PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Tuesday, 9 August 2005

(extract from Book 1)

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By authority of the Victorian Government Printer

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JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Deputy Speaker: Mr P. J. LONEY

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

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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

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Kosky, Ms Lynne Janice	Altona	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
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Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wynne, Mr Richard William	Richmond	ALP

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TUESDAY, 9 AUGUST 2005

Tuesday, 9 August 2005

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

ACKNOWLEDGMENT OF TRADITIONAL OWNERS

The SPEAKER — Order! At the commencement of this spring sitting the Parliament of Victoria acknowledges the land of the tribes and nations of the Aboriginal people of Victoria.

BUSINESS OF THE HOUSE

Photographing of proceedings

The SPEAKER — Order! I advise the house that I have given approval for still photographs to be taken from the public galleries and the government advisers' box before and during question time today. No additional lighting will be used. The photographs will be used by the Parliament for promotional and educational purposes.

QUESTIONS WITHOUT NOTICE

Office of Police Integrity: police files

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the highly embarrassing and grossly incompetent debacle involving the Office of Police Integrity releasing the confidential police files of 450 individuals to a member of the public, and I ask: why in this case did the Office of Police Integrity mislead the complainant by asserting that neither her nor her husband's law enforcement assistance program (LEAP) records were accessed when the Office of Police Integrity's own files clearly show that 10 pages of her husband's LEAP files had been accessed inappropriately?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. As this house would be aware, the serious error which was made by the Office of Police Integrity is currently, on the recommendation of the director, police integrity, being examined by the privacy commissioner, and I think that is appropriate. This house would understand that that is an appropriate response to what occurred in that office.

Honourable members interjecting.

Mr BRACKS — There was a serious error, and that was a matter for which the director, police integrity, offered an apology. He has also sought to have that matter investigated, and that is appropriate. Could I just remind the house what the response was at the time — and still is — from the Leader of the Opposition and the opposition more broadly.

The response at the time from this opposition — and of course it needed to be rectified, there needs to be a remedy and it needs to be investigated and better procedures put in place — was to effectively call for the sacking of the director, police integrity. That is what they were saying.

Honourable members interjecting.

The SPEAKER — Order! I ask members, particularly the member for Doncaster, to cease interjecting in that manner.

Mr BRACKS — Just as there has been a consistent overreaction from the opposition on every issue, let me give you an example of a classic overreaction. I know there is severe embarrassment on the opposition benches that after 298 days it has not come up with a tolls policy — —

Honourable members interjecting.

The SPEAKER — Order! I ask members to be quiet to allow the Premier to continue to relate his comments to Victorian government business.

Mr BRACKS — This is in keeping with the total overreaction we have seen from the opposition benches. Let me go through some of the positions of the opposition members on this matter. Firstly, they have said they wanted to sack the director, police integrity; secondly, the — —

Honourable members interjecting.

The SPEAKER — Order! I ask members to cease interjecting and allow question time to continue in an orderly manner.

Mr BRACKS — After the opposition proceeds — —

Mr Doyle interjected.

The SPEAKER — Order! I ask members to cease interjecting and cooperate with the Chair to allow question time to continue in a manner whereby members on their feet who have the call from the Chair can be heard.

Mr BRACKS — After seeking — if they were in government, God forbid — to sack the director, police integrity, they also want to move to abolish the Office of Police Integrity. They also want to hold a royal commission into police corruption, and they also want to hold concurrently a royal commission into organised crime. So we will have a royal commission into corruption, a royal commission into organised crime, the sacking of the director, police integrity, and the abolishing of the office. If there is any indication that the opposition is not ready to govern, it has shown that by its overreaction on this matter.

Industrial relations: federal changes

Ms D'AMBROSIO (Mill Park) — My question is to the Premier. Can the Premier advise the house what steps the government is taking to protect Victorian working families from the proposed changes to industrial relations by the Howard government?

Mr BRACKS (Premier) — I thank the member for Mill Park for her question. This is a significant week, because we know that with the majority that the coalition has in both houses of federal Parliament, including the Senate, that industrial relations reforms — —

Mr Smith interjected.

The SPEAKER — Order! The member for Bass!

Mr BRACKS — We know that the industrial relations reforms which were outlined by the Prime Minister and will now proceed to be drafted into legislation will obviously seek passage through the house. I was very pleased, with the Minister for Industrial Relations, to announce that in Victoria's case we will be keeping and protecting the conditions of all public sector workers in Victoria. We will be keeping the basic award conditions which those workers already have as an entitlement. As an employer we will be keeping for firefighters, for police, for nurses, for teachers, for park rangers and for child protection workers those existing award conditions in the future, and we will seek by whatever means possible to have those enshrined and kept for the future as well. We give that guarantee.

Of course the majority of the work force in Australia and the majority of the work force in Victoria — the remaining 90 per cent of the work force in Victoria — will be subject to the new industrial relations laws which will go through the federal Parliament. As we know, these laws will have a profound effect on things that have been taken for granted in Victoria for some time, such as meal breaks, which will now have to be negotiated through as you enter the workplace.

Senator Fielding put it very well. He said effectively: how could someone who is working for the first time as a checkout operator in a supermarket go to their employer, sit down and say, 'Well, I know in the mandatory matters there is no meal break, but I want to negotiate to have a meal break.'? That is the industrial relations regime which is supported by the other side of the house. You can go on to talk about penalty rates and overtime, which are not guaranteed in the five minimum standards which will come into place in the future. We know that long service leave is under threat right across Victoria. We know, for example — and I mentioned this last week with the industrial relations minister — that the award condition which provides nurses with 26 weeks long service leave after 15 years of service will no longer apply under the proposed federal workplace relations changes.

Honourable members interjecting.

Mr BRACKS — What is worse than that is that new entrants, those new nurses who are coming in for the first time — —

Honourable members interjecting.

The SPEAKER — Order! The member for Richmond and the member for Burwood will cease interjecting in that manner.

Mr BRACKS — Those new nurses, for example, who have accrued nothing and who are coming in for the first time, will not even have the capacity to have long service leave unless they bargain for something else to go.

Honourable members interjecting.

Mr BRACKS — As I mentioned, as an employer we will protect the existing award conditions of all public sector workers in Victoria. We will also seek to publicise as widely as possible what these changes mean for the bulk of the work force in Victoria and how their rights will be diminished if this comes about. We want to have a robust and strong economy, but we want it in order to protect working families, and that is what is not happening here. We are not using the proceeds of growth, the proceeds of a strong economy, to protect the basic rights of working families. That is what is being eroded, that is why there is such a backlash and that is why every state and territory will join to throw over these industrial relations changes. We will protect our own employees, but for the rest of the work force

what we need is public opinion to change the course that the federal government is on.

Speaker, could I finally mention this. Do you think Victorian workers could find some support from the opposition parties? The answer is no. They will support working families in Victoria losing their rights, losing their entitlements and having lesser conditions in the future than they have had in the past.

Taxis: multipurpose program

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Transport. I refer to the subsidies that are paid to metropolitan taxi companies and drivers to transport people with disabilities, and I ask: will the government pay those same subsidies to country taxi operators?

Mr BATCHELOR (Minister for Transport) — Taxis in country Victoria play an important role. Taxis are an important part of moving people about country Victoria. There are some structural issues that, on the advice of the Essential Services Commission, we are prepared to inquire into. There has been some confusion amongst the taxi operators, taxidrivers and depots as to what is applied in metropolitan Melbourne and what is applied in country Victoria in relation to subsidies.

