same year the minister initiated a review of the environment effects legislation. In 2002 a review was conducted by an advisory committee, and because the government did not like what the report had to say about the state of Victoria's antiquated environmental assessment procedures it sat on that until it felt it was convenient to release it — only after I took the matter to the Victorian Civil and Administrative Tribunal. At the last moment before the VCAT hearing my lawyer contacted me to say the government had caved in. That was some three years after the review committee report was completed, so for three years it sat on the desk of the Minister for Planning, and it was not actioned until we took it to VCAT and the government caved in.

In the meantime controversial projects that have potentially massive environmental and social implications for the Victorian community have, by the government's own admission five years ago, been subject to outdated environmental assessment laws which fail to meet fundamental assessment requirements that ensure that all aspects of the environmental and social impacts are considered in an appropriate manner and which fail to properly assess viable alternatives to major projects. These major projects have already been detailed by the member for Hawthorn. They include the channel deepening and the absolutely appalling manner in which it was proceeded with, where the EES fell over and a whole new EES was put in place at great cost to the taxpayer; the Nowingi toxic waste dump; the Hazelwood power station; and the Scoresby — now EastLink — tollway. All these projects have precipitated unprecedented concern among many environmental and community groups because they believe the environment assessment process is a complete farce, which has repeatedly been shown. I quote from the *Age* of 7 March:

> Victoria's Environment Effects Act has fallen behind those of other governments … the act does not state its objectives, makes no mention of sustainability and fails to define 'environment'.

Moreover, the article further notes:

> … the protection of the environment appears to be of less importance than the promotion of economic wellbeing … the biophysical environment is less important than other considerations, particularly economic.

That quote in the *Age* article was taken from the advisory committee's own report on the state of Victoria's environmental assessment laws — a report that the government has refused to properly consider because it did not suit its objectives to get controversial projects up and running despite massive public opposition. If we are to consider the finding of the advisory committee more closely — and I refer to the finding that Victoria's current EES laws do not properly consider the environment, which is surely the main purpose of an environment effects statement in the first place — it would seem clear that Victoria's Environment Effects Act 1978, under which some of Victoria's largest major projects have been assessed, is completely flawed and unrepresentative of vital interests at the very outset because, and again I quote from the same article:

> Victoria's Environment Effects Act … is weighted in favour of development over the environment and is in urgent need of modernising.

The 140-page environment assessment review was initiated by the Bracks government to address a number of flaws identified in the EES process. Amongst the terms of reference on which the committee based its investigation was the issue of the lack of transparency, certainty and accountability in the environment assessment process. Another issue was the lack of confidence in the current system amongst key stakeholders. The current system's contribution to ecologically sustainable development was viewed as inadequate and in need of modernisation.

The opening summary of the 2002 report states that the committee believes:

> … the implementation of the recommendations in this report would result in an environment assessment system that is more transparent, effective, efficient and certain, and would accommodate the needs of all key stakeholders in the environment assessment process.

Accordingly:

> … the Environment Effects Act should be revised to accommodate the changes recommended in this report.

The government's own review committee — which it set up — has said there needs to be an overhaul, but the government has ignored this recommendation in the piece of window-dressing that is the legislation before us today. It does nothing to implement the major recommendations of the working party, but unfortunately the government has to take every opportunity to enhance ministerial control against genuine community involvement. Provisions in this bill go a great deal further towards the centralisation of power in the minister's office.

The member for Brunswick said in his contribution that EES processes should only occur regarding the most important environmental issues and situations. Of course they should be warranted, but to give the minister power to dictate whether an EES will occur or not is to acknowledge this government does not trust a transparent system. It worries that it will get out of control and that the community will have too much input. Centralised governments like this one, which wants to centralise power in ministers' offices, try to stop any external critique.

Because Victoria has such a proponent-led process, the government can get the answers it pays for. When unprecedented levels of pollution were identified in the Yarra River earlier this year the *Age* newspaper went to every independent laboratory in Victoria to try to get water quality testing done, and it was willing to pay the market rate for it. It could not get a single laboratory to look at the job. Why? Because the government was the best client in town and they were worried they would not have any jobs in future if they got offside with it. The *Age* had to go to Adelaide and bring in a South Australian company in order to circumvent the cone of silence over so-called objective laboratories in Victoria, which were worried about getting the government offside. That was reported in the *Age*; I am not just saying that.

That situation is one example of how the proponent-led situation that has been foisted upon us means that the government gets the answers it pays for, because these consultancies, which are meant to be objective and scientific, worry that they will not be put back on the payroll for subsequent investigations if they do not give the answers the government wants.

The committee made no less than 60 recommendations on ways in which this outdated, flawed, ineffective unfair and non-transparent environment effects legislation could be improved to a standard that is acceptable to the Victorian community and on an Australia-wide basis. After five years had passed since the report was initiated, after conceding that the environmental effects legislation was outdated and after receiving wave after wave of criticism of the government for failing to act on vital changes, the best it has produced for our environmental effects processes are the minor changes made by the bill before the house — the only major change being to increase the power of the minister. As a result of the opposition's analysis — —

The ACTING SPEAKER (Ms Barker) — Order! The member's time has expired

Debate adjourned on motion of Mr NARDELLA (Melton).

Debate adjourned until later this day.

BUSINESS OF THE HOUSE

Program

Ms GARBUTT (Minister for Community Services) — I move:

> That the government business program agreed to by this house on Tuesday, 25 October 2005, be amended by omitting the order of the day, government business, relating to the Water (Resource Management) Bill.

Motion agreed to.

CHILDREN, YOUTH AND FAMILIES BILL

Second reading

Debate resumed from 25 October; motion of Ms GARBUTT (Minister for Children); and Mr MAUGHAN'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 address the many serious concerns expressed by community service organisations, and specifically — (a) the shift in responsibility and liability from government to community service organisations; (b) the lack of adequate funding for community service organisations to discharge their additional responsibilities; (c) the lack of a strategic approach to planning and managing the reform of out of home care; (d) the ability of the government to prescribe 'purposes' for voluntary organisations; and (e) the capacity of government to appoint administrators and dismiss a board of directors of non-government agencies'.

Ms GARBUTT (Minister for Children) — The child protection system is facing a time of great change and challenge. Changes are needed now to respond to a

range of issues in the community. With this bill the government has put forward a big reform proposal — a once-in-a-generation opportunity — to make major changes.

I want to talk for a moment about the context and why we need to do this. Two major issues stand out among the many. One is the more complex problems that vulnerable families of children are facing these days, and previous speakers mentioned many of these. Over the last 20 years families coming into contact with child protection services have become far more complex. Increasingly they display a combination of many issues, including substance abuse, mental health conditions, disabilities and family violence — for example, more than 50 per cent of children at risk of significant harm come from families with domestic violence and substance abuse problems. Increasingly we see children and families with combinations of these issues, not a single issue on its own. That is one obvious change that we need to respond to.

A second change is the knowledge we now have about the impact on a child's development of abuse, neglect and the lack of stable placement or carers. The impact of that is enormous and very damaging. The member for Caulfield referred to conversations she had had with people such as Fiona Stanley and Professor Frank Oberklaid. They stressed the importance of this new knowledge, the impact it has on children and how we must respond to it. Professor Frank Oberklaid has sent me one of his papers in which he said this:

> The consequences of a neglectful and abusive environment have been well described.
>
> … where the caretaking environment is unpredictable, abusive and where there is no secure attachment between the young child and the caregiver, a child is extremely vulnerable to a range of poor outcomes.

He suggested those outcomes are:

> … predisposing the child to a number of behavioural and emotional difficulties, including ADHD, aggressive behaviour, social difficulties and later participation in crime.

He suggested that this information:

> … must always be a prime consideration in any decisions made in the context of child protection.

That is another very clear message to governments: now that we know more about the impacts of abuse and neglect on children, we must respond to them. They are two of the key driving forces behind the need to change the child protection service so it can respond better in the current context.

We have chosen to put the best interests of children at the heart of all decision making and of what is driving this legislation. This includes the promotion of the child's development, the protection of their rights and protecting them from harm. Everyone has acknowledged that there are many difficult, complex, sensitive and controversial issues in this whole field. The government has said that all decisions must be driven by the best interests of the child. Where there are conflicting rights and interests we have said the child's best interests should be what guides decision making. That is at the heart of these changes.

Two years ago I had a conversation with leaders in the sector and I asked, 'How can we put children's best interests at the heart of our decision making, and how can we better look after them?'. They gave a simple three-step response, which are the themes running through this legislation. Firstly, they said, 'Work very hard to keep children at home with their families. Put a lot of effort into fixing up family problems so that families can care for their children before the crisis hits, before the problems get too big and long before you need child protection to be knocking on the door'. That has driven our reforms so far, and it is driving this legislation as well.

Secondly, they said, 'If they are not safe at home and they have to be removed for their own safety, work very hard to get them back home quickly. Put in place a lot of services which work together to get them back home quickly'. That is in this bill as well. Finally they said, 'After there have been many efforts to reunify families and if there is no way they can be returned home, we need to work very hard to make sure they have stable placements'. That is because, as we have seen from Frank Oberklaid's analysis, stability is the key. There are many reforms in the bill about the stability and permanent care of children who cannot be returned home — and this is an unfortunate fact we have to face. I have always kept those three steps in the back of my mind. They are reflected in this legislation, among many other things of course.

I want to make another couple of points quickly, because I want to leave time for the consideration-in-detail stage. I want to thank the many people have worked very hard to get this bill to the Parliament: Gill Callister, the executive director of the Office for Children, and Kym Peake — both of them are from the department — who provided strong leadership and worked enormously hard to make everyone understand the bill; the member for Derrimut, the Parliamentary Secretary for Community Services, who also played an instrumental role; my ministerial advisory committee of experts in the field, who have

been involved at every stage; all the peak bodies and sector representatives who made submissions, attended consultations and gave their time and expertise over the last two and a half years; and my own staff, including Catherine Neville and my former chief of staff, James O'Brien, who have also been working on this for two and a half years.

I would also like to place on the record my appreciation of the wonderful work that foster carers do. They are the heart and soul of the care system.

Child protection workers also do great work under extraordinarily difficult circumstances in a sensitive area where there is a lot of public scrutiny and not a lot of understanding of the issues they confront. I was very disappointed that the member for Caulfield chose to use this debate to make some very ignorant criticisms of them. However, I am delighted to have had the opportunity to bring forward this very large reform bill. This is good legislation, and it will be a wonderful foundation to move the child protection and care service forward into future decades.

The ACTING SPEAKER (Ms Barker) — Order! The minister has moved that the bill be now read a second time. The honourable member for Rodney has moved a reasoned amendment proposing to omit all the words after 'that' with the view of inserting in their place the words copies of which have been circulated and are in the hands of honourable members.

House divided on omission (members in favour vote no):

Ayes, 71

Allan, Ms
Andrews, Mr
Asher, Ms
Baillieu, Mr
Barker, Ms
Batchelor, Mr
Beard, Ms
Beattie, Ms
Bracks, Mr
Brumby, Mr
Buchanan, Ms
Carli, Mr
Clark, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Dixon, Mr
Donnellan, Mr
Doyle, Mr
Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Gillett, Ms
Green, Ms
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr
Holding, Mr
Honeywood, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Ingram, Mr
Kosky, Ms
Kotsiras, Mr
Langdon, Mr
Languiller, Mr
Leighton, Mr
Lim, Mr
Lindell, Ms
Lobato, Ms
Lockwood, Mr
Loney, Mr
Lupton, Mr
McIntosh, Mr
McTaggart, Ms
Marshall, Ms
Maxfield, Mr
Mildenhall, Mr
Morand, Ms
Mulder, Mr
Munt, Ms
Napthine, Dr
Nardella, Mr
Neville, Ms
Overington, Ms
Pandazopoulos, Mr
Perera, Mr
Perton, Mr
Plowman, Mr
Robinson, Mr
Savage, Mr
Seitz, Mr
Shardey, Mrs
Smith, Mr
Stensholt, Mr
Sykes, Dr
Trezise, Mr
Wells, Mr
Wilson, Mr
Wynne, Mr

Noes, 7

Delahunty, Mr
Jasper, Mr
Maughan, Mr
Powell, Mrs
Ryan, Mr
Sykes, Dr
Walsh, Mr

Amendment defeated.

Motion agreed to.

Read second time.

Consideration in detail

Clauses 1 to 134

Mrs SHARDEY (Caulfield) — Given that there is no time to debate the purpose of the bill, I would ask that we continue. We will not oppose those clauses.

Clauses agreed to.

Clause 135

Mrs SHARDEY (Caulfield) — I move:

1. Clause 135, after line 20 insert —

"( ) An agreement under sub-section (1) is of no effect unless —

(a) it contains a statement that the parent of the child and, if the child is mature enough to give instructions, the child have been provided with independent legal advice from a legal practitioner as to the legal effect of the agreement; and

(b) a certificate is attached to the agreement, signed by the person who provided the legal advice and stating that the advice was provided.

( ) The service provider must register a copy of an agreement under sub-section (1) (including a copy of the certificate of independent legal advice relating to the agreement) with the Family Division within 7 days after the agreement is entered into.".

I will speak just briefly on this. This amendment goes to the heart of what we believe is very important in

relation to parents signing voluntary agreements with the Department of Human Services for the care of their child, either under a short-term agreement of six months or a long-term agreement of two years. We strongly believe that parents signing such agreements should have the benefit of legal advice and that those agreements should be registered with the Children's Court for monitoring. This position is supported by a large number of organisations in the field, particularly Victoria Legal Aid, which made the following comments:

> Unfortunately parents with an intellectual disability or mental illness have entered into these kinds of agreements in the past. The need for transparency and formal oversight of these arrangements cannot be overemphasised. A mechanism that would provide safeguards for children and largely remove the potential for there being complaints of lack of informed consent would be to require that any agreement for longer than seven days include a certificate of independent legal advice and be registered with the court.

This is a position we, along with many other organisations, agree with.

Ms GARBUTT (Minister for Children) — The government does not accept this amendment. Voluntary care agreements have been in place for a long time, and they serve a very clear purpose: to allow families to be proactive in seeking assistance. To create an obligation that a family must obtain legal advice is likely to deter families from — —

The ACTING SPEAKER (Ms Barker) — Order! Unfortunately I need to interrupt the minister. It is now time for the lunch break.

Sitting suspended 1.00 p.m. until 2.02 p.m.

Mr McIntosh — On a point of order, Speaker, I refer to the unprecedented actions of the Premier and the government in frustrating the legislative will of the Parliament by advising the Governor to decline or delay royal assent to the Racing and Gambling Acts (Amendment) Bill. Given that the Premier is in the chamber with most of his ministers, I request with respect that you today — here and now — inquire of the Premier as to precisely why this unprecedented advice was given to the Governor. Further, what constitutional right or power does the Premier assert — —

Honourable members interjecting.

The SPEAKER — Order! This is a serious matter. I ask members to be quiet.

Mr McIntosh — Further, what constitutional right or power does the Premier assert that enables the government to frustrate the legislative will of the Parliament?

Mr Batchelor — On the point of order, Speaker, is this the appropriate time to do this? My recollection is that there is not a break in business, so it is not an appropriate time to raise this type of point of order. It is not one relating to question time. More properly it should be raised at a break in business or alternatively — and more appropriately — with you in chambers. We do not doubt the seriousness of the intent, but it is clearly nothing more than a stunt to do it at this time. I ask you to speak with the member in chambers so you can have adequate time to consider this matter.

The SPEAKER — Order! I will allow the point of order at this stage, and I will consider the matters raised by the member for Kew. It really is a matter for the whole of the Parliament, so I will discuss it with the President and report later to the house in relation to it.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Health: funding

Mrs SHARDEY (Caulfield) — My question without notice is to the Premier. I refer the Premier to his election promise to fix our hospital system by reducing emergency waiting times and dental waiting lists and improving maternity services, and I ask: given that over the last six years emergency waiting times have increased by 55 per cent, that more than 200 000 — —

Honourable members interjecting.

The SPEAKER — Order! The member for Preston!

Honourable members interjecting.

The SPEAKER — Order! I remind the house that members are entitled to ask questions regardless of whether other members of the house agree with the questions. I ask members on both sides of the house — for this and the rest of the questions in question time today — to treat the people asking the questions with respect.

Mrs SHARDEY — Given that over the last six years emergency waiting times have increased by 55 per cent, that more than 200 000 Victorians are now waiting for public dental and that 20 country maternity

services have closed, how does the Premier expect anyone to trust or believe him?

Mr BRACKS (Premier) — I thank the member for Caulfield for her question. One of the things you can trust this government to do is manage the budget well and deliver that in health. That is what you can trust this government to do. What you cannot trust the opposition to do is anything about investing in health services in this state. Just look at their record in closing hospitals, in sacking nurses and having a crisis in the hospital system in this state.

Over the last six years we have had 6000 extra nurses employed in our health system. Each year we have treated 250 000 extra patients in our health system, and in the last year we have put in $2.3 billion extra on what was the case in the health system in 1999 when we came to office. We have seen something like a 71 per cent increase in health funding under our government over the last six years. What is certain is that under our government we will manage the budget well, we will invest the proceeds of that budget — —

Dr Napthine interjected.

The SPEAKER — Order! The member for South-West Coast!

Mr BRACKS — He is still wearing his 'Back Baillieu' wristbands, of course! We will invest in health — invest the proceeds of strong fiscal management in this state into the health system — and we will do this because we do not make reckless promises to fund half-tolls and to take out of the budget some $500 million minimum.

Our record on health has been one of repairing the damage, improving the system and treating more patients. We have a record number of nurses in our health system and a 71 per cent increase in funding. Strong economic management has led to strong investment in health in this state.

Honourable members interjecting.

The SPEAKER — Order! I remind the member for South-West Coast that I have already called him once for interjecting very loudly. I ask him to cease behaving in that manner.

Tullamarine and Calder freeways: interchange upgrade

Mr CARLI (Brunswick) — My question is to the Premier. I refer the Premier to the government's commitment to invest in Victoria's transport infrastructure and ask him to detail for the house the most recent example of this.

Mr BRACKS (Premier) — I thank the member for his question. As Parliamentary Secretary for Infrastructure he is doing a great job in making sure that we can lead the nation in the provision of new capital works and new infrastructure in this state. The member asked me about a recent development or recent initiative which is part of our projects to rebuild the state and to invest in new infrastructure.

Today I was very pleased to be with the transport minister to announce the start of works for the commitment we have made for the $150 million investment in the repair and upgrade of the Tullamarine and Calder freeway interchange. This project is very important to our state. This interchange is a gateway to Melbourne and sometimes the first entrance for interstate and overseas travellers to our city. When those two freeways were built in 1960 it was not anticipated that we would have our present population volume or the 170 000 vehicles per day being carried along that road currently. It is also worth noting that this project to improve traffic flow on the Tullamarine and Calder freeways through this interchange work will assist in reducing the casualty crashes which have occurred on that stretch of road over the past five years. Regrettably we have seen some 150 crashes there over the past five years.

I am very pleased that we are proceeding with this project. We have a new partnership between VicRoads and private contractors to start this work today. I can indicate to the house that this work will be completed at the end of 2007. The work will continue over the period of the Commonwealth Games but we will start with work which will not be interrupted during the Commonwealth Games. That is an important part of this project.

This is part of a large infrastructure project for this state. This is the highest spending on and the largest commitment to infrastructure that we have seen in Victoria since the 1960s. As budget information paper 1 released today shows, we are committing more than $11 billion over the next four years to infrastructure spending. This is only one part of it but an important part of it. I am very pleased this project will start today. I believe this new partnership approach with VicRoads will mean it will be completed in a timely way.

Questions interrupted.

ABSENCE OF MINISTER

The SPEAKER — Order! Before I call the next question, I should apologise to the house. I forgot to advise that the Minister for Agriculture is absent today and that the Treasurer will handle any questions addressed to the minister.

Questions resumed.

Schools: portable classrooms

Mr RYAN (Leader of The Nationals) — That is funny — no-one noticed! My question is to the Minister for Education Services. I refer to the Bracks government's broken promise to build 600 portable classrooms in the current term of the government. Given that the cost of each portable classroom is at least $150 000 and the government funding of $50 million will therefore build about 330 of the portables, how does the minister intend paying for the other 270?

Ms ALLAN (Minister for Education Services) — I thank the Leader of The Nationals for his trifecta of interest in the education services portfolio and particularly his interest in our capital works program. As I think I said to the house yesterday and the day before, the Bracks government is investing a record amount of funding in building new schools and upgrading facilities right across the state.

I am pleased that the Leader of The Nationals has once again given me the opportunity to talk about the largest-ever education infrastructure project to occur in Victoria — that is, our $50 million commitment to build 300 new relocatable buildings which will accommodate 600 classrooms. Unfortunately the Leader of The Nationals is wrong. The Bracks government went to the last election with a commitment to build 600 new classrooms. These 600 new classrooms are being rolled out across the state as part of 300 new relocatable buildings. As I said, this is the largest-ever education infrastructure project in the state of Victoria. We have consistently said that this project will be completed by 2008, not 2006.

It is clear that The Nationals do not understand capital works in education. Their solution to capital works in education was to close schools — you do not have to worry about a capital works program when you are closing schools. It is clear that they do not understand the enormity of this type of program, considering that they are suggesting it can be finished in a 12-month period. This is a big commitment and it will take time to deliver it. We will deliver it properly. We completely reject the policies of the previous government. It is a shame that the Leader of The Nationals was not this vocal in the party room when his government was closing 176 country schools.

Transport: public-private partnerships

Mr LOCKWOOD (Bayswater) — My question is to the Minister for Transport — —

Honourable members interjecting.

Mr LOCKWOOD — There's my fan club.

The SPEAKER — Order! We will move on to the next question.

Mr LOCKWOOD — I refer the minister to the government's commitment to investing in Victoria's transport infrastructure and ask him to detail for the house how public-private partnerships have assisted in delivering on this commitment.

Mr BATCHELOR (Minister for Transport) — I thank the member for Bayswater for his question. The member for Bayswater knows the benefit of this government's infrastructure projects because the EastLink project is steaming ahead through his electorate and those of many others.

This government has invested more than $10 billion in infrastructure projects over the past five years. That is a huge contrast to the previous government — this is double what it was spending in the 1990s. Over the next five years we will see investment of another $20 billion across the government sector, public authorities and EastLink. Much of this will be within the public-private partnership (PPP) framework. Our biggest PPP — EastLink — will provide a major boost to the economy. It will cut travel times and ease traffic congestion in Melbourne's east and south-east. We will be delivering this project with the lowest tolls of any privately operated toll road in Australia.

No roads are being closed to force traffic onto the toll road. This is a result of good economic management by this government. The Bracks government has been able to deliver this because we have always been economically responsible and our policies are financially sound. Unlike the members of the opposition, who want to rip money out of country Victoria and the rest of Melbourne to fund their half-baked half-toll policy, we have been delivering infrastructure so people can use it.

There has been a lot of press about the new toll road in Sydney. Apparently the government up there has chosen to close other roads and force people to use the

tunnel and pay the tolls. That is a method we saw here in Victoria under the previous Liberal government, but it is not the policy of the Bracks government. This government did not require any up-front fees from ConnectEast for EastLink. Our objective was to achieve the lowest possible tolls, and we did that. We have also done that in a transparent way. We have tabled the contracts here in the Parliament so everyone can see that no other roads will be closed to force traffic onto the EastLink project.

If motorists want to reap the benefits of the time saving, they will be able to use EastLink and pay the tolls. If they do not want to pay the tolls, they will still be able to use the adjoining roads — and a significant and substantial reduction in traffic will occur on roads like Springvale Road and Stud Road, which they will be able to use without tolls. Furthermore, the contract was tabled in the Parliament. It makes it clear that under the EastLink project there are no restrictions on the state. For example, we are entitled to upgrade the surrounding road network or public transport.

EastLink is a great project for the eastern and south-eastern suburbs. It is a great project for Melbourne and Victoria. On the other hand, to deliver its half-baked proposals the opposition will have to cut services. It will have to reduce health — —

Mr Plowman — On a point of order, Speaker, I ask you to bring the minister back to government business.

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

Mr BATCHELOR — Our policy has enabled us to deliver a huge project, the largest road project in Australia. At the same time we are providing expenditure and releasing capital for other social infrastructure like hospitals and schools, which is in stark contrast to the Liberals, who would have to cut those sorts of services if they were ever to get into government.

The SPEAKER — Order! The minister has been talking for some time now. I ask him to conclude his answer.

Mr BATCHELOR — I will conclude there. This project will be to the eternal benefit of the people in Victoria. It is a great project.

Transport: infrastructure

Mr MULDER (Polwarth) — My question is to the Premier. I refer the Premier to his election pledges to build the Scoresby freeway without tolls, to reopen the Mildura and Leongatha passenger rail services, to extend rail lines to South Morang, Cranbourne East and Sydenham, to extend the tram line from East Burwood to Knox, to build the Dingley bypass, to build the rural fast rail project for $80 million within two years and to standardise our rural rail system. Given that not one of these pledges has been fulfilled over the last six years, how does the Premier expect anyone to trust or believe him?

Mr BRACKS (Premier) — I thank the member for Polwarth for his question. One of the things you can trust about this government is that we will manage the budget well. One of the things you can trust about this government is that we will use the proceeds of that — —

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Benambra! The level of conversation is too high. I ask members to be quiet and allow the Premier to answer the question.

Mr BRACKS — One of the things you can trust this government to do is use the proceeds of that good fiscal management to invest in services in health, in education, in public safety and in transport.

The member for Polwarth asked me about investment in public rail and transport systems. The only reason we are discussing the reopening of rail lines is because they were closed. Rail lines were closed, they were run down and they were privatised under the previous government. Since then we have been — —

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is far too high, particularly from the member for Polwarth, who asked the question. I suggest he listen to the answer.

Mr BRACKS — Since then we have been progressively upgrading rail infrastructure — the biggest investment in 120 years in regional rail — and reopening some of the rail lines which were closed under the previous government. We have seen the Ararat rail line open, we have seen the Bairnsdale rail line open and we are going to move on Mildura and Leongatha as well.

Schools: infrastructure

Ms BEATTIE (Yuroke) — My question is to the Minister for Education and Training. I refer to the government's commitment to investing in Victoria's education infrastructure, and I ask the minister to detail

for the house recent examples of the government delivering on that commitment.

Ms KOSKY (Minister for Education and Training) — I thank the member for Yuroke for her question. Following on from what the Premier just informed the house of, we have been investing very heavily in education and training within this state. We have put over $5 million of extra funding into education and training since we came to office — that is additional to what was previously provided. We have also delivered over 6000 additional teachers and staff in our schools, and we are reaping the benefits. Our completion rates for year 12 or the equivalent are now at 86 per cent, the highest percentage in the nation — a result of which we are very proud. So we are actually investing and we are delivering the results.

We have also funded 45 new and replacement schools. Almost 340 schools have been renovated and modernised in the period we have been in office. Today I am pleased to announce to the house even more good news about our infrastructure projects. I am announcing to the house today the first round of the new school improvement program through which we are providing grants of up to $400 000 for school renovations. It is really acknowledging those schools that needed renovations but they were not significant enough to fit within the major capital works.

The program will provide over $4 million as a first stage to help schools to achieve higher student outcomes. We are going to continue to invest so that we can improve student outcomes. Eighteen schools will receive funding in the first round of up to $400 000 to enhance their teaching spaces. Schools such as Goroke P–12 College — I know the member for Lowan will be very happy about that — will receive $200 000 for a science upgrade. I am sure the member for Mildura is pleased to know that Merbein Secondary College will receive $150 000 for improved technology facilities. The member for Bass will I am sure be pleased to know that Clyde Primary School — —

Mr Smith interjected.

Ms KOSKY — In fact we have probably told them before you will. It will receive $250 000 for the modernisation of its library, classrooms and staff room. Footscray City Primary School will receive $400 000 for the upgrade of its classrooms. There is more, but I will not indulge myself running through the full list in the house.

These are capital works projects of up to $400 000. I know schools will be very pleased with this extra funding. It is really because of the financial responsibility of the Bracks government that we have been able to deliver on these projects. We are investing in education, in health and in police services so that we can make sure Victoria is a great place to live, to work and to raise a family. We certainly do not want to see a return to the very bad old days when schools were closed and teachers were sacked. It does not improve student outcomes, and the reckless policies of the opposition would see a return to those days.

Schools: literacy and numeracy

Mr PERTON (Doncaster) — My question is to the Premier. I refer to the answer just given by the Minister for Education and Training and I refer the Premier to his election promise that Victorian primary students' literacy and numeracy levels will be at or above the national benchmarks by 2005. Given that Victorian literacy and numeracy rates — —

Honourable members interjecting.

The SPEAKER — Order! I ask members to be quiet and allow the member for Doncaster to ask his question without interruption.

Mr PERTON — Given that Victorian literacy and numeracy rates are the worst of any state, how does he expect Victorians to ever trust or believe him?

Mr BRACKS (Premier) — I thank the member for Doncaster for his question. I indicate to the house that the member's question is incorrect. The reality is that not only are literacy and numeracy rates in Victoria improving and above the national average, but also we have invested in the early years of schooling, in prep, grade 1 and grade 2, to reduce class sizes, and we have done that effectively, with the very aim of having a flow-through of generations of Victorians who have better literacy and numeracy outcomes.

I think we on this side of the house can be proud of that investment in the early years of schooling and extra teachers. If you look at the teachers and support staff in our school system, you find there are more than 6000 extra teachers and support staff. There has been something like a $5 billion extra investment in our education system over the past six years.

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster has asked the question; he is not required to give the answer as well.

Mr BRACKS — We have been able to do that because we have had the capacity, through our excellent economic management, to manage the budget well and the economy well, and to put the proceeds of that growth into funding education and improving the outcome for all Victorians, particularly with literacy and numeracy as part of that. You cannot do what we have done if you recklessly commit to promises that you can never keep and you have to cut into the budget with $500 million of spending that you do not need to do — a reckless promise which is never ever going to be kept by the opposition.

Health: infrastructure

Mr ANDREWS (Mulgrave) — My question is directed to the Minister for Health. I refer to the government's commitment to investing in Victoria's health infrastructure and ask the minister to detail to the house recent examples of the government's delivering on that commitment.

Ms PIKE (Minister for Health) — I thank the member for Mulgrave for his question. Since 1999 the Bracks government has invested over $2.4 billion in our health infrastructure. That has meant that we have been able to upgrade or refurbish 50 of Victoria's 110 public hospitals. On top of that we have had some brand new developments and the new hospital at Casey. That has been done in the years from 1999 through to this year, and there is further investment in the pipeline.

What a contrast with the previous government! Our $2.4 billion is three times the amount invested in health infrastructure in the whole of the Kennett years — three times the investment in health infrastructure. We have been able to achieve this substantial result, which of course means better quality health care for all Victorians — the biggest investment in Victoria's history in health infrastructure — because we manage the budget appropriately and responsibly and our policies are financially sound. The alternative is to make ridiculous promises and to target some of those promises to small segments of the community, but everybody else across the state misses out, and of course if we had a half-baked half-tolls policy we would not be able to continue to invest in health infrastructure as we have.

Our capital projects and the development of capital in health has been to the benefit of all Victorians. I remind the house of some of these fantastic developments which enable us to spend that 71 per cent extra funding and utilise the extra 6000 nurses. The new Austin Hospital in Heidelberg is one of the biggest public hospital projects in Australia. It was slated for privatisation, a hospital that would diminish under the coalition government, but it is now a brand new hospital. The new Mercy Hospital for Women in Heidelberg is co-located with the Austin Hospital. It is one of the biggest health precincts in the country. We have rebuilt 26 hospitals across the state. Casey Hospital is a fantastic facility for the people in the growth corridor areas of Melbourne. It is our first new suburban hospital in over a decade. It is an absolutely terrific facility.

The government has also undertaken the biggest-ever upgrade of aged care facilities across regional Victoria. I again remind the house that when I was aged care minister in 1999 I came across the list of aged care facilities, nursing homes and hostels across country Victoria that were to be flogged off to the highest bidder, that were to be taken out of public hands, ripping the heart and soul out of those communities under a privatisation project in health that has proven to be absolutely hopeless and completely unsustainable. On top of that the huge new developments coming on line with the Royal Women's Hospital and the Royal Children's Hospital, coupled with the Alfred elective surgery centre, are facilities that will really deliver for people in our community.

I can also talk at length about country Victoria. So many members here — —

Mr Plowman — On a point of order, Speaker, the minister is required to be succinct in answering the question. I ask you to ask her to conclude her answer.

The SPEAKER — Order! The Minister for Health has been speaking for some time. I ask her to conclude her answer.

Honourable members interjecting.

Ms PIKE — I have a great story to tell, thank you very much, and there is just more good news every single day!

We of course can continue to deliver these wonderful facilities for all our communities right across Victoria because we are managing the economy well. We have commitments to these essential areas, which makes a huge difference to the life and wellbeing of people. We are not confused. Unlike those opposite, we know what we are doing, we have a plan and we are delivering.

Hazardous waste: Nowingi

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his — —

Honourable members interjecting.

The SPEAKER — Order! Once again I ask members of the house to show courtesy to other members when they are asking questions. I ask them to be quiet to allow the Leader of the Opposition to ask his question.

Mr DOYLE — My question is to the Premier. I refer the Premier to his election promise that he would 'fiercely protect our reputation as a producer of clean, green food', and I ask: given that his decision to locate a toxic waste dump at Nowingi has already tainted the reputation of Sunraysia's food produce and tourism, will cost over 200 jobs and will reduce the annual value of the region's production by more than $40 million, how does he expect Victorians to ever trust or believe him?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question, and I totally refute the allegations he has made. The long-term containment facility is being investigated under a full environment effects statement. It is going through a public process and exhibition on that. The project will proceed on that site if the EES proves suitable and if that EES says it is environmentally sound. The allegations made by the Leader of the Opposition are wrong, fanciful and incorrect, and the EES will determine those matters, as it should do.

Infrastructure: government initiatives

Mr TREZISE (Geelong) — My question is to the Treasurer, and I ask: can he update the house on the budget information paper and how it shows the government is governing for all Victorians?

Mr BRUMBY (Treasurer) — I thank the member for Geelong for his question. This morning I released budget information paper no. 1, which shows that we are delivering the largest public sector projects program in this state since the 1960s — so you have to go back to the Bolte governments of the 1960s. Projects under way or in the pipeline, as detailed in this budget paper that I tabled today, total $11.6 billion. To put that in perspective, I had the opportunity to peruse an older budget paper for 1995–96, and back in 1995–96 — —

Dr Napthine interjected.

The SPEAKER — Order! The member for South-West Coast!

Mr BRUMBY — He is a bit agitated. Are you one of today's men, tomorrow's men or yesterday's men?