It is important to understand this, and the member for Benalla stands guilty of misunderstanding it, as apparently does his leader. They do not understand the difference between the multipurpose taxi program and taxi services that are delivered by wheelchair accessible taxis, or WATs, as they are called. In Victoria in 2004–05 there were 4.6 million trips undertaken through the multipurpose taxi program. In wheelchair accessible cabs the figure was much smaller — across Victoria there were under 400 000.

There was a problem in metropolitan Melbourne about getting taxidrivers to accept jobs to pick up people using wheelchairs. There were long periods of delay. The government took decisive measures and used the depots. We pay a fee to depots to make sure they enforce the requirement of the government that those drivers of wheelchair accessible taxis are obliged to undertake the work and pick up people who are wheelchair bound in the wheelchair accessible taxis. They were previously doing general taxi work here in metropolitan Melbourne and not undertaking their obligations as operators or drivers of wheelchair accessible taxis. We identified a mechanism to get the depots — —

Mr Ryan — It is called money.

Mr BATCHELOR — That is right. It is called money. We pay the depots to enforce it and make those drivers look after the people who use wheelchairs who were being left behind. You will recall that was a big issue a number of years ago and it has been resolved through this mechanism.

The imputation that has been put by the Leader of The Nationals is actually wrong. Fees are paid — they are not subsidies. Fees are paid to depots, to operators and to drivers to overcome a particular problem to force people to look after people in wheelchairs. You would think The Nationals would be supportive.

I have already indicated in my answer today that we are prepared, on the recommendation of the Essential Services Commission, to do a number of things. In line with its recommendation, we put up taxi fares by 8 per cent. The Essential Services Commission also recommended that we have a review of the multipurpose taxi program. We have gone further than that — we have taken decisive action and increased the trip cap from $25 to $30. We have also increased the annual cap to $1000, nearly doubling the annual cap. We did not need to have an inquiry — we have already done it. We took decisive quick action. In relation to country services the Essential Services Commission recommended we undertake an examination of the structure in country Victoria. We are going to do that.

The Essential Services Commission's report on taxi fares and the industry is a very important document. It identifies that there are different markets in the metropolitan area as compared with country Victoria, and indeed there are different requirements within country Victoria — —

Mr Ryan — On a point of order on the question of relevance, Speaker, if the answer is no, the minister can just say no and sit down.

The SPEAKER — Order! There is no point of order.

Mr BATCHELOR — So in country Victoria there are large provincial towns with depots and multiple operators of taxi services. In some small country towns you only have one taxi, so where there are real, relevant structural issues that the Essential Services Commission has identified, we will look into those.

The Essential Services Commission has also identified the problem of what happens to the taxi fare and how it is distributed. We will take up that recommendation and examine the distribution of taxi fares, because most

people who pay their taxi fares assume that a substantial portion of it goes to the driver and that the driver is getting the benefit of the actual physical and creative work of finding locations and looking after passengers, but the facts do not support that. There is clearly a need for an examination of the share of the taxi fare that goes to the driver. We think it ought to be increased, and we will have an examination of that issue as well as the issue raised by the Leader of The Nationals.

Industrial relations: federal changes

Mr LEIGHTON (Preston) — My question is to the Minister for Industrial Relations. I ask the minister what the Victorian government is doing to help business address the skills shortage by helping workers better balance work and family and what impact commonwealth policies will have on these priorities.

Mr HULLS (Minister for Industrial Relations) — I thank the member for his question. Unlike the commonwealth government and those opposite, we as a government certainly listen to the needs of families and we listen to the needs of business. We know that businesses need an industrial relations system to deal with the biggest problem they face, and that is a skills shortage caused by an ageing population, a skills shortage which time and again is identified by business as the major impediment to investment growth in this country.

Unlike the commonwealth — and, I might say, those sitting opposite — we know that families want an industrial relations system that helps them to better balance their work and family commitments. Unlike the commonwealth, and indeed those sitting opposite, the Victorian government has acted to help both businesses and families. The Victorian government made a submission to the Australian Council of Trade Unions test case on work-life balance, and our submission provided flexibility for business to attract and keep parents in the work force and also provided flexibility for workers to enable them to ensure that there was someone at home to ferry the kids to school and also look after the kids when they became sick.

I am pleased to say that the independent umpire saw the benefits of the key proposal put by the joint state and territory submission, led by Victoria. The independent umpire, the Australian Industrial Relations Commission, firstly supported a right for an employee to request unpaid parental leave of up to 104 weeks — an increase on the current entitlement of 52 weeks. Secondly the AIRC supported the right to request part-time work from the time the employee returns to work until the child reaches school age, and further to that the independent umpire supported a right for both parents to request up to eight weeks unpaid leave together, on the birth of a child, which is up from the current one week. These reforms actually get the balance right. They help employers make the workplace attractive and they encourage employees to remain in the workplace, thereby addressing that skills shortage about which I earlier spoke.

The second part of the question relates to the commonwealth's response to this pro-business, pro-worker outcome delivered by the independent umpire. As we know, the Prime Minister has been running around the country saying that a work-family balance is the barbecue stopper. I would have thought he would have come out and fully supported the decision that has been made by the independent umpire. However, I refer members to today's headlines. The *Age* has the headline 'Howard casts doubts on parental leave ruling'. The article states:

> Parents may not automatically gain the right to two years parental leave, granted by the Industrial Relations Commission yesterday, after the Prime Minister refused to guarantee including them in the government's planned workplace changes.

The article goes on to say:

> Workplace minister Kevin Andrews refused to say if the changes would be reflected in the new workplace laws, expected —

in October. Today's *Herald Sun* has a headline which, appropriately, says 'Work deals to favour families' — which is its view of the independent umpire's decision. The article says:

> … the federal government refused yesterday to guarantee the new family conditions for all —

workplaces.

> … Kevin Andrews said the government would consider the ruling when drafting its new industrial laws, but declined to say if the rights would be included in new minimum conditions for every worker.

We believe this response from the federal government is anti-family. The only guarantee that John Howard has been prepared to give to date as a result of this decision has been to actually kill off the independent umpire and replace it with a commission made up mainly of economists.

I conclude by saying that we are passionate about getting the work-family balance right here in Victoria. The Prime Minister has squibbed the work-family balance issue. Instead of promoting it as a barbecue

stopper, he seems to have actually left the barbecue and taken his sausage with him!

Office of Police Integrity: police files

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. I refer to the claims of the Minister for Police and Emergency Services in the media that the Office of Police Integrity debacle was simply an administrative error. I ask: was it also an administrative error that the Office of Police Integrity deliberately deceived the complainant over the time frame of the investigation into her police files and those of her husband?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. Could I refute the imputation in the opposition leader's question. Could I reiterate that these matters will be investigated — —

Honourable members interjecting.

Mr BRACKS — On the request of the director, police integrity, they will be examined fully by the privacy commissioner, which I think is appropriate.

Industrial relations: federal changes

Mr LUPTON (Prahran) — My question is to the Minister for Tourism. I refer to the government's policy of encouraging people to work in the growing hospitality and tourism industries and ask the minister what impact the federal government's proposed industrial relations changes will have on this policy.

Mr PANDAZOPOULOS (Minister for Tourism) — I thank the member for Prahran for his question. Certainly tourism has been growing very fast in this state. It is 45 per cent bigger under the Bracks government than it was under the previous government. It is now a $10 billion industry which employs 156 000 Victorians — a record number. If we maintain our effort, in 10 years time we could actually have an $18 billion industry — if there are no impediments to that growth — and 220 000 Victorians employed in tourism.

But there is one threat to this — that is, the Howard government's extreme industrial relations reforms that potentially would put an end to the Australian family holiday. If the Prime Minister has his way and reduces annual leave from four weeks to two weeks, there will be two major impediments on the tourism industry. One will be a reduction in general tourism activity in Victoria. I have been advised that if those people from interstate who holiday in Victoria and those Victorians who holiday at home had two weeks less annual leave, that would mean anywhere between $800 million and $1.4 billion less tourism economic activity in this state. It would mean the end of the family holiday for so many people. The 4-hour drive to Lakes Entrance or Portland, or a holiday camping on the Mornington Peninsula — —

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order, there is too much background noise.

Mr PANDAZOPOULOS — The opposition laughs and mocks. A reduction from four weeks to two weeks annual leave means less tourism holidays — —

An honourable member — It is good for the economy.

Mr PANDAZOPOULOS — The opposition says it is good for the economy. What a bunch of dills! No wonder we have been waiting 298 days for the tolls policy. Nonetheless $1.4 billion less economic activity means less tourism jobs and less tourism business. What of the tourism businesses that rely so much on tourism in Victoria? What about our regional businesses? That would be one effect. What appears as an industrial relations policy is actually an attack on tourism.

However, there is a double whammy — that is, another disincentive for people to work in the tourism industry. Despite the growth in tourism, it is very hard to actually get people to work in tourism. If the opposition were out there talking to employers, particularly in regional areas, they would understand how hard it is to find hospitality and tourism workers, particularly the further you go from Melbourne. Why is that?

The reason is that at the moment a tourism job is still one of the lowest paid jobs in the country, and if you pay less, you find it harder in an environment of growth to get people, particularly where you need them and particularly where there are seasonal variations in tourism such as in rural areas. If we take, for example, the abolition of penalty rates and overtime rates — which is a potential change in the laws — an average full-time restaurant worker on $683 a week, who works on weekends and gets some overtime, will suffer a 20 per cent wage reduction. That totals over $7000 a year. Where is the incentive to work in tourism?

Interestingly while it is not good for employees in the tourism industry and does not encourage people to work in tourism, particularly when parents are already telling young people, 'Do not go into that, because it is a low-wage industry', in fact the changes in the laws

will have an additional negative impact on employers. If an employer running a bed and breakfast business, restaurant or cafe cannot get workers, that employer will have to work longer hours. If they cannot work longer hours, maybe they will have to reduce service by opening less often, which can threaten the viability of their business, let alone reduce the service they offer to Victorians.

That is why I say that the changes will potentially not only be a massive attack on tourism but will really be an attack on the Australian family holiday. We will not put up with it. We will oppose the changes and support tourism.

Office of Police Integrity: police files

Mr WELLS (Scoresby) — My question is to the Minister for Police and Emergency Services. I refer the minister to the highly embarrassing and grossly incompetent debacle involving the Office of Police Integrity releasing the confidential police files of 450 individuals to a member of the public. How can the director, police integrity, pre-empt the outcome of the privacy commissioner's investigation by stating that no-one will be sacked for this gross incompetence, even before the investigation has commenced?

Mr HOLDING (Minister for Police and Emergency Services) — I thank the member for Scoresby for his question, and I would again indicate that from the perspective of all Victorians I think it is a regrettable incident which has occurred at the Office of Police Integrity. We are concerned at the inappropriate disclosure of any confidential information, whether it is by the director of police integrity's office or by anybody else. We take the view that these matters should be appropriately investigated and looked into, and that is why the director, police integrity, has invited the privacy commissioner to look at not only the disclosure of the information itself but also the full background surrounding the handling of this inquiry by the Office of Police Integrity.

We support that action by the privacy commissioner. We have not sought in any way to pre-empt that inquiry, rather it is for the privacy commissioner to complete his investigation, with the full cooperation of the director, police integrity. The privacy commissioner has indicated that he will make that report publicly available when it is completed. We support that action, and we look forward to the conclusion of his inquiry.

Industrial relations: federal changes

Ms MORAND (Mount Waverley) — My question is to the Minister for Women's Affairs. I refer to the government's policy of supporting and encouraging women returning to work, and ask: what effect will the federal government's proposed industrial relations changes have on this policy?

Ms DELAHUNTY (Minister for Women's Affairs) — I thank the member for Mount Waverley for her question and her advocacy in this area. She has been a great supporter of the Bracks government's increase in paid maternity leave from 12 to 14 weeks for public servants, its offer of payroll tax deductions for companies in the private sector offering paid maternity leave, and the return-to-work grants she mentioned for parents who have been out of the work force caring for children full time for two years. Over 5000 of these grants have been provided. Overwhelmingly — in fact, 95 per cent — they have gone to women. As the Minister for Industrial Relations said before, this is about supporting work-family balance. It is about working to make Victoria a better place to work and raise a family.

However, if the federal government's extreme industrial relations changes go ahead, they will savage the rights of women at work, particularly working mothers, and damage their responsibilities at home. The federal government's proposals will undermine collective bargaining and the award system. We know, because the evidence shows it, that women do better on collective agreements than they do on individual contracts, and that is what the federal government wants to do. In fact, women in non-managerial jobs are $70 a week better off on collective agreements than individual contracts. We also know that, more than anyone else, women rely on award wages and conditions because 60 per cent of workers on awards are women. They will be adversely affected by these proposed changes. The federal government wants to remove the independent umpire and destroy the award system.

As has been mentioned already, the independent umpire's ruling yesterday was a great win for working women. There is no doubt about that, particularly the right, when they return to work, to request part-time work until their children reach school age. That is about balance and fairness. The federal Sex Discrimination Commissioner, Pru Goward, said today that the federal government should enshrine the new parental leave provisions in law. That is what the federal government's own Sex Discrimination Commissioner is recommending.

We do not know what the federal government is going to do on this. We do not even know if its changes are going to include these provisions. Victorian women workers need to know where the Liberals on the other side of this chamber stand on these issues which will affect women workers so dramatically. What are the family values members opposite speak so often about? I am sure those in the house will remember the recent national population debate in which the Liberal Party and Peter Costello brought us the baby plan policy that said, 'Have one for mum, have one for dad and have one for the country'. Now they are bringing us industrial relations changes that will lead to lower pay, less job protection and a work-family balance that is tilted firmly against the family. We should oppose them.

Office of Police Integrity: police files

Mr WELLS (Scoresby) — My question is to the Minister for Police and Emergency Services. I refer the minister to the role of the Office of Police Integrity to investigate police officers who may have inappropriately accessed confidential police files, and I ask: what penalty would a currently serving police officer receive if they had improperly accessed the police files of 450 individuals and released them to a member of the public?

Mr Batchelor — On a point of order, Speaker, clearly this is a hypothetical question. All through the text, or the body of this question, we have 'may have' and 'what if'. It goes on to construct hypothetical circumstances and asks for a response to this hypothetical set of circumstances that forms the construct of the question. It is clearly a hypothetical question. It asks for a direct response to a construct — —

Mr McIntosh interjected.

The SPEAKER — Order! The member for Kew!

Mr Batchelor — It is a construct that the member for Scoresby has invented.

Mr Cooper — On the point of order, Speaker, there is nothing hypothetical about this question. There is nothing hypothetical about the fact that 450 files were released. The shadow Minister for Police and Emergency Services is asking a question based around an actual event which only occurred recently. It is certainly not hypothetical, and I suggest that you rule the question in order and ask the minister to answer it.

The SPEAKER — Order! This is a fairly difficult one. I think that to a certain extent part of the question is hypothetical, but part of it actually relates to current legislation in this state, so the minister can answer in relation to Victorian government business and current legislation.

Honourable members interjecting.

The SPEAKER — Order! I actually called the Minister for Police and Emergency Services to answer the question!