Dr Napthine interjected.

The SPEAKER — Order! I ask the member for South-West Coast to cease interjecting in that manner. I have already asked him twice before, and I shall not be asking him again. I ask the Treasurer to address his comments through the Chair.

Mr BRUMBY — Speaker, here is the 1995–96 budget sector capital works program. I repeat, this year the total is $11 billion, with more than $9 billion of budget sector capital works. Back in 1995–96 it was $3 billion, one-third of what the Bracks government is spending today.

Mr Smith interjected.

The SPEAKER — Order! The member for Bass.

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to resume his seat. This is the last answer, and the house will hear it in an orderly manner. I advise members that if they persist in interjecting when I have just asked them to stop, they will be removed. I say to the member for Bass: do not say it! If he does, I will remove him from the chamber. I ask the member for Bass to be quiet.

Mr BRUMBY — The Bracks government is delivering right across the state. This report, which I released this morning, details something like 600 different projects which have been delivered by the general government sector. I will just repeat that: 600 projects.

Honourable members interjecting.

The SPEAKER — Order! The Treasurer, through the Chair.

Mr BRUMBY — The question for the Deputy Leader of the Opposition is whether he is a lightweight. Is that right?

The SPEAKER — Order! The comments that I addressed to the member for Bass apply to the Treasurer. I ask him to answer the question or I will sit him down.

Mr BRUMBY — We are delivering 600 projects: 84 health projects, valued at $1.68 billion; 206 education projects, valued at $863 million; and 68 police station upgrades, valued at $168 million. It is a pretty good effort, and it is a big difference compared to the 1990s. Since the government was elected we have funded 136 new or replacement police stations,

329 school modifications — that is, one in every five schools in Victoria — and we have rebuilt 26 hospitals.

In provincial Victoria the total value of projects which are under way or in the pipeline and which we have funded is $5 billion. On this side of the house we love country Victoria. It reminds me of that John Paul Young song, *Love is in the Air*.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition! The Treasurer, to continue.

Mr BRUMBY — So there is a great deal of affection there. What was that other John Paul Young song? *Yesterday's Hero*!

Honourable members interjecting.

Mr Perton — On a point of order, Speaker, you have had occasion to caution the Treasurer twice. As you know, on a Thursday afternoon his joke writers are hard at work, but I hardly think 1980s pop songs have anything at all to do with government administration.

The SPEAKER — Order! The point of order is trivial. The Treasurer, to continue.

Mr Honeywood interjected.

The SPEAKER — Order! If the Deputy Leader of the Opposition wishes to move a substantive motion dissenting from the rulings of the Speaker, he is entitled to do so, as I have told him before, but I do not intend to stand here and have him abuse the Speaker from his chair. The Treasurer is quite entitled to make a passing reference in answering the question, without that sort of nonsense.

Mr BRUMBY — Of course in Geelong there are a whole range of projects that we are funding: Newcomb Secondary College, $3.3 million; the Barwon Valley replacement school in Belmont, $3.67 million; and the Geelong hospital emergency centre, $26 million. That is $105 million worth of activity outlined in this report alone. In Mildura we are funding the Nicholls Point Primary School, with $5.5 million TEI; and the Chaffey Secondary College, with $3.7 million TEI. In the city of Casey and the city of Cardinia in the outer south-east and east we have completed the Hallam bypass, and we have the Pakenham bypass coming up in the future, worth a quarter of a billion dollars. There are projects right across the state — —

Honourable members interjecting.

The SPEAKER — Order! The member for Bass.

Mr BRUMBY — You're worried about Bernie Finn coming back. Bernie Finn's coming back!

Mr Smith interjected.

The SPEAKER — Order! I have spoken to the member for Bass before. I require him to cease interjecting. I will not hear him interject again, and the Treasurer — —

Mr Smith interjected.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! Under standing order 124, I suspend the member for Bass from the house for half an hour.

Honourable member for Bass withdrew from chamber.

Questions resumed.

The SPEAKER — Order! The Treasurer will answer the question. I ask him to conclude his answer; he has been speaking for some time.

Mr BRUMBY (Treasurer) — There are more than 600 projects. And I repeat there is $9 billion of public sector capital works. Ten years ago under the former, disgraced Kennett government it was $3 billion. This is three to one, with 600 projects. We have projects — —

Mr Baillieu interjected.

Mr BRUMBY — We have one in Hawthorn. We have the Hawthorn Secondary College — —

The SPEAKER — Order! I have asked the Treasurer to conclude his answer. I ask him to do so now.

Honourable members interjecting.

The SPEAKER — Order! It will be easier for the Treasurer to conclude his answer without that sort of comment coming from the other side. I remind members of the requirement to treat each other with respect. The Treasurer, to conclude his answer.

Mr BRUMBY — There are projects right across the state. I have mentioned the Hawthorn Secondary College; and there is one on the south-west coast, the

Portland District Health aged care redevelopment costing $7.5 million. It is a great story to tell; there are projects right across the state and, as I say, $5 billion in total is going across provincial Victoria — considerably more than was spent under the former Kennett government.

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

CHILDREN, YOUTH AND FAMILIES BILL

Consideration in detail

Debate resumed.

Ms GARBUTT (Minister for Children) — The member for Caulfield's amendment goes to voluntary agreements whereby families can agree to put their children into care for a variety of reasons. These apply in the child protection context, where a family might see that they are running into difficulties and seek to be proactive and seek some respite and cooling-off time and seek to place their child in care. The placement can be either with child protection or with a community service organisation. The same arrangement also happens in disability situations.

The issue is whether legal advice should be required to be obtained by the families. We reject that situation. It has not been the situation in the past, and it has been working well. In fact the number of placements has actually been declining. Of course it is usually the practice that families are advised about their rights to obtain legal advice if they so choose. But the great fear is that if they were required to obtain legal advice, then it would probably deter them from acting protectively.

Since the focus is on helping families to reach some solutions to their problems, we would in fact be driving families into a more adversarial process. We are not supporting these amendments. We do not think they are in the interests of the families. We think they go towards a more adversarial process, whereas we are trying to take the reforms to finding solutions. They actually fly in the face of that goal, so we certainly do not accept this amendment.

Mr MAUGHAN (Rodney) — I will just make some brief comments on the amendment before the Chair. They are that clearly the government should be aiming to find long-term solutions to these family problems that cause concern about child protection issues. I think the whole focus of what the government should be doing is finding solutions to the problems, and I agree with the minister's sentiments on that. What we do express some concern about are the resources to enable community service organisations and the government's child protection service to be able to do that. We fully support the notion that we have to work with and help families to essentially help their children so that they are not at risk of neglect and abuse.

Mrs SHARDEY (Caulfield) — I just have a question in relation to this clause, and it is on the issue of voluntary agreements. The minister has claimed there has been a decline in the number of voluntary agreements. She has been asked on previous occasions to give the numbers relating to that claim. I would now ask the minister, firstly, to provide the house with the numbers of voluntary agreements that have been signed in Victoria. I would also like to ask her: is it not a fact that she fully expects the number of voluntary agreements to increase rather than decrease?

Mr LANGUILLER (Derrimut) — The answer to the shadow minister is no. The government is very confident that the arrangements which we have put in place are good arrangements. We are cognisant and respect very much the arguments advanced by the opposition. But the evidence provided to us suggests that this voluntary arrangement is a good arrangement. It is one that helps families come forward into a voluntary arrangement. We do not believe going down the path of engaging lawyers and courts will necessarily facilitate the engagement of families with child protection and the community sector. We respect the sentiment of the opposition, but the evidence suggests that this is the right decision and that this is best for the child. The guiding principle in this legislation, as you would be aware, Deputy Speaker, is that the child's interests be at the heart and the centre of every decision we make, and indeed of every provision we have made in the legislation.

House divided on amendment:

Ayes, 16

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Clark, Mr	Perton, Mr
Dixon, Mr	Plowman, Mr
Doyle, Mr	Shardey, Mrs
Honeywood, Mr	Smith, Mr
Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Wells, Mr

Noes, 63

Allan, Ms	Languiller, Mr
Andrews, Mr	Leighton, Mr
Barker, Ms	Lim, Mr
Batchelor, Mr	Lindell, Ms
Beard, Ms	Lobato, Ms
Beattie, Ms	Lockwood, Mr

Bracks, Mr	Lupton, Mr
Brumby, Mr	McTaggart, Ms
Buchanan, Ms	Marshall, Ms
Carli, Mr	Maughan, Mr
Crutchfield, Mr	Maxfield, Mr
D'Ambrosio, Ms	Mildenhall, Mr
Delahunty, Mr	Morand, Ms
Delahunty, Ms	Munt, Ms
Donnellan, Mr	Nardella, Mr
Duncan, Ms	Neville, Ms
Eckstein, Ms	Overington, Ms
Garbutt, Ms	Pandazopoulos, Mr
Gillett, Ms	Perera, Mr
Green, Ms	Pike, Ms
Hardman, Mr	Powell, Mrs
Harkness, Dr	Robinson, Mr
Helper, Mr	Savage, Mr
Herbert, Mr	Seitz, Mr
Holding, Mr	Stensholt, Mr
Howard, Mr	Sykes, Dr
Hudson, Mr	Thwaites, Mr
Hulls, Mr	Trezise, Mr
Ingram, Mr	Walsh, Mr
Jasper, Mr	Wilson, Mr
Kosky, Ms	Wynne, Mr
Langdon, Mr	

Amendment defeated.

Clause agreed to.

The DEPUTY SPEAKER — Order! Before we proceed to the next clause, does the member for Caulfield wish to advise the house about her further amendments?

Mrs SHARDEY (Caulfield) — I am happy to not proceed with amendments 2 to 7, but I wish to move amendment 8 in my name.

Clauses 136 to 157 agreed to.

Clause 158

The DEPUTY SPEAKER — Order! Before calling the member for Caulfield I advise the house that it is the Chair's opinion that, if this amendment is not agreed to, the member for Caulfield will be unable to move amendments 9 to 11 because they are consequential on this amendment.

Mrs SHARDEY (Caulfield) — I move:

8. Clause 158, lines 18 and 19, omit **"Victorian Civil and Administrative Tribunal"** and insert **"Children's Court"**.

The reason for this amendment is that the Liberal Party believes in the case of care plans being — —

The DEPUTY SPEAKER — Order! I ask the house to come to order. The member for Caulfield is giving reasons for moving an amendment and the house requires to hear her.

Mrs SHARDEY — Guardianship orders are given by the Children's Court, but care plans for families where a child is under a guardianship order and other orders are worked out and provided by the secretary of the department. In relation to issues of access by parents to their children, under this legislation those decisions — if a parent is seeking to appeal a decision in relation to access — will be reviewed by Victorian Civil and Administrative Tribunal. We believe that is inappropriate; that as the court has made the order, it should be the court to which the appeal is made. In support of this case I would like to quote from a letter from a group of psychiatrists and psychologists on this particular issue. They have been prepared to sign a petition which makes their view very clear on this. They said:

> The legislation does not give the Children's Court magistrate the responsibility to determine ongoing contact of some kind ('access'), between a child on a guardianship order and the birth family, leaving this as a discretionary matter for workers involved. The child's psychological wellbeing normally requires that reliable, ongoing access be maintained at all stages of the traumatic process of separation, and the magistrate should be empowered to order access during guardianship as an integral part of safeguarding the child's overall welfare.

Other organisations also had views on this. Youthlaw said that it was disappointed that there was no provision for court-ordered access for children on guardianship orders. Given that the courts determine access for permanent care orders, it would be more appropriate.

The Victorian Aboriginal Legal Service said that VCAT is an inappropriate venue for resolving case plan disputes. The Children's Court should adjudicate these disputes using arbitrators or magistrates.

Finally, the Federation of Community Legal Centres said that there must be an examination of the use of VCAT in reviewing case planning issues. The courts should be able to provide for access in all circumstances.

This amendment moved by the Liberal Party is strongly supported by a large number of people in the sector who understand in detail the workings of the system and support the position we are taking today. I believe the minister should be considering this as an alternative to what is already in the legislation. I appreciate that it was in the previous legislation, but in drawing up new legislation I think there should be a preparedness to consider new ways of doing things in a way that might be more beneficial to children, and which will ensure

the stability of children, particularly those children for whom it is necessary to be put in out-of-home care.

We appreciate that sometimes these decisions must be made in the best interests of the child. We do not have a problem with that concept. However, the Victorian Civil and Administrative Tribunal is not the most appropriate tribunal to hear these issues. There is no specialised bench in VCAT to hear them, and there is a paucity of lawyers available to help it with these issues. It is very difficult for parents to obtain legal aid for VCAT cases. For these reasons, and because large numbers of people involved in the sector support our position, we ask that the government also does so.

Mr MAUGHAN (Rodney) — The Nationals support the member for Caulfield's sentiments in this respect and ask the minister to seriously consider this proposal. There is no question that the Children's Court has much more expertise and is much better suited than the Victorian Civil and Administrative Tribunal to make these sorts of decisions. The Children's Court has developed over the years since the 1989 act and has a lot of specialised expertise available to it. As the member pointed out, the idea of going back to the Children's Court rather than VCAT has a lot of support. I refer to a letter from Dr Suzanne Dean on behalf of some 16 or 17 colleagues, all of whom are psychologists or psychiatrists. Her covering letter says:

> As you will see, the issues about which we are alarmed revolve around fewer powers and discretion being available to the magistrates of the Children's Court, with commensurably greater powers being given inappropriately to the Department of Human Services.

We share that sentiment. We believe the Children's Court has the expertise. It gave the original orders, and the people there have a great deal of experience and knowledge in the area. It is the appropriate body, rather than VCAT. We support the amendment moved by the member for Caulfield.

Ms GARBUTT (Minister for Children) — I place on the record the fact that the VCAT act requires members hearing matters under the current Children and Young Persons Act, or the new act when it comes in, to have specialisation and experience in child welfare matters, so the argument about a lack of expertise does not hold. The current system involves referrals to VCAT. The government has considered the argument just put by the opposition, which was also put throughout the consultation process over the two years of development of this bill. It is not inclined to accept that argument or this amendment.

The broader picture is that this bill tries to take away the adversarial relationships that occur in the courts, the Children's Court included, and shift the emphasis to early intervention — which we have talked about — and problem solving. Largely we are talking about appeals around the issue of contact with the family, because that is where the big arguments take place. This new bill puts in place a range of initiatives to take away those adversarial relationships so we can all focus on solving the family's problems.

These initiatives include a greater use of family group conferencing and alternative dispute resolution, and a greater emphasis on stability planning. The best-interests principle specifically refers to the importance of maintaining contact between a child and their birth family. That is a major thrust of the new bill, and we hope it will reduce the adversarial nature of the relationship. In any case we do not accept that the Children's Court should be the venue for that referral rather than VCAT.

House divided on omission (members in favour vote no):

Ayes, 55

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
Carli, Mr	Marshall, Ms
Crutchfield, Mr	Maxfield, Mr
D'Ambrosio, Ms	Mildenhall, Mr
Delahunty, Ms	Morand, Ms
Donnellan, Mr	Munt, Ms
Duncan, Ms	Nardella, Mr
Eckstein, Ms	Neville, Ms
Garbutt, Ms	Overington, Ms
Gillett, Ms	Pandazopoulos, Mr
Green, Ms	Perera, Mr
Hardman, Mr	Pike, Ms
Harkness, Dr	Robinson, Mr
Helper, Mr	Seitz, Mr
Herbert, Mr	Stensholt, Mr
Holding, Mr	Thwaites, Mr
Howard, Mr	Trezise, Mr
Hudson, Mr	Wilson, Mr
Hulls, Mr	Wynne, Mr
Kosky, Ms	

Noes, 23

Asher, Ms	Napthine, Dr
Baillieu, Mr	Perton, Mr
Clark, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Savage, Mr
Doyle, Mr	Shardey, Mrs

Honeywood, Mr	Smith, Mr
Ingram, Mr	Sykes, Dr
Jasper, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr
Mulder, Mr	

Amendment defeated.

Clause agreed to.

Clauses 159 to 606 agreed to; schedules 1 to 4 agreed to.

Bill agreed to without amendment.

Third reading

The DEPUTY SPEAKER — Order! I advise the house that, as the required statement of intention has been made under section 85(5)(c) of the Constitution Act 1975, the third reading of this bill is required to be passed by an absolute majority.

As there are no voices for the noes and there are more than 45 members present in the chamber, I declare the third reading passed with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

ROAD SAFETY AND OTHER ACTS (VEHICLE IMPOUNDMENT AND OTHER AMENDMENTS) BILL

Second reading

Mr BATCHELOR (Minister for Transport) — I move:

That this bill be now read a second time.

This bill delivers on the government's commitment to introduce a vehicle impoundment and forfeiture regime to deal with the menace of 'hoon' driving which is of considerable concern to the community.

In doing so, it represents an important further step towards realising the government's goal of reducing deaths and serious injuries on Victoria's roads by 20 per cent between 2002 and 2007, as outlined in the Arrive Alive! road safety strategy.

It is disappointing that a small minority of drivers habitually engage in dangerous behaviour such as illegal drag racing, 'doughnuts', 'burnouts' and high level speeding that needlessly places themselves, their passengers, and innocent community members at risk of life and limb. These offenders are apparently undeterred by conventional licence sanctions and fines, and fail to grasp that the community considers unacceptable their selfish and antisocial behaviour. This bill will provide a potent, additional deterrent against 'hoon' driving by targeting what is nearest and dearest to the hoons' hearts — their vehicles. It will also deprive recidivist disqualified drivers of the instrument of their offending, and in removing their temptation, make our streets and roads safer for all.

The bill allows police members to seize and impound or immobilise vehicles 'on-the-spot' for a period of 48 hours, if they believe on reasonable grounds that a relevant offence is being, or has been committed. The vehicle may be recovered upon the expiry of this period or, if the period ends outside normal business hours, at 9.00 a.m. on the next business day. The person recovering the vehicle is also required to pay the costs incurred in seizing, impounding or immobilising and releasing the vehicle. Courts are also empowered to deal with repeat offenders by ordering impoundment or immobilisation for a period of up to three months or, for the hopeless or truly recalcitrant, permanent forfeiture of the vehicle.

The bill creates a new offence of improper use of a motor vehicle which directly targets a type of 'hoon' behaviour that is all too familiar for many Victorians whose Friday and Saturday evenings have been interrupted by the screech of tyres or the stench of burning rubber — and by this I mean deliberate loss of traction such as the performance of 'doughnuts' and 'burnouts'.

Improper use of a motor vehicle is a relevant offence capable of triggering vehicle impoundment. Other relevant offences include exceeding the speed limit by 45 km/h or more, engaging in an illegal race or speed trial, and repeat driving whilst disqualified. The definition of 'relevant offence' has been carefully framed to target clear-cut cases of 'hoon' driving, characterised by deliberately dangerous or antisocial behaviour. The regime will not adversely impact upon law-abiding citizens or car enthusiasts.

It is important to note that the commission of these relevant offences poses a real road safety risk and significantly diminishes public amenity. During one police operation in a Melbourne suburb in 2004, targeting illegal street racing and 'burnouts', in excess

of 450 serious road safety charges were laid. The Victoria Police major collision investigation reports that 41 casualty crashes investigated over a 23-month period spanning 2003–04 involved antisocial driving such as drag racing, high-level speeding and other 'hoon' behaviour. These crashes resulted in 28 deaths, and many more serious, debilitating injuries. Furthermore, the majority of the deceased were passengers in the vehicles, young Victorians senselessly robbed of their lives by such aberrant behaviour.

Research recently published by the Australian Transport Safety Bureau also notes the growing body of evidence linking disqualified driving to a range of other high-risk behaviours such as speeding and drink-driving, the biggest killers on our roads.

The government recognises the seriousness of depriving offenders of their vehicles and that impoundment, immobilisation or forfeiture may adversely impact on persons other than the offender. As such I do not present this bill to the house lightly but do so knowing that it is a necessary and proportionate response to a significant problem. I do so confident that this bill will have the desired deterrent effect. I do so comfortable in the knowledge that it will save lives.

Available evidence from interstate and overseas suggests that vehicle impoundment reduces recidivist behaviour. In Queensland, where the vehicle impoundment regime has now been operating for over two years, in excess of 1700 vehicles have been impounded from first offenders, whilst less than 40 recidivists have been picked up. This low recidivism rate is replicated in both Western Australia and Tasmania. Furthermore, overseas experience suggests that impoundment is an effective countermeasure against serious road safety offending, including driving whilst disqualified.

The bill also includes a number of safeguards to ensure that offenders and other interested parties are, as far as possible, treated fairly. For example, impoundment or immobilisation may only be administratively imposed for 48 hours, after which time, and upon payment of relevant costs, the vehicle will be released. Notices must be served on relevant parties variously advising them of their legal rights and liabilities under the regime. Senior police officers must review any impoundment or immobilisation and may release a vehicle or waive costs, if this is considered reasonable or necessary in the circumstances. Any person may apply to the Magistrates Court seeking the release of a vehicle or variation of an impoundment, immobilisation or forfeiture order on grounds of hardship. The government has worked hard to ensure the legislation is balanced, that it is tough but fair.

I am heartened by recently published Organisation for Economic Cooperation and Development data indicating that Victoria is amongst the top five safest places to drive in the world, as measured by deaths per 100 000 population. However, neither the government nor community is content to rest on its laurels. We can and we are doing better. With initiatives such as this bill, the world-first random roadside drug testing program and significant investment in our road infrastructure, the Bracks government is working hard to ensure that Victoria's streets and roads remain the safest place to be.

The bill also makes some minor amendments to the Commonwealth Games Arrangements Act 2001 to allow authorised officers, in addition to Victoria Police members, to move unauthorised or obstructive vehicles, or cause them to be moved, from Commonwealth Games areas and their immediate surrounds, and to allow some further offences to be enforced by infringement notice. These amendments will facilitate the optimal allocation of Victoria Police resources towards its primary role of ensuring the safety and security of Commonwealth Games participants, officials, spectators and the public.

The bill also includes amendments intended to reflect changes recently enacted in commonwealth drug laws. Under the recently enacted Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Act 2005, the commonwealth has moved the drug importation/exportation offences from the Customs Act 1901 to the Criminal Code Act 1995, and created a number of offences targeting drug cultivation, manufacture, possession and trafficking.

The new commonwealth offences apply the provisions set out in chapter 6 of the nationally developed model criminal code. The commonwealth laws will operate concurrently with corresponding state and territory laws.

The explanatory memorandum to the commonwealth bill acknowledges the work that Victoria, Tasmania and the ACT have already done to implement chapter 6 of the model criminal code. The Victorian government has responded promptly to ensure that the transition leaves no legal loopholes for defendants charged with the new commonwealth importation/exportation drug offences in Victoria's bail and sentencing regime.

I commend the bill to the house.

Debate adjourned on motion of Mr MULDER (Polwarth).

Debate adjourned until Thursday, 10 November.

COMMISSIONER FOR LAW ENFORCEMENT DATA SECURITY BILL

Second reading

Mr HOLDING (Minister for Police and Emergency Services) — I move:

That this bill be now read a second time.

The bill delivers on the government's commitment to establish a commissioner for law enforcement data security to promote the use of appropriate and secure management practices by Victoria Police in the use of law enforcement data.

As the house is aware, there have been a number of instances over many years of inappropriate, inadvertent or unauthorised release of law enforcement data held by Victoria Police. These incidents are unacceptable and the government is acting to address legitimate community concerns over the handling of confidential information.

The primary role of the commissioner for law enforcement data security is to establish a regime for the monitoring of law enforcement data security management practices and thereby to strengthen the community's confidence in the management of confidential data held by Victoria Police. The management practices to be monitored by the commissioner will include processes by which law enforcement data is secured, accessed, stored and disposed of or destroyed. The commissioner will be appointed by the Governor in Council for a period not exceeding five years. The commissioner will be established as a special body under the Public Administration Act 2004.

The bill provides that the commissioner's primary functions with respect to law enforcement data security management are: to establish appropriate standards for the security and integrity of law enforcement data systems; and to establish appropriate standards and protocols for access to, and the release of, law enforcement data, including the release of law enforcement data to members of the public.

In establishing the protocols for access to law enforcement data systems, the commissioner's role will extend to establishing the standards and protocols that will govern access to Victoria Police law enforcement data and systems, such as the law enforcement assistance program database (LEAP), by other agencies. For the purposes of this bill, law enforcement data includes data obtained, received or held by Victoria Police. The commissioner will be expected to play a leading role in the development of security and data integrity standards for any future replacement of the LEAP system.

The commissioner for law enforcement data security is required to consult with the Chief Commissioner of Police in the establishment of such protocols and standards. This will ensure that while promoting appropriate law enforcement data management and security practices, the standards and protocols developed are consistent with the law enforcement functions of Victoria Police.

The commissioner will also conduct monitoring activities and audits to ensure compliance with the standards and protocols developed for access to, or release of, law enforcement data. The bill also provides that the commissioner may refer findings from such monitoring and audit activities to the privacy commissioner or the director, police integrity, as relevant to the performance of their functions or duties.

The commissioner for law enforcement data security is provided with powers to require the Chief Commissioner of Police to give the commissioner full and free access, at all reasonable times, to any law enforcement data or law enforcement data system, as is necessary to fulfil his or her functions. This power extends to making copies of, or taking extracts from, any document accessed by the commissioner for law enforcement data security.

The bill also provides that the chief commissioner may refuse to comply with a requirement of the commissioner for law enforcement data security to access data, where giving access to that data or system would, or would be reasonably likely to: prejudice investigations, or prejudice the fair trial of a person or the impartial adjudication of a particular case, or where disclosure may enable the identification of a confidential source in relation to the enforcement or administration of the law, or where provision of the data required by the commissioner may endanger the lives or physical safety of persons engaged in or in connection with law enforcement.

The bill includes an explicit power for the commissioner to refer to the director, police integrity or the privacy commissioner, any information obtained or received by the commissioner in the execution of his or

her functions that is relevant to performance of the functions or duties of those offices. The bill also requires the commissioner for law enforcement data security to notify the Chief Commissioner of Police of such disclosures.

The commissioner for law enforcement data security may require the chief commissioner to provide any assistance that the commissioner for law enforcement data security reasonably requires to perform his or her functions.

The bill requires the commissioner for law enforcement data security; an acting commissioner for law enforcement data security; or any staff provided by the Chief Commissioner of Police; not to divulge or communicate to any person any information obtained or received in the course or as a result of the exercise of his or her functions under this act. It is an offence with a level 9 fine penalty for any person to whom this section applies to divulge or communicate such information.

The commissioner for law enforcement data security must make a report to the minister each year on the performance of the commissioner's functions, and exercise of the commissioner's powers. The commissioner's report must be laid before each house of Parliament by the minister before 30 October of that year.

The bill provides that the Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this act to be prescribed or necessary to be prescribed.

The bill amends section 6 of the Public Administration Act 2004, providing that the office of the commissioner for law enforcement data security is a special body for the purposes of that act.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until Thursday, 10 November.

WORKPLACE RIGHTS ADVOCATE BILL

Second reading

Mr HULLS (Minister for Industrial Relations) — I move:

That this bill be now read a second time.

Introduction

The bill establishes an independent office-holder, appointed by the Governor in Council to promote the fair treatment of Victorian working families in the face of changes by the commonwealth government. These changes have the potential to undermine basic fairness at workplaces built up since Federation by removing the independent umpire that establishes and protects basic minimum conditions and industrial entitlements.

The federal government's so-called WorkChoices legislation has the potential to undermine current award conditions, not just the minimum rate of pay but other arrangements such as penalty rates, annual leave, meal breaks, public holidays, long service leave, allowances and hours of work.

This represents an attack on working people and will seriously impact upon work and family balance.

Victorian workers will be in a position where they will need to negotiate or accept agreements without any protective legislation or the independent arbiter to ensure that they are not being exploited. Workers will be under pressure to accept inferior workplace agreements that undercut existing wages and conditions. Employers too will come under pressure to reduce their employee's entitlements in order to compete. We saw this happen in Victoria when the former Kennett government referred industrial relations powers to the commonwealth without appropriate safeguards. This saw a race to the bottom as some employers were able to undercut others.

For this very important reason the Victorian government is establishing the workplace rights advocate.

Without legislation that ensures that agreements cannot undercut award conditions, and without an independent arbiter to ensure agreements do not disadvantage workers, it will be more important than ever to ensure that all Victorian workers negotiate or accept agreements in as informed a way as possible.

Access to information, advice and support will be crucial for workers negotiating new workplace agreements without the protection of a genuine safety net.

The workplace rights advocate will ensure that Victorian workers do not sign away existing rights and entitlements without knowing what they are, and without understanding the consequences of doing so. The WRA will also perform a watchdog role and track

the impact of the commonwealth's changes on Victorian workers and their families.

The bill provides a broad framework for the Office of the Workplace Rights Advocate. This will enable the workplace rights advocate to flexibly respond to unfolding circumstances as the commonwealth changes are implemented over the coming years.

The workplace rights advocate will have two principal functions:

Firstly, to inform and educate employees and employers on rights and responsibilities; and secondly, to monitor and report on industrial relations matters.

The first role encompasses a broad range of strategies to provide assistance to Victorian workers. There will be an information and advice service using telephones and Internet. Strategies will be developed to actively promote industrial relations best practice in Victoria, for example by developing and promoting a code for bargaining in good faith, or by developing negotiation skills and materials for workers.

Research shows that workers are not well informed of their current industrial rights. This imbalance in knowledge, information and skills can be readily exploited, and it is appropriate for government to play a role in redressing this imbalance — in the same way as it has in relation to small business and consumer affairs. This information balance is critical for fair and informed agreement making. Under the bill the workplace rights advocate will report on specific issues such as the level of information provided to employees prior to entering into agreements.

In performing this role, the workplace rights advocate can engage other suitably qualified bodies to assist. Such bodies would assist the workplace rights advocate in the role of providing support and assistance to Victorian workers in light of the commonwealth changes.

The second major role of the workplace rights advocate will be to study and report on the industrial relations arrangements in Victoria, particularly the impact of the federal government's WorkChoices changes. As Victoria operates under the commonwealth regulatory framework, it is important that current and accurate information is available as to its operation in Victoria. The commonwealth has failed to conduct follow-up surveys to the groundbreaking Australian workplace industrial relations survey in previous decades, which makes monitoring and evaluation of recent and proposed changes difficult. The workplace rights advocate will monitor and report both to me and to this Parliament on the impact of the commonwealth reforms on Victorian working families.

Particular attention will be taken to the impact of the changes on groups such as young people, families, women and the low paid and to particular industries or issues such as tourism and/or skill development. The workplace rights advocate will also examine instances of unfair or illegal practices, with the potential for employers who engage in such practices to feature in reports to this Parliament.

It will be an offence to victimise a person who seeks assistance or support from the workplace rights advocate.

The bill enables regulations to be made consistent with the functions and powers conferred on the workplace rights advocate by the act, for example the making of codes of practice.

The functions and powers of the workplace rights advocate are generally analogous to those of the small business commissioner in Victoria.

This office has been created to protect and support Victorian workers as a direct result of the commonwealth changes. A fair industrial relations system continues to be a priority for the Bracks government.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 10 November.

PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL

Second reading

Mr THWAITES (Minister for Environment) — I move:

That this bill be now read a second time.

The Prahran Mechanics Institute Act was passed in 1899 to incorporate the Prahran Mechanics Institute and Circulating Library (PMI) and transfer ownership of the assets and liabilities of the original trustees of the institution to the corporate body.

The PMI is the only mechanics institute in Victoria governed by an act of Parliament. The PMI is also one

of the oldest mechanics institutes in the state, celebrating its 150th anniversary last year. The PMI is a valuable community centre whose activities are in line with the original aims of mechanics institutes to educate and inform the general public. In particular the PMI holds a collection focusing on Victorian local history, family history and genealogy. There is also a small lending library, a series of lectures, book discussions and the PMI Press was recently established with a grant from the state government enabling the PMI to assist people to publish books about places, people and organisations in Victoria.

PMI has become an important community facility to the people of Prahran. There are over 350 members of the institute and it continues to play an important role in the community.

Following the amalgamation of the City of Prahran and the City of Malvern in 1994 into the Stonnington City Council, the committee amended its rules by order in council in 1995. However the act was not amended to reflect the changes and as a result the act and the rules have been inconsistent since this time.

The government has introduced the PMI (amendment) bill to correct the inconsistencies between the rules and the current act. Additionally, the proposed amendments will ensure that decisions of the governing committee of the institute are not invalid because of these inconsistencies.

I now turn to the bill and its contents.

Firstly, the bill will reorganise committee membership to reflect the changes made to the rules in 1995. Currently the act provides for nine members and the rules for seven members. The PMI has been operating with seven members since the change in rules.

Section 6 of the act will be amended to provide that the membership of the governing committee of the PMI is to be made up of seven members, one of whom will be appointed by the Stonnington City Council.

Section 7 of the principal act (relating to extraordinary vacancies) is also amended by the bill, again to ensure consistency with the rules and to reflect the new make-up of the governing committee.

Section 8 of the principal act (relating to appointment in default by Governor in Council) is to be repealed as an updated provision is to be inserted as section 6(4).

Section 9 of the principal act is amended to require a quorum of the governing committee of four members, representing a majority of members. This amendment was requested by the PMI to ensure that important management decisions impacting on the PMI are not made by a minority of the committee.

The bill inserts a new section 15 in the principal act. Section 15 provides that no decisions of the governing committee of the PMI shall be invalid solely because the committee was wrongly constituted at that time.

Through this bill, the government demonstrates its commitment to supporting and strengthening local communities.

I commend the bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Thursday, 10 November.

CHILD WELLBEING AND SAFETY BILL

Second reading

Debate resumed from 25 October; motion of Ms GARBUTT (Minister for Children); and Mrs SHARDEY'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 consultation has been undertaken with the community in relation to the need to appoint an independent commissioner for children and youth and the need for a report on the deaths of children in state care to be tabled in Parliament each year'.

Ms BARKER (Oakleigh) — I started my comments on the Child Wellbeing and Safety Bill 2005 on Tuesday, and I am very pleased to be able to continue my comments today. The bill will provide a common set of guiding principles for all child, youth and family services to help drive a more child-focused and integrated service system. It will guide the operation of the child safety commissioner, the Victorian Children's Council and the Children's Coordination Board. The bill appropriately consolidates the Minister for Children's responsibilities for children's services.

As I said on Tuesday when we started the debate on this bill, we seek a shared commitment from communities, professionals and all levels of government to give our most precious resources, our children and young people, the best possible start in life. This bill provides a legislative framework to encourage and support that shared commitment.

The bill provides guidance on the importance of services working together to form an accessible and

responsive support system — services based on the best available knowledge of what children and young people need and how they develop. The bill provides guidance on the importance of targeting assistance to the most vulnerable groups in Victoria, providing culturally appropriate and inclusive services and maximising families' awareness of the available services and their opportunities to benefit from them.

Importantly, the bill places a responsibility on the Minister for Children to develop and promote a charter of wellbeing and safety for Aboriginal children and young people, which is an extremely important component. The bill guides the operation of the child safety commissioner, the Victorian Children's Council and the Children's Services Coordination Board. The Victorian Children's Council will support the Minister for Children by providing independent and expert policy advice to both the Premier and the Minister for Children, and this bill provides legislative guidance on the operation of the council.

I note that the Victorian Children's Council, a first for Victoria, was announced in July 2005. I am very pleased to note that Lynne Wannan is chair of this council. Lynne is an intelligent, articulate and remarkable woman with a great deal of energy. She has been a leading advocate for community-based children's services for more than 25 years at a state and national level. The 11-member council is made up of people selected for their expertise in children's policies and services or experience in delivering a range of services to young families. I am very confident that this diverse and expert committee will provide important advice on how we can achieve a better integration of services and, importantly, improve and increase programs for children and young people.

The appointment of the child safety commissioner was announced in December 2004. In May 2005 we saw the appointment by the minister of Bernie Geary, former chief executive officer of Jesuit Social Services, to this very important position. Bernie has an outstanding record in serving the community and protecting the interests of vulnerable children over some 30 years or more. Bernie is an outstanding person. The child safety commissioner reports directly to the Minister for Children and, importantly, reports to the Parliament through that minister. The office of the commissioner is a separate administrative office, independent of the government agencies responsible for undertaking the working-with-children checks — which is one of the functions of the commissioner — and independent of the agencies responsible for child protection, supervising children in out-of-home care or providing other children's services. There are many other facets to this bill, and they are all very important in ensuring an integration of services for our most precious resource, our children and our young people.

It is important to note that we are debating this bill as we come to the end of Children's Week, which is the annual event held during the fourth week in October. I had a wonderful start to my week on Tuesday morning. As part of Children's Week I visited Dover Street Preschool. The theme of the morning was a treasure hunt. It was part of a week of activities held in kindergartens throughout Victoria in order to promote the theme 'Treasure childhood', an opportunity to celebrate and treasure childhood as a very special time of children's lives. I thank Dover Street for asking me to launch the treasure hunt for the four-year-olds, who had dressed up as princesses, princes and pirates and had made a treasure map for the day. We spent some time in the pirate ship, then we threw sparkly stars in the air and we all had a treasure hunt. It was just wonderful and a great way to start the day. I thank Simone Rutherford, the president of the Dover Street parent committee, and Helen Inglefinger, the preschool director.

Can I also say in terms of the integration of services for children that I am very proud of the new kindergarten that has just been built on the site of Oakleigh Primary School. Not only is it making a wonderful new facility available to the community, but it is a purpose-built centre that includes a community room which does the things we want to do — that is, integrate and provide shared services.

With those brief comments I indicate that this is a great bill. I commend the Minister for Children and the parliamentary secretary for their work in developing the Child Wellbeing and Safety Bill. I commend the bill to the house.

Mr McINTOSH (Kew) — I am very pleased to have the opportunity to join the debate, because I did not think the debate would continue. The opposition acknowledges that a number of very noble principles are set out in the bill that will hopefully have an impact in this area for the benefit of children in this state. I want to concentrate on a couple of things. The first relates to the government's failure to do what every credible organisation, including the Law Institute of Victoria, has suggested it do, and that is appoint an independent commissioner for children and young persons.

I pay tribute to Bill O'Shea, a former president of the law institute. He was president of the institute when I first became shadow Attorney-General. It is no doubt

due to his lobbying, amongst others, the member for Caulfield and me that almost two years ago we formed a policy that says that this state deserves an independent commissioner for children and young persons.

We have heard a number of bold and noble statements about the interests of children being paramount, yet for some reason the government has a blind spot when it comes to appointing a fully independent commissioner for children and young persons. That is no criticism of the current child safety commissioner, but unfortunately that commissioner is a bureaucrat and does not have the independence from government and the independent voice that an independent commissioner would have. I listened to a second-reading speech by the Attorney-General which says that we are setting up another independent advocate for workers.

We have a small business commissioner and a variety of other commissioners, and we are now getting a commissioner for law enforcement data security, as indicated in another second-reading speech read today. This government has a blind spot when it comes to the idea that we should have an independent commissioner. It is very unfortunate that this bill does not take that bold step. The Liberal Party has a very strong policy position that we should have an independent commissioner who would have the ability to make appropriate inquiries and report to the Parliament about the activities and failures of government.

In that regard, it is a matter of profound concern in the Liberal Party that the legislation does not provide for a genuine child death inquiry report to be tabled annually in the Parliament. While they have been tabled in the past, notwithstanding the absence of a legislative regime, as with many aspects of government things seem to disappear, evaporate or be changed or altered. I would have expected to see in this legislation, certainly if we say that the interests of children are a paramount consideration, provision for an independent inquiry into child deaths reporting to Parliament every year. I believe that would be an appropriate, independent mechanism for testing the veracity of what the government is saying.

In the area of children and young persons the government seems to have a blind spot when it comes to the notion of independence. When we are talking about workers rights, security of data information and small business, the government is happy to have independent commissioners, so when it comes to something of such paramount importance to both sides of the house, we should have a fully independent commissioner for children and young persons. The absence of an independent commissioner in this legislation is a substantive flaw. It is unfortunate that the government has not taken that step. It begs the question: what are we covering up. What has the government got to hide when it comes to children?

The government has set up independent commissioners for small business, workplace rights and law enforcement data and privacy. While these matters are important and will improve the body politic, one would have thought, given the platitudes the government utters about the paramount importance of children, that it would set up an independent commission for children and young persons, but when it comes to that the government has a complete blind spot.

People like Bill O'Shea of the law institute are lobbying for an independent commissioner. New South Wales and Queensland have independent commissioners, yet Victoria is the standout. It is unfortunate that the government did not take the opportunity through this bill to have a truly independent commissioner — appointed by the Governor in Council — who is not a bureaucrat and not answerable to the minister but who can make proper inquiries and reports to guarantee the quality of the work the government is carrying out. That would be is an appropriate step, and it is unfortunate that it has not been taken in this bill.

Mr LONEY (Lara) — I rise to make a few brief comments on the bill. At the outset I should say that I take almost the opposite view to the member for Kew. There are times when there should be acknowledgement of the fact that a step forward is a step forward. This bill represents a significant step forward, as did the appointment of a commissioner late last year. I was intrigued to hear the member for Kew talk about a bureaucratic commissioner. I suppose he meant it in a general sense, because I cannot think of a less bureaucratic person than Bernie Geary. I cannot think of a more appropriate appointment, given his background in this area over many years. He is a person of great integrity. To suggest that as commissioner he may in some way be subservient in this views or subservient to the directions of a minister or the government underestimates his capacity and integrity as a commissioner.

In the last Parliament, along with the member for Oakleigh and the member for Essendon, now the Speaker, I was part of a Public Accounts and Estimates Committee inquiry that looked into a number of aspects of the child protection system. The committee made a number of recommendations in relation to that issue. One of its key recommendations was the necessity for a greater coordination of services and service delivery, and that it should be a priority of the government to get

a better coordination of and a linkage into the delivery of services. It is pleasing to see that this bill is creating a framework within which those things can occur, and I welcome that. The members who participated in the inquiry also welcome that.

Although it was not especially relevant to its reference, that committee commented on two things — Aboriginal children in care, and a commissioner for children. I welcome the fact that those issues have been picked up in the structure of this bill. It is not putting too fine a point on it to say that the treatment of Aboriginal children in care up to this time has not been one of the finest hours of government in Victoria. We need to do a lot more to ensure that Aboriginal children in care are properly treated, and I hope the provisions of the bill will go a long way towards ensuring that.

The other issue relates to the commissioner, which the report made a number of references to. As I said at the outset it is a step forward — and it is something Victoria should be proud of — that we have a commissioner for the safety of children in place for the first time in this state. Sometimes I am surprised, although perhaps I should not be, by the ability of people in this house to be negative about things that should be praised. I commend the bill and wish it a speedy passage.

Business interrupted pursuant to standing orders.

The SPEAKER — Order! The time set down for consideration of items on the government business program has arrived. I am required to put the following questions.

On the Child Wellbeing and Safety Bill the minister has moved that the bill be read a second time. To this motion the member for Caulfield has moved a reasoned amendment. She has proposed to omit all the words after 'That' with a view to inserting in their place the words which appear on the notice paper. The question is that the words proposed to be omitted stand part of the question. Those supporting the reasoned amendment of the member for Caulfield should vote no.

House divided on omission (members in favour vote no):

Ayes, 54

Allan, Ms
Andrews, Mr
Barker, Ms
Batchelor, Mr
Beard, Ms
Beattie, Ms
Bracks, Mr
Brumby, Mr
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Delahunty, Ms
Donnellan, Mr
Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Green, Ms
Haermeyer, Mr
Hardman, Mr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Ingram, Mr
Kosky, Ms
Langdon, Mr
Languiller, Mr
Leighton, Mr
Lim, Mr
Lindell, Ms
Lobato, Ms
Lockwood, Mr
Lupton, Mr
McTaggart, Ms
Maxfield, 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, 22

Asher, Ms
Baillieu, Mr
Clark, Mr
Delahunty, Mr
Doyle, Mr
Honeywood, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Maughan, Mr
Mulder, Mr
Napthine, Dr
Perton, Mr
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.

Remaining stages

Passed remaining stages.

ENVIRONMENT EFFECTS (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Minister for Planning).

The DEPUTY SPEAKER — Order! The question is:

That the bill be read a second time and a third time.

House divided on question:

Ayes, 52

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
Carli, Mr	McTaggart, Ms
Crutchfield, Mr	Maxfield, Mr
D'Ambrosio, Ms	Mildenhall, Mr
Delahunty, Ms	Morand, Ms
Donnellan, Mr	Munt, Ms
Duncan, Ms	Nardella, Mr
Eckstein, Ms	Neville, Ms
Garbutt, Ms	Overington, Ms
Green, Ms	Pandazopoulos, Mr
Haermeyer, Mr	Perera, Mr
Hardman, Mr	Pike, Ms
Helper, Mr	Robinson, Mr
Herbert, Mr	Seitz, Mr
Holding, Mr	Stensholt, Mr
Howard, Mr	Thwaites, Mr
Hudson, Mr	Trezise, Mr
Hulls, Mr	Wilson, Mr
Kosky, Ms	Wynne, Mr

Noes, 24

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

Question agreed to.

Read second time.

Remaining stages

Passed remaining stages.

DUTIES AND LAND TAX ACTS (AMENDMENT) BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

This bill makes a number of amendments to Victoria's taxation legislation, for much of which there is already a level of industry or public awareness and support. Indeed a number of the changes are in direct response to industry submissions.

The Duties Act 2000 is amended in a number of ways. Firstly, as announced on 16 June 2005 there will be an exemption from duty for arrangements where senior Victorians enter into equity release programs with financial institutions. These programs are designed to give older people with limited funds access to equity tied up in their homes. Under these programs the customer can continue to live in their own home and continues to own the majority of their home. The financial institution does not realise their share of the proceeds until after the home is sold. The stamp duty exemption will apply for all transactions entered into from 15 June 2005. This is an example of the government working with financial institutions to encourage innovative schemes that help bring security and comfort to senior Victorians.

The motor vehicle duty provisions are amended in a number of ways, although the changes largely clarify existing intent rather than change policy. The government is confirming that there is an exemption from duty where there is a transfer of registration to effect repossession or restoration by finance companies. This has always been the intent though by reason of a technicality these were inadvertently brought to duty.

Some particular exemptions from motor vehicle duty currently depend upon a reference in the Duties Act to circumstances as established by VicRoads regulations — i.e., whether or not particular transfer fees are payable. This can lead to disparities and is unnecessarily convoluted. Therefore the government has decided to bring exemptions from duty currently governed by VicRoads regulations directly into the Duties Act itself. Whilst the government recognises that there should be a policy nexus between the application of VicRoads fees and the charging of duty this policy should be plain on the face of the taxing statute. A provision that exempts a transfer from duty should be located in the primary taxing act and not by reference to regulations.

A third change to motor vehicle duty is to confirm the intent that the due date for duty payable on an application for transfer of registration of a motor vehicle is the same as the due date for lodgment of the application, and penalty and interest does apply to late payment of duty. This change is necessary, as some taxpayers have mounted a counter argument on a technical reading of the current legislation.

There are a number of changes to the land-rich provisions of the Duties Act 2000 which have been the subject of consultation with the Law Institute of Victoria and other industry players. Indeed a number of these amendments flow directly from submissions

received from stakeholders calling for recognition of changed practices in the land-rich area or for acknowledgment of evolving products and standards.

As well as receiving submissions in relation to the provisions, the State Revenue Office has had the benefit of exposure to a number of different transactions and has reviewed the provisions with a view to their detailed operation. The tightening of the threshold criteria in May 2004 and the closer scrutiny of the SRO to industry practices has led to specialist practitioners querying many areas of the new legislation. These proposals reflect these submissions and this review.

The changes have been the subject of consultation with industry representatives who had the chance to comment on the draft provisions. I thank them for their constructive approach and positive suggestions, most of which have been adopted.

The amendments fall into three categories: those that promote clarity; those implementing requests for change by industry; and those aimed at preventing potential avoidance. An example of a change that promotes clarity is where the commissioner's right to recover valuation costs are to apply separately to each property, not to the total valuation. This is also an example of where comment on the draft provision by industry led directly to a slight variation of this change — this ensures taxpayers are only liable for undervaluations if they actually lead to an increased liability.

A specific industry submission the bill adopts is to expand the definition of qualified investors in wholesale unit trusts to include wholly owned Australian investment vehicles for foreign investors, Investor Directed Portfolio Services, licensed Australian financial service providers and charitable trusts. These changes are reflective of evolving business practices and greater exposure to the land-rich provisions.

There are some proposed amendments that are necessary in light of an ongoing review of potential avoidance schemes that could be developed or utilised. These changes are expected and necessary to ensure the existing tax base is protected. Were the provisions left unamended, these potential avoidance schemes could have a serious and adverse revenue impact. Examples of such measures are the proposals to provide an ability to address the use of listing on non-Australian stock exchanges to avoid duty, and bringing to duty changes in the beneficial ownership of land-holders through the use of trusts declared over existing unit holdings. These provisions are important to protect the revenue base and maintain the robustness of the land-rich regime.

The government signalled in the May 2005 budget its intention to introduce a new regime for dealing with land tax on lands held in trusts. This followed a range of consultations between the State Revenue Office and various industry representatives last year. Although there have been a number of recent judicial decisions around the current provisions it is the government's view that these provisions do not subject lands held in trusts effectively and equitably to land tax. The nature of trusts makes the usual assessing and aggregation provisions difficult to apply. There is an acknowledgment amongst tax advisers and industry groups that the existing provisions are not robust and are prone to misapplication.

Following the initial round of consultations in late 2004 and the government's public commitment in the budget to enact a new regime there has been a range of further consultations and various submissions have been received from different organisations. The model which is to be enacted in this bill is drawn largely from that proposed in a joint submission from major industry representatives, the Property Council of Australia and the Law Institute of Victoria. I thank these organisations, and others, who have contributed to this process.

As members of this Parliament are aware there is currently a bill before the Parliament which replicates the Land Tax Act 1958 in modern language and which deletes obsolete references, restructures the act in a logical manner and brings land tax under the administrative auspices of the Taxation Administration Act 1997. The new land tax trusts regime is an entirely separate project. The new trusts regime was not introduced directly with the Land Tax Bill 2005 as it is a significant change of policy worthy of particular scrutiny and consideration. The Land Tax Bill 2005 has been drafted on a no major policy change basis and so is not the appropriate vehicle for introducing such significant change. This Duties and Land Tax Acts (Amendment) Bill necessarily enacts the new land tax trusts provisions in both the Land Tax Act 1958 and the Land Tax Bill 2005. The reason for this is to ensure the information gathering provisions can take effect immediately upon royal assent to this bill. The government wishes to ensure that the new trusts model is in place for the 2006 land tax year.

The key elements of the new land tax trusts model are as follows:

Repeal of the existing trust provisions, contained in sections 51 and 52 of the Land Tax Act 1958, and clauses 18 and 44 of the Land Tax Bill 2005.

Introduction of a tax surcharge of 0.375 per cent for trusts with aggregate property holdings above $20 000. The default position is that trustees will be assessed at the new surcharge rates, on the aggregate value of land held in each trust.

As a transitional measure, trustees of existing discretionary trusts will have a once-off opportunity to nominate a beneficiary of the trust. The trustee will then be assessed at ordinary land tax rates on the trust land. The nominated beneficiary will also be assessed, at ordinary rates, on the aggregate value of the trust land and any other land owned by the beneficiary, subject to a deduction for any tax payable by the trustee. Land acquired by a discretionary trust after 31 December 2005 will be taxed solely in the hands of the trustee at the surcharge rate.

Trustees of fixed trusts will be able to provide the State Revenue Office with details of the beneficial interests in trust land. Equally, trustees of unit trust schemes will be able to furnish details of unit holdings. Trustees that take up this option will be assessed on the trust land at ordinary land tax rates. Beneficiaries and unit holders will also be assessed, at ordinary rates, on the aggregate value of a proportion of the trust land (calculated by reference to their proportionate beneficial interest or unit holding) and any other land they own. This assessment will be subject to a deduction for tax payable by the trustee.

Certain types of trusts will be excluded from the above arrangements. A trustee of an excluded trust will be assessed on the land held in the trust at ordinary rates, without the addition of the surcharge. Excluded trusts include charitable trusts, certain testamentary trusts, complying superannuation funds, public unit trust schemes and trusts for disabled persons.

In most cases, land held in a trust which is used as a principal place of residence of a beneficiary of the trust, and which is not otherwise exempt from land tax, will not be subject to the trusts surcharge.

Current exemptions for land which is held in a trust will not be affected by the new provisions.

All trustees holding Victorian land in trust will be required to submit a one-off return prior to 31 December 2005. There will also be various ongoing reporting requirements for trustees in certain circumstances.

In my second-reading speech to this Assembly in introducing the Land Tax Bill 2005 in early September I noted that bill would not be debated until later in the session and welcomed comments on the draft bill from interested parties. I am pleased to note that virtually no significant flaws have been detected. There are two minor oversights where provisions from the Land Tax Act 1958 were not replicated fully in the Land Tax Bill 2005. These were ensuring that orders in council made under the current act continue to have effect under the Land Tax Bill 2005, and a minor exemption from land tax where certain lands are used for market stalls. Therefore this bill contains these two further amendments to the Land Tax Bill 2005.

The bill reflects the government's commitment to an effective partnership with Victoria's taxpaying community, their advisers and industry representatives. This government will listen to fair and considered comment on its legislative proposals and is committed to a taxation system that is fair and equitable.

I commend the bill to the house.

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

Debate adjourned until Thursday, 10 November.

SUPERANNUATION LEGISLATION (GOVERNANCE REFORM) BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

The primary purpose of the bill is to facilitate the integration of the State Superannuation Fund and the Emergency Services Superannuation Scheme.

Over the past two decades the Victorian government, in line with governments around Australia, has pursued a public sector superannuation reform agenda. This policy has seen the total number of public sector schemes decline significantly.

From around 100 funds in the 1980s, Victoria now has two major public sector funds, the State Superannuation Fund and the Emergency Services Superannuation Scheme, run by separate administrators.

The State Superannuation Fund comprises the remaining members of a number of closed public sector defined benefit schemes. All of these schemes have been closed to new members for over a decade and, naturally, membership numbers are steadily declining.

On the other hand, the Emergency Services Superannuation Scheme is an open defined benefit scheme. It is one of the few public sector defined benefit schemes in Australia that is open to new members. It will remain open to new emergency services workers. This is a recognition of the unique nature of work performed by Victoria's emergency services workers and the high value that the government and the general community places on the contribution of emergency services workers.

Transferring the administration of the closed State Superannuation Fund to the Emergency Services Superannuation Scheme is a logical further step in the rationalisation of Victoria's public sector superannuation.

As a consequence of this bill, from 1 December 2005 all of the administrative functions for Victoria's public sector superannuation schemes will be the responsibility of one entity. This means one board accountable to members and government. This is logical and makes economic sense.

A single administrator with a single management structure provides considerable opportunities for cost savings. It allows for the reduction of duplication in areas of IT, accounting, legal, and other consulting services and addresses the diseconomies associated with the declining membership of the State Superannuation Fund.

From the perspective of members, a single larger entity will be better placed to meet the needs of members moving forward.

Importantly, safeguards have been put in place to ensure that no member's benefit will be affected by the integration. Government also believes that it is important that the current high standards of service that members of both funds receive are maintained and, to that end, government will be entering into a memorandum of understanding on this matter with relevant parties.

The ESSS board will be restructured so as to represent the interests of members of the State Superannuation Fund and the Emergency Services Superannuation Scheme. The board will consist of six member-elected representatives and six members nominated by the Minister for Finance.

The bill also facilitates the Victorian Funds Management Corporation centralised model that will see VFMC responsible for investment strategy setting in relation to defined benefit assets.

However, the ESSS board will retain responsibility for investment matters in relation to its accumulation funds. This is appropriate as these funds comprise members' money and members bear the investment risks. It is therefore proper that the board which includes member-elected representatives retains control over investment decisions for these funds.

The changes contained in this bill reflect this government's commitment to sound prudential management.

The savings will ultimately benefit all Victorian taxpayers.

The bill also includes some minor amendments unrelated to the integration of the two funds.

First, the bill contains a minor amendment to remove an anomaly regarding the payment of deferred benefits to certain State Superannuation Fund members. The amendment will enable persons, upon attaining the age of 55, to access their deferred benefit regardless of any subsequent re-employment by the Crown. This brings the access requirements for these members into line with the rest of the State Superannuation Fund schemes.

Second, the bill extends the policy of allowing public sector defined benefit employees' access to salary sacrifice, in the context of enterprise bargaining negotiations, to emergency services workers.

I commend this bill to the house.

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

Debate adjourned until Thursday, 10 November.

HEALTH PROFESSIONS REGISTRATION BILL

Second reading

Ms PIKE (Minister for Health) — I move:

That this bill be now read a second time.

The services provided by Victoria's health professionals are fundamental to the delivery of high-quality health care to all Victorians. Victoria's regulatory arrangements for the health professions date back to 1862 when the first Medical Practitioners Act was passed. Since then successive health professions have achieved statutory regulation. Today there are 12 Victorian acts of Parliament and associated regulations that regulate separately the professions of medicine, nursing, dental care, chiropractic, osteopathy, optometry, podiatry, physiotherapy, pharmacy, psychology, medical radiation technology and, most recently, Chinese medicine.

The bill presented to Parliament today reflects the extensive research and consultation with professional bodies, the registration boards and consumers. Indeed, in unveiling these reforms, it is important to formally acknowledge the important role played by registration board members and their staff, highly committed people who are dedicated to their task of protecting the public.

All health practitioners have an obligation to act professionally and to provide quality services to the public. However, statutory registration boards play an important role in protecting the public and affording Victorians the confidence that our registered health professionals are well qualified to do the difficult jobs they do. Registration boards not only set standards for entry to the profession, they also protect the public by investigating complaints from consumers about unprofessional conduct by individual practitioners, and they apply sanctions to those practitioners if necessary.

The current Victorian legislative model for the health professions was established following an extensive review in the late 1980s, with the passage of the Nurses Act in 1993 and the Medical Practice Act in 1994. Since that time, as the various existing acts have been reviewed and updated, they have adopted the common legislative framework, and a new act has been passed to regulate the profession of Chinese medicine.

Following 10 years of operation of the Victorian legislative model, it was considered timely to examine its effectiveness, to ensure it equips our registration boards to protect the public and address emerging challenges.

Since the review was commenced in 2002, there has been extensive consultation with professional bodies, consumer groups and other regulatory authorities. In October 2003 a discussion paper titled *Regulation of the Health Professions in Victoria* was released. The paper canvassed a number of proposals for structural reform, as well as detailing many issues that had arisen with the current scheme and proposed some reforms to the model provisions.

In response to the discussion paper, over 120 submissions were received from individuals, professional bodies and registration boards. A number of studies were commissioned to provide further input to the review, including a study of the experiences and views of those who have made complaints to registration boards. In April of this year, a further options paper was released, narrowing down the structural reform proposals and inviting further comments. Public forums were held and submissions were again received and taken into consideration in developing final proposals for reform.

There are a number of important principles that have guided the review.

The first is accountability. Registration boards must be accountable to the Victorian community in carrying out their statutory functions.

Second, transparency. The decision-making processes of registration boards should be open, clear and understandable for both the consumers and the professions.

Third, fairness. Registration boards should maintain an acceptable balance between protecting the rights and interests of patients and those of the practitioners.

Fourth, effectiveness. The regulatory system should be effective in protecting the public from harm and supporting and fostering equity of access and the provision of high-quality care.

Fifth, efficiency. The resources expended and the administrative burden imposed by the regulatory system must be justified in terms of the benefits to the Victorian community.

Sixth, flexibility. The regulatory system should be well equipped to respond to emerging challenges in a timely manner, as the health care system evolves and the roles and functions of health professionals change.

And finally, consistency. As far as possible there should be consistency across Australian states and territories in the regulatory arrangements for the health professions.

This bill recognises and retains the strongest elements of the existing scheme, but also introduces a number of important reforms to ensure it is sufficiently flexible and fair to meet evolving service needs.

First, it repeals 11 registration acts that regulate the health professions, including relevant provisions within the Health Act 1958 and replaces them with a single act. Under the current scheme, with 12 separate acts, it is a resource-intensive task to keep all the acts up to date, and there is considerable lead time between when a reform is introduced in one act and when it is applied to the remaining 11 acts. This bill provides an overarching regulatory framework for all the registered health professions, while ensuring the unique regulatory requirements for each of the professions are met. The bill provides for the existing registration boards to continue in operation but under a single regulatory framework, with a consistent set of powers for each board.

Second, the bill establishes better separation of powers in the disciplinary processes of boards. The bill provides for the hearing of serious allegations of professional misconduct by the Victorian Civil and Administrative Tribunal, rather than within each board. This reform separates the investigation and prosecution function undertaken by boards from that of hearing and determining such disciplinary matters.

With the transfer of this function to VCAT, the bill preserves the principle of peer review in disciplinary decision making while creating a structural framework to ensure procedural fairness. Panel hearings within VCAT that make final determinations concerning health practitioners will be constituted by at least three persons, of whom two must be practitioners from the same profession as the practitioner who is the subject of the disciplinary action.

Third, the bill addresses some of the concerns that consumers and others have raised about the transparency and fairness of complaints handling by registration boards. There is a new right for complainants to seek a review of a board's decision not to investigate a matter, or to take no further action following an investigation. In such circumstances, a board will be required to establish an 'investigation review panel' comprising at least one practitioner, one lawyer and a nominee of the health services commissioner. The panel will have powers to reconsider the matter, and, if necessary, reopen the investigation and reach a different decision.

The bill also includes a range of reforms aimed at strengthening the transparency, accountability and flexibility of the complaints management and disciplinary processes:

Complainants will have the right to seek reasons for decisions, and there will be a statutory requirement for boards to provide periodic reports on the progress of investigations.

Boards will have more flexible powers to finalise less serious complaints through agreement with the practitioner and at times if this is constructive, by agreement between the practitioner, the complainant and the board.

The informal hearings that boards currently run will be replaced by 'health panels' to deal with practitioners who may be unwell or incapacitated, and 'professional standards panels' to deal with conduct or performance matters.

Panels will have the power to impose conditions on a practitioner's registration following a hearing, and the health panel will have the power to suspend a practitioner's registration without the need to go to a VCAT hearing.

Fourth, the bill establishes a limited requirement for boards to obtain the Minister for Health's approval of codes or guidelines that relate to qualifications for registration or the scope of practice of registered practitioners.

It is intended that these powers be used where such instruments have the potential to adversely impact on the work force and its capacity to deliver effective health services in times of changing demand. There are significant challenges facing the community in providing for the health needs of all Victorians. It is essential that the regulatory arrangements for the health professions not only support acceptable standards of training and practice, but also facilitate quality improvement and work force flexibility.

The bill also establishes a role for the boards in collecting information from registrants for work force planning purposes. In doing so, however, the need to protect the privacy of individuals is recognised, and necessary safeguards will be put in place by each of the boards to ensure this.

Fifth, the bill establishes consistent registration categories across all regulated health professions, including a student registration category so that responsible boards may regulate students who are undertaking clinical training. The powers of the boards in relation to students are limited to instances where a student may be suffering ill health or has been charged with or found guilty of an indictable offence.

The bill makes provision for endorsement of the registration of nurses who have qualifications to practise in midwifery. There are also provisions that

allow registration of those who have direct entry midwifery qualifications but not general nursing training. This approach to regulation of midwives is considered to be in the public interest, as it will facilitate greater flexibility in the development and deployment of the nursing and midwifery work force.

There is also provision for the medical practitioners board and the dental practice board to endorse the registration of suitably qualified practitioners in approved areas of specialty practise. It is expected that these boards will exercise such powers within a common national framework for recognition of specialities.

Sixth, the bill provides for suitably qualified podiatrists to be endorsed by the podiatrists registration board to prescribe to their patients from a limited list of medicines. Establishment of this scheme, coupled with other reforms to streamline the process for adding new drugs to the list approved for prescribing by optometrists and nurse practitioners will improve access to services for consumers and make the best use of the expertise available in our Victorian health work force.

Finally, the bill extends to all boards the reforms to board structure and membership that were adopted with the passage of the Pharmacy Practice Act. Boards are to be constituted with between 9 and 12 members, of whom at least half must be registered practitioners from the profession that the board regulates, 3 must be persons who are not practitioners registered by the board, and 1 must be a lawyer.

The bill provides that the president and deputy president of a board will usually be practitioners from the profession. This is in recognition of the important leadership role these office bearers carry out for their respective professions. Only in special circumstances, where it is necessary for the effective operation of a board, would these roles be filled by board members who are not practitioners.

The provisions do not specify detailed requirements as to the types of practitioner members who must be appointed to boards. However, the government is committed to ensuring that both the size and the membership of a board is reflective of the range of work roles of each profession and the settings in which practitioners work.

For example, on the dental practice board and the medical radiation practitioners board there should be a presence of practitioners from each of the divisions of their respective registers. On the nurses board there should be nurse members from rural and metropolitan work settings, from hospital and community settings, and from clinical, management and academic roles. There should be a presence of members from the different divisions, and those with expertise in psychiatric nursing, midwifery and aged care nursing.

Last year the government enacted a new Pharmacy Practice Act. This act contains important reforms relating to regulation of pharmacists, pharmacy businesses, pharmacy departments and depots. The bill replicates these provisions and allows the pharmacy board to continue its work. The provisions that regulate ownership of pharmacy businesses are continued and pharmacists should notice very few changes from their current regulatory scheme.

The bill establishes a new board, the Medical Radiation Practitioners Board of Victoria, to replace the Medical Radiation Technologists Board of Victoria. The new board will be an independent statutory authority rather than an administrative unit of the Department of Human Services.

The bill will bring the administration of the registration scheme for the medical radiation profession into line with that of the other regulated health professions. The Medical Radiation Practitioners Board of Victoria will move to the same model as the other 11 boards.

This bill does not address the regulatory requirements for the range of health professions that do not have statutory registration boards. Further work is being undertaken to address the regulatory requirements for these health professions, in particular to explore the feasibility of systems of negative licensing to deal with unregistered practitioners who engage in serious misconduct.

Finally, I would particularly like to thank the interested consumers, professional bodies and registration boards and their staff, who have put in many hours of their time reviewing documents, attending forums, and assisting the Department of Human Services throughout the review. Their contribution has been invaluable.

Both consumers and the professions stand to benefit from a regulatory scheme that is fair, accountable, effective and efficient. It operates to protect both consumers and practitioners and provide the best possible regulatory environment to support the delivery of high quality health services. These reforms will ensure a proper balance is struck between the rights and interests of consumers and those of the practitioners who deliver health services.

I commend the bill to the house.

Debate adjourned on motion of Mrs SHARDEY (Caulfield).

Debate adjourned until Thursday, 10 November.

Mr Delahunty — On a point of order, Acting Speaker, in relation to the very important Health Professions Registration Bill, I have just gone out to the papers office, and this is the last copy. There are other members out there trying to get copies, and no doubt there are other people vitally interested in this very important bill.

Mrs Shardey — On the point of order, Acting Speaker, given that this information has now been made available to the house, I call upon the Minister for Health to give a commitment to the house that she will immediately make sure that further copies are made available.

The ACTING SPEAKER (Mr Ingram) — Order! I have been informed that the circulation print should be available tomorrow. I am assuming that the usual number has been printed. I have been informed that 50 copies have been made available.

Ms Pike interjected.

The ACTING SPEAKER (Mr Ingram) — Order! I hope that addresses the concerns raised by members earlier; extra boxes of the prints have been made available.

Mr Walsh — On a further point of order, Acting Speaker, as part of the process of second-reading speeches and the distribution of the print copies, could we set up a procedure in the Parliament whereby members of Parliament have priority for print copies, particularly when bills are second read on a Thursday? We find that the bills are second read, they are taken to the papers office and quite a few other industry participants and interested people go and get the copies.

We find that when we leave the chamber — as happened with the water bill a number of weeks ago — there are not enough copies left there, particularly for country members who are travelling home and may not be back until we sit again. Is it possible for the Parliament to explore a procedure whereby copies of the bills are put aside for members of Parliament?

The ACTING SPEAKER (Mr Ingram) — Order! This is not necessarily an issue now. Copies of this bill are available. I am sure the Speaker will deal with that matter.

WATER (RESOURCE MANAGEMENT) BILL

Consideration in detail

Debate resumed from earlier this day; further discussion of amended clause 11.

Mr WALSH (Swan Hill) — I move:

11. Clause 11, page 17, line 24, after "identified" insert "and documented".

Amendment 11 deals with the issue that at the moment a management plan for the environment has to identify the issues but does not actually have to document the issues. What we would like here is for the word 'documented' to be inserted into that clause so that we know there is a proper process in place where the plan is documented and where there is a hard copy that sets out the outcomes that are supposedly to be achieved there. This would be so that the general public, interested irrigators, the industry or whoever can come back and find a document there which has to be produced under the act so that people can monitor what goes on in the future.

Amendment defeated.

Mr WALSH (Swan Hill) — I move:

12. Clause 11, page 17, lines 31 to 32, omit all words and expressions on these lines and insert —

"(b) a quantifiable deterioration in waterway health — ".