Mr HOLDING (Minister for Police and Emergency Services) — You get a lot of advice in this job, Speaker! Regarding the question as to what penalty would apply, obviously there are penalties in place for those who inappropriately disclose information. The penalties depend very much on the context of that disclosure, and the motivation for it. It is not appropriate to speculate on the penalties in any given situation, and certainly not to respond to a hypothetical situation as to what would happen to a police officer in a particular set of circumstances.

The question does go to the role and functions of the director, police integrity, which was the preamble to the member's question. I would remind honourable members that this government came to office with a police integrity structure which essentially relied on complaints against police being investigated by the deputy ombudsman, police complaints. That was the structure we inherited.

What we have put in place is a robust and effective mechanism for investigating allegations of police impropriety. We have established a role of director, police integrity, which has the full powers of a royal commission — minus the phone tapping powers, which we are still attempting to obtain from the commonwealth.

Honourable members interjecting.

The SPEAKER — Order! I ask members to cease interjecting in that manner and allow the minister to answer the question.

Mr HOLDING — We take the view that this is a more effective mechanism for investigating complaints of police impropriety than having it done by the deputy ombudsman, police complaints. We believe that this body — the director, police integrity, and the Office of Police Integrity — has the powers, effectiveness and independence to carry out this very important role. We believe this makes it equivalent to anti-police corruption bodies that exist in other states and territories. We believe that this is a more robust, more effective mechanism of investigating allegations of

police integrity than that which we inherited from the previous government.

Industrial relations: federal changes

Mr MILDENHALL (Footscray) — My question is to the Treasurer. I refer the Treasurer to his recent comments about the need to boost work force participation, and I ask: how will the Howard government's proposed industrial relations changes jeopardise participation in the work force?

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

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order to allow the member for Kew to raise his point of order.

Mr McIntosh — My point of order is that this is a hypothetical question. As the Minister for Women's Affairs said, we do not know what the Howard government is going to do. Everything else has got to be pure speculation. Therefore it is hypothetical, and should be ruled out of order.

The SPEAKER — Order! In relation to the point of order, a number of questions have been asked on this topic today that have been answered by the ministers. While it is not my role to give factual information to the house, I think that the information provided in the press is enough to enable the government to answer the question.

Honourable members interjecting.

The SPEAKER — Order! I remind members of the opposition that whether or not they agree with the Chair, they are still required to follow the forms of the house so that they cease interjecting while the Chair is on her feet. I ask them to be quiet to allow the Treasurer to answer the question.

Mr Honeywood — On a point of order, Speaker, in your ruling on the previous opposition question you said that as it pertained to legislation, it could be answered. Your ruling just now was that as the matter has been discussed in the media, it can be answered. We therefore need some guidance as to whether it is the media that dictates hypothetical questions or whether it is legislation that will be the guideline you will follow in future pertaining to hypothetical questions.

Mr BRUMBY (Treasurer) — On the point of order, Speaker, I was asked about participation rates in the Victorian economy, and I was asked about the Howard government's industrial relations proposals.

Mr Perton interjected.

The SPEAKER — Order! I will not tolerate the member for Doncaster continuing to interject in that manner, and I ask him to cease doing so. He has been warned many times before about his behaviour.

Mr BRUMBY — I am not sure where the state opposition has been over the last 298 days, and I am not sure where they have been over the last few months. The Prime Minister made a statement about this matter in the federal Parliament on 27 May, and there have been repeated, full-page newspaper advertisements.

An honourable member interjected.

Mr BRUMBY — I was not asked about legislation; I was asked about the proposed reforms. The matter is clearly in order. It is a matter of public debate. I have been asked about it; I would like to answer the question.

Mr Cooper — On the point of order, Speaker, I refer you to a ruling by Speaker Edmunds on 7 April, 1987, which says in part:

> It is out of order to quote from newspapers in asking a question …

Speaker, you have said this question is permissible because it is based on speculation or comment in newspapers. Therefore I suggest to you, Speaker, that you are now going against a precedent set by Speaker Edmunds — that the basis for a question cannot be newspaper comment or speculation.

Mr Thwaites — On the point of order, Speaker, I point out that there was nothing in the question that referred to newspaper articles.

Honourable members interjecting.

The SPEAKER — Order! I remind members that points of order are serious business of the house and should be treated accordingly. I also advise members of the house that it is inappropriate to make personally abusive comments about other members.

Mr Thwaites — The question referred to the Howard government's proposed industrial relations changes, which the Howard government has publicly released and which the Prime Minister himself referred to in federal Parliament on 27 May this year. The opposition is trying to distract attention from the question. It ought to be proceeded with.

The SPEAKER — Order! We have travelled far from the point of order raised by the Deputy Leader of the Opposition, which seemed to be, as I could understand it, that because in relation to the previous question I had referred to legislation that was current in Victoria, therefore government members could only answer questions relating to legislation in place in Victoria. That was not the impression I was intending to give, if that is what I did. Ministers are fully entitled to answer questions that relate to Victorian government business and the effect that government policies — federal or any other — may have on Victorian government businesses or the Victorian population in relation to Victorian government business.

An honourable member interjected.

Mr BRUMBY — Two sets of rules?

Honourable members interjecting.

The SPEAKER — Order! I ask members to remember the standing orders of this house and the conduct that is required by them, and I ask the Treasurer to answer the question.

Mr BRUMBY — Over recent years there have been a number of reports at both federal and state level which have highlighted the impact of an ageing population on work force participation rates. Three years ago the federal Treasurer released the *Intergenerational Report* and two years ago I released the Victorian Treasury report, *Preparing for the Future*. Both those reports highlighted the impact of an ageing population on the Victorian and Australian economies. What they showed was that in the absence of any other policies — in other words, in a no-change scenario — the level of work force participation in Australia over the next 15 years would decline by a massive 5 percentage points and up to 10 percentage points over the next 25 years; there would be a $7.5 billion reduction in gross domestic product or a 5 percentage point reduction in overall gross state product. These are very significant impacts on the Victorian and Australian economies.

Earlier this year the Treasury commissioned the Melbourne Institute to undertake work for us on policies that governments could put in place to drive improved levels of work force participation, given the ageing of the population. Its conclusion was that there are a number of steps which can substantially change that work force participation level. The first of those is to improve educational attainment and year 12 completion rates. On that, I am delighted to say that Victoria has already set the lead for Australia. We now have a year 12 completion rate of 86 per cent — the highest of any Australian state. The second area where we could dramatically increase work force participation was in improved access to child-care places, particularly important for women returning to the work force. The third was an improvement in the general health of the community. These three factors alone are the most significant required to counteract that 5 per cent reduction which would otherwise occur.

Needless to say, if we do not tackle this, as the federal Treasurer showed and our own state Treasury report showed, you get into a cycle with declining work force participation rates. Those that are working have to pay higher taxes for those that are not. This is a big issue going forward, and as I have said, if you want to tackle it, child-care places, improved year 12 retention rates and improving the general health of the community are the major things you can do to lift that work force participation rate.

In an environment where we are trying to get more people to come back into the work force to counteract that effect of ageing, you have to ask about the relevance and suitability of federal government proposals in industrial relations. Are they going to encourage people back into the work force or are they going to deter workers and send them away from the workplace in droves? You have to ask some pretty basic questions about the proposals of the federal government. Is the slashing of workplace entitlements going to encourage workers back into the work force? Is the shortening of lunchbreaks going to encourage people back into the work force? Is the cutting back of annual leave going to encourage people back into the work force? Is the abolishing of penalty rates — —

Mr Plowman — On a point of order, Speaker, the minister is branching totally into the hypothetical with his answer. Even if the question was not hypothetical, his answer certainly is.

The SPEAKER — Order! I do not uphold the point of order.

Mr BRUMBY — I think the opposition has been living in a hypothetical world; I do not know where it has been since 27 May and the Prime Minister's statement.

Mr Smith interjected.

The SPEAKER — Order! I ask the Treasurer to address his comments to the Chair, and I ask the member for Bass to cease interjecting in that manner.

Mr BRUMBY — All through June, July and August the Australian people have been talking about industrial relations, and the state opposition does not seem to know about that. I have not seen a single statement from the state opposition. Who is the shadow Minister for Industrial Relations? I would not even know the shadow minister. Who is the shadow minister? What is the view of the state opposition? It fully supports the Howard government's proposed reforms, which are bad for participation rates, bad for Australian families and bad for Australian workers. That is the bottom line of all this.

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

The SPEAKER — Order! I uphold the point of order, and I ask the Treasurer to return to addressing his comments to Victorian government business.

Mr BRUMBY — It is a pretty basic question. Over the next few years Australia needs more than anything else to improve labour force participation rates. To do that we have to educate people better, provide more child-care places, improve general health in the community and offer family-friendly workplaces. If you do not do that you are not going to encourage people into the work force; you will not encourage mothers back into the work force; and you are not going to encourage young people into the work force.

We have a commonsense view of the Australian workplace on this side of the house: it needs to be fair and reasonable and sound in terms of its impact on families. What the federal government is proposing does not meet any of the commonsense criteria — none of the tests in terms of families and work force participation levels.

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

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion nos 287 to 302 will be removed from the notice paper on the next sitting day. A member who requires a notice standing in his or her name to be continued must advise the Clerk in writing before 6 o'clock today.

NOTICES OF MOTION

The SPEAKER — Order! Are there any notices of motion?

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

> That this house opposes changes to the industrial relations system announced by the Prime Minister on 27 May 2005, including:
>
> (a) removing long service leave, jury leave, notice on termination and superannuation from awards, and
>
> (b) removing awards as the benchmark against which agreements including Australian workplace agreements (AWAs) are measured and replacing the award benchmark with legislated minimums, being annual leave (no leave loading), personal leave, parental leave and a maximum number of ordinary working hours and a minimum wage set by a fair pay commission —
>
> and calls on the commonwealth government to guarantee that no Victorian worker will be worse off as a result of any changes to the industrial relations system.

Mr Plowman — Bring it on!

Honourable members interjecting.

The SPEAKER — Order! I think the Minister for Industrial Relations meant to say that he desired to give notice that he would move.

Honourable members interjecting.

The SPEAKER — Order! It is a notice of motion. I am advised by the Clerk that the only way it can be brought on now is by leave.

Honourable members interjecting.

The SPEAKER — Order! The member for Benambra will mind his language in the house.

Mr HULLS gave notice of motion.

SUSTAINABILITY VICTORIA BILL

Introduction and first reading

Mr THWAITES (Minister for Environment) introduced a bill to establish Sustainability Victoria as the successor in law to the Sustainable Energy Authority Victoria and EcoRecycle Victoria, to amend the Environment Protection Act 1970, to repeal the Sustainable Energy Authority Victoria Act 1990 and for other purposes.

Read first time.

GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL

Introduction and first reading

Mr THWAITES (Minister for Water) — I move:

That I have leave to bring in a bill to amend the Groundwater (Border Agreement) Act 1985 to approve and give effect to the Border Groundwaters Agreement Amendment Agreement, to amend the Water Act 1989 and for other purposes.

Mr PLOWMAN (Benambra) — Will the minister give a brief explanation?

Mr THWAITES (Minister for Water) — This bill embodies an agreement between South Australia and Victoria to give effect to management of ground water that is shared between the two states.

Motion agreed to.

Read first time.

PIPELINES BILL

Introduction and first reading

Mr CAMERON (Minister for Agriculture) introduced a bill to re-enact with amendments the laws relating to the construction and operation of pipelines in Victoria, to repeal the Pipelines Act 1967 and for other purposes.

Read first time.

RADIATION BILL

Introduction and first reading

Ms PIKE (Minister for Health) — I move:

That I have leave to bring in a bill to protect the health and safety of persons and the environment from the harmful effects of radiation, to make consequential amendments to the Health Act 1958, the Dangerous Goods Act 1985, the Environment Protection Act 1970, the Magistrates' Court Act 1989, the Nuclear Activities (Prohibitions) Act 1983, the Road Transport (Dangerous Goods) Act 1995 and for other purposes.

Mrs SHARDEY (Caulfield) — I ask that the minister give a brief explanation of the bill.

Ms PIKE (Minister for Health) — This bill will implement the national directory for radiation protection, so it will bring Victorian legislation into line with the national scheme and also develop new stand-alone radiation legislation to improve the practice of handling radioactive material, particularly in the health sector.

Motion agreed to.

Read first time.

PETITIONS

Following petitions presented to house:

Wonthaggi State Coal Mine: future

To the Legislative Assembly of Victoria:

The petition of Friends of the State Coal Mine, residents of Wonthaggi, residents of Bass Coast shire in the state of Victoria, draw to the attention of the house that Parks Victoria have ceased underground tours at the Wonthaggi State Coal Mine tourist attraction after advice from engineering consultants that haulage and electrical equipment is no longer in line with the new regulations. This means that all underground workings, operations and maintenance done by volunteers have stopped. All tourist mines must now operate to working mine standards.

The petitioners therefore request that the Legislative Assembly of Victoria provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and equipment up to the same standard as a working mine. We, the undersigned, will gratefully accept every possible assistance you can offer us to have this valuable tourist attraction in working order so that underground tours can resume.

By Mr SMITH (Bass) (121 signatures)

Boating: Bass Landing ramp

To the Legislative Assembly of Victoria:

The state government, through Parks Victoria, recently closed the Bass Landing boat launching ramp, a small man-made launching ramp on the Bass River, which has for decades provided access to a very popular recreational boating and fishing area, most of which is on private land. The ramp has very low environmental impact!

We, the undersigned concerned citizens of Victoria, ask the Victorian Parliament and the Minister for Environment to allow the Bass Landing boat launching ramp and parking area to remain open to the boat users and fishermen and women of Victoria, who have used this area for many years.

By Mr SMITH (Bass) (12 signatures)

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.

By Mr SMITH (Bass) (77 signatures)
Mr PERTON (Doncaster) (57 signatures)
Mr HARKNESS (Frankston) (22 signatures)
Mr RYAN (Gippsland South) (62 signatures)
Mr LANGDON (Ivanhoe) (95 signatures)
Ms BEARD (Kilsyth) (24 signatures)
Mr DELAHUNTY (Lowan) (109 signatures)
Mr DOYLE (Malvern) (68 signatures)
Ms MORAND (Mount Waverley) (21 signatures)
Mr WILSON (Narre Warren South) (38 signatures)
Mr LEIGHTON (Preston) (9 signatures)
Mr WALSH (Swan Hill) (39 signatures)
Ms GILLETT (Tarneit) (22 signatures)
Mr HONEYWOOD (Warrandyte) (38 signatures)

Public transport: outer east

To the Legislative Assembly of Victoria:

The petition of residents of Wantirna, Wantirna South, Bayswater, Boronia, Heathmont, Ringwood East and Ringwood expresses concern about the lack of coordination of bus and train services at Bayswater station making it difficult for commuters in the Bayswater area to make full use of public transport.

The petitioners therefore request that the Legislative Assembly of Victoria take action to coordinate bus and train services in Bayswater at its earliest opportunity.