For the benefit of the house, I indicate that we are not going to divide on this bill amendment by amendment in the interests of saving time, but that does not mean in any way that we are not committed to the amendments we are moving. What we want inserted in there is the word 'quantifiable', because as we have continually said in this debate, we need to make sure that some rigour is put into the process so we actually have a quantifiable difference instead of what could be quite a marginal difference that triggers a change in the future. We want to make sure that it is a quantifiable difference and it is substantial, and then you actually put in place the processes to do something about it. In this case I urge the minister to support the insertion of the word 'quantifiable' into that clause.

Dr SYKES (Benalla) — I rise to support the amendment moved by the member for Swan Hill. I would like to highlight that this documentation and quantification of progress is fundamental to responsible and accountable program management. In times gone by I was involved in a major disease eradication

program, and it was successful where we had the information quantified, where we monitored our progress and where we kept a focus on where we were wanting to go. They were clearly defined quantifiable objectives.

I think it is particularly important in an environment, particularly with catchment management authorities and government field service organisations, where there seems to be a continuous changeover of staff. I know in the implementation of the farm dams bill that there is enormous variation in the understanding of the issues at hand. Unless we bring in some fundamental accountability and rigour into the process, then we are going to have significant problems in assessing the progress because of the changeover in staff and the lack of comprehension of the issues. In keeping with the minister's indicated intent of it being a rational and sound approach to management, I would ask that this amendment be incorporated.

Mr THWAITES (Minister for Water) — The legislation only applies if there has been a deterioration in waterway health. The word 'quantifiable' does not add anything particularly meaningful to that. There has to be a deterioration, so the government does not accept that amendment.

Mr PLOWMAN (Benambra) — I find that response difficult to accept on the basis that almost everywhere else there is a requirement for a quantifiable assessment. Again, I go back to the Merri River. You would have to be able to quantify the deterioration so that you can see the benefit in the work that is done and the expenditure that has been put into it.

Amendment defeated.

The DEPUTY SPEAKER — Order! The honourable member for Swan Hill, to move amendment 14 in his name. I am of the view that if the member for Swan Hill loses amendment 14 he cannot move amendment 15 as it is consequential.

Mr WALSH (Swan Hill) — I move:

14. Clause 11, page 18, after line 32 insert —

"(c) a majority of the members of the committee must represent the communities and industries directly affected by the review;".

Amendment 14 deals with membership of a committee that is going to look at the management of the environmental issues in this case. At least half the members of that committee should be owners or occupiers of land in that area. Our view on this is that land-holders are not the only beneficiaries of irrigation in the particular areas we are talking about; some quite substantial industries and communities are also involved as beneficiaries of irrigation — for example, the Murray Goulburn Co-operative is a billion-dollar company, and quite a large proportion of its gross value of production comes out of the dairy sector.

We believe there should not be just a majority of land-holders in the area represented on the committee. The majority of committee members should be people from the community and particularly people from the industries that are affected. The land-holders are not the only beneficiaries. At numerous times in this debate we have said that irrigation does not only give value to farmers; it gives value to the whole community, and the community benefits from the major industries that value add to our dairy production around Victoria.

This is about making sure that industries are also involved in this review process. We had a meeting today with one of the dairy companies on another issue. Basically that company had no idea of what was going on in the water industry and no knowledge of the bill we are discussing in this place at this moment. It was another billion-dollar-plus company that had not been included in the community consultation by the Minister for Water. Again, the issue is that this bill is being pushed through very quickly. Although those who are directly in the industry know it has been coming, it has not got out into the wider sector.

It is the government's responsibility to include those industries in the future in any debate that may go on, especially any debate about qualifying rights that effectively take water away from farmers, wealth from communities and wealth and throughput from large companies that add value to the food we produce with irrigation.

Mr THWAITES (Minister for Water) — Once again, members of The Nationals do not read the legislation. The legislation actually requires that the minister must, as far as is possible, ensure that all relevant interests are fairly represented on the committee, so the interests of the community and industry are matters that would be represented appropriately through that provision. Further, the amendment moved by the member does not even make sense. It would not be possible, because the bill proposes that at least one-half of the membership must consist of persons who are owners or occupiers of land in the areas to which the review relates. As the member has indicated, it is obvious that farmers would come within that category, but the member is then putting in another amendment that says more than half must be

from community and industry. In an arithmetic sense it does not add up. You could not have both.

Dr Sykes — Yes, you can.

Mr THWAITES — It is not — —

The SPEAKER — Order! The debate is through the Chair and not across the table.

Dr Napthine interjected.

Mr THWAITES — What he is doing does not make sense and is not necessary. In fact the provision is already covered by the previous provision, which requires that all relevant interests are represented. That is going to include the community and industry, and no doubt it will include any other relevant interests in a particular area.

Amendment defeated.

Mr THWAITES (Minister for Water) — I move:

13. Clause 11, page 19, line 10, before "In conducting" insert "(1)".

14. Clause 11, page 20, after line 6 insert —

> "(2) The Minister must ensure that any review under section 22P —
>
> (a) that is conducted as a result of a long-term water resources assessment commenced under section 22K(a) is conducted in such a manner as to be completed not more than 14 years and 6 months after the commencement of section 14 of the **Water (Resource Management) Act 2005**; and
>
> (b) that is conducted as a result of a long-term water resources assessment commenced under section 22K(b) is conducted in such a manner as to be completed 6 months before the end of the 15 year period in which it commenced.
>
> (3) Failure to comply with sub-section (2) does not affect the validity of the review or of any action the Minister takes under the review, including, but not limited to any action under section 33AAB.".

Amendment 13 is simply a numerical amendment. Amendment 14 amends new section 22P by requiring the minister to ensure that a review is conducted so as to be completed well within each 15-year period, allowing for the six months to make the implementation statement. It also provides that a failure to comply with that does not effect the validity of the review or any action taken under the review. Once again, this amendment is proposed because both Environment Victoria and the Victorian Farmers Federation have argued for more certainty concerning the timing of long-term water resources assessment reviews and permanent qualification of rights. This amendment prescribes a clear time limit within which the long-term water resources assessment is to be conducted, and it is also complementary to the later amendment I will be moving in relation to the time for qualification of rights.

Amendments agreed to.

Mr THWAITES (Minister for Water) — I move:

15. Clause 11, page 20, lines 8 to 10, omit all words and expressions on these lines and insert —

> "(1) The Minister, by instrument, must appoint a panel of persons to consider comments made under section 22R(f) on a draft review, and the persons appointed to the panel must be persons who have knowledge of or experience in the matters that the panel is to consider.".

This amendment seeks to amend new section 22S by requiring a panel appointed to consider comments on a draft review to have knowledge of or experience in the matters that are to be considered. Once again, the amendment responds to a concern raised by the Victorian Farmers Federation, in that the federation has indicated that it believes it is appropriate that a panel of persons have that knowledge or experience.

Dr NAPTHINE (South-West Coast) — I rise to speak on this new section and the amendment because they relate to how these panels operate and what will be the outcome of their work. The outcome of their work is contingent on new section 22S(6), which states:

> The Minister is not bound by the report of the panel under this section.

This is the nub of the issue with a lot of this bill. The reality is, whether it be in this new section, in clause 24 or in other parts of the bill, that the minister can unilaterally and absolutely disregard the processes that have been put in place. We have a raft of provisions here setting up a panel process, setting up the construction of a panel and making sure there is representation across all different groups. There are rules about when they have to report, how they have to report, the nature of their reports and the publication of their reports, but the bottom line is that the minister is not bound by the report of the panel. The minister can ignore it and can act unilaterally to do what he or she likes with regard to these issues. Furthermore, there is no requirement whatsoever for the minister to report in any way, shape or form, and certainly not in any public way, as to why he may or may not have rejected the findings or recommendations of the panel.

There is a fundamental flaw in this whole concept. There is a flaw in this concept, and it is reflected in other parts of the bill. I will not necessarily raise the same point about other clauses in the bill. However, I want to make the point loud and clear that people in country Victoria simply do not trust this government and this minister. The member for Mildura, who put this government into office, has said today that he has lost trust and faith in the government because of what it has done to regional and rural Victoria.

With respect to one of the most vital issues to the future of country Victoria — the future management of water resources — in this bill we have a process, we have a system which on its own seems like a reasonable, representative and fair system. The member for Swan Hill has moved amendments which would have improved the situation, but the government has rejected those amendments. However, the worst thing of the lot is that whole process can be circumvented.

The legislation makes it very clear that the minister can thumb his nose at that panel process, thumb his nose at the recommendations of a panel and thumb his nose at all the work done by that panel and the community in respect of these issues. Not only can he thumb his nose at it, but he can do it without any requirement whatsoever for any public process for him to report his decisions and the reasons for them so they can be argued.

Mr Nardella — That's rubbish!

Dr NAPTHINE — It is in the bill. The bill says the minister is not bound by this. There is nothing in the bill which says the minister has to publish his reasons for rejecting the findings of a panel. There is no requirement for the minister to do anything other than reject a panel's findings or recommendations. The minister can do what he wants to. We have exactly the same situation in clause 24. That is the point I make. I think that is where the people of country Victoria are very concerned.

As I said, a supporter of the government over the years, the member for Mildura has now said he simply cannot trust the Premier and this government. It has taken the member for Mildura a long time to come to that decision — we knew that in 1999. The people of country Victoria know that this government simply cannot be trusted to provide sound water management and the proper balance between irrigation agriculture, the need to use water for farming and getting a good environmental outcome. That is exposed here by the minister being able to thumb his nose at a panel and its decisions.

Mr WALSH (Swan Hill) — I seek your guidance, Deputy Speaker. Does the moving of this amendment in the minister's name exclude my amendment 16 from being put?

The DEPUTY SPEAKER — Order! We are on amendment 15 in the minister's name, which would not have any effect on that.

Mr WALSH — On my amendment 16, which is also dealing with that clause of the bill, but as an addition to it?

The DEPUTY SPEAKER — Order! This amendment would not affect it. The minister's next amendment could possibly affect it.

Mr THWAITES (Minister for Water) — On the amendment, as I indicated, this responds to an issue raised by the Victorian Farmers Federation. In relation to the matter raised by the member for South-West Coast, I point out in the first place that the legislation that operated under his government had no provision such as he is suggesting now. Nothing of the sort operated under the Kennett government for seven years, and that, as we have heard today, was supported by the Liberal Party. This legislation provides many more opportunities for input from farmers before decisions are made.

Dr Napthine interjected.

Mr THWAITES — The Lone Ranger — there he was out there on his own last night trying to represent the opposition, and they rejected him. Just as he is out undermining his leader day after day, whispering to the media — —

Mr Plowman — On a point of order, Deputy Speaker, I ask you to bring the minister back to the issue.

Mr THWAITES — On the point of order, Deputy Speaker, the member for South-West Coast has sought to broaden this debate to general issues of trust in government. If he is going to do that, we will talk about who you can really trust.

The DEPUTY SPEAKER — Order! The minister is not talking to the point of order. I remind all members that consideration in detail requires members to address the particulars of the clause or the amendment currently before the house. It is true that some latitude has been given to members and the comments they have made during the course of this debate. However, if in doing that we are going to go down the track of opening up the debate very widely,

the Chair will have to interpret the debating provisions in the strict sense and require contributions to be strictly according to the clause or the amendment for all members.

Mr THWAITES — Certainly you can trust the Bracks government to financially manage this state responsibly and to ensure that we have credible policies. That is what this is all about. It is about having credible policies to better manage water in Victoria. It is also about having one consistent policy, not having three or four policies depending on which opposition spokesperson is speaking at the time, whether it is the member for Benambra who has one view or the Deputy Leader of the Opposition who goes around with a different view. We on this side of the house are very strong in our view that this is a much more open and transparent approach than we have ever had before, and for that reason it ought to be supported.

Amendment agreed to.

The DEPUTY SPEAKER — Order! Before calling the minister to move amendment 16 in his name, I advise the house that it is my view that, if this amendment is agreed to, the member for Swan Hill will not be able to move his amendment 16 in its current form.

Mr THWAITES (Minister for Water) — I move:

16. Clause 11, page 20, after line 28 insert —

> "(8) A panel appointed under this section must ensure that its report under sub-section (3) is made within the period specified by the Minister which must be not later than 6 months after the panel is appointed under sub-section (1).".

Amendment 16 amends new section 22S by allowing the minister to specify a period within which the panel appointed to consider comments on a draft assessment must submit its support. Once again, both Environment Victoria and the Victorian Farmers Federation have argued for more certainty concerning the timing of long-term water resource assessment reviews and permanent qualifications of rights. To complement the time lines placed on the minister, it is necessary for the minister to be able to set time lines for the panel.

Mr WALSH (Swan Hill) — I accept the Chair's ruling that the minister's amendment rules out The Nationals amendment, but I suggest that the amendments are distinctly different in their intent.

The DEPUTY SPEAKER — Order! I remind the member of the procedure earlier in the day in relation to another proposed amendment of the member for Swan Hill in which the amendment could not be moved in its current form. The procedure, if the member for Swan Hill wishes to proceed, in this case would be that he seek the leave of the house to move it in an amended form as an addition to the amended clause, if the minister's amendment were successful.

Mr WALSH — With your guidance on that, Deputy Speaker, we support the amendment by the minister, because it delivers what it says and addresses some of the concerns about time lines and having things happen as they should, with some accountability. One of the concerns for people who are in business and who work within the community is the issue of time lines for government departments — and the Department of Sustainability and Environment is included in that — and things happening on time. People go on panels, they get put on committees or they are asked to do a review of something, and it drags on and on. It is important that we make sure there is some discipline on this.

Mr Helper — You want the panel to get it right!

The DEPUTY SPEAKER — Order! Debate will be conducted through the Chair, not cross the chamber.

Mr WALSH — I know that picking up interjections is unruly, but we would most definitely like the panel to get it right. However, we are finding continually that we are getting community involvement burnout in our communities.

Mr Nardella — You don't want community involvement?

Mr WALSH — The issue is not that we do not want it; the issue is that if people are going to give up their valuable time to serve on a committee, to do work for the government on behalf of the community, they want to ensure that there are some time lines in place. I am supporting the government's amendment, but I am emphasising the fact that it is important, because people are getting burnt out from being on government panels that drag on and on or from being involved in reviews that do not report or become very inconclusive so that nothing happens. If people are going to give up their valuable time to become part of this process, they want the time lines the minister has talked about, but, more importantly, they want something to happen at the other end that is constructive for their community.

Dr NAPTHINE (South-West Coast) — The Liberal Party welcomes and supports this amendment. It is good to have time lines so that people know the time frame in which they are supposed to take the

appropriate action, but it does highlight the fact that, even when people do this good hard work on behalf of the community and produce the report within the time lines, there is the underlying problem that the minister is not bound by the report.

Mr Helper — That's a different section!

Dr NAPTHINE — I am sorry, but it is the same section. The minister is not bound by the report. There is no time line on the minister's responding and no requirement that the minister should respond in any public or published way. So people can do this good work and meet the guidelines set in the proposed amendment and yet be completely ignored by the minister and insulted by not having any published response from the minister. While the time line for the panel is appropriate, there should also be a similar requirement for the publication of the minister's response within an appropriate time frame.

Mr THWAITES (Minister for Water) — The member for South-West Coast spends too much time going around trying to undermine his leader instead of reading the legislation.

Mr Plowman — On a point of order, Deputy Speaker, I ask you to bring the minister back to the clause we are debating. It has nothing to do with the leadership of either his or our party.

The DEPUTY SPEAKER — Order! The minister, on the clause.

Mr THWAITES — I notice how sensitive the opposition is to this issue, but the member for Benambra should understand that the rules of debate are different from question time — —

Mr Plowman interjected.

Mr THWAITES — You have already broken an agreement twice.

The DEPUTY SPEAKER — Order! I have asked members to conduct the debate through the Chair on a number of occasions, not across the chamber. If need be we will ensure that it occurs through the mechanisms available to the Chair.

Mr THWAITES — As the member for Benambra would be aware, the rules of debate are different in the consideration-in-detail stage than in question time. The opposition has chosen to breach an agreement. The member for South-West Coast has chosen to make continual political statements. I am addressing that. The fact is that the member has not read the legislation. He claimed there is no requirement for the minister to report on this. New section 22O, inserted by clause 11, states:

> As soon as practicable after completing a long term water resources assessment, the Minister must —
>
> (a) make a copy of the assessment and the review … available for inspection, during business hours … and
>
> (b) make a copy of the assessment available on the department's web site; and
>
> (c) publish a notice of the availability of the copy of the assessment in a newspaper circulating generally in the area to which the assessment applies.

The member for South-West Coast keeps making broad generalisations. The fact is that this process is far more open and transparent than the process under the existing legislation.

Amendment agreed to.

Mr WALSH (Swan Hill) — I seek leave to move amendment 16 standing in my name, which will now be numbered as new subsection (9).

Leave granted.

Mr WALSH — I move:

16. Clause 11, after subclause (8) insert —

> "(9) The membership of a panel under this section must include —
>
> (a) persons who are actively involved in irrigation and water use; and
>
> (b) persons who are members of communities directly affected by the review; and
>
> (c) persons who represent industries benefiting from water use.".

The amendment refers to the appointment of a panel that will check the draft review of the environmental assessment. The amendment applies some discipline to the membership of the panel so that we have a panel of people who are involved in the irrigation industry and water use. As I said during debate on a previous amendment, these people will represent the communities directly affected and the industries directly affected.

It is very important to have involved not only people who have expertise or an interest in it but also people who actually have a dollar in the ring. It is very important when we do these sorts of things — where we are talking about potentially qualifying water rights, potentially changing the futures of individual farmers,

changing industries into the future and changing the futures of communities that rely on irrigation water — that we have people involved in this review process who also have a dollar in the ring. As I have said continually in this debate, when you actually put money on the table you get people who have a lot more interest in what is going on.

The panel that is doing the review could, for argument's sake, be dominated by people of the likes of members of the Wentworth group who do not have money in the ring. With the very best intentions in the world they want to achieve good environmental outcomes, but they do not understand or do not want to understand the social and economic impacts they may have on the communities, the individuals and the industries that are affected.

We seek this addition to clause 11 to make sure we have some rigour in the qualifications of people who are appointed to the panel to ensure that they are people who actually have a financial interest in the outcome, not just an environmental interest.

Mr THWAITES (Minister for Water) — I will just clarify this so that members are aware of the situation. The government does not accept the member for Swan Hill's amendment, and the proposed amendment misunderstands the role of the panel. The panel is not meant to represent those with financial interests; that would be quite inappropriate. The panel is meant to consider the review that has been produced in draft form by the minister after consulting with people who are affected. It is meant to be an independent assessment body that can review the matters and then make a report to the minister for a final decision.

It would be totally inappropriate in a circumstance where you have a panel that is meant to make an independent assessment for members of that panel to also have a financial interest. Just as we have panels in planning matters and under a range of other acts where you have an independent panel and assessment, so it is with this panel. It is not intended to be a representative panel or a panel that is going to have a financial interest, and it would be inappropriate to do so.

Mr PLOWMAN (Benambra) — On that particular point, the way the amendment is written you could have persons on the panel who are actively involved in irrigation and water use who do not actually have a direct interest in that area, so persons described in renumbered new subsection (9)(a) in the member for Swan Hill's amendment 16 could certainly qualify. The words 'persons who are members of communities directly affected by the review' in new subsection 8(b) could equally apply to people who are not going to get a direct return. Therefore I would see that the panel could comprise those people and would benefit by comprising those people, because otherwise there is absolutely no direction as to how that panel is made up. It can be based solely on who the minister would like to have on it. The minister said the panel needs to be independent. Clearly if there is some direction as to how members are appointed, its independence is more transparent. At the moment, with the minister being able to appoint members of the panel, that independence is not transparent at all.

Mr MAUGHAN (Rodney) — I want to speak briefly in support of the amendment moved by the member for Swan Hill. It is important to have on the panel people who have a real interest in this issue. I understand the argument put forward by the minister, but too often you have members of these independent panels who have nothing at stake at all making decisions on the livelihoods of people who, collectively, have huge amounts of dollars invested in these various industries.

Yes, we do need the reports of independent panels, but when it really comes down to the line you need people that do have, as the member for Swan Hill says, some dollars on the line and some interest in the issue, rather than people who are making decisions that are going to affect the lives of people forever and for whom there will be no direct consequence at all as a result of the decisions they make. I support the amendment that has been put forward by the member for Swan Hill.

Amendment defeated.

The DEPUTY SPEAKER — Order! The member for Swan Hill and the Minister for Environment both have amendments to line 6 on page 22. I will allow the minister and the member for Swan Hill to talk to their amendments, and then I will test the member for Swan Hill's amendment 17 by posing the question that the word 'Department' be omitted.

Mr WALSH (Swan Hill) — I move:

17. Clause 11, page 22, line 6, omit 'Department."' and insert "Department.".

As you have rightly pointed out, Deputy Speaker, this is a procedural amendment that would allow the moving of my amendment 18, which again goes to this issue of accountability and transparency. We want to make sure that in reporting on any remedial plan for the health of a waterway there is a requirement for regular monitoring

against that remedial plan so that at any point in time the community can see what outcomes are there and where we are up to as far as achieving that plan goes.

As we have said — I know it is becoming rather repetitious — where there are water plans and where water rights are going to be qualified, the community will have quite a substantial financial stake in making sure it gets a good outcome. We need transparency and accountability so that at any time in the process people can see what has or has not been achieved. We also need to make sure the government actually goes back and focuses its mind, catches up and achieves the things it has said it would achieve. It is about having a review in the department's annual report so that it is tabled in this place and is open to the scrutiny of this Parliament.

Mr THWAITES (Minister for Water) — The government does not accept those amendments. Already very extensive provisions for reporting have been set out in the legislation. The government's amendment 18 sets out a program of implementation of the review. The purpose of that is to ensure that there is a clear timetable for that implementation.

Amendment defeated.

The DEPUTY SPEAKER — Order! As the house has not agreed to the member for Swan Hill's amendment 17 he will not be able to move his amendment 18, which is consequential.

Mr THWAITES (Minister for Water) — I move:

17. Clause 11, page 22, line 6, omit "'.'.

This amendment is simply consequential upon amendment 18.

Amendment agreed to.

Mr THWAITES (Minister for Water) — I move:

18. Clause 11, page 22, after line 6 insert —

'22V. Program of implementation of review

(1) Within 6 months of the publication of a notice under section 22T(2)(c) the Minister must determine a program of implementation of the review and publish a statement of the actions required to implement that program.

(2) If, as part of a program of implementation of a review, the Minister determines to qualify rights under section 33AAB, the Minister must set out notice of that determination in the statement published under sub-section (1).".'.

The amendment provides for a program of implementation of review. It inserts a new section 22V to require the minister, within six months of the publication of a notice of a review's endorsement, to determine a program and publish a statement of action required to implement the review.

Amendment agreed to.

The DEPUTY SPEAKER — Order! The question is that clause 11, as amended, stand part of the bill.

Dr NAPTHINE (South-West Coast) — I wish to seek clarification from the minister about some comments he made earlier when he implied that I had not understood the bill when I said that the minister is not required to publish. He is not bound by the report of the panel under this new section and he is not required to publish his determination or his reasons for same. He referred to new section 22O, which relates to the publication of a long-term resources assessment. I would appreciate it if the minister could point out where I have misunderstood this, because I think there may be some misunderstanding from his point of view. New section 22O refers to where the minister must make a publication. The minister said that I do not understand it.

New section 22O is about the publication of a long-term water resources assessment, and there are certain requirements for the minister to make a publication. But following that publication comes new section 22P, which refers to a review following the long-term resources assessment. That is followed by new 22Q, which deals with the consultative committee. New section 22R deals with the review process, and new section 22S deals with the appointing of a panel, and the publication of the review comes out of that panel process.

All of that is subsequent to the publication of the long-term water resources assessment, and there is no requirement when the review panel has looked at the long-term water resources assessment which the minister has published, for the minister to be bound by that panel or to publish in any way, shape or form his reasons for accepting or rejecting the panel's findings in part or in full or in any other way. So the community is not illuminated in any way, shape or form through this process under this legislation. The minister can unilaterally reject the panel's findings or unilaterally accept part of the findings and reject others, and there is no requirement for him to publish.

That is the point I was making before. The minister referred to new section 22O. I am saying to the minister

that he has misunderstood it, because new section 22O is about the long-term resources assessment, and everything subsequent to that, which is what I was talking about, is contained in new sections 22P, 22Q, 22R, 22S, 22T and 22U. They are about what happens subsequent to a long-term water resources assessment and the panel's assessment and the review process. The minister can reject the assessment and does not have to accept the panel's finding, and there is no requirement for him to publish anything with respect to his acceptance or rejection of that panel process. If the minister believes I have misunderstood that, I wish he would clarify it.

Mr THWAITES (Minister for Water) — I am happy to do that. In fact what the member for South-West Coast indicated at the end of his question is that there is nothing requiring the publication of the review — —

Dr Napthine interjected.

Mr THWAITES — You said that before! As I indicated it is because he spends so much time undermining his leader and the deputy leader, whom he called a lightweight the other day in public. He went out to the media and called him a lightweight. You called him a lightweight, didn't you?

Dr Napthine — That is an absolute lie! You are a liar! You lie in Parliament — —

The DEPUTY SPEAKER — Order! The member for South-West Coast! The minister should speak on clause 11 and the question that clause 11, as amended, stand part of the bill.

Mr THWAITES — It is very interesting. I think you protest a bit too much! You try to undermine him everywhere!

Just to help the member for South-West Coast, as I indicated, under new section 22O the assessment has to be published. Now he is saying, 'What about the review?'. I refer the member to new section 22T(2), under which on completion of the review the minister must make a copy of the review available for inspection.

Dr Napthine interjected.

Mr THWAITES — The response to the review — because he spends so much time undermining the leadership team, the member does not understand the format of the legislation. The format of the legislation is that the minister is responsible for the review. It is the minister's review. The minister then puts that to a panel, which can make a report, and the minister under new section 22S is then bound to publish that report. Then it is the minister's job to determine whether he will endorse the panel's review with any amendments or refuse to endorse it. Then under new section 22T(2) that has to be published and made available publicly — and it is. A copy of the review is made available for inspection, a copy is put on the department's web site, a notice of the availability of that is put in a newspaper and a copy of the review is available for inspection during business hours, free of charge, at the office of the department.

There could not be any more open and public a process than that. Instead of the member for South-West Coast coming into the debate late, not being part of it and then trying to be smart, he should read the legislation from the beginning.

Dr NAPTHINE (South-West Coast) — I thank the minister for his advice.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for South-West Coast does not require the advice of other members in the chamber.

Dr NAPTHINE — But he is very clear that the review process is a process undertaken by the external body.

Mr Thwaites — No, it is not.

Dr NAPTHINE — That is what is being published.

Mr Thwaites — You don't understand the law.

Dr NAPTHINE — That is what is in the black-and-white legislation.

Mr Thwaites — Look at 22R.

Dr NAPTHINE — That is what I have been looking at. The provision says very clearly:

> The minister is not bound by the report of the panel …

There is no requirement for the minister to comment on why he has — —

Mr Thwaites — The minister's review.

Dr NAPTHINE — There is no requirement for the minister to respond with why he has or has not — —

Mr Thwaites — Just sit down, mate; you're making a fool of yourself!

Dr NAPTHINE — It is very clear under 'Reporting of panel' that the minister is not bound by the report of the panel, and there is no requirement for the minister to publish why he has or has not rejected the report of the panel. That is the point we make, and that is the point we continue to make.

Mr Thwaites interjected.

Dr NAPTHINE — That is the point I have made all the way through the process, and I continue to make that point — and the minister has failed to address that issue.

Amended clause agreed to; clauses 12 and 13 agreed to.

Clause 14

Mr THWAITES (Minister for Water) — I move:

19. Clause 14, page 23, line 18, omit **"insert"** and insert **"substitute"**.

This is a very minor amendment that simply puts in the word 'substitute' rather than 'insert'.

Amendment agreed to.

Mr THWAITES (Minister for Water) — I move:

20. Clause 14, page 24, line 8, omit **"33AA"** and insert **"33AAA"**.

21. Clause 14, page 24, line 28, omit **"33AB"** and insert **"33AAB"**.

This is a significant amendment. It responds to concerns that have been raised by the Victorian Farmers Federation. It ensures that a permanent qualification of rights to water must not take effect in relation to an area or water system within 15 years of the commencement of section 14 of the Water (Resource Management) Act 2005.

The DEPUTY SPEAKER — Order! I think the minister is speaking to amendment 22. We are actually on amendments 20 and 21, which are technical amendments.

Mr WALSH (Swan Hill) — I assume that my amendments 19 and 20 would be ruled as being covered?

The DEPUTY SPEAKER — Order! In that they are identical, both would be covered, yes.

Amendments agreed to.

Mr WALSH (Swan Hill) — I move:

21. Clause 14, page 24, line 34, before "the review" insert "the remedial plan as set out in".

Amendment 21 refers to the issue of remedial plans as set out in this clause. This goes to the hub of what we have talked about continually — that is, taking into account the social and economic costs. The remedial plan we have talked about in our amendments goes to the socioeconomic issues and to putting some rigour into what we may or may not do to improve the environmental value and health of the relevant water system. This would make sure that priority is given, in finding additional water, to investment in infrastructure or voluntary incentives rather than in the clawback of water.

Mr PLOWMAN (Benambra) — In supporting the amendment might I also put a question to the minister. Section 33AA(1) says:

> … If the Minister declares … that a water shortage exists in an area … he or she may temporarily qualify any rights to water whether or not they relate to the same area or water system.

Could the minister explain how that will take effect and give an example of the circumstances under which it might apply?

Mr THWAITES (Minister for Water) — It is my understanding that this is the same type of provision as that which exists in the current legislation, but I can check that, and if there is any further information, I can advise the member.

Mr MAUGHAN (Rodney) — In supporting the member for Swan Hill on this amendment I believe it is a very important part of the whole process to have the remedial plan published rather than just the review itself. If we are going to qualify water rights, information on what is going to happen to that water needs to be properly conveyed to members of the community so they can see what the process is. If they are going to surrender some of their water entitlements, they need to have very clearly explained to them what the remedial plan is and how it is going to work, so it is not just about the review itself but about the actual plan to put that into effect. This amendment would give greater understanding and certainty to those out there in the farming community.

Amendment defeated.

Mr THWAITES (Minister for Water) — I move:

22. Clause 14, page 25, lines 5 to 10, omit all words and expressions on these lines and insert —

"(2) A permanent qualification of rights to water under sub-section (1) must not take effect in relation to an area or water system —

(a) within 15 years of the commencement of section 14 of the **Water (Resource Management) Act 2005**; or

(b) if such a permanent qualification has taken effect in relation to that area or water system within the preceding 15 years.".

That is the important amendment I began to speak about before which ensures that the permanent qualification of rights does not take effect in relation to an area or water system within 15 years of the commencement of section 14 of the Water Resource Management Act 2005 or, if such permanent qualification has been made in relation to that area, within the preceding 15 years. This follows a concern that was raised by the Victorian Farmers Federation. It was the intention of the bill and the white paper that that time frame should be in place, and this amendment has been moved to ensure there is no doubt about that.

Mr WALSH (Swan Hill) — The Nationals would support this amendment, because as the minister has already said, it goes back to the original intent and understanding of the white paper. It is probably disappointing from a drafting point of view that we have ended up having to amend this new section and the new section we amended earlier today to do with the actual start of the review process. Some suspicion had been created about its intent — about what the government's plan was in not honouring what was set out in the white paper — so we welcome the fact that this has been clarified.

Mr PLOWMAN (Benambra) — The opposition also supports this amendment moved by the government, but I would like an explanation from the minister on new section 33AC(4) in part 2, which says that the qualification under this section

> … must apply to rights in the same proportion, unless the Minister is of the opinion that circumstances are so extreme as to justify some other basis'.

In the briefing we had I sought an explanation of that, but the explanation made it very difficult to appreciate under what circumstances that might occur. Could the minister explain under which circumstances that might apply?

Mr THWAITES (Minister for Water) — I believe I gave an example last night of horticulture being potentially one area where, if the effects of a shortage of water were severe, the rights may be qualified so that, in that circumstance, it could be protected.

Amendment agreed to.

Mr THWAITES (Minister for Water) — I move:

23. Clause 14, page 25, line 11, omit **"33AC"** and insert **"33AAC"**.

This is just a technical amendment to a drafting issue.

Amendment agreed to.

The DEPUTY SPEAKER — Order! The member for Swan Hill, to move amendment 23 in his name.

Mr WALSH (Swan Hill) — I assume that the minister's amendment 23 cancels out my amendment 22?

An honourable member interjected.

Mr WALSH — We won? Great — we have had a win! I move:

23. Clause 14, page 25, line 26, after "qualification" insert "and must specify any consideration given by the Minister to using other means to improve the environmental values and health of the relevant water systems".

This deals with the qualification of water rights by the minister, and the words we wanted inserted there are 'must specify any consideration given to the minister to using other means' — I emphasise 'other means' — 'to improve the environmental values and health of the relevant water systems' before he actually goes to the extreme of qualifying water rights.

It is starting to sound repetitious, but this is about putting some rigour into the debate to ensure that every other opportunity has been explored before the minister qualifies water rights. When you start qualifying water rights as I have said before, you are taking wealth away from people; you are effectively taking away their network without any sort of compensation. We have seen a lot of publicity in recent times given to various players in the environmental debate — the likes of Peter Cullen and, as I said last night, the Minister for the Murray River in South Australia, who just want to run straight to the end conclusion and take water from farmers.

This puts in place a clause that insists that the minister explore every possible opportunity to achieve his aims for the environment before he qualifies water rights and before he puts his hand in the farmers' pockets and starts taking away money. This puts in place some rigour to ensure that every other opportunity has been explored. If nothing else, I implore the minister to

accept this to show that he intends to do that before he takes water from farmers.

Dr SYKES (Benalla) — I strongly endorse the amendment moved by the member for Swan Hill because of our experience with the proposed decommissioning of Lake Mokoan. Contrary to the beliefs and assurances that members of the local community were given about a water reliability committee being put in place to advise the minister on offsets, alternative sources of water and the means of providing security of supply to irrigators in the event of Lake Mokoan being decommissioned, the first step taken by the minister was to go out and buy 1000 megalitres of water to in part meet security-of-supply commitments — or alternatively, it has been argued, to meet environmental commitments.

We had a situation where people believed they were going to be involved in a consultative process and that all the options were going to be explored before the government entered the water market, but the first action taken by the government — and in fact the only action taken, as it actually happens — was that the government entered the water market and bought water, thereby transferring wealth out of the system. Therefore I strongly support the amendment moved by the member for Swan Hill in an attempt to address a very real concern that is out there.

Mr MAUGHAN (Rodney) — I strongly support the sentiment of this amendment. It is important that irrigators out there are satisfied that every other option has been explored before their water entitlements — which, as I have said a number of times during this debate, are absolutely vital to their livelihoods and to the communities that depend on them — are qualified in any way. This amendment is vitally important and deserves the support of the house.

Amendment defeated.

Mr THWAITES (Minister for Water) — I move:

24. Clause 14, page 25, line 28, omit "33AA" and insert "33AAA".

25. Clause 14, page 26, line 8, omit "33AA" and insert "33AAA".

These are technical amendments.

Amendments agreed to; amended clause agreed to; clauses 15 to 17 agreed to.

Clause 18

Mr THWAITES (Minister for Water) — I move:

26. Clause 18, page 27, line 23, after "43A" insert "of the **Water Act 1989"**

This is a technical amendment.

Amendment agreed to; amended clause agreed to; clauses 19 to 23 agreed to.

Clause 24

Mr THWAITES (Minister for Water) — I move:

27. Clause 24, page 32, line 22, omit "(2)" and insert "(1)".

28. Clause 24, page 32, lines 24 to 27, omit all words and expressions on these lines and insert —

    "(1) The Minister may, by instrument,".

29. Clause 24, page 33, after line 11 insert —

    "(2) The Minister may allocate an environmental entitlement under sub-section (1) for the purpose of —

    (a) maintaining the environmental water reserve in accordance with the environmental water reserve objective; or

    (b) improving the environmental values and health of water ecosystems, including their biodiversity, ecological functioning and water quality, and the other uses that depend on environmental condition.".

These are a range of amendments. Amendment 28 amends new section 48B(1) by deleting the purpose for which an environmental entitlement may be allocated as a consequence of the changes proposed by amendment 27. Amendment 27 inserts an additional subsection which sets out the purposes for which an environmental entitlement may be allocated.

Amendment 29 allows a minister to allocate an environmental entitlement for the purpose of maintaining an environmental water reserve in accordance with the environmental water reserve objective or improving the environmental values and health of water ecosystems. This amendment responds to a concern raised by Environment Victoria. The only purpose for which an environmental entitlement may be allocated under new section 48B as introduced is to achieve the environmental water reserve objective. Regarding this amendment, it is appropriate that the minister should be able to allocate an environmental entitlement for the purpose of improving the environmental value and health of ecosystems. This is a sensible change.

Mr WALSH (Swan Hill) — I seek clarification from the minister. In allocating that environmental entitlement, where does the entitlement come from in the first place?

Mr THWAITES (Minister for Water) — Obviously it comes from the rivers and aquifers around the state, but it is subject to the existing rights, which are only affected pursuant to the provisions of this legislation. People with consumptive rights are not affected by the environmental allocation except through the provisions we have already discussed.

Mr WALSH (Swan Hill) — I seek further clarification. Take the Murray–Darling Basin portion of Victoria, which has a cap on consumptive use — there is no allowance to allocate any additional water. I ask the question again: when making an environmental allocation under this proposed clause, where will the minister get the allocation, given the cap on allocations?

Mr THWAITES (Minister for Water) — I am sure the member is aware that despite the large amount of consumptive use from the Murray River, not all of the Murray's water is used for consumptive users. Something is left in the river, and that is the environmental reserve — for example, if through the infrastructure works and other programs we are undertaking we can save water over time, that will mean additional water will be available to increase the environmental reserve without affecting consumptive users. The provisions regarding the Murray River and other rivers in the regulated system will be dealt with as I have indicated throughout the debate. In unregulated rivers — which are not overallocated at this stage — we may be able to increase the environmental reserve without affecting existing consumptive uses. That will be done according to the provisions of this legislation. That system was outlined in the white paper.

To sum up: in rivers that are not overallocated we can increase the environmental reserve without affecting consumptive users, which will be done according to the purposes of the legislation, whereas in rivers that are fully allocated it will not be possible to increase the environmental reserve except through the provisions of this legislation — such as the qualification of rights — or through the various measures we are taking, such as infrastructure improvements and the like, to improve efficiency and get more water.

Mr WALSH (Swan Hill) (*By leave*) — I accept what the minister has said, but I seek further clarification on that point. In allocating this environmental reserve, currently we have a number of government policy commitments to put water back into the Snowy River, which is something the member for Gippsland East has continually talked about during this debate. As part of that process, we have commitments to the Murray River — the 70 gigalitres that is to go down that river and we now have the Living Murray first step, which is another 500 gigalitres to go down the Murray. The further clarification I seek is regarding the allocation of an environmental entitlement, in this case in the Victorian section of the Murray–Darling; is that going to be water that is in addition to those policy commitments that have already been made for the Snowy and Murray rivers, or is the environmental reserve going to be part of fulfilling those commitments that have already been made?

Mr THWAITES (Minister for Water) — The environmental reserve will fulfil the commitments we have in relation to the Snowy River, which our government supports. It is a major improvement in the Snowy. The Nationals do not support it apparently, unless there has been a change. The Liberal Party opposes it. We heard last night that the Liberal Party opposes that. You get so many different views from the other side, it is impossible — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Members have the ability to make their points during debate.

Mr THWAITES — I look forward to some clear views. At the time we made the decision on the Snowy, the current Leader of the Opposition said that he thought it should not be done because there was a drought. That was his response at the time, which I think was the same response we heard from the member for Shepparton, which misunderstands the source of the water and where it was obtained, but that is another issue.

In relation to the question that was asked, the answer is we are fulfilling the various commitments we have made. We have a commitment across the state to improve the environment of rivers and we will continue to do that. We will seek to improve the environmental reserve, but it will be subject to the rights of consumptive users.

Mr PLOWMAN (Benambra) — Briefly, following that, can the minister explain whether the environmental entitlements that are currently tied to bulk entitlements will be directly affected by this provision? Either way, it is all those environmental entitlements under new section 48J(d):

(d) payments to be made in relation to services provided by other persons in relation to the entitlement;

Does this actually mean that — —

Mr Thwaites — That is not part of the clause we are on.

Dr Napthine — Yes, it is; it is all part of clause 24.

Mr PLOWMAN — The minister should better understand his legislation if he does not think this is part of what we are debating. Can I ask the question: does this actually mean then that payments will be made for environmental flows in relation to services provided by other persons — in other words, authorities — in relation to those entitlements? If that is the case, could the minister actually explain how those payments will be made, from whom and to whom?

Dr NAPTHINE (South-West Coast) — While the minister is getting some advice to respond to that specific issue from the member for Benambra, let me make a general comment with regard to clause 24. I wish to make a general comment that clause 24, whether you go from new section 48A to 48Q, is a very long clause, and I can understand why the minister was confused about it all. When you go from one end to the other of the clause about environmental entitlements, the issue that again rears its ugly head is ministerial power and the ability of the minister to unilaterally, and without a process that is open, honest and transparent, make decisions that have significant impact on the water industry.

That is the point that is being made time and again on this issue. On a lighter note, I draw the attention of members to the new section 48C, which says:

(1) The Minister may make an allocation under sub-section (1) either —

(a) of his or her own motion —

that is, as the Minister for Water or —

(b) at the request of the environment Minister.

As the Minister for Water is also the Minister for Environment, he will be able to ask himself to make a request! But under new section 48G he will be able to actually refuse his own request! I understand that in the future there may be a situation where the Minister for Environment is not the Minister for Water. One of the reasons the bill has separated these two is so you can get a different perspective. But when in this case the minister is one and the same person, I wonder whether the bill could have been better worded. If the Minister for Agriculture were brought into this process, you could have a different perspective. It would mean that when the Minister for Environment — as the bill proclaims — wished to make a representation or request about increasing environmental allocations, rather than ask himself, as the Minister for Water, a different ministerial perspective could be brought to bear.

One concern that is shared by rural communities across Victoria, including my rural community, and by me is the way clause 24 provides an enormous amount of power to the minister without appropriate transparency, openness and accountability. These decisions could have an enormous and significant effects.

In conclusion, we are concerned about the power which resides with the minister, because there is no protective mechanism. In the past it may have appeared that there was some protection, with two different ministers providing different perspectives — for example, a environment minister may have made a request and a water minister may have considered that request. In a situation where the minister is one and the same person, concerns and fears have been raised in rural communities about the appropriateness and openness of decision making and whether appropriate weight will be given to the significance of irrigation and the supply of water for farming, economic production and the environment

Mr THWAITES (Minister for Water) — Indeed it is the case that I am both the Minister for Water and the Minister for Environment. As the member for South-West Coast points out, that may well be different at other times. There are circumstances where this will have a different relevance. I am sure this has happened over the years. When you first become a minister and you write a letter to yourself you say, 'This is very odd'. Then you are told that this is what happens, and it is part of the system. These letters are drafted for you by expert public servants, and they ensure that all the appropriate formalities are complied with. That will happen in this case.

The member for Benambra raised a point about costs and charges. I refer the member to page 65 of the white paper. It sets out the policy the government will use in terms of the costs of the environmental entitlements. There needs to be flexibility around this. For example, the policy indicates that if the environment got a permanently tradable water right, then in that particular circumstance it is likely that a headworks charge would apply. But there are other times — as with the Barmah-Millewa rules we have — where those rules do not apply. That is because certain arrangements have

been made which meet the needs of the environment and farmers where there can be a borrowing but where it would not be appropriate to have charges. So there is a flexibility there. What we have done in the white paper that will follow is set out a series of policies implementing that.

Amendments agreed to.

Mr THWAITES (Minister for Water) — I move:

30. Clause 24, page 33, line 14, omit "sub-section (1)" and insert "section 48B".

This is a technical amendment.

Amendment agreed to.

Mr THWAITES (Minister for Water) — I move:

31. Clause 24, page 34, lines 2 to 4, omit all words and expressions on these lines and insert —

"(1) The Minister may, by instrument, appoint a panel of persons to consider submissions made under section 48D(2) on the request, and the persons appointed to the panel must be persons who have knowledge of or experience in the matters that the panel is to consider.".

This amends new section 48E by requiring a panel appointed to consider comments on a draft review to have knowledge of or experience in the matters to be considered. It also responds to a concern raised by the Victorian Farmers Federation.

Amendment agreed to.

Mr THWAITES (Minister for Water) — I move:

32. Clause 24, page 35, line 14, after this line insert —

"(g) any relevant Sustainable Water Strategy that has been endorsed under section 22G(1);".

33. Clause 24, page 35, line 15, omit "(g)" and insert "(h)".

The amendments amend new section 48F by requiring the minister to have regard to any relevant sustainable water strategy in considering whether to allocate an environmental entitlement. It is appropriate the minister be required to have regard to sustainable water strategies when considering whether to allocate an environmental entitlement.

Amendments agreed to.

The DEPUTY SPEAKER — Order! The member for Swan Hill, to move amendment 27. His amendments 24, 25 and 26 have been superseded. I advise the member that it is the opinion of the Chair that if this amendment is not agreed to he will be unable to move amendment 28, because it is consequential upon the carriage of this amendment.

Mr WALSH (Swan Hill) — That is correct, Deputy Speaker. I move:

27. Clause 24, page 42, line 15, omit "report.'." and insert "report.".

Amendment 28 would insert two new sections, 48R and 48S. This goes again to the issue of transparency and how we report against the environmental reserve and the objectives of that. It puts some discipline on the minister to make sure that the objectives of the reserve are there to protect and enhance and we actually have quantifiable indicators again as to what it is we are trying to achieve.

It is all very well, as we know, to set objectives, aims and strategies or whatever. We need to make sure that when you do that you actually have the quantifiable numbers, measures or outcomes that you want in there and that you report against those so that, as I have said, the people who are involved and who may have had their water rights qualified will know what it is we are trying to achieve. They will be able to say, 'The contribution I made by having my water right qualified is actually achieving this', or 'No, it is not achieving this, and I want to go to the minister and ask, "Why is it not achieving this and how do we make sure that in the future my contribution actually achieves an outcome?"'.

New section 48S again goes back to the issue of quantifying the economic and social benefits of making a contribution to the environmental reserve. As we have continually said, we do not believe that part of this bill is strong enough. We need to emphasise that when we are making a decision about what we are going to give to the environment we have to know what the social and economic costs of that are. There has to be an informed decision made as to whether it is worth doing — whether the environmental outcome is greater than the social and economic costs to our communities — because it is very easy for someone from the department or someone who lives in Melbourne who has no active stake in that catchment to say — —

Mr Nardella — Cut it out!

Mr WALSH — I will not cut it out!

Mr Nardella — This is silly.

The DEPUTY SPEAKER — Order! The member for Swan Hill, without assistance.

Mr WALSH — I find it absolutely offensive that the member for Melton seems to disregard country Victoria so much that he would continually interject and run — —

The DEPUTY SPEAKER — Order! The member for Swan Hill, to come back to the clause.

Mr Nardella — Yes, back to the clause!

Mr WALSH — Without the member for Melton offering assistance to the Deputy Speaker.

Mr Nardella — Get on with it!

Mr Jasper (to Mr Nardella) — You're still an idiot! Don't worry about that.

Mr WALSH — I endorse the interjection from the member for Murray Valley and his opinion of the member for Melton.

The DEPUTY SPEAKER — Order! It would probably be more helpful if the member for Swan Hill did not.

Mr WALSH — As I was saying before I was rudely interrupted by the member for Melton, this goes to the issue of identifying the social and economic costs of what we try to achieve for the environment. In any decision we make regarding our own personal, household or business budget we have to balance the cost against the outcome we are trying to achieve. In some cases as a society we may say the cost of achieving a certain environmental outcome is too great and we will spend those resources in another area. We are firmly of the belief there is not enough rigour in this bill to have that discipline and to make sure we balance the cost against the outcome. These two new sections will assist in doing that.

Amendment defeated; amended clause agreed to; clauses 25 to 33 agreed to.

Clause 34

Mr PLOWMAN (Benambra) — On page 53 new section 115J(b) states:

> … on and after the relevant date, the agreement has effect as if the transferee had always been a party to the agreement in place of the transferor.

That applies to the assets and liabilities of a water authority being transferred to another authority. I ask the minister to provide some indication as to what actually does happen when one authority transfers to another a liability which is an unforeseen or unintended liability that could not have been foreseen when that transfer takes place. Is there an appeal process for one authority to claim that that is actually the responsibility of the authority that caused that to be effected?

Mr THWAITES (Minister for Water) — It will depend on the individual circumstances. It is such a general question. There could be times where the receiving authority could make a claim and other times where it may not, so it will depend on the circumstances.

Dr NAPTHINE (South-West Coast) — In clause 34, at page 55, new section 115P, headed 'Taxes', says, in part:

> No stamp duty or other tax is chargeable …

I seek clarification. Does that include commonwealth taxes such as the GST?

Mr THWAITES (Minister for Water) — I do not think the Victorian Parliament would have the ability to determine whether the GST is payable or not. As I understand it, that is a federal matter.

Clause agreed to.

Clause 35

Mr PLOWMAN (Benambra) — New section 147(6), to be inserted by this clause, says:

> (6) An Authority must not … require an owner of property to connect the property to works of the Authority for the supply of recycled water.

I again put the question to the minister: why is it that under this clause there would be a third-part connection of recycled water? Under these circumstances why is it that this has been included in the bill when there may well be opportunities when the government of the day would like to mandate a third-part system for the supply of recycled water to a development in order to start to get that greater use of recycled water and potable water replacement?

Mr THWAITES (Minister for Water) — My understanding is that that is not the purpose of this provision and there are other ways by which recycling would be achieved.

Mr PLOWMAN (Benambra) — But the question I ask is: it says an authority 'must not'. That would mean that that could not be done under this subclause. I agree

with the minister that there are other means for it to occur but this would negate those other means.

Mr THWAITES (Minister for Water) — It only requires a notice under this provision. If other means are used, it could be done. This only limits that under that particular provision.

Clause agreed to; clause 36 agreed to.

Clause 37

Mr BAILLIEU (Hawthorn) — Clause 37 adds to the function of the water authorities set out in section 189, in particular into the environmental water reserve. It includes under what will be section 189(ba)(i) the development and implementation of 'plans and programs'. I wonder whether the minister would comment on the obligation of the authorities to make those plans public and to give us some indication of how, in the event that such plans may fall into conflict with flood plain management obligations on those authorities, it is proposed to resolve that conflict. In the process he might wish to comment, for instance, on proposals for the Arundel project and the status of that as a plan compared to plans for the environmental water reserve.

Mr THWAITES (Minister for Water) — I think the member said that this clause applies to water authorities. My understanding is that this clause applies to catchment management authorities. They would have a range of different reporting obligations to meet, including their annual reports, other reporting requirements and, I might say, a range of obligations set out in the act.

Mr PLOWMAN (Benambra) — Is not Melbourne Water then caught up under that, as a responsible authority — that is, as if it were a catchment management authority for the area it encompasses?

Mr INGRAM (Gippsland East) — My understanding is that this clause would implement part of the national water initiative, which sets out the requirement, which was driven by the Honourable John Anderson, the then Deputy Prime Minister, that water authorities — the catchment management authorities — will be the managers of the environmental water reserve. The clause would be implementing that agreement, which I would have thought all members of this place would have supported. It seems that there are a few members of this place who do not support it.

Mr BAILLIEU (Hawthorn) — I take it from what the minister has said that this clause does not apply to Melbourne Water.

Mr Thwaites — No, I did not say that. I said it may.

Mr BAILLIEU — I am not sure what the minister is indicating — whether it does or does not apply to Melbourne Water. He seems to be suggesting that it does and it does not. I invite the minister to clarify it.

Mr THWAITES (Minister for Water) — I indicated that this clause applies generally to catchment management authorities. Melbourne Water does have, in relation to the Port Phillip catchment management authority, some of those functions and purposes and insofar as it does the clause would apply to them.

Mr Baillieu interjected.

Mr THWAITES — You have made your point, and I have responded.

Clause agreed to.

Clause 38

The DEPUTY SPEAKER — Order! Before calling the member for Swan Hill to move amendment 29 in his name, I advise the house that it is the view of the Chair that, if this amendment is not carried, then the member for Swan Hill will be unable to move amendments 34 to 37 as they are consequential.

Mr WALSH (Swan Hill) — I move:

29. Clause 38, page 61, lines 27 to 31, and page 62, lines 1 to 9, omit all words and expressions on these lines and insert —

'**"non water user limit"** in relation to a class of water shares of a particular reliability and in relation to a water system means ten per cent of —

(a) the sum of the maximum volumes of entitlement for water shares of that class in that water system, as determined by the Minister under section 33AR(1), from time to time; and

(b) the sum of the maximum volumes (at the time of surrender) of water shares of that class in that water system that have been surrendered to the Crown under section 33AA;'.

Amendment 29 is one of the pivotal issues in our amendments to this bill. There are two particular purposes in our amendment. The first is this issue of the 10 per cent limit on water shares that can be held by non-water users. The minister misunderstood our position on this last night in the debate. He felt we were opposing this issue; we are not opposing it. We do not necessarily agree with the concept of 10 per cent of the water being held by non-water users, but for the sake of this bill we are not opposing that particular clause.

What we are proposing is that that 10 per cent limit be enshrined in the legislation so that if the limit is to be changed in the future it will have to come back to this house as an amendment to the legislation. At the moment the way the legislation is written the minister effectively has the power to change, at his own discretion and after consulting with a panel, that 10 per cent limit. At some stage in the future, whoever will be the Minister for Water at that time will be able to make this a 20 per cent limit — or they could make it a 30 or 50 or 100 per cent limit.

The Nationals are proposing that we accept that the minister, in fulfilling what he wants to do from the white paper, is making it a 10 per cent limit. What we would implore the minister to accept, on behalf of the government, is that we put the 10 per cent in the legislation. If it is to be changed in the future, it comes back to this house as an amendment to the Water Act and is laid on the table for proper debate in this place with all the scrutiny and issues that go with that. Our concern is that over time a lot of the legislation we deal with in this place — and this is an example of it — is taking away or lessening the role of the Parliament and increasing the role of the government. We are effectively going through executive government or dictatorship by ministers, bypassing the Parliament — —

Mr Nardella interjected.

The DEPUTY SPEAKER — Order! Members will conduct debate through the Chair, not across the chamber or the table.

Mr WALSH — The minister may think that democracy is just about elections, but I think he has a very poor understanding of democracy. Democracy — —

Mr Nardella interjected.

The DEPUTY SPEAKER — Order! The member for Swan Hill has made a passing reference and will return to the clause.

Mr WALSH — I am making a passing reference to it, Deputy Speaker. Democracy is not about a government being elected and then doing everything it wants without coming to the Parliament for the next four years. Democracy is about a government bringing changes to this Parliament to be discussed, so this clause is one of the pivotal issues in the amendments we are moving to the bill.

With the 10 per cent non-user limit, currently under the bill there is a capacity for water to be transferred to the environmental reserve and basically cancelled out of the bulk entitlement into the future. So you have the situation where a benefactor or environmental group or whatever could buy up some of that 10 per cent as a non-water user, then transfer that water out of the bulk entitlement into the environmental reserve and have that cancelled out at 10 per cent. Instead of your having 10 per cent of the water right for the — —

Mr Delahunty interjected.

Mr WALSH — Well, the shares could originally be owned by a non-water user. You could find there is effectively bracket creep over time and that the water that has been purchased and transferred to the environmental reserve is cancelled out of the bulk entitlement and that then opens up an additional amount of water that can be purchased out from water users and transferred into the 10 per cent non-user limit.

I understand the minister wants to do this in implementing his policy under the white paper. I would again implore him on behalf of the government to implement the intent we all have in this place to have good legislation and actually build some trust out there with the community, to accept that the 10 per cent limit be enshrined in the legislation and take away the power for the minister to change that with the stroke of a pen.

Mr PLOWMAN (Benambra) — The opposition supports the amendment moved by the Deputy Leader of The Nationals. Clearly new subsection 3(4) on page 65, which is to be inserted by clause 38, is a highly complex means of establishing whether the non-user limit is exceeded or not, and it relates to the after-qualification of the interstate trading and the unassociated water shares.

This is difficult for the layperson to understand, and that is why I ask the minister to give us a brief explanation. In this circumstance will the qualification in new subsection (3)(4)(b) on page 65 allow more than 10 per cent of the water shares in a district to be unassociated and still not have the non-water user limit exceeded?

I was trying to establish whether in fact the unassociated water shares would determine whether the non-water user limit would be exceeded in respect of an excess amount of water coming in from interstate. It is clearly a difficult issue to comprehend, and I think for this to be workable we need to know exactly how it is going to be achieved with the interstate trading of water.

Mrs POWELL (Shepparton) — I support the amendment of the member for Swan Hill, and I hope the minister accepts it. At the moment non water users can only take up to 10 per cent of that water, but it does

need to be enshrined in legislation. We could have the situation, as was noted by the member for Swan Hill, where a benefactor could buy up to 10 per cent of that water and direct the water to a pet project. If that benefactor came to the minister and said, 'I would like to get 15 per cent or 20 per cent', with this legislation the minister could increase the figure with the stroke of a pen without the matter having to come before the Parliament.

The Nationals amendment is asking that such matters come before the Parliament so that both houses can scrutinise the reason for the increase in allocation and direct the minister whether to say yes or no. There needs to be an assessment of the social and economic impacts on those non water users to make sure that such changes do not have any great impact not just on the environment but also on communities, and on the farmers and businesses in those communities.

To take up the minister's comment that I was not quite sure where the water from the Snowy River went, I know that water from the Snowy did not come from savings, as we were promised. The minister said we were going to put water down the Snowy, but it certainly did not come from savings because we are in a drought.

Mr MAUGHAN (Rodney) — I want to comment briefly to support this very important amendment to be enshrined in legislation. I put on record that by way of interjection the member for Melton declared that he would much rather have executive government run these matters than the Parliament. This is where we differ on these sorts of issues. The Nationals believe very strongly that issues such as this should come before the Parliament and should be debated.

Even if we lose the debate we should be able to argue these things rather than have executive government make critical decisions. Yes, there is a role for executive government to make decisions, but this is not one of them. It is a matter of principle for The Nationals, that we believe important decisions such as these — —

Mr Nardella interjected.

Mr MAUGHAN — The member for Melton can — —

The DEPUTY SPEAKER — Order! Again I remind the house that debate is to be conducted through the Chair and not by debate across the chamber.

Mr MAUGHAN — I thank you for your guidance, Deputy Speaker. The member for Melton has been bellowing for the last couple of hours without making any contribution on the record at all, and I am getting a little bit tired of it. He should stand up and put his point of view. I want to put on record that he has made it very clear he would rather the executive government made these decisions rather than the Parliament, and I think that needs to be recorded. I reject that notion, as do The Nationals. We think this amendment is very important.

Dr SYKES (Benalla) — I also wish to support the amendment for the reasons outlined by the member for Shepparton and the member for Rodney. This is a critical piece of legislation. There is mistrust of the Bracks government out there, and if the member for Melton and others do not appreciate that, then they should come north of the tram line, talk to country people and see what feeling is out there. There is mistrust, and it can be addressed by the implementation of this amendment whereby, if there is a need or a perceived need to increase a water share by 10 per cent, then the matter comes before the Parliament.

As I recall, previously this issue was addressed by the minister, suggesting that water groups and environment groups would not have the money to enter the market and buy this water, therefore that limit was safe. I challenge that. There are benefactors out there. There are people who have strong views and do not understand the implications of taking water out of the irrigation system. They could easily tip in the money, so it is erroneous and foolhardy to think that money per se will be a limiting factor in this debate, therefore I strongly support the notion that any proposal that goes beyond 10 per cent should come before the Parliament.

Mr NARDELLA (Melton) — Let me put it on the record for the honourable members of the opposition: in my electorate I have an irrigation district called the Bacchus Marsh irrigation district, and it is affected by this clause — and this bill. It is erroneous, to use their words, to suggest that I do not understand my irrigators and my country people.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The debate will not be conducted in this manner. If there are members in the chamber who find the debate at this stage too provocative for them, I suggest they take themselves outside the chamber.

Mr NARDELLA — My second point is, they did not listen last night and they did not listen this morning when the minister told them on numerous occasions that the national agreement was for more than 10 per cent, and it was agreed to by The Nationals at the commonwealth level; it was agreed to by their

counterparts at that level. Yet here they come, they want us to do their dirty work for them. But we are; in actual fact we are protecting the irrigators. We are putting a limit of 10 per cent on the amount of water in this particular case. Yet they still do not listen. Their ears are a bit thick and the information does not get through to their brains.

The third thing, Deputy Speaker, is that like yesterday, like earlier today, they are filibustering. At every opportunity on this clause, one by one, like little jack rabbits, like little automatons, they are getting up and arguing their points. This is ridiculous. Their points are not being made well on behalf of their constituencies. They are not winning the argument — —

Mr Plowman — On a point of order, Deputy Speaker, I ask the member for Melton to come back to the clause of the bill that we are debating.

Mr WALSH (Swan Hill) — Can I put it to the house that it is the member for Melton who has not been listening to his own minister. In the debate last night the minister explained to the house that any participating state could accept the national water initiative or could sit around the table. The minister explained that in Victoria we had sat around the table and the minister had come to an agreement with the participants to have variations from the national water initiative.

I remind the member for Melton that perhaps it is he who should listen to what his minister says instead of standing up there and bellowing like a bullfrog about what The Nationals do or do not do.

Mr THWAITES (Minister for Water) — The member for Swan Hill just does not understand the national water initiative; he has not read it. What I said was that in relation to that part of the national water initiative that related to assigning risks for changes in allocation there could be a change, and that is clause 51. Clause 28 is quite blunt, and the national water initiative simply says that the consumptive use of water will require a water access entitlement separate from land.

The Nationals federally and the Liberal Party federally have put in place a policy which completely de-links water from land. Only the irrelevant Nationals and the irrelevant Liberal Party in Victoria seem to be totally out of touch not only with where most of Australia is on this but with their own federal colleagues.

I suggest they have a talk to the Prime Minister or to the Deputy Prime Minister — if either would speak to them — and perhaps the federal agriculture minister or any one of a number of federal ministers. We know there is a lot of conflict between the Leader of The Nationals here and the federal agriculture minister and that The Nationals are not particularly on speaking terms with the minister, but I urge them to have those discussions and read the national water initiative.

Amendment defeated.

Mr THWAITES (Minister for Water) — I move:

34. Clause 38, page 64, line 10, omit "64GA" and insert "64GB".

This is a technical amendment.

Amendment agreed to.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Swan Hill, to move amendment 30 in his name.

Mr WALSH (Swan Hill) — I seek your guidance, Acting Speaker. As I understand it, this could have some consequential effects on other amendments. It puts in place some wording that goes to amendment 42 standing in my name. I want to know if I can still move my amendment 42 if this one is lost.

The ACTING SPEAKER (Mr Ingram) — Order! The advice is that it is not necessarily consequential. This is about omitting words and expressions on lines 11 to 13 on page 64 — '"standard water-use condition" means a condition determined by the Minister under Division 4 of Part 4B'.

Mr WALSH — I move:

30. Clause 38, page 64, lines 11 to 13, omit all words and expressions on these lines.

I do not wish to speak on the amendment.

Amendment defeated.

Mr WALSH (Swan Hill) — I move:

31. Clause 38, page 64, lines 29 to 31, omit all words and expressions on these lines.

As I understand it, I can still move amendment 32.

The ACTING SPEAKER (Mr Ingram) — Order! The understanding of the Chair is they are stand-alone amendments.

Mr WALSH — Then I do not wish to speak on this amendment.

Amendment defeated; amended clause agreed to; clauses 39 and 40 agreed to.

Clause 41

The ACTING SPEAKER (Mr Ingram) — Order! If the member for Swan Hill loses this amendment, he cannot move amendment 33 in his name, as it is consequential.

Mr WALSH (Swan Hill) — I move:

32. Clause 41, page 82, line 15, after this line insert —

"(b) if the proposed transfer or assignment is to be to Melbourne Water or Barwon Region Water Authority, as constituted under Part 6; or".

This amendment, along with the one we previously debated about the 10 per cent water limit, is another pivotal amendment we have to this bill. Under the bill as it is structured now, the minister has the power to grant the transfer of water shares. What we want to achieve with this amendment is to take away the power of the minister to approve the transfer of a water share from a water authority outside of Melbourne and Geelong to a water authority that services Melbourne and Geelong.

We believe this is a core issue for country Victoria. We know that water is a precious resource; it is an economic resource of those areas that have it. There is publicity of the fact that both Melbourne and Geelong have a thirst for more water as they develop. What we would like to achieve by having this amendment pass is to put the discipline on the government of Victoria, to make sure that we achieve economic activity for all of Victoria.

If we are going to transfer water from country Victoria to Melbourne or Geelong, we are taking wealth away from those communities in country Victoria. What we want to achieve with this bill is to put the discipline on this or any future government to make sure it actually has a policy in place and starts talking about transferring industry, jobs and people into country Victoria. I do not believe that as a society we want to continually make Melbourne and Geelong bigger. We want to think about how we grow all of Victoria, not just Melbourne and Geelong. By putting this in place, we make it imperative that Melbourne and Geelong cannot get country water, and we actually think about how we take industry to country areas.

The top 200 water-user industries in Melbourne use 10 per cent of Melbourne's water, so we would only have to transfer a few of those industries into country Victoria. We have put in place the trading rules where those industries could enter the water market in the communities they are going into. We have allowed a 10 per cent trade limit where those non-agricultural water users could buy water in those areas. We could transfer those industries out of Melbourne and Geelong and create real wealth and real jobs and grow the communities across all Victoria.

If the government does not accept the amendment, it will be saying to the people of country Victoria in the future, 'We are going to take your water. We are going to bring it to Melbourne and Geelong. We are going to take away wealth from your country communities into the future'. So I ask the members of the government, particularly the members of the government's country caucus, to consider this in depth before they vote against it, because it gives a very clear message to the constituents they represent that their area is just a catchment for water to transfer the economic wealth and prosperity of those communities through to Melbourne.

Mr MAUGHAN (Rodney) — This is an absolutely vital principle for the people of country Victoria. The development should be where the water is — you take the people and the industry to the water, not the other way round. As the member for Swan Hill has already indicated, we cannot go on forever transferring water to the large metropolitan areas. I am not just talking about Geelong and Melbourne. It happens on a smaller scale, with Campaspe water being under threat of going to cities like Bendigo. Bendigo should be looking after its own water efficiencies before it even thinks about transferring water from Campaspe to Bendigo.

Likewise, we are transferring water resources to Geelong or Melbourne. You cannot just go on doing that. In spite of the bellowing of the member for Melton, the economics support the argument that you take the industry to where the water is, where the resources are and where it is much cheaper to develop the infrastructure.

If you keep growing the metropolitan area, there are massive costs for roads, electricity, sewerage and all those sorts of things. Many of those are already in place in towns like Tongala, for example, where we have the infrastructure and where we can take another industry without shifting the water to Melbourne. This is a matter of principle for people in country Victoria, and it is very important.

Mr THWAITES (Minister for Water) — I will be brief and indicate that it is the government's policy that Melbourne retailers will not be purchasing water from north of the Great Dividing Range. There are no

provisions in the current legislation that prohibit transfers — indeed, transfers already take place between irrigators and urban water authorities under the existing legislation. This legislation imposes a restriction that is not in the current legislation. It was not there under the current legislation because it imposes a 10 per cent limit, so there will be greater protection than there is under the current legislation.

Mr WALSH (Swan Hill) — I seek further clarification from the minister. He mentioned that it is not the government's intention to transfer water from northern Victoria. Could he clarify for the house whether that commitment also extends to Gippsland?

Mr THWAITES (Minister for Water) — Gippsland water is already being used. What I have indicated throughout this debate is that there will be no interruption of any rights that any consumptive users have — we have said that — without going through the processes of this legislation which includes all the public processes, the qualification of rights et cetera.

Mr PLOWMAN (Benambra) — In respect of clause 41, I refer to division 1 — —

The ACTING SPEAKER (Mr Ingram) — Order! I advise the honourable member for Benambra that we are debating the amendment to clause 41.

Mr PLOWMAN — Yes. New section 33E(2)(b) in division 1 of part 1 relates to:

> water taken under any other authorisation to do so by or under this or any other Act.

This deals with the requirement to take a water share.

In respect of farm dams that are registered for irrigation purposes, does this cover those farm dams in respect of their not being required to have a water share? Do they remain registered, or there is any requirement for those registered dams, through this or any other part of the legislation, to actually require a water share?

Mr THWAITES (Minister for Water) — The simple answer is no. Concerns were raised that the legislation would require new licences or provisions to be imposed upon domestic and stock dams, and I can indicate to the member for Benambra that that will also not occur.

Mr PLOWMAN (Benambra) — I would like to clarify what the minister said. Does this mean that farm dams registered for four years for irrigation will not be affected by the requirement to have a water share?