By Mr LOCKWOOD (Bayswater) (9 signatures)

Public transport: outer east

To the Legislative Assembly of Victoria:

The petition of residents of Wantirna, Wantirna South, Bayswater, Boronia, Heathmont, Ringwood East and Ringwood expresses concern about the lack of bus services to meet trains after 6.30 p.m. on weeknights in the outer eastern suburbs; that this lack of buses makes it very difficult for commuters travelling from the city or other places to arrive home safely unless they leave work early, or change their place of employment; that this lack of buses causes stress and a reduction in disposable income through the overuse of taxis, or the purchase of extra motor vehicles; that most bus services end before the shops close on a Saturday thus depriving those under the driving age from using public transport to arrive safely home.

The petitioners therefore request that the Legislative Assembly of Victoria take action to provide extra bus services at least until 8.00 p.m. to allow commuters, workers and shoppers to travel safely home by public transport at its earliest opportunity.

By Mr LOCKWOOD (Bayswater) (9 signatures)

Local government: elections

To the Legislative Assembly of Victoria:

The petition of residents of Wantirna, Wantirna South Bayswater, Boronia, Heathmont, Ringwood East and Ringwood wishes to express concern at the prospect of a multitude of dummy candidates being present in the 2005 local government elections thereby subverting democracy and frustrating the will of the people.

The petitioners therefore request that the Legislative Assembly of Victoria take action to eliminate or minimise the practice of running dummy candidates in local government elections at its earliest opportunity.

By Mr LOCKWOOD (Bayswater) (8 signatures)

Police: schools program

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned about the abolition of the police schools involvement program (PSIP) draws to the attention of the house that the Bracks Labor government has blatantly ignored the safety of children in its move to abolish PSIP. The government has disregarded research and expert advice by Monash University which showed the program to be extremely effective.

The petitioners therefore request that the Legislative Assembly of Victoria support the reinstatement of the police schools involvement program to build a secure environment for the children of Victoria.

By Mr PERTON (Doncaster) (200 signatures)

Schools: religious instruction

To the Legislative Assembly of Victoria:

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

By Mr PERTON (Doncaster) (185 signatures)
Ms MARSHALL (Forest Hill) (118 signatures)
Ms MORAND (Mount Waverley) (23 signatures)
Mr THOMPSON (Sandringham) (363 signatures)
Mr HONEYWOOD (Warrandyte) (234 signatures)

Wellington: Rosedale poll

To the Legislative Assembly of Victoria:

The petition of the electors of the region of Rosedale and district draws to the attention of the house the lack of local government fair and equitable representation and excellence in governance by the Wellington shire.

The petitioners therefore request that the Legislative Assembly of Victoria act to conduct a poll of the electors of the region of Rosedale and districts, the former Rosedale shire, that the region be proclaimed as the Rosedale shire comprised of five single-councillor wards representing the electors of the region.

By Mr RYAN (Gippsland South) (25 signatures)

Narre Warren-Cranbourne Road, Narre Warren: pedestrian bridge

To the Legislative Assembly of Victoria:

This petition of residents of Narre Warren, Victoria, draws to the attention of the house the need for a pedestrian bridge over Narre Warren-Cranbourne Road, Narre Warren, at the site of the new grade separation with the railway line, to allow for the safe crossing of this road.

The petitioners therefore request that the Minister for Transport direct that a pedestrian bridge be constructed.

By Mr WILSON (Narre Warren South) (37 signatures)

Sandringham and District Memorial Hospital: car parking fees

To the Legislative Assembly of Victoria:

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

Prayer

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

By Mr THOMPSON (Sandringham) (18 signatures)

EastLink: tolls

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the undersigned citizens of the state of Victoria sheweth the Parliament that the Victorian government has decided to break its 2002 pre-election pledge by introducing tolls on the Mitcham–Frankston (Eastern and Scoresby) freeway.

Your petitioners therefore pray that the Parliament undertake to ensure that the government:

1. honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham–Frankston (Eastern and Scoresby) freeway; and

2. immediately reverses its decision to impose tolls on vehicles on the Mitcham–Frankston (Eastern and Scoresby) freeway and thereby honour its commitment to the citizens of Victoria.

And your petitioners, as in duty bound, will ever pray.

By Mr HONEYWOOD (Warrandyte) (10 signatures)

Tabled.

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

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

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 9

Ms D'AMBROSIO (Mill Park) presented *Alert Digest* No. 9 of 2005 on:

Accident Compensation (Amendment) Bill
Accident Compensation (Further Amendment) Bill
Casino Control (Amendment) Bill
Commonwealth Games Arrangements (Miscellaneous Amendments) Bill
House Contracts Guarantee (Amendment) Bill
Racing and Gaming (Police Powers) Bill
Residential Tenancies (Further Amendment) Bill
State Taxation Acts (General Amendment) Bill
Statute Law Revision Bill
Vagrancy (Repeal) and Summary Offences (Amendment) Bill

Victoria State Emergency Services Bill
Working with Children Bill

together with appendices.

Tabled.

Ordered to be printed.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Development of body image among young people

Ms McTAGGART (Evelyn) presented report, together with minutes of evidence.

Tabled.

Ordered that report be printed.

RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE

Cause of fatality and injury on Victorian farms

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

Tabled.

Ordered that report, extracts from proceedings, appendices and minority report be printed.

DOCUMENTS

Tabled by Clerk:

Anti-Cancer Council — Report for the year 2004, together with an explanation for the delay in tabling

Commonwealth Games Arrangement Act 2001 — Orders under s 19 (two documents)

Municipal Association of Victoria Insurance — Report for the year 2003–04

Murray Valley Citrus Marketing Board — Report for the year 2003–04 [*in lieu of report previously tabled on Wednesday, 3 November 2004*]

Parliamentary Committees Act 2003 — Response of the Minister for Health on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on Victorian Rural Ambulance Services

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

Ballarat Planning Scheme — No C73 Part 2

Boroondara Planning Scheme — No C46

Frankston Planning Scheme — No C25

Greater Bendigo Planning Scheme — Nos C21, C62, C74

Greater Dandenong Planning Scheme — No C69

Latrobe Planning Scheme — No C41

Macedon Ranges Planning Scheme — No C50

Maroondah Planning Scheme — No C39

Mildura Planning Scheme — Nos C28, C34

Mount Alexander Planning Scheme — Nos C26, C31

Stonnington Planning Scheme — No C43

Towong Planning Scheme — Nos C9 Part 1, C10

Whittlesea Planning Scheme — No C59

Wyndham Planning Scheme — Nos C52, C72, C73

Statutory Rules under the following Acts:

Electricity Safety Act 1998 — SR No 92

Fair Trading Act 1999 — SR No 90

Health Act 1958 — SR No 93

Petroleum Products (Terminal Gate Pricing) Act 2000 — SR No 91

Safe Drinking Water Act 2003 — SR No 88

Sex Offenders Registration Act 2004 — SR No 94

Subordinate Legislation Act 1994 — SR Nos 87, 89

Supreme Court Act 1986 — SR No 95

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 87, 89

Ministers' exemption certificates in relation to Statutory Rule Nos 90, 91, 94.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 26 February 2003:

Dangerous Goods Legislation (Amendment) Act 2004 — Section 7 on 1 October 2005 (*Gazette G31*, 4 August 2005)

Gambling Regulation (Amendment) Act 2004 — Remaining provisions on 21 July 2005 (*Gazette G29*, 21 July 2005)

Sex Offenders Registration (Amendment) Act 2005 — Remaining provisions of the Act (except section 17) on 1 August 2005 (*Gazette G30*, 28 July 2005).