Mr NARDELLA (Melton) — Let me make it clear to honourable members what this amendment, if it were adopted, would mean. It would mean that if you have irrigators who want to transfer water rights, even on a temporary basis, to Melbourne Water or to Barwon Water, The Nationals and the Liberal Party will stop them. Here they are saying that they are for free business, they are for free enterprise and they are looking after irrigators. Yet if they wanted to sell them — if they wanted for whatever reason to transfer their water rights — this mob opposite are not going to allow them to do that. I want to make sure they understand the stupid position: this clause is in there because of the Deputy Leader of The Nationals.

Mr THWAITES (Minister for Water) — I will just confirm the indication that I gave before, that if it is an irrigated farm dam it is not automatically converted. An owner could seek a conversion to a water share, but it is not automatically subject to a conversion.

Amendment defeated.

Mr THWAITES (Minister for Water) — I move:

35. Clause 41, page 97, lines 5 to 15, omit all words and expressions on these lines and insert —

"(4) Before giving notice, under sub-section (8)(b), of a determination that is proposed to be made, the Minister must —

(a) appoint a consultative committee; and

(b) consult with the consultative committee before preparing the determination.

(5) The Minister must ensure that, as far as is reasonably possible, the membership of a committee under sub-section (4) is comprised of persons that the Minister reasonably believes represent the interests of persons that are likely to be affected by the making of the determination.

(6) Before making a determination under sub-section (4), the Minister must appoint a panel of persons that have relevant knowledge or experience to report on the determination.

(7) The provisions of section 22F(2) to (7) (with such modifications as are necessary) apply to a panel appointed under sub-section (6).

(8) Before making a determination under sub-section (1), the Minister must —

(a) give notice that the determination is proposed to be made to any Authority that has responsibilities in the area that will be affected by the determination; and

(b) publish a notice in a newspaper circulating generally throughout the State that the

determination is proposed to be made and publish such a notice in a newspaper circulating generally in the area that will be affected by the determination, being a notice inviting public comment by a set date; and

(c) consider any comments made in response to notices under paragraph (a) or (b) by the set date; and

(d) consider any comments made by the panel appointed under sub-section (6); and

(e) make any appropriate changes to the determination that is proposed to be made.".

This amends new section 33AR. It is a response to concerns raised by the Victorian Farmers Federation, which is concerned that there should be adequate public processes around the exercise of the minister's power to vary the non-user limit. This sets up a public and transparent process where submissions can be made and a panel can consider what the non-user limit should be, and then recommendations and a report can be made. That will follow a consultation that the minister has prior to that with those who may be affected. Then there will be an opportunity for the people affected to make a submission through that public process, and the minister at that stage will be able to make a change to the non-water user limit. So it will be a very full and transparent process. I might say this is an amendment that was specifically requested by the VFF, and I think it is worthy of support from the house.

Mr PLOWMAN (Benambra) — Can I say that the opposition supports this amendment, although we made it quite clear in the debate that on coming to government we would actually rescind the non-user ownership of water, and in so doing we would actually overcome the need for this to be here. But if this legislation goes through, as is proposed, this amendment will certainly improve it greatly.

Amendment agreed to; amended clause agreed to; clauses 42 to 50 agreed to.

Clause 51

Mr THWAITES (Minister for Water) — I move:

36. Clause 51, page 107, line 13, omit **"64AA"** and insert **"64AAA"**.

37. Clause 51, page 107, line 15, omit **"64AA"** and insert **"64AAA"**.

These amendments are technical.

Amendments agreed to; amended clause agreed to; clauses 52 and 53 agreed to.

Clause 54

Mr WALSH (Swan Hill) — I move:

38. Clause 54, page 111, lines 27 to 32, omit all words and expressions on these lines and insert —

"Penalty: For a first offence, 30 penalty units;

For a second or subsequent offence, 60 penalty units.".

39. Clause 54, page 113, line 6, omit "; and" and insert ".".

40. Clause 54, page 113, line 7, omit all words and expressions on this line.

41. Clause 54, page 113, lines 8 to 13, omit all words and expressions on these lines.

There are several issues in these amendments, but they all link back to the water-use licences. In the unbundling process that will be done under the enabling part of this legislation, where we transfer water rights to water shares, capacity shares and site licences, and most of these amendments deal with the issue of site licences. We are concerned that the legislation actually goes a lot further than the intent of the white paper. Page 88 of the white paper talks about the fact that the existing use provisions will be effectively grandfathered over into a site-use licence into the future, and have ongoing tenure. But this bill puts in place an annual fee for those licences, and the capacity for the minister to over time bring in some quite draconian rules that could have a major restriction on how someone runs their property.

The member for Melton talked about free enterprise. Within certain constraints a farmer should have the ability to run his business as he sees fit, not have the heavy hand of government telling him what crop he can grow or the things he can do on his farm. This government has the propensity to turn us into a nanny state. It wants to prescribe everything we do in our lives. We believe this gives the minister too much power to become overly prescriptive in how irrigation should be run.

For those members who were not here at the time, we went through the changes of the McDonald review in the early 1990s when power was transferred out to the water authorities; we put the responsibility out there with the people to run their own systems and run irrigation for the benefit of all Victoria. But this is about clawing power back to Melbourne, about someone in Spring Street — or more likely someone at the headquarters of the Department of Sustainability and Environment in Nicholson Street — trying to tell people how they are going to run their farms. One of

the ludicrous things in this part of the bill is the penalty clause. Once the water is unbundled people will have to have a water-use licence for the particular piece of land they are going to water.

An honourable member interjected.

Mr WALSH — No, let me finish. If you run water through the fence and irrigate a piece of land that is not covered by a site-use licence, under the bill as it stands you could be subject to a maximum penalty of 60 penalty units, or six months in jail. If you commit a second offence, the penalty becomes 120 penalty units or 12 months in jail. Do we want to pass legislation in this place that says that if someone takes water through the fence off the land where they have a site-use licence onto another piece of land, we are prepared to put them in jail for 12 months for a second offence?

You could go out into the street and shoot someone and you would not go to jail for that long! We are putting in place some absolutely draconian rules that give the people who will enforce this law the right to put someone in jail for 12 months for irrigating land that does not have a site-use licence. I ask government members: is this what we are on about in this place? Would we put someone in jail for 12 months for irrigating land that does not have a site-use licence. This whole section is ridiculously overly prescriptive and we urge the government to accept our amendments to reflect what should be there.

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

Mr PLOWMAN (Benambra) — The opposition supports the Deputy Leader of The Nationals and his amendment, particularly on three bases. The first one is fees. There are an extraordinary number of cases where fees apply in respect of these licences. The classic one is of course when somebody sells a block of land in whole and also sells the water to go with it. The licence should stay with that block of land and there should not be a fee appropriate to that transfer. It should be automatic. I suggest there are occasions here where it looks as though the government is using every occasion to put a fee on something rather than to allow it to happen automatically.

In respect of penalties, I agree totally with the Deputy Leader of The Nationals, who in his past life was an irrigator and tomato grower. I put the case that if you had a crop of tomatoes, or a crop of anything else, that was almost ready for harvest and required only one more watering, and there was some suggestion that you did not have sufficient water to do it but you were not sure, and there was some delay in getting advice as to whether you could or you could not, what would you do? Those circumstances could make or break a farmer. To then suggest that under these circumstances somebody could face a six-month jail term is totally and absolutely inappropriate.

During our briefing I asked this question directly. The answer was that this is comparable with other sections in the act. That is fine, but this is in fact a totally new provision. With this water-use licence we have a totally different circumstance where someone who even in good faith might be doing the wrong thing is still up for a six-month jail penalty. It is totally inappropriate. I would suggest that the minister considers that the penalty under these circumstances should be reduced, and that certainly it should not include for a first offence a possible jail sentence.

Mr THWAITES (Minister for Water) — I point out that the provision in the bill reflects the other offence provisions in the existing act. I also point out that these are maximum sentences, and I would not expect that in most cases there would be any consideration of imprisonment. But in the current act there are provisions for that. In introducing the bill we have reflected the existing sentences. However, we will be reviewing all the penalties in the bill and in the act as part of a broader review of penalties to ensure that they are reasonable. It is appropriate when a bill like this is introduced that the penalties be consistent with the existing penalties. But I certainly hear what the members have said, and it is not in any way the government's intention to seek to unfairly or unduly penalise farmers who may be in some minor way infringing some provision of an act.

An honourable member — Or inadvertently.

Mr THWAITES — Or inadvertently. I am sure that in terms of the way the court system operates there would not be a heavy penalty, if any penalty, in such a circumstance. I just emphasise that. It is one of the reasons why on this side of the house we do not support mandatory sentencing — because that can have unintended and unfair consequences. These are simply discretionary matters that are available to a court, but I cannot imagine them being used in the sorts of circumstances the members are talking about.

Mr WALSH (Swan Hill) — I seek a commitment from the minister. I ask him if he would, while the legislation is between this place and another place, give a commitment to exclude the two jail term clauses out of this bill.

Mr THWAITES (Minister for Water) — I think I have made my position plain in this, so I do not really think it makes much sense to ask for a completely different commitment. I have made my position quite clear and I will follow that.

Amendments defeated.

The ACTING SPEAKER (Mr Ingram) — Order! I call the member for Swan Hill to move amendment 42 in his name. By this amendment the member seeks to omit the new divisions 2 to 7 inclusive and substitute an alternative division 2. The minister in his amendment 38 seeks to make an amendment to the part of the text the member wishes to omit. After debate, therefore, I will test the member's amendment by putting a question to seek to omit all those words up to a point in the text relevant to the minister's amendments.

Mr WALSH (Swan Hill) — I move:

42. Clause 54, page 113, lines 14 to 28 and pages 114 to 128, omit all words and expressions on these lines and pages and insert —

"Division 2 — Water-Use Licences

64L. Power to grant water-use licences

(1) The Minister, on receiving an application under this Division from an owner of land, may grant to that person a licence that authorises the use of water (authorised to be taken under Part 3A) on the land owned by the person that is specified in the licence.

(2) The Minister must set out in the licence —

(a) the name and address of the licence holder; and

(b) a description of the land specified in the licence; and

(c) the conditions to which the licence is subject (including annual use limit); and

(d) the date on which the licence takes effect.

64M. Matters to which a Minister must have regard in granting water-use licences

The Minister, in granting a water-use licence must consider the following matters —

(a) whether there are works or systems in place or likely to be installed in the near future for delivering water to the land; and

(b) whether the use of water for the purpose set out in the application is prohibited by or under an Act; and

(c) whether the maximum volume of water proposed in the application is reasonable for use for the purpose set out in the application; and

(d) the impact the proposed use of water may have on other persons or the environment (in particular waterlogging, salinity and nutrient impacts); and

(e) any other matters the Minister considers relevant.

64N. Conditions on water-use licences

The Minister may impose conditions on a water-use licence as to all or any of the following matters —

(a) the maximum volumes of water per hectare that may be applied to land specified in the licence over any 12 month period; and

(b) any requirements to minimise the impact of the use of water on other persons and the environment.

64O. Applications for water-use licences

(1) An owner of land may apply for a water-use licence to authorise the use of water on that land.

(2) An application for a water use licence must —

(a) be in the form and made in the manner approved by the Minister; and

(b) contain any prescribed particulars; and

(c) be accompanied by any documents or information required by the Minister.

64P Change of ownership of land specified in licence

(1) In the case of a transfer of ownership of the whole of the land specified in a water-use licence, the person to whom ownership is transferred is deemed to be the holder of the licence.

(2) In the case of a transfer of ownership of part only of the land specified in a water-use licence, the licence is to be taken to be cancelled on the day on which transfer of the ownership of the land takes place.".

I believe we have already discussed this under the other amendments we have been talking about.

Mr THWAITES (Minister for Water) — The government opposes this amendment. It would have a number of effects. One would be to remove the consultation process that would occur in the development of conditions to be imposed upon licences. It does not seem to be a very appropriate thing to be removing a consultation process. It also removes

the ability to vary those conditions. It seems to me to be entirely appropriate to be able to have the flexibility to vary conditions. Perhaps the member might indicate why he believes it is not appropriate to have any such variation.

Mr WALSH (Swan Hill) — I respond to the minister by saying that this needs to be seen in totality with the other amendments we have moved. If the other amendments had succeeded, we would have taken away the need, because you are reducing all the requirements in a site use licence. You take away the need to have a panel because you do not have those proscriptive rules there; and if you do not have the proscriptive rules there, you do not need a review either. It is effectively consequential to the others.

The ACTING SPEAKER (Mr Ingram) — Order! I am still required to put the question. The question is:

> That all the words on lines 14 to 28 of page 113, all lines on pages 114 to 117 and lines 1 to 19 of page 118 proposed to be omitted stand part of the clause.

Question agreed to.

Amendment defeated.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Swan Hill's amendment 42 is lost and he cannot move amendments 43 to 60 as they are consequential.

Mr THWAITES (Minister for Water) — I move:

38. Clause 54, page 118, lines 20 to 22, omit all words and expressions on these lines and insert —

    "(b) consult with those persons or bodies that the Authority considers represent the interests of persons who are likely to be affected by the recommendation and then prepare draft objectives and make the draft objectives available for inspection by the public for at least 2 months after their preparation;".

39. Clause 54, page 122, line 28, before "comply with" insert "consult with those persons or bodies that the Authority considers represent the interests of persons who are likely to be affected by the recommendation and".

This amends new section 64V by requiring a catchment management authority, before making a recommendation to the minister as to water-use objectives for water-use licences, to consult with persons or bodies the authority considers represent the interests of persons who are likely to be affected by the recommendation. The amendments respond to a concern raised by the Victorian Farmers Federation and provide for more adequate consultative processes.

Mr PLOWMAN (Benambra) — The opposition supports the amendments. Clearly it would be improvement on the situation. When this issue was being debated in the second-reading debate, I was strongly opposed to the situation that was then to be introduced by the bill, but this overcomes a large part of the concern that I had. The concern relates around the fact that very many catchment management authorities have no representation on them by water users, irrigators or people that have a real knowledge of the water industry in respect of irrigation. This overcomes that limitation.

Amendments agreed to; amended clause agreed to; clauses 55 and 56 agreed to.

Clause 57

Mr THWAITES (Minister for Water) — I move:

40. Clause 57, page 149, line 15, omit "33AC" and insert "33S".

41. Clause 57, page 149, line 25, omit "33AC" and insert "33S".

These are technical amendments.

Amendments agreed to; amended clause agreed to; clauses 58 and 59 agreed to.

Clause 60

Mr WALSH (Swan Hill) — I move:

61. Clause 60, page 175, lines 5 to 7, omit all words and expression on these lines and insert —

    "(c) has ensured that there are arrangements in place to continue to meet the ongoing domestic and stock use requirements for each property."

Amendment 61 would implement the commitment that the government made in its white paper. In the white paper it says very clearly that where systems are reconfigured and where irrigation supplies are to be phased out, it must propose a way for stock and domestic needs to be met. The way the bill is worded at the moment, when there is a reconfiguration under any future water authority management regime, the bill only says that the reconfiguration process must give consideration to supplying stock and domestic water. We do not believe it is strong enough; it does not implement the intent of the white paper — that the stock and domestic service has to be supplied into the future. As members would know, in most cases right across Victoria, particularly in northern Victoria, we have farms and communities that have been established on the provision of stock and domestic water. We have

it delivered principally by channel systems. If we did not have that water delivered, we would not have agriculture. We would not have animal livestock agriculture and we most certainly not have human habitation in those regions.

If in the future we are going to, for very good reasons, what they call 'reconfigure' irrigation systems, whereby you may have to close down channel systems because the majority of water has been transferred out of those areas, we must put into place an alternate supply of stock and domestic water. Otherwise we will take human existence out of those areas, we will take animal agriculture out of those areas and we will effectively turn it back to cropping where no-one can live.

In the white paper it very clearly sets out that there must be an alternate stock and domestic supply provided where there is a reconfiguration of a channel. The minister is on the record in numerous forums and has said numerous times that this legislation is only about delivering on the intent of what was in the white paper. This is a case where they are contrary to each other. We would urge the government — and as I said before we would particularly urge the country caucus members of the government — to give serious consideration to supporting our amendment so that there is a requirement for an alternate stock and domestic supply — a comparable service.

It may be a pipeline. We believe the Wimmera–Mallee pipeline system is a classic example where with new technology and new ways we can be far more efficient in doing this, but if we are going to reconfigure channels into the future we may seriously have to look at piping stock and domestic water into those areas. What we would like to see is that people have a comparable service, although it may not be delivered in the same way, at a comparable price.

If the government does not accept these amendments, I think the people of country Victoria can very clearly say, 'The government actually does not care about us. It is quite prepared not only to reconfigure the system, because irrigation water is being traded away, but to take away stock and domestic water to effectively depopulate large areas of Victoria'.

Mr PLOWMAN (Benambra) — The opposition supports the amendment moved by The Nationals. In the second-reading debate I quite explicitly made the point that it would be a disastrous situation if through reconfiguration, which might be done for the right reason, areas were left without stock and domestic water. That would lead to the demise of the area, a loss of productivity and a loss of the social and economic strength of the district. It is something that should not even be contemplated. I would suggest that the minister seriously consider this amendment, which is just good, sound commonsense.

Mr MAUGHAN (Rodney) — This is an absolutely vital matter of faith for people in country Victoria. If there is going to be reconfiguration, and certainly there will be in limited areas over time, then it is absolutely vital that the stock and domestic supply be maintained. I simply remind members of the house that before we had an irrigation system in northern Victoria the thriving city of Shepparton was a village. It was actually smaller than Elmore. That is what water has done for northern Victoria, and I could go through all of those other towns in northern Victoria. It is not just the farming community, it is all of those communities in northern Victoria and in the irrigation areas generally — in Gippsland and in the Western District — that depend on that supply of stock and domestic water and if, for various reasons, there does need to be some reconfiguration, then that stock and domestic supply absolutely must be maintained.

Mrs POWELL (Shepparton) — I support the member for Swan Hill's amendment, and I urge the house to do the same. It would be very detrimental in the Goulburn Valley. We could have a situation where there may be a farm at the end of a channel service that the water authority might decide is too costly to provide with the service and it might decide to close that service down. What will happen then is that the authority could say it will close it down and give that person compensation. The farmer may not want that, and so we would have to look at an alternative water supply. As the member for Swan Hill said, this has to be looked at for these people to continue to farm and to farm the way they want to. It should not just be up to the water authority to make the decision that that farmer will no longer have the water supply. As other members have said, we could see some dryland farms where the farmer has had to leave the land because obviously farming without water is not viable.

Dr SYKES (Benalla) — I rise to strongly support this amendment. It is not a hypothetical issue. This issue has already been confronted by people on the Broken Creek system, where there is a proposal to replace the current channel and creek delivery system with a pipe system. The costs that are going to be incurred under the current proposal are very large. Those people have been told that they will get stock and domestic water for $8000, $10 000 or $20 000 worth of capital outlay to put in place the infrastructure for the distribution of water once it gets to their property. Over and above that the delivery charges are

thousands of dollars a year. They are being given a so-called better system, but it is one that is coming through a very narrow pipe — I think about a $^{3}/_{4}$-inch or 1-inch pipe. The cost of setting up a system and the cost of delivery are not comparable with the current arrangement. Therefore this issue is not hypothetical, it is a real issue that must be addressed.

Mr WALSH (Swan Hill) — Deputy Speaker, can I ask the minister to respond on this? It is a pivotal issue, and we would like an assurance from him on how it will be addressed into the future. Just having an assurance from him that he will give this consideration does not give comfort to people in country Victoria as to how their stock and domestic needs will be met if there is a reconfiguration of their irrigation systems. I ask the minister to respond as to how their fears will be alleviated under the current wording of the bill if he will not accept our amendments.

Mr THWAITES (Minister for Water) — As has been acknowledged, the legislation requires that consideration be given to that. That will occur, but how it will be achieved will differ in different circumstances.

An honourable member — But will it be achieved?

Mr THWAITES — Of course. In every case there will be consideration of how to meet ongoing domestic and stock requirements for each property. The way this will be met will depend on the circumstances of each case.

Mr WALSH (Swan Hill) — I request leave to ask for further clarification.

Leave refused.

Mr Walsh — On a point of order, Deputy Speaker, I seek clarification: as the government has refused me leave, does this mean it is trying to hide something as to how it will — —

The DEPUTY SPEAKER — Order! That is not a point of order.

Amendment defeated.

Mr THWAITES (Minister for Water) — I move:

42. Clause 60, page 175, lines 33 to 35, omit all words and expressions on these lines and insert —

    "(1) The Minister may, by instrument, appoint a panel of persons to give advice under section 161G(2) on an adopted reconfiguration plan, and the persons appointed to the panel must be persons who have knowledge of or experience in the matters that the panel is to give advice on.".

This amends new section 161H by requiring the minister to appoint persons with knowledge or experience in the matters to be considered.

Amendment agreed to; amended clause agreed to.

Clause 61

The DEPUTY SPEAKER — Order! The member for Swan Hill is to move amendment 62 in his name. I am of the opinion that if this amendment is not carried, then he will be unable to move amendments 62 and 64 as they are consequent upon it.

Mr WALSH (Swan Hill) — I move:

62. Clause 61, page 179, lines 5 to 18, omit all words and expressions on these lines and insert —

    "(a) must provide the service of delivering to the owner or occupier (where the owner is not the occupier) of each serviced property in its irrigation district, water for domestic and stock use on a scale of volumes fixed by the Authority; and

    (b) must provide the service of delivering water to the owner or occupier (where the occupier is not the owner) of each serviced property in its irrigation district for the purposes of irrigation for the periods that are determined by the Authority in accordance with this Part; and".

Amendment 62 reinserts some of the words from the current legislation, the Water Act, back into the bill we are considering. On legal advice it is our view that this reintroduces the idea of a hierarchy of supply — that stock and domestic supply is a priority. As we discussed previously, the unbundling process would take away the identification of stock and domestic water as a separate service and roll it in with general high-security water. Reinserting these provisions reinstates this hierarchy — that stock and domestic water has precedence over other water uses.

The member for Melton will think we are belabouring the point, but I think it is well worth belabouring. If you do not have stock and domestic supply into properties around Victoria, you will not have human habitation or livestock industries. It is pivotal that we put back the priority — that stock and domestic water has priority over other forms of water use — because we need to keep human habitation in country Victoria, particularly in times of water shortage.

It goes back to the issue we discussed before — that is, when we have reconfigurations in the irrigation system we need to ensure that there is an alternative stock and domestic supply so that people can live and run livestock on their properties.

Dr SYKES (Benalla) — I support this amendment proposed by the member for Swan Hill because it is absolutely fundamental. Anyone who has gone through a dry period or drought and had to cart water to stock knows the absolute soul-destroying nature of that and the physically demanding and high-cost aspects of it.

In relation to the amount of water that is necessary for stock and domestic use, in comparison with the amount of water necessary for environmental flows, the amount is relatively small, but if you have to cart it on a truck or other means, it is a very big job. There will be a minimal downside to the environment by the insertion of this amendment, and a big upside to the people and stock that are trying to survive out there during dry times.

Mr DELAHUNTY (Lowan) — I have stayed out of this debate tonight for the sake of time, but I want to reinforce that the reason I am standing to speak on this amendment is because it is a key one for my electorate. It will maintain the hierarchical structure of stock and domestic use, which is vital to my electorate — the largest in the state. In the last seven years we have been through droughts with low rainfall and low reservoirs. On a couple of occasions the water authority was looking to cart water, which was going to cost an enormous amount of money. The importance of stock and domestic use can never be more emphasised than what has been said during our debate on this amendment tonight. With those few words I strongly endorse and support the member for Swan Hill's amendment.

The DEPUTY SPEAKER — Order! The question is that the words proposed to be omitted by the member for Swan Hill's amendment stand part of the clause. Those supporting the amendment should vote no.

Amendment defeated; clause 61 agreed to.

Clause 62

Mr THWAITES (Minister for Water) — I move:

43. Clause 62, page 190, line 15, omit "for".

Amendment agreed to; amended clause agreed to.

Mr Plowman — On a point of order, Deputy Speaker, I might be mistaken but I do not remember the minister actually moving amendment 42 in his name.

The DEPUTY SPEAKER — Order! I am advised that that took place.

Clauses 63 to 70 agreed to.

Clause 71

Mr THWAITES (Minister for Water) — I move:

44. Clause 71, page 219, line 4, after "Part 11" insert "of this Act".

45. Clause 71, page 236, line 6, omit "33AT" and insert "33S".

46. Clause 71, page 236, line 14, omit "33AT" and insert "33S".

47. Clause 71, page 239, line 19, after "Part 13" insert "of this Act".

48. Clause 71, page 239, line 28, after "Part 13" insert "of this Act".

49. Clause 71, page 242, line 21, after **"Part 4"** insert **"of this Act"**.

50. Clause 71, page 242, line 26, after "Part 4" insert "of this Act".

51. Clause 71, page 242, line 31, after **"Part 4"** insert **"of this Act"**.

52. Clause 71, page 243, line 13, after "Part 4" insert "of this Act".

53. Clause 71, page 243, line 16, after **"Part 4"** insert **"of this Act"**.

54. Clause 71, page 243, line 32, after "Part 4" insert "of this Act".

Amendments agreed to; amended clause agreed to; clause 72 agreed to.

Clause 73

Mr INGRAM (Gippsland East) — This is the last clause of the bill. I would like to raise a matter which I think needs to be addressed in this debate. The issue is the potential impact of the bundling of water entitlements and the changes this legislation makes to the rating structure of farmland when water is removed from rating at a local government level. I understand the time for the new subsections has been moved back to 1 July 2008. This gives councils some time to contemplate the situation.

The issue that has been raised with me is that it is essential that the councils understand exactly what the process will be and how the readjustments will take place. The financial impact on councils like the Wellington Shire Council will be significant. A large amount of rate revenue will be removed from their budgets. The rough yardstick for the Wellington Shire Council was $400 000 of rate revenue per year. It will be a much larger amount for the councils in northern

irrigation districts. The Wellington Shire Council is very keen to know whether this cost will be shifted to other ratepayers within the municipality or whether it will be addressed through grants commission allocations or through other means.

It is important that other ratepayers in rural irrigation shires are not negatively impacted by the passing of this legislation and by removing rate revenue opportunities from those councils. I seek clarification from the minister on this issue. It is an important issue that needs to be addressed before the passing of this bill. I understand it will be a number of years before it has to be dealt with, but I think it is important that the government address the issue and explain what the process will be.

Mr RYAN (Leader of The Nationals) — This is a very important point. I am sure all members of the Parliament know about the Gannawarra case, and it has implications in terms of this issue.

Ultimately it seems we are going to have a situation where the outcome for the councils is not going to be as extreme as they think in terms of their rate bases. On the other hand, the outcome for the farming communities may not be as good as they think it is going to be. They think they are going to have substantial relief. While I think the outcome probably lies somewhere in between the two current expectations, nevertheless it is an issue of significant proportion for our councils. Given the fact that this is the enabling provision that permits this to happen, advice from the government to councils — like Wellington Shire Council — would be very welcome.

In the Wellington shire there are about 800 dairy farmers who depend on irrigation. There are more in the north. It is an issue with far-reaching consequences, and certainly in my discussions with the Wellington Shire Council and with other municipalities — as I roam around the state — it is a matter that is raised regularly. Anything the minister is able to contribute by way of solace for local governments and their communities would be much appreciated.

Mr PLOWMAN (Benambra) — Although I dealt with this matter during the debate on the reasoned amendment I moved to the second-reading motion, I want to make this point: there are 19 councils which are affected by this. It would appear to be an oversight by the government. The inclusion of it on the last page of the bill is an indication that perhaps that is the case.

Mr Thwaites — It is not an oversight.

Mr PLOWMAN — It is an oversight on the basis that it is being put off by the minister and left to councils to determine for themselves. This is hardly good enough for the government of the day. Can I say that I met with 11 of the affected councils. The losses far exceed the $400 000 that was mentioned by the member for Gippsland East. In Mildura, say, they estimate the losses to their rating income will be more than $3 million.

Mr Thwaites interjected.

The DEPUTY SPEAKER — Order! Through the Chair.

Mr PLOWMAN — Just as an explanation to the minister, the losses will be to the councils in respect of the loss of rating value of the land once the unbundling actually occurs. If the minister does not understand that, I am surprised, because it is quite clear.

Mr Thwaites interjected.

Mr PLOWMAN — Why did you ask the question, then? Quite clearly that is the problem faced by the 19 councils affected. An example of that was what happened in Berrigan when what is proposed here occurred in New South Wales. There is clear evidence that it has been a problem but the government has not accepted that. It is totally unsatisfactory to put it off until 1 January 2008 and then ask the councils to fix it for themselves. Frankly, I do not think that is half good enough for the government of the day.

Mr Thwaites interjected.

Mr PLOWMAN — If the minister is asking me for my opinion, I am quite happy to give it to him as an adviser to the government but I suggest that the government should be able to answer it, rather than having to employ someone like me to give an answer for it.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Benambra, without assistance.

Mr PLOWMAN — It is time the minister got to his feet and gave us his view on what will happen. Those 19 councils are all very concerned about it. I endorse what the member for Gippsland East said. It is an important issue for all those councils.

Mrs POWELL (Shepparton) — The issue of unbundling is really important for rural and regional councils. As I am The Nationals spokesperson for local

government the issue is raised with me quite a bit by councils, who are concerned about the effect it will have on their rate base. As the minister said across the table, it may mean that irrigators will pay less, but that means that the rate burden is spread across. So if you remove the rate burden from one group you impact on another group.

We are seeking some sort of support from the government to work during that time with the councils and the Municipal Association of Victoria to consider some sort of modelling so that they can share that rate base so that it is equitable for the rest of the municipality. A number of municipalities will lose millions of dollars of their rate base when that water is removed from land. We are seeking that the minister give maybe some transitional funding or some support with modelling so that those councils can look at their rate base fairly to make sure there is not a burden on one group in the community as opposed to another.

Dr NAPTHINE (South-West Coast) — I wish to add my voice to this particular issue. As I have gone around rural and regional Victoria I have met with a number of councils who have raised this as a concern. More recently, they have been the City of Mildura, the City of Greater Shepparton, Campaspe shire and a number of other shires along the Murray Valley and in Gippsland, where this has become a significant issue. The proposal before the house of unbundling — separating water from land — will significantly decrease the value of the land because the water will be treated separately and therefore reduce the rates collected from that land. I make no comment about the appropriateness of that. That is the fact of the matter.

If a municipality will potentially lose a certain amount of revenue, that will diminish its ability to deliver services. The councils will most likely be looking to maintain their revenue base and their service provision to their community. That will be able to be done only by a significant shifting of the rate burden through this process from irrigators to dryland farmers and urban areas. That is going to be a massive shift in a very sudden way. It will have significant community and financial effects and potentially cause some severe dislocation for municipalities and a number of people concerned.

I endorse the remarks of the honourable member for Shepparton, who obviously has listened to local councils as she has travelled around and taken on board some of the issues they have raised. She has come up with some very good ideas. I endorse those ideas in that the government needs to consult with those 19 municipalities, listen to their concerns and perhaps look at phase-in transitional funding to assist those councils through that process. Then instead of some urban areas or some dryland farmers suddenly being confronted with a 30, 40 or 50 per cent increase in rates in one fell swoop, they can be phased in over time.

That is still going to be a significant shift and have a significant impact on councils and a huge impact on many individuals, families and businesses in those areas. It is incumbent upon the government to work with those councils to make sure that as the government's policy on water is being implemented this side effect of its policy — which is a side effect of its overall policy on water, but it will have a significant impact economically on individuals, families, businesses and communities — does not become such a burden that it causes enormous damage in those regional and rural communities.

In conclusion can I place on record my appreciation to the minister and the government for allowing us to have this prolonged consideration-in-detail stage. This has been a valuable use of parliamentary time, and there should be more of it. It provided an opportunity for members to pursue some of the detail in a very large and complex piece of legislation which is of significant importance to regional and rural Victoria and Victoria as a whole. I know last night there were differences of view and this morning there were differences of view. I appreciate that the government could have used the guillotine at 4 o'clock and that it removed this bill from the guillotine so that consideration-in-detail could be conducted in a more thorough and appropriate manner. I place on record my personal appreciation for the consideration of the government and the minister.

Mr THWAITES (Minister for Water) — The member for Gippsland East and other members have referred to clause 73. I think the member for Benambra presumed that because it came at the end of the bill it was an afterthought. I can assure the house that is not so. The reason it is at the end is that the transitional provisions that relate to other acts are at the end of a bill, and that is quite normal, whereas the bulk of the bill deals with the Water Act. Not only is this not something that came up at the last moment, but it is something that the government has been working on with the Municipal Association of Victoria (MAV) for some period of time. Frankly, an easy solution has not been able to be reached. If it had been, we would have had it in place. That is the reason we have done exactly what the member for Shepparton has suggested, which is to put in place — —

An honourable member interjected.

Mr THWAITES — I will consider that. We have put in place a transition provision whereby the value of the water share will be included in the valuation of the land until 1 July 2008 — that is, the next valuation period. That will mean there will not be an effect immediately, as people have been concerned about. In the meantime the government will work with the MAV and affected councils to determine, firstly, what real effect there would be as a result of the unbundling, how that effect should properly be met, and what an equitable outcome an. It is true to say that there is a range of views.

Paul Weller, the former head of the Victorian Farmers Federation, indicated in the article I quoted from previously that it was his view that the water share should not have been included in council rates for a long period of time. He indicated that it would be a good thing for that to be removed. However, that would have an effect on dryland farms and on urban areas, and therefore there needs to be some transitional approach. In terms of councils, we will work with them to see whether there are rating strategies they can adopt in any transition resulting from any changes and any unbundling.

I would point out that councils have had a big increase in rates as a result of the increase in the value of water rights. Councils like Mildura are talking about losing funds. If we were to look at the increase in its rate base as a result of the increase in the value of property because of water, we would find it would be huge.

Mr Ryan — You can go up and explain that to them!

Mr THWAITES — I will be happy to. That is part of the — —

Honourable members interjecting.

Mr THWAITES — It is to fair to say it might be the sort of topic of conversation I would be happy to change, too! By the same token the government understands that there are real challenges to be faced. That is why we will work with local government to meet them.

Clause agreed to.

The DEPUTY SPEAKER — Order! The question is:

That the house agrees to the bill with amendments.

House divided on question:

**Ayes, 44*

Andrews, Mr	Leighton, Mr
Barker, Ms	Lim, Mr
Batchelor, Mr	Lindell, Ms
Beard, Ms	Lockwood, Mr
Bracks, Mr	Lupton, Mr
Brumby, Mr	McTaggart, Ms
Carli, Mr	Marshall, Ms
Crutchfield, Mr	Maxfield, Mr
D'Ambrosio, Ms	Mildenhall, Mr
Duncan, Ms	Munt, Ms
Eckstein, Ms	Nardella, Mr
Garbutt, Ms	Neville, Ms
Haermeyer, Mr	Overington, Ms
Hardman, Mr	Perera, Mr
Helper, Mr	Pike, Ms
Holding, Mr	Robinson, Mr
Hudson, Mr	Seitz, Mr
Hulls, Mr	Stensholt, Mr
Ingram, Mr	Thwaites, Mr
Kosky, Ms	Trezise, Mr
Langdon, Mr	Wilson, Mr
Languiller, Mr	Wynne, Mr

Noes, 20

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

[**Division list subsequently corrected; see page 1987*]

Question agreed to.

Bill agreed to with amendments.

Third reading

The SPEAKER — Order! The question is:

That this bill be now read a third time.

House divided on question:

**Ayes, 45*

Andrews, Mr	Lim, Mr
Barker, Ms	Lindell, Ms
Batchelor, Mr	Lockwood, Mr
Beard, Ms	Loney, Mr
Bracks, Mr	Lupton, Mr
Brumby, Mr	McTaggart, Ms
Carli, Mr	Marshall, Ms
Crutchfield, Mr	Maxfield, Mr
D'Ambrosio, Ms	Mildenhall, Mr
Duncan, Ms	Munt, Ms
Eckstein, Ms	Nardella, Mr
Garbutt, Ms	Neville, Ms

Haermeyer, Mr
Hardman, Mr
Helper, Mr
Holding, Mr
Hudson, Mr
Hulls, Mr
Ingram, Mr
Kosky, Ms
Langdon, Mr
Languiller, Mr
Leighton, Mr
Overington, Ms
Perera, Mr
Pike, Ms
Robinson, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr
Wilson, Mr
Wynne, Mr

Noes, 20

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

[**Division list subsequently corrected; see page 1987*]

Question agreed to.

Read third time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr BATCHELOR (Minister for Transport).

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Kew High School: senior school centre

Mr McINTOSH (Kew) — I have a matter for the attention of the Minister for Education Services. The matter I wish to raise with the minister is Kew High School's application for a contribution from the Community Facilities Fund program to assist in the construction of a senior school centre to be shared with the community. The action I seek from the minister is to urgently reconsider and approve Kew High School's application for funding under the Community Facilities Fund.

I refer the minister to her remarks during yesterday's question time when she crowed about the program but chose to ignore the devastating impact of all the wasted time over 12 months of hard work undertaken by school staff, community groups, the local council and even departmental officers who assisted in formulating an application to meet the departmental concerns. Regrettably, Kew High School has been informed today that its application was unsuccessful.

Kew High School first submitted its application for a contribution to the cost of constructing a senior school centre in 2004. The application received the endorsement of the eastern region, yet the department refused it on the first round, apparently on the basis that it lacked information on the link between the local council and the proposed facility. After more hard work by Kew High School and many meetings involving the local council and departmental representatives it was made perfectly clear that the local council supported the application, which was resubmitted to meet the concerns of the department. I have spoken with all local city councillors, and they all strongly support Kew High School's application.

The school has a proud history of community involvement and has built a wonderful relationship through sharing its facilities with its local community. As I have already spoken on Kew High School's community gym I will not go into detail, but the community gym was built with community money and is used constantly on evenings and weekends by a variety of local sporting groups. The Renaissance Theatre, also built with community money, is well used for a variety of community cultural activities. It therefore came as a complete surprise that Kew High School's application had been refused, particularly when the eastern region had endorsed the original application and a number of meetings had been conducted with departmental officers to ensure that their concerns were addressed in the subsequent application.

As I said, Kew High School has clearly demonstrated its track record of having its facilities used by the community, and it would embrace this new facility. Boroondara City Council backs the proposal and has done everything in its power to demonstrate its support to the government. Accordingly, I urge the minister to reconsider and approve Kew High School's application for funding to complete this much-needed community facility.

Bonegilla Migrant Experience Heritage Park: funding

Mr LANGUILLER (Derrimut) — I direct to the attention of the Minister Assisting the Premier on Multicultural Affairs — and I also direct it to him in his capacity as the Minister for Tourism — the issue of

support for the Bonegilla Migrant Experience Heritage Park to be opened later this year.

As members will be aware, the Bonegilla Migrant Reception and Training Centre, as it was formerly known, was the first home for over 320 000 migrants from 30 countries between 1947 and 1972. The original facility consisted of 24 blocks covering 130 hectares. The only remaining housing block, Block 19, has undergone a refurbishment and has been restored to look as it did back in the middle of the last century. This refurbishment was possible through the Bracks government's $2 million funding to the heritage park for the building of an interpretive centre for the benefit of generations to come.

The government values the history of migration and is proud to be supporting the heritage park, which preserves an important period in Australia's history. It is important for migrants and their descendants to celebrate their heritage, and this centre will become a popular destination for thousands of people wanting to experience at first hand the migration of their ancestors. This will be a valuable cultural tourism asset for the state's north-east region, which is a popular destination for domestic and international visitors.

Under the Bracks government visitation to this area has grown by 13.6 per cent, and the tourism industry accounts for 9.9 per cent of all employment in the region. I am aware that the minister will be opening the centre on the weekend of 3 and 4 December and that a two-day commemorative event has been organised to mark this important occasion.

The action I seek is for the minister to provide funding for this event, which will celebrate the opening of a cultural tourism icon and a place of great historical significance for many thousands of Australians. Government members and many other members in this place would recognise through their personal experience and that of their parents the significance of their first home, particularly after 1947. These migrants and refugees contributed enormously to the development of Victoria and indeed to the development of Australia. We are proud of our history and are confident that not only the government but also the opposition celebrates migrants and their history, and especially the wave of migrants who came to Australia after the Second World War.

Police: Shepparton

Mrs POWELL (Shepparton) — I raise an issue for the Minister for Police and Emergency Services, and I am pleased to see that the minister is at the table. The issue I raise concerns the lack of police numbers in the Shepparton district. The action I seek from the minister is for him to urgently provide the additional police officers needed to staff the Shepparton, Mooroopna, Tatura and Murchison police stations.

In question time on Wednesday the police minister advised that the government has provided the biggest budget in the history of Victoria Police. The minister also said that 51 new police recruits will graduate this Friday, and that is great news. The minister then identified a number of police stations that would benefit from the increase in police numbers. Unfortunately most of the stations that he identified are in the Melbourne metropolitan area. With these extra resources I ask the minister to direct extra police to the Shepparton district.

I presented a petition with 659 signatures, which were collected in about a week, to this house on Wednesday, 26 October. The petition drew the attention of the minister to the lack of police resources at the Tatura police station and asked him to correct that. I thank Mr Peter Herrick of the Victoria Hotel, the Criterion Hotel and businesses, service clubs and schools in Tatura for collecting those signatures. Mr Bob Anderson, the president of the Tatura Senior Citizens Club, collected 47 signatures from his members on a similar petition.

Our police officers do a fantastic job under difficult conditions. When the Tatura police station was closed on 8 and 9 October due to staff shortages there was a community outcry. We have been told that the station will now be open on weekends, but that does not address the staff shortages. The Tatura community is actively supporting its police officers, who are held in high regard — particularly the officer in charge, Sergeant Steven Brand, who was instrumental in establishing the Blue Light Youth Club in Tatura, which has dramatically reduced youth crime. If Sergeant Brand were to resign his position with the youth club due to lack of police numbers and no replacement were found, then the youth club would fold.

Further pressure is being put on the region with the fruit-picking season approaching. This means that there are more people in the region and increased tensions, therefore there is an urgent need for an increase in police numbers — for example, the town of Merrigum has a population of 300 people, but it doubles during the fruit season.

The Mooroopna police station has been understaffed, the Murchison police station — a one-man station —

has been closed at times, and the Tatura police station has been closed for one weekend and is still short-staffed. When replacements for these stations are needed they are sourced from the Shepparton station, which is also understaffed. Dhurringile prison is in that district, so that brings certain challenges as well.

These communities need an assurance that they are adequately protected. The police officers in the Shepparton district work proactively with their community, particularly with at-risk youth and some of the new settlers we have in the area at the moment. They do a great job and deserve to be supported. I urge the minister to do so.

Cranbourne Integrated Care Centre: funding

Mr PERERA (Cranbourne) — I would like to raise a matter for the Minister for Health. I call upon her to take action in relation to expanding the services at the Cranbourne Integrated Care Centre, which is situated right in the heart of my electorate of Cranbourne. Cranbourne Integrated Care Centre was developed by Southern Health with funding from the Department of Human Services. It opened in May 1999 and accommodates a broad range of community and health services for the south-east Melbourne community under the one roof.

CICC provides both acute and non-acute services including allied health and rehabilitation services; community health and support services; child and adolescent health services; crisis support services; child and adult dental services; services from the Royal District Nursing Service; specialist consulting; day medical services; and adult and aged mental health services. The centre has a number of notable features, including the CICC eye surgery service. Over the last couple of years the eye surgery service has grown to become the major centre for ophthalmology in the region, second only to the Royal Victorian Eye and Ear Hospital in Melbourne in providing eye surgical services to public patients. Recently a general practitioner service was opened at the centre. South East Palliative Care utilises the centre as its base for outreach service.

CICC is a vital health service for the south-east of Melbourne. The services are linked with other Southern Health services at Casey Hospital, Monash Medical Centre and Dandenong Hospital. Other services available to the community include: acquired brain injury coordination services; adult mental health services; audiology; child and adolescent mental health services; the Cardinia-Casey Community Health Service; the Cardinia-Casey Community Dental Service; the Cardinia-Casey community rehabilitation service; Cranbourne Eye Surgery; renal outpatient services; a dialysis unit; day surgery facilities; Southern Cross Pathology; the South East Alcohol and Drug Service; Australian Hearing; Gamblers Help; ear, nose and throat specialist services; the Motor Neurone Disease Association of Victoria; the Monash liver clinic; the Rehabilitation in the Home program; the Royal District Nursing Service; school dental services; WAYSS adult housing support; WAYSS domestic violence support; WAYSS youth housing support; Wallara Australia; an orthotic specialist centre; the Cranbourne Family Medical Centre; and South East Palliative Care.

It is the Bracks government that is rebuilding our health system, making it a world-class system; and it is the Bracks government that keeps delivering on the Cranbourne Integrated Care Centre.

King Street and Templestowe Road, Bulleen: upgrade

Mr KOTSIRAS (Bulleen) — I raise a matter for the attention of the Minister for Transport and ask him to take action to instruct VicRoads to inspect King Street and Templestowe Road, Bulleen, and give a time line as to when the upgrades of these roads are going to occur. These two major roads in my electorate are a disgrace. I have raised the matter with the minister on numerous occasions over the last three years. Unfortunately the minister and VicRoads have decided not to take any action as yet.

The roads are in poor condition and very dangerous, especially for students and the elderly. The residents have had enough and they demand action now. The residents have formed action groups and they are working long hours to ensure there is a link between the council, with VicRoads and the government. Unfortunately the government is throwing them peanuts — it is giving them some money for small, minor works to keep them quiet and to try and win votes — but in terms of upgrading these two major roads the government is silent.

The minister is happy to come out to the electorate and have a look at these roads, and the parliamentary secretary has been out and has seen the poor condition of both these roads, but the minister has failed to be convinced that these roads need to be upgraded. I would urge the minister to come and visit Bulleen, to have a look at King Street and Templestowe Road and to see for himself the poor and dangerous condition of both roads. The residents are asking for a time frame indicating when the two roads will be upgraded. We

understand that there might not be any money for this year or next year or 2008 or 2009, but the residents would like a time frame. Perhaps 2010 or 2015? When will these two roads be upgraded? Money has been provided for the upgrade of some bus shelters in King Street, but there is no point having first-class bus shelters on a Third World country road.

I urge the minister to finally come out to my electorate, not as a media stunt to take some photos to put in the local media to try and prop up the Labor member for Templestowe Province in the other place but to have a real look at the poor condition of the two roads, and to instruct VicRoads to provide a time frame and the funding required to upgrade these two roads. I will offer the minister a coffee and lunch if he wishes to come out and have a look for himself.

Mr Crutchfield — Coffee and lunch!

Mr KOTSIRAS — Yes, coffee and lunch, because it will take him 2 hours to come out and speak to the residents. I ask once again for VicRoads to provide a time frame and funding for the upgrade of King Street and Templestowe Road.

Ambulance services: Belmont station

Mr CRUTCHFIELD (South Barwon) — I cannot beat that but I will certainly offer my minister coffee and lunch. I have an issue for the Minister for Health — —

Ms Asher interjected.

Mr CRUTCHFIELD — I do not think so. I ask the minister to investigate the possibility of providing improved facilities at the Belmont ambulance station. The paramedics there have been operating in substandard facilities for a number of years. Earlier in the year I had a meeting with Mick Cameron who is now the new area manager in Geelong. Thankfully he has come on board. He has come up through the ranks and he has advocated quite strongly for Belmont. Previously Rural Ambulance Victoria has not bothered or has not been able to put Belmont on its priority list — it has not even been part of its budget bids or appeals to the Minister for Health. Thankfully Mick informs me that that has now changed. I congratulate Mick — it certainly makes it easier to advocate for the paramedics in Belmont when the organisation itself sees it as a priority.

I am not surprised it is a priority. It is completely and utterly substandard. We call the facilities out the back of Parliament House the chookhouse but this is a chookhouse. You can only get two vehicles in, and you cannot open the doors of both vehicles at the same time. The Minister for Police and Emergency Services, who is at the table, would be well aware of the occupational health and safety issues in the emergency services he has responsibility for. The same applies to the ambos. They cannot open the doors. It is quite bizarre that this facility is still there. I urge the minister to visit the station in the next few months and see the facilities first hand. I think she will concur with my summation of those facilities. I congratulate Bernie Malone, who is the officer in charge at Belmont.

An honourable member — Hear, hear!

Mr CRUTCHFIELD — I hear the 'Hear, hear', and I 'Hear, hear' too! Bernie has had me over to the Belmont ambulance station and has advocated his position very professionally, politely and persistently. He has convinced me, although it did not take a lot for me to support his view about improving those facilities.

My view is that the Belmont ambos should move further out the highway to enable them to service the growth corridor out at Mount Duneed. I think that is a very logical way to go in terms of improving not only the facilities, which as I said before are substandard, but also the standards of cover for Rural Ambulance Victoria in Geelong.

Melbourne Sports and Aquatic Centre: redevelopment

Ms ASHER (Brighton) — The issue I have is for the Minister for Major Projects in the other place. The action I am asking of him is that he table the advice he has been giving regarding the delivery of the Melbourne Sports and Aquatic Centre redevelopment stage 2. Whatever it is, his advice is clearly not working. I want to refer to the minister's role in the delivery of Commonwealth Games facilities. He has a supporting role defined as:

> The Minister for Major Projects will have a supporting role in advising cabinet in conjunction with the other relevant minister —

in this case the Minister for Commonwealth Games —

> on measures required to resolve delivery issues.

The problem with the Melbourne Sports and Aquatic Centre redevelopment stage 2 is that, like most major projects, it is late and over budget. The budget has been blown. Initially the budget was set at $50 million, according to the budget papers. In the Public Accounts and Estimates Committee the government advised that it would go up to $51.2 million — —

Honourable members interjecting.

Ms ASHER — It gets bigger — it always gets bigger with this government. In budget information paper no. 1, released today, we have had it confirmed that the budget has blown to $60 million, which reportedly includes an $8 million design change to accommodate a gum tree. The project is also late. Construction was going to start in late 2002, according to the acting minister at the time. The current minister then said construction would start in December 2003, but the final design was not even unveiled until January 2004. A document released under freedom of information and made available to the opposition, called *Department of Infrastructure Key Projects Report*, was in fact a report to the Premier. These delays were divulged some time ago.

The report was prepared in December 2003. At that stage the Premier was advised that the budget had blown out to $58.2 million, which was not what the government was telling the public at that stage. It is revealed in the document that the original finish date, as advised to the Premier, was March this year. At that stage in 2003 the projected date was August 2005, which of course has not happened. I also refer to a letter given to me by the FOI officer, which indicates that this report:

> … provides a snapshot of budgets and time lines for the projects identified at that time and cannot be read as an accurate presentation of the final outcomes for any of the particular projects.

That is actually stating the truth about this government! I would like the Minister for Major Projects to table the advice that he has been giving in relation to the delivery of this particular project. Clearly it is not working, but we would like to see what it is.

Consumer affairs: dangerous toys

Mr WILSON (Narre Warren South) — I call upon the Minister for Consumer Affairs in another place to improve the programs and educate the public on the dangers of some children's toys. 'Protecting children under 3' was the focus of Consumer Affairs Victoria's campaign for Injury Prevention Week, which was held earlier this month as part of Community Safety Month. The Department of Human Services and CAV staff visited the City of Casey offices on Wednesday, 19 October, for a joint child safety toy presentation. CAV staff also had a product safety information stand at the Cranbourne Centro shopping centre. Children under 3 are our most vulnerable consumers. In the city of Casey there are 18 344 children aged between 0 and 4. That is 8.3 per cent of the city's population, with an additional 13 per cent of the population aged between 5 and 11. This compares to 6.4 per cent and 9.4 per cent for the rest of Melbourne.

Through the CAV, the Bracks government has produced an excellent guide, entitled *Product Safety Alert*, which details all the toys and products that are unsafe for young children because of the risk of puncture wounds and choking, suffocation and other strangulation hazards. The CAV produces a guide for parents, teachers and carers to make them aware of what can harm a child and what products have been banned by CAV safety inspectors. The safety inspectors regularly visit many suburbs and regions across Victoria to assist retailers and distributors with their product safety obligations, to provide helpful information and to ensure dangerous toys are not being sold.

Recent inspections in the southern metropolitan area uncovered more than a thousand dangerous toys which contravened these regulations. When shopping for toys, consumers are reminded to look for the following hazards: inadequate ventilation in masks, tents or toy helmets which could cause breathing difficulties; any item that may project hard objects at a high velocity; any plastic wrapping around a toy that could become a suffocation risk; and toys which are big enough for a child to crawl inside but which have insufficient ventilation and can therefore cause breathing difficulties. I congratulate the CAV on doing a great job in a vitally important policy area, and I call upon the minister to constantly improve the programs affecting children safety.

Roads: emergency signage

Mr DELAHUNTY (Lowan) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services that relates to road signage in the Grampians region. I have been informed of a large red sign with white lettering that states, 'In an emergency, tune to ABC Horsham 594AM'. I have been contacted by representatives of the ACE radio network, who are very concerned that their radio stations have not been included. ACE radio has radio stations 3WM-1089AM and 98.5 Mixx FM in Horsham, and in Hamilton it has 3HA-981AM and 88.9 Mixx FM, giving good coverage to the whole Grampians region.

The action I seek from the minister is that he ensure the travelling public have access to emergency information, not only through the ABC but also through the ACE radio network. I also ask that the ACE call signs and frequencies be included in the signage.

The ACE radio network provides an excellent service, and it has been a long-term and very generous benefactor to western Victoria, providing funds towards hospitals, the arts, universities, youth and many other community projects.

ACE Radio Broadcasters in particular has taken a responsible position in ensuring that in the event of an emergency, the fire, police and ambulance services and the State Emergency Service have immediate access to radio stations so that relevant information can be made available to the public with little fuss.

Recent Nielsen Media Research figures indicate that the combined commercial radio listening figure in the markets covered by ACE Radio Broadcasters is far greater than those of the ABC. These figures cover people listening to the radio at home, at work and, importantly, in their cars.

I am also informed that ACE radio stations are manned from Monday to Friday, from 6.00 a.m. to approximately 8.00 p.m., and an emergency contact number is made available to callers outside these hours. After hours emergency services have been provided with a contact number which allows an instant response by radio stations to emergency situations.

Emergency procedures have been included in the ACE operations manual. ACE Radio Broadcasters puts to air on a regular basis material that promotes stations as local and able to disseminate emergency information — which I have viewed. ACE radio stations are manned for longer hours than local national broadcasting stations and have local contacts for immediate response. The local ABC stations transfer their after-hours call services to Melbourne, which results in personnel with no local knowledge dealing with the situation.

For the safety of western Victorians and visitors to the area, the government must use all available radio networks to inform people of emergencies. The ACE radio network has a proud history of serving and supporting Western Victoria.

Mental health: youth project

Mr MILDENHALL (Footscray) — We save the best until last! I raise a matter for the attention of the Minister for Health, and I seek consideration for funding for the Sharing Health and Recovery Experiences (SHARE) mental health promotion project for young people in my area.

A large audience at the Western Region Health Centre annual general meeting was riveted by a performance presented by five young people who described their mental illnesses and how they dealt with them. With assistance from staff from the centre's mental health program and a drama consultant, Emma, John, Faith and others have been presenting their stories to year 9 students in four schools in the inner west.

The aim of the project is to promote peer support, education, early intervention, and also to de-stigmatise mental illness by providing mental health and illness education to middle-level secondary students in the western region. Another aim was to support interested young people with mental health issues in gaining the confidence and skills to tell their stories. Like the audience on Tuesday, reports are that the secondary school students have also been totally engaged by the honesty and bravery of these young people. It led to lively discussion between the presenters and the students.

With the work of Professor Pat McGorry, who is partly based in the west with Orygen Youth Health, we have some of the world's leading methodology for early intervention in emerging psychosis. Another key part of the equation is awareness of the issues and of providing a supportive climate for young people to be able to talk about issues when they notice difficulties among their peers or experience problems themselves. For me it was reminiscent of a presentation by Australian Rules footballer Nathan Thompson at a business lunch held by Orygen Youth Health at the Royal Melbourne Hospital on 12 October, at which the audience was able to hear first hand about mental health issues at a very personal level.

In this case the SHARE program material has been prepared to be consistent with the 'Mind Matters' curriculum for year 9 students. After 12 months of planning, writing, practising and then presenting, the project has been felt by participants to be an outstanding success. Fifteen more young people from the centre's youth mental health programs are keen to join in. Up to now the project has been funded internally by the health centre, but it is felt that an allocation of a modest sum — around $20 000 — would enable the project to continue beyond this year. I ask the minister to examine the SHARE project and consider making such a compassionate allocation.

BUSINESS OF THE HOUSE

Division list

Mr Langdon — On a point of order, Acting Speaker, I wish to advise the house about two divisions

which were called recently. On the first division I had marked Peter Loney as present. While that was correct, he was in the chair. On the second division I had marked Geoff Howard, the member for Ballarat East, as present. He was not.

The ACTING SPEAKER (Mr Nardella) — Order! I direct the Clerk to correct the record.

Responses

Mr HOLDING (Minister for Police and Emergency Services) — The member for Shepparton raised matters in relation to police numbers in the Shepparton area, and I am happy to provide her with some information about current police numbers in that area.

I can advise the member for Shepparton that, firstly, there are 7.85 more police in the Shepparton police station itself as of September 2005 compared to when the government came to office in 1999. There are more than 9 additional police in the Shepparton district than there were when we came to office; and there are 56.75 more police in region 3, division 4, which includes the Shepparton area, the Campaspe area and beyond. Therefore we have seen not insignificant increases in police numbers not only in Shepparton itself but in the surrounding areas in the last five years.

In relation to some of the stations that the member referred to, I can inform her that at Tatura the replacement sergeant starts work, I think, next week, which I am sure will be very pleasing to local people, who I know have raised concerns about police numbers at that station. I understand there was also a person on leave from the Murchison station and they have now returned, which will also have a significant impact in relation to that station.

Of course policing across the entire district is managed in a flexible way to make sure that the best possible use is made of the available police resources. That sometimes includes, for example, the ability for the crime scene investigation officer based in Shepparton to respond to some of the surrounding stations. There are 17 police officers who are on call who can be dispatched at any time, even if they are not rostered during that particular shift.

We believe Victoria Police is responding appropriately to the policing needs across that region. Of course decisions about the policing and staffing profiles of particular stations are rightly operational decisions for Victoria Police. Nevertheless as a government we have been very pleased to recruit in excess of 800 police in our first term, and we are well on track to recruiting an additional 1400 police over the government's two terms. Hundreds and hundreds of those police are of course now based in local stations throughout Victoria, and many of them are based in the Shepparton region. We think we are doing everything we can to make sure there are appropriate police numbers throughout Victoria. Victoria Police will make operational decisions about the best and optimal deployment of those resources, but for the benefit of the member for Shepparton I have outlined some of the additional policing that has been achieved in the Shepparton electorate.

The member for Lowan raised an issue in relation to Halls Gap and the emergency service radio arrangements that have been put in place in that region. What I can say is that ABC Radio has acknowledged that many tourists staying in the Halls Gap area during summer may not always know the 594 local station frequency to tune into in the event of an emergency. For that reason the ABC took the initiative, spoke to local government and offered to pay for some signs advertising the local frequency and emergency information specifically. The member for Lowan described some of those signs as they have now been established. I think they are 2 metre by 1 metre large red signs that let local people as well as tourists know the appropriate frequency to tune into in the event of an emergency.

In the event that an ABC station is unmanned whilst an emergency is happening, ABC can still broadcast on that frequency, in this case on 594, from other areas such as Melbourne, Ballarat or Bendigo, and of course where possible local staff could be called in to staff the station. Should other radio networks such as the ACE Radio Broadcasters network to which the member referred wish to enter into similar agreements that prioritise the provision of timely information from emergency services to the community, this government would be very happy to hear their proposals. I would be pleased to hear from ACE Radio Broadcasters specifically if it would like to raise some emergency services issues with us.

Just by way of background, since February 2004, a memorandum of understanding has existed between the government, the Bureau of Meteorology and ABC radio. It was established as a result of the Victorian bushfire inquiry, and is an Australian first. It ensures that the Victorian public can get clear, prompt and concise information in the event of an emergency, whereby ABC radio will interrupt normal programming to broadcast an emergency message immediately or repeatedly, and for as long as necessary, as requested by Victoria's emergency services.

This is critical to making sure that the community gets timely, appropriate and concise information in the event of an emergency situation developing. We think the memorandum of understanding that exists between the government, the ABC, the Bureau of Meteorology and Victoria's emergency services is the most appropriate vehicle for delivering timely information to local communities, but we are always looking at ways to enhance the information provided to local people and tourists, and would be very pleased to hear from ACE or any other radio station that wants to support our services.

The ACTING SPEAKER (Mr Nardella) — Order! The minister, to respond to the members for Kew, South Barwon, Cranbourne, Bulleen, Narre Warren South, Brighton, Derrimut and Footscray.

Mr HOLDING (Minister for Police and Emergency Services) — I have taken extensive notes of the matters raised by various members and will draw them to the attention of ministers for their response.

House adjourned 8.42 p.m. until Tuesday, 15 November.

QUESTIONS ON NOTICE

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Tuesday, 25 October 2005

Education services: program for students with disabilities

274. **Mr PERTON** to ask the Minister for Education Services with reference to the response to question 135(b) received on 26 August 2003 — what are the names of the regular schools which have more than 30 students who receive additional funding through the Program for Students with Disabilities.

ANSWER:

I am informed as follows:

There are currently 49 regular schools that have more than 30 enrolled equivalent full time students who receive additional support through the Program for Students with Disabilities. They are:

Bairnsdale Secondary College
Ballarat Secondary College
Bayside Secondary College
Bellbridge Primary School
Braybrook College
Brimbank College
Broadmeadows Secondary College
Carwatha College P–12
Chaffey Secondary College
Copperfield College
Corio South Primary School
Deer Park North Primary School
Essex Heights Primary School
Eumemmerring Secondary College
Footscray City College
Forest Hill College
Galvin Park Secondary College
Glengala/Sunshine West Primary School
Hampton Park Primary School
Hoppers Crossing Secondary College
Koo Wee Rup Secondary College
Kurnai College
Lakes Entrance Secondary College
Lalor North Secondary College
Lowanna College
Mackellar Primary School

Maffra Secondary College
Melton Secondary College
Mooroopna Secondary College
Mount Clear College
Mount Waverley Secondary College
Narre Warren South P–12 College
Newcomb Secondary College
North Geelong Secondary College
Patterson River Secondary College
Pembroke Secondary College
Roxburgh College
Sale College
St Albans Meadows Primary School
St Albans Secondary College
Sunshine College
Sunshine Heights Primary School
Sydenham–Hillside Primary School
The Grange P–12 College
Traralgon Secondary College
Werribee Primary School
Werribee Secondary College
Western Heights Secondary College
Western Port Secondary College

Transport: train speeds

449. **Mr MULDER** to ask the Minister for Transport —

(1) What is the maximum speed a 'V'locity' train running on the high standard track specified for the Bendigo upgrade can reach without its predicted kinematic envelope exceeding the actual kinematic envelope of a Sprinter running at 130 km/h on the existing track.

(2) If double track was retained and upgraded to class 'HP' (high performance) track under Conlans Road Bridge at Taradale, what would be the maximum speed under the bridge of a 'V'locity' train that would be 'not less safe' than existing Sprinter trains passing under Conlans Road Bridge on the existing track at 130 km/h.

(3) Between Elphinstone and Bendigo, what are the locations of the present 'up' track that will require removal in order to realign the existing 'down' track for higher speeds and, at each location, what speed will apply after the realignment, and what would be the maximum possible safe speed if double track was retained.

(4) What time saving is achieved solely due to each section of realigned track between Elphinstone and Bendigo, and what is the total time saving between these locations due to realigned track.

ANSWER:

I am informed as follows:

(1) Kinematic envelopes are calculated independent of speed and in simple terms, the V'locity kinematic envelope will not exceed the Sprinter's kinematic envelope as they are both the same.

Both the Sprinter and V'locity are designed to the same recognised safety standards.

(2) Conlans Road Bridge is narrow and has restricted clearances. As such, the current speed limit through this bridge will also apply to the new trains.

(3) A publicly available diagram showing the locations where track will be removed can be found on the Regional Fast Rail web site at www.linkingvictoria.vic.gov.au

After the realignment, speeds of between 130km/h and 160km/h will apply to the newly upgraded track in this section.

If the existing configuration remains the same in this location, i.e. there is no change; it should come as no surprise that the existing speeds limits will remain – 130km/h for the down track, 115km/h for the up track.

(4) Time savings on the Bendigo line are calculated for the entire line, not just small sections of track. It is interesting to note recent figures released by the Australian Bureau of Statistics which show significant growth occurring in Bendigo. By Improving the speed, reliability and frequency of rail access to Melbourne under the project, this will further strengthen the economic position of Bendigo and surrounding regions.

Employment and youth affairs: FReeZA/Advance/youth services programs

665. **Mr KOTSIRAS** to ask the Minister for Employment and Youth Affairs — what was the total amount of money allocated and spent on the following programs in each of 2002, 2003 and 2004 —

(1) FReeZA Program.

(2) Advance Program.

(3) youth services program.

ANSWER:

I am informed as follows:

1) The amount allocated and spent on FReeZA in 2002–03, 2003–04 and 2004–05 was $2 million each year.

2) The amount allocated and spent on Advance in 2002–03 was $3 million. The amount allocated and spent on Advance in 2003–04 was $3 million. The amount allocated and spent in 2004–05 was $4 million.

3) The amount allocated and spent on the Youth Services Program in 2002–03, 2003–04 and 2004–05 was $4.1 million each year.

Employment and youth affairs: National Youth Week

666. **Mr KOTSIRAS** to ask the Minister for Employment and Youth Affairs — what was the total amount of money allocated and spent on National Youth Week in each of 2002, 2003, 2004 and 2005.

ANSWER:

I am informed that the amount allocated and spent on National Youth Week events in Victoria in 2001–02 was $0.09 million, in 2002–03 was $0.12 million, in 2003–04 was $0.12 million and in 2004–05 was $0.16 million. The amounts allocated and spent on National Youth Week events in Victoria include a percentage of Australian Government funding.

QUESTIONS ON NOTICE

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Wednesday, 26 October 2005

Education and training: conduct and ethics branch

334. **Mr PERTON** to ask the Minister for Education and Training with reference to the article in the *Herald Sun* of 25 September 2003 entitled 'Job cuts may help teacher paedophiles' which said, in part, 'The State Government's plan to weed out paedophiles from schools could be hindered by their own job cuts. The Education Department's conduct and ethics branch employs 10 staff whose roles include checking some teachers' police records and doing background checks on non-teaching staff. The conduct and ethics branch, as part of the department's central office, is in the firing line of a restructure announced by Education Minister Lynne Kosky last month, which will slash about 330 Education Department jobs' — is any change to the branch planned; if so, what is it and why is it being done.

ANSWER:

I am informed as follows:

There is no change in the staffing levels in the Department's Conduct and Ethics Branch.

Education and training: VCE psychology curriculum

355. **Mr PERTON** to ask the Minister for Education and Training with reference to the proposal to remove mental health issues from the current curriculum — what is the rationale for the proposal and what progress has been made in implementing it.

ANSWER:

I am informed as follows:

VCE Psychology has recently been reviewed by the Victorian Curriculum and Assessment Authority (VCAA) and there is no proposal to remove mental health issues from the curriculum.

Education and training: VCE psychology curriculum

356. **Mr PERTON** to ask the Minister for Education and Training with reference to the growing interest in VCE psychology among young people and the high rates of mental illness and suicide — how is a proposal to remove mental health issues from the curriculum justified.

ANSWER:

I am informed as follows:

VCE Psychology has recently been reviewed by the Victorian Curriculum and Assessment Authority (VCAA) and there is no proposal to remove mental health issues from the curriculum.

Education and training: VCE psychology curriculum

357. **Mr PERTON** to ask the Minister for Education and Training with reference to the suggestion that one of the main reasons for the proposal to remove mental health issues from the current curriculum is the lack of sufficiently well-trained teachers in this subject — what resources has the Department put into recruiting and training the teachers needed for this subject.

ANSWER:

I am informed as follows:

Based on the results of the 2002 Teacher Recruitment Census, psychology is not considered a difficult to fill subject.

The number of pre-service teacher training enrolments over the past few years indicates sufficient numbers are being trained.

The Victorian Curriculum and Assessment Authority has indicated that mental health issues have not been removed from the curriculum.

Education and training: BSI

778. **Mr PERTON** to ask the Minister for Education and Training — what is the status of BSI given its involvement in at least three failed Registered Training Organisation operations in New South Wales and Victoria.

ANSWER:

I am informed as follows:

The Department of Education and Training has no knowledge of BSI and is therefore unable to provide a response to your question.

Education and training: Diversity of Work

779. **Mr PERTON** to ask the Minister for Education and Training — what is the status of Diversity of Work in the training industry/sector in Victoria.

ANSWER:

I am informed as follows:

I have no information regarding an organisation by the name of Diversity of Work.