ROYAL ASSENT

Message read advising royal assent to:

27 July

Commonwealth Games Arrangements (Miscellaneous Amendments) Bill
Electoral Legislation (Further Amendment) Bill
Energy Safe Victoria Bill
Higher Education Acts (Amendment) Bill
Local Government (Amendment) Bill

2 August

Health Legislation (Miscellaneous Amendments) Bill

APPROPRIATION MESSAGE

Message read recommending appropriation for Working with Children Bill.

PERSONAL EXPLANATION

Mr PANDAZOPOULOS (Minister for Tourism) — I desire to make a personal explanation. On 21 April 2005 and again on 21 July 2005 I advised the house that I had met with the Honourable Fran Bailey, MHR, the federal Minister for Small Business and Tourism, and Senator the Honourable Rod Kemp, the federal Minister for Arts and Sport, in an effort to secure federal funding for the Australian Formula One Grand Prix and MotoGP events. I also advised Parliament that I had written follow-up letters to the two federal ministers on this issue.

On 21 July 2005 I tabled in Parliament copies of signed letters to the two federal ministers. I have been advised by the Secretary of the Department for Victorian Communities that I signed the letters to the two federal ministers on 31 March 2005. However, the sport and recreation division of the department, which is responsible for administering correspondence on the grand prix, has advised that an officer inadvertently failed to send out the letters. I am advised that appropriate measures are being taken by the department to ensure this situation is not repeated.

Honourable members interjecting.

The SPEAKER — Order! I remind the member for Benambra that personal explanations are serious business and that normally the house has the courtesy to hear them in silence.

Mr PANDAZOPOULOS — In summary, the secretary advised, firstly, that my office and I handled the signing of the letters and the transfer of the letters back to the department appropriately; and secondly, that at the time I made the statements to Parliament I had every reason to believe the letters had been sent. In fact I had been advised on more than one occasion that the letters had been sent. Further, he has apologised for any inconvenience caused by the error.

The letters have now been sent to the two ministers, and I will continue to seek the federal government's support for these two very important events. I therefore wish to correct the information provided to the house.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I desire to move:

> That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 pm on Thursday, 11 August 2005:
>
> Accident Compensation and Transport Accident Acts (Ombudsman) Bill
>
> Casino Control (Amendment) Bill
>
> Environment and Water Legislation (Miscellaneous Amendments) Bill
>
> Primary Industries Acts (Amendment) Bill
>
> Victoria State Emergency Service Bill
>
> Working with Children Bill.

In moving the business program for this week the government is proposing to deal with a list of six bills. For the information of members, and following a request by the member for South-West Coast, it is our intention not to deal with the primary industries bill first off but to deal with it later in the week. It is our intention to deal with the others on the notice paper in the order in which they are printed following the Primary Industries Acts (Amendment) Bill. At this stage it is our intention to work through those bills sequentially.

The house would have heard the motion to be moved by the Attorney-General in his capacity as the Minister for Industrial Relations. It would be our intention to deal with that tomorrow at the commencement of government business, straight after the grievance debate. In the context of the bills that are before the house, I believe the program is an achievable task and

will enable the Parliament to deal with some important legislation in a timely way.

Mr PLOWMAN (Benambra) — The opposition supports the business program of six bills. We believe it is easily achievable. In fact in all probability there will need to be a bit of padding to take us to the 4.00 p.m. completion time on Thursday. Should that be the case, I would ask the minister to consider adjourning earlier rather than continuing to pad things out unnecessarily. I would like to thank the Leader of the House for the postponement of the debate on the Primary Industries Acts (Amendment) Bill in order to meet the requirements of the member for South-West Coast. That is certainly appreciated.

It is rather peculiar that we are deemed to be in the spring sitting when we are almost in the middle of winter. It brings into question the fact that we have had a continuation of sittings, with one going into the other. It is unparalleled as far as I know. It is unnecessary, and I hope the government reverts to the old situation, where the two sittings are separated into autumn and spring so that we are not in this strange circumstance again.

I have one area of concern that I need to speak to the Leader of the House about, and that is the length of time the opposition parties are given to properly consider the bills on the business program. This deserves reasonable consideration, and I look forward to discussing that with the Leader of the House to achieve an outcome that is fair and reasonable on both sides.

Mr MAUGHAN (Rodney) — The Nationals will not be opposing the government's business program. The six bills before the house are important legislation. It is a reasonable program, and therefore we will not be opposing it. However, I want to raise the matter of the notice given to opposition parties about which legislation is to be debated during the week. I understand that this chamber, by its nature, is adversarial, but I also make the observation that in order to work properly it needs the cooperation of all parties. Generally speaking we do that very well and achieve the desired outcomes. But we can do much better in terms of the opposition parties receiving adequate notice of what legislation the government wishes to deal with in the ensuing week.

The member for Benambra and I had a meeting with the manager of government business on this issue, and I thought we had come to an arrangement so that in a sitting week following a non-sitting week the non-government parties would be notified of the government's business program on the Monday, or the Tuesday at least, immediately following the cabinet meeting.

When I had not heard anything on the Tuesday of last week, which of course was a non-sitting week, I phoned the liaison officer at the Premier's office, Tom Cargill, to ask him about the government's business program. He advised me that he was unable to notify me of that. I therefore phoned the Leader of the House and asked him to contact me about the government business program.

When that did not happen I then wrote to him, which message I sent by fax, indicating that we were prepared for the first six items listed on the notice paper. In a discussion since then the Leader of the House indicated that we should be prepared for any items that are on the notice paper. That is fair enough, and I acknowledge that, but in order to adequately consult with interested parties, get the briefings required and do all the things that are necessary to prepare for the week, it is not unreasonable to expect the government, when it has decided its business program, to let the opposition parties know about it. In this case it would seem to me that the government knew what its business program was going to be but deliberately did not give the opposition parties notice of that issue.

I have arranged to meet with the Leader of the House and the honourable member for Benambra later today to discuss this issue and to get a clearer understanding of where we stand. If we are to assume, for example, that the first six items on the government business program are going to be debated, then that is fine. But we will not be very happy if the government then comes in and wants, as it has done on numerous occasions in the past, to introduce something that is listed at 10, 11 or 12 on the notice paper, so that we are meant to be prepared and willing to discuss those items.

Mr Delahunty interjected.

Mr MAUGHAN — I ask for a bit more cooperation from the government in giving the opposition parties adequate time to organise themselves and consult with the various people who are interested in what is going on. As the member for Lowan points out by interjection, for country members it is not easy to have everything we need on every piece of legislation down here in the Parliament when we live 3, 4 or 5 hours drive away. It is a real bind to have to bring down everything we have for every item the government could bring on through the week. We ask for more cooperation so that we can bring down the relevant correspondence and other material we have

accumulated on the five or six bills that are to be debated and not have to bring down a big mass of material which we do not use and have to cart home again on Thursday afternoon.

With those few remarks I indicate that we will be not be opposing the government business program. I hope that in discussions with the Leader of the House later today we will resolve some of those issues so we get a better understanding. I ask the government — not just the Leader of the House, because I think it is a government issue — to ensure that we have adequate notice of the government business program.

Dr NAPTHINE (South-West Coast) — Firstly, I apologise to the house and to Hansard. I have been to the dentist this morning, so I hope they can understand what I am saying. I appreciate the Leader of the House and the government putting on the primary industries legislation later this week, when it can be given appropriate attention. I support the comments made earlier that the six bills on the government business program seem to be a reasonable workload for the week.

The issue I wish to raise with respect to the government business program is the statement made by the Leader of the House that the motion moved by the Minister for Industrial Relations will be debated tomorrow at the start of government business. The opposition was not advised that there was to be a debate on industrial relations. Indeed the opposition, as I am informed, was advised that there were no ministerial statements to be made this week. I know it will not be a ministerial statement, but this seems to be a new device developed by the government to circumvent the operations of the house.