Education and training: Diversity of Work

781. **Mr PERTON** to ask the Minister for Education and Training —

(1) What information does the Minister and the Office of Training and Tertiary Education (OTTE) have on the type and quality of advice that Diversity of Work has offered to various organisations in the Group Training arena.

(2) Did the advice that Diversity of Work offered conflict with advice being offered by OTTE itself.

ANSWER:

I am informed as follows:

I have no information regarding an organisation by the name of Diversity of Work.

Education and training: training recognition consultants

783. **Mr PERTON** to ask the Minister for Education and Training with reference to Training Recognition Consultants —

(1) What agreements and rules regulate the relationship between Training Recognition Consultants and the Office of Training and Tertiary Education.

(2) Are Training Recognition Consultants obliged to check the financial viability of Registered Training Organisations that they audit.

ANSWER:

I am informed as follows:

Training Recognition Consultants operate under a Code of Practice which they sign annually. They must demonstrate continuous professional development as it applies to their role as a Training Recognition Consultant. This includes observing one to two audits biannually with an Office of Training and Tertiary Education external auditor. They must attend at least 65% of bi-monthly workshops run by the Office of Training and Tertiary Education and maintain a minimum level of registration activity in order to retain their 'certification'.

Training Recognition Consultants audit against the *Australian Quality Training Framework Standards for Registered Training Organisations.* Standard 3 relates to effective financial management procedures, however this does not include financial viability.

Education and training: Mill Park Lakes school

786(b). **Mr PERTON** to ask the Minister for Education and Training —

(1) On what date will the school be opened to students.

(2) What is the projected number of secondary school enrolments.

(3) On what road will the school be built.

(4) Is the road on which the school will be built accessible to vehicles.

(5) Does the land set aside for the school contain any protected plant species; if so, which species.

(6) Would the presence of protected plant species on the land set aside for the school limit the use of the site for the school.

(7) Is the land set aside for the school subject to flooding; if so, would flooding limit the development of the school.

(8) Given the school will take students from prep to year 10, where is it anticipated that students will complete years 11 and 12.

ANSWER:

I am informed as follows:

The Mill Park Lakes School is planned to be open for the first day of the 2007 school year. I have approved that the school be planned as a P–9 school as recommended by the planning committee. As a result of this decision the school is planned to accommodate 475 primary and 600 secondary students in the long term.

Road access to Mill Park Lakes School will be provided from Jardier Terrace, Gordons Road and The Lakes Boulevard, all of which are accessible to vehicles. The school address will be on Gordons Road.

One of the school sites has a number of mature River Red Gums located on it and the Department of Education and Training is endeavouring to plan the school around these trees. These trees will enhance the outlook of the school and will only slightly limit the use of the site. Neither of the school sites is subject to flooding.

As Mill Park Lakes School will be a P–9 school, students will be able to complete their education at the nearby senior campus of Mill Park College.

Education and training: International Centre of Excellence for Education

791(b). **Mr PERTON** to ask the Minister for Education and Training —

With reference to the launch of The International Centre of Excellence for Education in Mathematics and the comment in the *Herald Sun* on 27 July 2005 that 'it still needs Department of Education and Training support in Victoria' —

(1) Does the Minister support the Project.

(2) Will it be implemented in Victoria; if so, when.

ANSWER:

I am informed as follows:

Victorian government and non-government schools are self-managing and therefore in the best position to decide on specific programs that will improve their students' learning. The involvement of Victorian schools in the International Centre of Excellence for Education in Mathematics Pilot Program was by invitation only. Currently there are approximately 100 schools wishing to participate, 60 metropolitan and 40 regional schools.

The pilot program does not seek the participation of every school in Victoria.

The Victorian Curriculum and Assessment Authority has provided curriculum advice to the organisers of the pilot program.

I welcome Victorian schools' participation, however it is their choice to do so.

The pilot program will be finalised during Term 4 2005, with successful schools notified. The program will be implemented in selected schools in 2006.

Education and training: Werribee Islamic College

792(b). **Mr PERTON** to ask the Minister for Education and Training —

Has the Minister or the Department of Education and Training received any complaints about the Werribee Islamic College; if so, what were the complaints and what investigation and/or action has the Minister or the Department undertaken in response.

ANSWER:

I am informed as follows:

The Registered Schools Board is the authority responsible for the registration and review of registration of non government schools in Victoria.

The standard practice of the Board is to act on complaints that are in writing.

For the purpose of answering this query, the search of files has been limited to the last ten years.

The Registered Schools Board has received no complaints in writing about the Islamic Schools of Victoria (Werribee College).

Education and training: Victorian certificate of applied learning

871. **Mr PERTON** to ask the Minister for Education and Training —

(1) What action, if any, is the Victorian Qualifications Authority taking to expand the provision of the Victorian Certificate of Applied Learning in schools.

(2) What action, if any, is the Victorian Qualifications Authority taking to ensure that there is a wide and diverse range of programs offered by Victorian Certificate of Applied Learning providers.

(3) What information, if any, does the Victorian Qualifications Authority obtain from the Registered Schools Board about the types and standards of Victorian Certificate of Applied Learning programs in schools.

ANSWER:

I am informed as follows:

The Victorian Qualifications Authority is no longer responsible for the Victorian Certificate of Applied Learning.

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Thursday, 27 October 2005

Transport: Mitcham–Frankston freeway

77. **Mr MULDER** —To ask the Minister for Transport —

(1) How much has already been expended on land acquisition for the Freeway.

(2) How much of this funding came from —

(a) VicRoads;

(b) the Department of Infrastructure;

(c) the Commonwealth Government; and

(d) other sources.

(3) With reference to the acquisition of parcels of land over 100 square metres —

(a) how many remain to be acquired for the Freeway;

(b) which suburb is each parcel of land located in;

(c) what is the size of each parcel;

(d) what are the nearest cross streets or other identifiers;

(e) what is the total estimated cost of the remaining land acquisitions; and

(f) what is the proposed timetable for each of the land acquisitions yet to be completed.

ANSWER:

The answer is:

(1) & (2)

Acquisition of land for the Mitcham–Frankston freeway has been ongoing over a period of 40 years, with an estimated expenditure of $110 million on the Scoresby Freeway component by VicRoads prior to July 1999.

Since then, a total of $49.8 million has been spent on land acquisition for the Mitcham–Frankston freeway. The table below provides the funding source of the $49.8 million expenditure prior to 1 September 2003.

Table 1:

LAND ACQUISITION – FUNDING SOURCE	AMOUNT
VicRoads — Better Roads Victoria (BRV)	33.3 million
Commonwealth Government – Roads of National Importance (RONI)	16.5 million
Total	**$ 49.8 million**

3(a) 73 properties over 100 square metres in area remain to be acquired for the freeway. Table 2 outlines where and how many properties remain to be acquired as at 1 September 2003.

3(b),(c) and (d)

Table 2:

LOCATION	100–400m2	400–800m2	800–2000m2	2000–10000m2	10000–40000m2	40000 m2 +	TOTALS
MANNINGHAM							
Springvale Rd–Deep Creek Rd	–	–	–	–	–	–	
WHITEHORSE							
Springvale Rd–Deep Creek Rd	–	–	–	–	–	–	
MAROONDAH							
Deep Creek Rd–Maroondah Hwy	–	–	–	–	–	–	–
Maroondah Hwy–Canterbury Rd	1	–	4	–	–	1	6
Canterbury Rd–Dandenong Creek	–	–	–	–	–	–	
KNOX							
Dandenong Creek–Burwood Hwy	–	–	–	–	–	–	
Burwood Hwy–High Street Rd	–	–	–	–	–	–	
High Street Rd–Ferntree Gully Rd	1	–	–	–	–	–	1
Ferntree Gully Rd–Dandenong Creek	–	–	–	–	–	–	
MONASH							
Dandenong Creek–Police Rd	1	2	–	–	–	–	3
CITY OF GREATER DANDENONG							
Police Rd–Princes Hwy	1	8	1	1	1	–	12
Princes Hwy–Cheltenham Rd	4	3	6	1	–	–	14
Cheltenham Rd–Greens Rd	–	–	2	1	2	–	5
Greens Rd–Bangholme Rd	–	2	1	4	9	1	17
Bangholme Rd–Thompson Rd	–	–	–	–	7	2	9
FRANKSTON							
Thompson Rd–Frankston Fwy	1	–	–	1	2	2	6
TOTALS:	9	15	14	8	21	6	
TOTAL PROPERTIES (OVER 100 SQM) REMAINING TO BE ACQUIRED FOR THE FREEWAY							73

NOTE — The above figures exclude Government and Council land.

3(e) The total estimated cost of the remaining land acquisitions is $40 million.

3(f) Notices of Intention to Acquire are being served on landowners on an ongoing basis. The proposed time frame for physical possession for all properties still to be acquired is up until July 2004.

Housing: public housing estate redevelopment

368. **Mrs SHARDEY** to ask the Minister for Health for the Minister for Housing —

(1) What is the itemised list of estates earmarked for redevelopment or neighbourhood renewal programs, including a progress report on each public housing site.

(2) Whether the redevelopment of these estates involves contributions in kind from the not-for-profit sector or private developers, including details of the type of contribution made towards each such redevelopment.

(3) What are the details of public estates where the Government has already undertaken or proposes to undertake the subdivision and sell the land for private sector development.

(4) What are the details of the type of contractual arrangement the Government proposes to negotiate with 'private developers' to encourage a mix of private and public housing developments on Government-owned sites.

(5) What are the details of private investors who have submitted a joint venture proposal for the redevelopment of public housing estates.

ANSWER:

I am informed that:

1) Eleven public housing estates have been earmarked for redevelopment: Victory Boulevard, Ashburton; Long Gully, Bendigo; Rathdowne Street, Carlton; Peace Court, Doveton; Thomson Estate, Geelong East; Kensington Estate, Kensington; Maidstone/Braybrook Estate; Raglan/Ingles Sts, Port Melbourne; Elizabeth Street, Richmond; Parkside Estate, Shepparton and Mark/Rundle Estate, Wodonga

Some of these redevelopments have been completed, namely:

– the Thomson public housing estate in Geelong, was completed in February 2003;

– the Victory Boulevard, Ashburton units were completed in June 2004;

– the Raglan/Ingles Streets redevelopment in Port Melbourne was completed in March 2005.

The Kensington redevelopment is well under way with the first three stages having been completed (128 units).

The Long Gully redevelopment will be completed in October 2005.

Based on a Master Plan for the area, at Maidstone/Braybrook, over 500 new public housing units of various types have been constructed as part of this redevelopment. Further stages are to be completed each year over the next four years.

A developer has been selected for the Wodonga redevelopment and work is expected to commence once a planning permit is obtained.

Planning is progressing on the redevelopments at Shepparton, Carlton and Richmond. Options for the Peace Court Doveton project are still being reviewed.

In addition to these redevelopments, public housing estates in Wendouree West and the Latrobe Valley (East Morwell, Churchill, Moe and Traralgon), Collingwood Public Housing Estate, Atherton Gardens (in Fitzroy),

East Eaglehawk (in Bendigo), Long Gully (in Bendigo), Parkside (Shepparton), Seymour, Maidstone and Braybrook (in Melbourne's West), and Corio and Norlane (in North Geelong), have been designated as Neighbourhood Renewal areas.

In July 2003 an additional five Neighbourhood Renewal projects commenced in the following locations: Colac, Ashwood/Ashburton/Chadstone, Doveton, Werribee and Broadmeadows.

In October 2005, a further four Neighbourhood Renewal projects have been nominated in Heidelberg West, East Reservoir, Delacombe (Ballarat) and Hastings.

2) None of the redevelopments to date involve contributions in kind from the not-for-profit sector or private developers.

3) The Government proposes, has commenced or has undertaken subdivisions at the following estates: Ashburton, Kensington, Port Melbourne, Parkside (Shepparton) and Wodonga.

Progress on these estates is as follows:

– the subdivision for surplus land to be sold for private use as part of the Ashburton redevelopment has been completed but the land has not yet been sold;

– the site adjacent to the Port Melbourne redevelopment has been sold;

– the first lots at Kensington have been subdivided and transferred to the developer;

– The first stage of the Parkside Estate vacant land has been transferred to VicUrban who will then subdivide, improve and market the site for private redevelopment;

– a developer has been appointed for the Wodonga redevelopment and planning is in process.

4) The types of contractual arrangements being used and proposed to be used by the Government to encourage a mix of public and private housing on Government-owned sites accord with the Government's existing guidelines and policies, such as those for the purchase and sale of land, the Code of Practice for the Building and Construction Industry, the Partnerships Victoria policy and the relevant rules governing such contracts, such as the Directions under the Project Development and Construction Management Act.

5) No joint venture proposals have been submitted by private sector investors for the redevelopment of public housing estates.

Housing: Raleigh Street, Windsor, estate

369. **Mrs SHARDEY** to ask the Minister for Health for the Minister for Housing with reference to the redevelopment of the estate —

(1) What is the time line for the redevelopment.

(2) Has a developer been selected for this project; if so, who.

(3) Has the Government received a planning permit for the redevelopment; if so, when.

(4) If a planning permit has not been received for the redevelopment, has an application been lodged with the Council; if so, when.

(5) What is the budget for the redevelopment over the life of the project.

(6) What is the 2002–2003 budget for the redevelopment.

(7) What is the expected completion date of the project.

ANSWER:

I am informed that:

1) A construction contract for the redevelopment was let in November 2004. The project is expected to be completed by February 2007.

2) The contract was awarded to Hansen Yuncken Pty Ltd.

3) A planning permit for the redevelopment was received in June 2003.

4) A planning permit has been received.

5) The budget for this project is estimated at $31.2 million.

6) The 2002–2003 budget for the redevelopment is $700,000.

7) The project is expected to be completed by February 2007.

Housing: public housing estate redevelopment

370. **Mrs SHARDEY** to ask the Minister for Health for the Minister for Housing with reference to the redevelopment of each of Victory Boulevard in Ashburton, Thomson Estate in Geelong East, Rathdowne Street in Carlton, Raglan Ingles Estate in Port Melbourne, Elizabeth Street in Richmond, Kensington Estate in Kensington, Long Gully in Bendigo, Maidstone/Braybrook Estate, Mark/Rundle Estate in Wodonga, Parkside Estate in Shepparton and Peace Court in Doveton —

(1) What is the time line for the redevelopment.

(2) Has a developer been selected for this project; if so, who.

(3) Has the Government received a planning permit for the redevelopment; if so, when.

(4) If a planning permit has not been received for the redevelopment, has an application been lodged with the relevant Council; if so, when.

(5) What is the budget for the redevelopment over the life of the project.

(6) How much has been budgeted for this development in 2003–2004.

(7) What is the expected completion date of the project.

(8) Broken down by the number of bedrooms, how many units will be available as a result of this redevelopment for —

(a) public housing; and

(b) private housing.

ANSWER:

I am informed that:

Victory Boulevard, Ashburton

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) The planning permit for public housing development has been issued.

5) There is no budget as the project has been completed.

6) An amount of $3.28 million was allocated for this development in the 2003–04 budget.

7) Construction of the public housing was completed on 29 June 2004.

8) The completed redevelopment provides 37 two-bedroom older person dwellings for public rental. The separate subdivided land is expected to yield 10 private dwellings as per the Section 173 agreement.

Thomson Estate, Geelong East

1) In 2001 the then Minister announced the commencement of work. The public housing components of redevelopment were completed in February 2003.

2) A developer, Hamlan Homes Pty Ltd, was selected for this project.

3) The City of Greater Geelong issued an amendment to the local planning scheme on 15 March 2001.

4) Planning permits were obtained for each individual multi-unit development.

5) There is no budget as the project has been completed.

6) As the project was completed in 2002–03, there are no funds required for 2003–04.

7) The public housing component of the redevelopment was completed in February 2003. The private housing has also since been completed.

8) This redevelopment provides 71 new public housing dwellings, 18 one-bedroom units, 45 two-bedroom units, 2 three-bedroom houses and 6 four-bedroom houses. The redevelopment of 37 lots sold to the developer yielded 57 new dwellings for sale to private homeowners.

Rathdowne St, Carlton

1) Master planning is under way. 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 this project.

3) A planning permit has not been received at this time.

4) A planning permit application has not been lodged with the City of Melbourne. A concept plan submitted to Council in June 2003 has received 'in principle' endorsement.

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) A completion date for the project has not been confirmed as the project is still being planned.

8) Unit and bedroom numbers for public and private housing have not been determined as the project is still in the process of being planned.

Raglan/Ingles Estate, Port Melbourne

1) The contract for this project was let in January 2003 and was completed in March 2005.

2) The builder for this project was L.U. Simon Builders Pty Ltd.

3) The planning permit was received in September 2002.

4) A planning permit has been issued.

5) There is no budget as the project has been completed.

6) An allocation of $11m was made for this redevelopment project in the 2003–04 budget.

7) The project was completed in March 2005.

8) The 64 public housing dwellings consist of: 26 one bedroom, 28 two bedrooms, 8 three bedrooms, and 2 four bedrooms units. The development does not incorporate private housing.

Elizabeth St, Richmond

1) This project is in the early stage of strategic assessment and planning and time lines cannot be confirmed at present. 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 this project.

3) A planning permit has not been received at this time.

4) A planning permit application has not been lodged with the City of Yarra.

5) A budget for the life of the project has not been confirmed as the project is still in the process of development.

6) An allocation of $2.5 million was made for planning of this redevelopment project in the 2003–04 budget.

7) A completion date for the project has not been confirmed as the project is still in the process of development.

8) Unit and bedroom numbers for public and private housing have not been determined as the project is still in the process of development.

Kensington Estate

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 is 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 new 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) The redevelopment is expected to be completed in 2008.

8) (a) It is anticipated that the completed redevelopment will provide a total of 436 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.

Long Gully, Bendigo

1) Construction of the three-stage redevelopment at Long Gully commenced in April 2002. It is anticipated that the project will be completed by October 2005.

2) Developers selected for the three stages of this project were Big G Trading Pty Ltd (Stages 1 and 3) and Gerard K House Pty Ltd (Stage 2).

3) Town planning permits have been received for the redevelopment. The permit for Stage 1 was granted in January 2001, for Stage 2 in April 2002 and for Stage 3 in September 2004.

4) All relevant planning permits have been received.

5) A budget over the life for this redevelopment project is estimated to be $12 million.

6) A budget of $5 million was allowed for this development in 2003–04.

7) The expected completion date of this project is October 2005.

8) A total of 75 new public housing dwellings will be provided by this redevelopment: 43 one-bedroom units, 30 two-bedroom units, 1 three-bedroom unit and 1 four-bedroom unit. The upgrade of 91 existing houses is complete.

   There are no plans for private housing within a development agreement. There are plans for 10 units almost completed under the Group Self Build program and some individual lots will be sold for private development.

Maidstone/Braybrook Estate

1) The Office of Housing (OOH) has been undertaking redevelopment activities in the area over the last ten 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 becomes 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 estimated expenditure for the redevelopment is $63 million. Works are likely to continue beyond the forward estimate period and budget estimates beyond 2008–09 have not yet been determined.

6) Funding of $4.36m was allowed in the 2003–04 budget.

7) The redevelopment is expected to continue over the next four years.

8) This project involves the steady renewal of part of a suburb of mixed public and private housing rather than the redevelopment of a single estate. As at June 2005, 535 public housing of various stock types have been completed**.**

Mark/Rundle Estate, Wodonga

1) A development agreement was signed in April 2004 but construction has not yet begun. Construction is planned for completion by the end of 2006.

2) The developer selected to undertake the project is Triquest Corporation Pty Ltd.

3) A development plan was approved by Council in June 2001. A planning permit has not yet been received.

4) The developer lodged a planning application in February 2005.

5) The budget for the public housing component of this redevelopment project is estimated at $2.8 million.

6) An amount of $30,000 has been budgeted for this development in 2003 –04.

7) The expected completion date of this project is December 2006.

8) The development is expected to yield a total of 79 housing units:

   a) 20 two bedroom units for public housing and

   b) 59 two and three bedroom units for private ownership.

Parkside Estate, Shepparton

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) As this is not a public housing development, no developer is required. VicUrban will develop the site.

3) A planning permit for Stage 1 was received in September 2005.

4) A planning application was lodged by VicUrban in October 2003.

5) In May 2003, a project estimate of $13 million was announced for the Parkside redevelopment component. This estimate was based on 2002–03 prices and the budget for the life of the project (including the forward estimate period) is $18.7m.

6) $1.35m was allowed for this project in the 2003–04 financial year budget.

7) Completion dates for the VicUrban project are subject to the final master plan approval. 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 approval by the VicUrban Board.

   The 84 replacement public housing units planned for Greater Shepparton is expected to comprise a mixture of one, two, three and four bedroom units.

Peace Court, Doveton

1) Walk-up blocks were vacated and demolished in mid 2000. New replacement older–persons housing was constructed in the area for the relocation of residents. A final decision on the future use of the site has not been made.

2) A developer has not been selected for this project.

3) A planning permit has not been received.

4) A planning application has not been made.

5) There is no budget for any redevelopment of the site.

6) No budget allocation was allowed in 2003–04.

7) A final decision on the future use of the site has not been made.

8) The 132 demolished units were replaced by newly acquired stock elsewhere in the area. A final decision on the future use of the site has not been made.

Housing: Wendouree West neighbourhood renewal project

371. **Mrs SHARDEY** to ask the Minister for Health for the Minister for Housing —

(1) What is the total expected cost of the project.

(2) What is the amount in the 2003–2004 State budget for the project.

(3) When is work scheduled to commence on the 11 properties whose tenants have decided on design options for their properties.

(4) What is the budget for 2003–2004 for —

(a) physical improvements and redevelopment of properties; and

(b) all other elements of the project.

(5) How many public properties will be redeveloped as part of this project.

(6) What is the total cost of the redevelopment of these properties.

(7) Has a developer been selected for the redevelopment; if so, who.

(8) What is the commencement date of the works.

(9) What is the anticipated completion date of the works.

ANSWER:

I am informed that:

In relation to the Wendouree West Neighbourhood Renewal project:

(1) The Wendouree West Neighbourhood Renewal project commenced in August 2001. 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*. The total budget for the original five year project is estimated at $15.5 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.

(2) $3,545,000 was allocated for the Wendouree West Neighbourhood Renewal project in the 2003–04 Housing budget.

(3) Work on the 11 properties in Hyacinth Grove commenced in August 2002 and is now complete.

(4) $3,545,000 in total was allocated for Neighbourhood Renewal in Wendouree West in 2003–04, comprising:

(a) $3,037,000 for housing and improvement works; and

(b) $508,000 for other elements of Neighbourhood Renewal.

(5) The project focus is upgrade of existing properties. During this process, when properties are identified as having reached the end of their economic life, they will be redeveloped with appropriate stock to match demand.

(6) There is no systematic major redevelopment planned.

(7) No developer has been selected to redevelop the area.

(8) Upgrade works commenced in August 2002.

(9) The housing and physical improvement works associated with the Neighbourhood Renewal program are anticipated to be completed by the end of the 2007–08 financial year.

Transport: erratic/dangerous driving

388(b). **Mr MULDER** to ask the Minister for Transport —

(1) How many reports of persons aged 65 or over claimed to be driving erratically or dangerously have Victoria Police submitted to VicRoads since 1 January 2003.

(2) How many of these reports emanated from driving instructors.

(3) How many driving licences held by persons aged 65 years or over have been suspended or had conditions placed on them for alleged erratic or dangerous driving since 1 January 2003.

ANSWER:

I am informed as follows:

1. Since 1 January 2003, VicRoads has received approximately 600 reports from Victoria Police where drivers 65 and over have been reported for 'poor driving'

2. The number of these reports emanating from driving instructors is unknown. Any concerned citizen may report persons to VicRoads. Data is not kept regarding the number of these people who are driving instructors.

3. Data from VicRoads Driver Licensing system reveals that between 1 January 2003 and 28 November 2003, 2,136 drivers 65 years of age and over have had their licence suspended as a result of the VicRoads medical review process. It is assumed that all of these people came to VicRoads notice as a result of somebody being concerned about their driving. The licences have been suspended as a result of the licence holders failing to provide a medical report, providing an unsatisfactory medical report or failing to pass a VicRoads or Occupational Therapy assessment.

   VicRoads data also reveals that 1,409 drivers 65 years of age and over have had a condition placed on their licence between 1 January 2003 and 28 November 2003.

Transport: Big Hill rail tunnel

448. **Mr MULDER** to ask the Minister for Transport —

(1) What speed is presently allowed through the tunnel on the existing double track between Kyneton and Bendigo.

(2) What would be the fastest safe speed for a 'V'locity' train through the tunnel if double track was retained in the exact position it is now and the track upgraded with concrete sleepers and 60 kg/m rail.

(3) What is the predicted actual speed of trains through the tunnel once the upgrade is complete travelling —

(a) northbound;

(b) southbound.

(4) If double track was retained through the tunnel and 'V'locity' trains slowed (if necessary) to the maximum safe speed through the tunnel, what would be the delay in seconds solely due to the tunnel speed restriction for trains travelling —

(a) northbound;

(b) southbound.

ANSWER:

I am informed as follows:

(1) In the Big Hill Tunnel, trains currently travel up to 130km/h in the northbound direction and up to 115km/h in the southbound direction.

(2) The maximum speeds for the V'Locity train under these conditions would be the same as they currently are – 130km/h for the northbound track, 115km/h for the southbound track.

The Member for Polwarth should note that the Government's technical review of the track design in the Kyneton to Bendigo section showed that a single, bi-directional track would be required in the Big Hill Tunnel, regardless of whether double track was retained in other parts of the line.

(3) Once the upgrade is completed, the design speed of the single bi-direction track through the Big Hill Tunnel will be 140km/h.

(4) There are no plans to retain the double track through the Big Hill tunnel.

The Government's technical review of both a double and single track design between Kyneton and Bendigo, conducted in response to community feedback, showed that a track design with sections of single track and long sections of double track is the most appropriate and financially responsible way balancing a range of concerns and considerations including current and future operational requirements, provision of growth in rail services, safety and heritage requirements.

The Bendigo Regional Fast Rail project will provide high quality, fast, frequent and reliable rail services that are safe and comfortable.

Education and training: languages other than English

539. **Mr THOMPSON** to ask the Minister for Education and Training with reference to the issue of funding for languages other than English as part of the out of school hours program — what has been the Government funding commitment for each of —

(1) 1999–2000.

(2) 2000–2001.

(3) 2001–2002.

(4) 2002–2003.

(5) 2003–2004.

ANSWER:

I am informed as follows:

Funding for languages other than English provided to after hours community languages schools (formerly known as ethnic schools) over the five years is as follows:

(1) 1999–2000 — $1,659,553
(2) 2000–2001 — $2,674,670
(3) 2001–2002 — $2,695,899
(4) 2002–2003 — $2,770,392
(5) 2003–2004 — $3,221,856

Education and training: transfer applications

648. **Mr PERTON** to ask the Minister for Education and Training — with reference to applications for transfer under compassionate grounds in 2004 —

(1) How many state school teachers applied.

(2) How many applications were approved.

ANSWER:

I am informed as follows:

This question does not fall within my portfolio responsibilities and should be directed to the Minister for Education Services.

Education and training: schools — water efficiency program

661(a). **Mr PERTON** to ask the Minister for Education and Training —

With reference to *The Age* of 19 April 2005 which stated 'Water Minister and Acting Premier John Thwaites said the Government would spend $2 million on the Schools Water Efficiency Program which would focus on doing little things in an attempt to save water. 'We are going to help schools to save water by installing low-flow devices, making sure that the toilets and taps don't waste water' he said. Mr Thwaites said he expected to save from five to 30 per cent of each school's water use. 'Schools can save up to 3 million litres a year in water just by taking simple steps,' he said. 'Schools would be given the money, which they would repay to the Government with the savings on their water bills. After they pay that back after two years, in the future they will save money on their water bills,' Mr Thwaites said' —

(1) Is the money referred to by the Acting Premier to be taken by schools as a loan; if so, what are the terms of the loan.

(2) Why cannot a grant be made to achieve this end.

ANSWER:

I am informed as follows:

This question does not fall within my portfolio responsibilities and should be directed to the Minister for Education Services.

Education and training: schools — annual reports

742. **Mr PERTON** to ask the Minister for Education and Training —

(1) What schools, which have not been exempted, have not filed their 2004 annual report.

(2) What schools and categories are exempted from filing 2004 annual reports.

ANSWER:

I am informed as follows:

As at 19 August 2005, one school has not filed a 2004 Annual Report. This school has experienced difficulties completing an Annual Report due to the illness and subsequent resignation of the Principal.

All schools are expected to provide an Annual Report to their community each year. Schools that undertook a School Review in Semester 2, 2004 were not required to submit a full version of the 2004 Annual Report to the Department of Education and Training. The minimum reporting requirement to the Department for these schools is to ensure that all data in the School Level Report is present and correct.

Those schools due for School Review in Semester 1 of 2005 were not required to submit a 2004 Annual Report to the Department of Education and Training. However, these schools were required to ensure that all 2004 data was present and correct in the School Level Report.

Education and training: schools — construction

743(a). **MR PERTON** to ask the Minister for Education and Training with reference to the Government's 2002 election commitments regarding Truganina South Primary School located north of Werribee and Laurimar Park Primary School located near Yan Yean —

(1) In what time frame are the schools proposed to be completed.

(2) When will works commence.

ANSWER:

I am informed as follows:

The Bracks Government has funded 45 new and replacement schools. Since 1999 the Bracks Government has invested an additional $5.23 billion into education and training.

This investment includes $1.59 billion spent on capital works in schools and TAFE institutes which has seen major projects undertaken in one in three government schools.

Truganina South Primary School and Laurimar Park Primary School were election commitments at the end of the 2002 election. They will be funded in this term of government.

Education services: Adult Multicultural Education Service

760(b). **Mr THOMPSON** to ask the Minister for Education and Training with reference to the circumstances of a 34-year-old, overseas born, professionally qualified civil engineer who migrated to Australia and subsequently completed a Bachelor of Computer Science who seeks training through the AMES course for overseas qualified professionals and seeks work in a relevant field —

(1) What has been the funding provision for the training program for overseas qualified professionals for each of —

(a) 2002–03;

(b) 2003–04;

(c) 2004–05.

(2) How many students completed the course in —

(a) 2002–03;

(b) 2003–04;

(c) 2004–05;

(d) 1 July 2005 to date.

(3) What is the general waiting time for students who seek to enrol into the course.

(4) Noting the circumstances of the above applicant keen to gain work in a relevant field, why has he not been able to access relevant training until October 2005.

ANSWER:

I am informed as follows:

The Adult Multicultural Education Service (AMES) was the contracted provider for the Overseas Qualified Professionals Program for the Skilled Migration Unit of the Department of Victorian Communities until 30 June 2004.

The current contracted provider in 2005 is Northern Metropolitan Institute of TAFE.

The table below summarizes the funding provision for the training program for overseas qualified professionals and the number of students who have completed the course.

Delivery Yr	Number of Courses	Total Participants	Successful Outcomes	Employment Outcomes	Revenue
	Total to date	**295**	**196**	**66%**	
2001	1	20	13	65%	$144,964.00
	2	20	12	60%	
	3	20	9	45%	
	4	20	12	60%	
2002	5	20	17	85%	$144,924.00
	6	20	13	65%	
	7	20	12	60%	
	8	20	15	75%	
2003	9	22	17	77%	$112,317.00
	10	23	15	65%	
	11	24	17	71%	
	12	22	16	73%	
To	13	20	13	65%	$54,550.00
30/6/2004	14	24	15	63%	

AMES currently provides a fee-for-service program for overseas qualified professionals at its Employment Skills Centre. There is no waiting time for this program. AMES is keen to assist any skilled migrant or overseas qualified professional migrant.

Education services: schoolchildren — insurance

761(b). **Mr PERTON** to ask the Minister for Education and Training —

(1) What, if any, insurance companies offer insurance to parents for injuries to children while at school.

(2) What instructions does the Department of Education and Training give to principals and schools to make parents aware of the need to insure children for injuries suffered at school.

ANSWER:

I am informed as follows:

This question does not fall within my portfolio responsibilities.

ANSWER:

Education services: Operation Newstart

762(b). **Mr PERTON** to ask the Minister for Education and Training —

(1) What is the Department of Education and Training's allocation of funds and staff to Operation Newstart.

(2) How many students have been enrolled in Operation Newstart.

(3) What success has been achieved by students in Operation Newstart.

ANSWER:

I am informed as follows:

Operation Newstart is a program run from the Northern, Western and Southern Metropolitan Regions of the Department of Education and Training.

Northern Metropolitan Region allocates one teacher to Operation Newstart. Eight students are enrolled in the program each term. Students who complete the program graduate at the end of the term and then return to mainstream schooling to continue their studies.

Western Metropolitan Region allocates one teacher to Operation Newstart. Eight students are enrolled in the program each term. The program has been in full operation since 2000. Over that period, 85% of students, who completed the program, returned to school, further education or employment.

Southern Metropolitan Region allocates two teachers to Operation Newstart as they run two programs. Sixteen students are enrolled in the programs each term (eight in each program). The initial program began in 2001 with the second one commencing in 2004. Students who complete the program graduate at the end of the term and then return to mainstream schooling to continue their studies or transition into employment or managed educational pathways.

Attorney-General: Royal Commission into Aboriginal Deaths in Custody

816. **Mr THOMPSON** to ask the Attorney-General with reference to the Victorian Implementation Review of the Royal Commission into Aboriginal Deaths in Custody —

(1) What are the results of the Review.

(2) When will the Review be made available to the public.

(3) What steps has the Government taken to implement the recommendations of the Review.

ANSWER:

I am advised that:

(1) Thank you for your inquiry on the findings of the Victorian Implementation Review of the Royal Commission into Aboriginal Deaths in Custody. The Review Report has now been received from the Chairpersons, Drs Joy Murphy and Mark Rose. The Government is currently considering the Review's findings and recommendations and I look forward to tabling the Report in Parliament in the near future.

(2) The Government will soon finalise the timing of the release of the Report.

(3) I look forward to responding to the Review in the near future and to providing further advice on the Government's efforts to address the over-representation of Aboriginal people in the justice system.

Environment: Black Rock sea wall

818. **Mr THOMPSON** to ask the Minister for Environment with reference to the sea wall at Black Rock opposite 235 Beach Road —

(1) Noting possible risk to the safety of young children, when will the gap in the sea wall be repaired.

(2) When will the capping on the ramp leading from the promenade to the beach area opposite 235 Beach Road be repaired.

(3) When will other outstanding maintenance matters be attended to.

ANSWER:

I am informed that:

(1) The section of the Black Rock seawall, approximately opposite 235 Beach Road, has been repaired.

(2) The capping on the ramp leading to the promenade has been repaired.

(3) Further minor maintenance of the seawall has been completed.