It seems that the mechanism the government is now bringing forward is to move a motion rather than make a ministerial statement, which it has to advise the opposition of and give information on to the house in advance. Because it is a motion coming from a government minister, it becomes part of government business, and the government can bring it on whenever it sees fit. That may be the way the government wishes to operate in this house, and we would understand that those are its tactics, but it is inconsistent with the spirit of cooperation that has been established between the Leader of the House and the leaders of the opposition parties.

It is of interest that when the Minister for Industrial Relations was invited to commence a debate today on the very issue of industrial relations, he was found wanting. When the opposition declared that it would give him leave to bring the debate on immediately, the Minister for Industrial Relations was caught with his pants down. He was not ready — he could not debate it there and then — but he seems happy to debate it tomorrow and take up the time the opposition has to debate other legislation.

Because this week there are only six bills, it seems there may be time for other debates. If in the future there are motions on important issues like industrial relations that it wishes to bring on for debate, I would hope that the government does the opposition the courtesy of advising the manager of opposition business and the manager of The Nationals business that that is its intention, so that the opposition can be adequately briefed and prepared and can properly contribute to debate.

I draw to the attention of the house, in discussing the business program, this new tactic the government has devised to circumvent reasonable debate in this chamber. The government is introducing a system whereby it is trying to once again keep the opposition and the people of Victoria in the dark rather than allowing for full and proper debate on important issues.

We would be happy to debate industrial relations and a whole range of other issues. Indeed there are many issues in the motions that have been put forward by opposition members and other government members that I would think should be given appropriate time for debate. Unfortunately with the structure of standing orders under this government there is no opportunity to debate motions. The government is able to give notice of a motion on a Tuesday and debate it on a Wednesday, whereas opposition members can whistle Dixie in terms of their motions. Once again there is one rule for the government and another rule for the opposition. It is certainly not in the interests of fair and reasonable debate.

I would suggest that in future when opposition members bring on motions they seek leave, and that leave be granted — just as we would have granted leave to the Minister for Industrial Relations to have his debate today.

Mr HAERMEYER (Minister for Manufacturing and Export) — I wish to support the government business program. In doing so I want to take up the issues raised by the member for South-West Coast. I have to say that it seems obvious that the member for South-West Coast thinks debate is a rather radical and new concept in this house. This is a house of debate, and the Minister for Industrial Relations wants to bring on a debate on industrial relations. The member for

South-West Coast seems to think that having a debate is a rather novel concept. He complained that he has not had enough notice about this debate being brought on, but in the very next breath said he was prepared to bring it on immediately the Minister for Industrial Relations gave his notice. So his position is a bit perplexing. In one breath he says, 'We have not got enough notice' and in the next he says, 'Let us have it now'. I do not think these people know whether they are Arthur or Martha.

It is not a novel concept to give notice of a motion in this house and to bring on debate. My recollection is that the previous premier, Mr Kennett, in fact brought on debate on a motion in the middle of question time with absolutely no notice whatsoever. I recall that very clearly. The member for South-West Coast asked, 'Why doesn't he do it by way of a ministerial statement?'. The standing orders of this house have long required 2 hours notice of a ministerial statement — and that would have been a whole day. You really cannot come in here and complain about a lack of notice and then say, 'Oh, let us bring it on immediately' or, 'Let us do it by ministerial statement and we will have 2 hours notice'. I find the approach taken by the member for South-West Coast very strange and perplexing. There is nothing that is unreasonable. Opposition members have been given more notice than we were ever given by the previous government when it brought on these sorts of debates.

It is a totally reasonable approach. The matter being brought on by the Minister for Industrial Relations is a very important one — in fact, if you believe the Prime Minister, it is the only issue. It is something that affects the living standards and welfare of many residents of this state, and it is appropriate that it be debated tomorrow and that it be debated as a matter of urgency. If opposition members cannot prepare themselves for a debate in 24 hours, they are even more hopeless than I thought they were.

Mr RYAN (Leader of The Nationals) — There has been an outbreak of hostilities over an issue that was really raised from the point of view of achieving precisely the opposite. The proposition that was advanced by the member for Rodney was to simply emphasise that while we well recognise that this is an adversarial chamber and that, very properly, passionate debate occurs about the issues of the day, that is a different thing entirely from setting the order of matters for debate. That is an issue that should not be the subject of any adversarial concerns. It is akin, if you like, to the notion of avoiding the proposition of trial by ambush.

It is in the interests of everybody in this place, of whatever political persuasion, that we have appropriate notice of the matters that are to be the subject of debate so that the issues surrounding those matters can be duly aired. Of course there will be disagreement about the particular issues in the course of the debates that ensue, but the important thing, which I think is in the interests of all Victorians, is that we all know what is to be the subject of debate in the chamber at any particular point in time.

The member for Rodney has provided to me the notice he received about the government business program. It came to him at 3.53 p.m. last Thursday — in a non-sitting week. The point we make is simply that where there is a non-sitting week immediately prior to a week such as this when we are in Parliament, every opportunity should be given to the government to enable it to tell the opposition parties after the cabinet meeting on the Monday of the non-sitting week that the content of whatever is on the government business program is intended to be as it is listed — and the advice to that effect should be given to the opposition parties very early in the week. That would enable appropriate preparations to be made by everybody involved so that when we get here for the parliamentary week we can get into it.

I emphasise that, certainly from the perspective of The Nationals, no-one over here is complaining about the biff and clout that goes on — colloquially speaking — in the course of debate in the chamber. That is not the issue. Rather, the issue is that with a bit of management and goodwill on the part of everybody — but particularly on the part of the government, since the government in reality has control of this — surely we should be able to achieve a position where everybody comes to the Parliament knowing, with as much notice as possible, what are to be the topics for debate. We would get much better outcomes as a result.

For those of us who live outside the metropolitan area, I endorse the comments of the member for Rodney, who took up an interjection — disorderly as it was — from the member for Lowan saying that often we have to bring down here a lot of material to support the very proper matters that we raise in debate on legislation or in other areas of debate in the proceedings. It is often annoying and frustrating, and it can cause great difficulty in our respective offices, when we lug material down here on the basis that one thing or another is likely to be debated only to find that there is a more consolidated list and that, if we had had the appropriate notice earlier, all of that nonsense could have been avoided. Basically it goes to the issue of a commonsense mechanism in running this place. Surely

it is in the joint interests of everybody here that we settle upon an arrangement that will achieve that result without this sort of Hekyll and Jekyll going on.

Motion agreed to.

MEMBERS STATEMENTS

Belgrave Town Park

Mr MERLINO (Monbulk) — On 30 July I had the pleasure of joining with the Shire of Yarra Ranges mayor David Hodgett and ward councillor Robyn Hale in officially opening Belgrave Town Park. It was a great day, at which many people attended, and I was very happy to be joined by the member for Gembrook. Discussions on the need to redevelop this prominent but originally very untidy site began once the state government committed to rebuilding the Belgrave police station on the adjoining land. The land I am talking about next to the station was once famously earmarked by McDonald's, until the community stepped in and stopped that proposed development.

The Belgrave Traders, along with Cr Robyn Hale and others, began the push for this public open space. The project was taken over by the newly formed Belgrave Regional Action Group, in which the traders are active participants. The Belgrave Regional Action Group has been the key reference group providing input into this project. The state government has contributed $290 000 out of a total project cost of $516 000.

It was quite an expensive exercise because there was considerable geotechnical and design work needed to deal with the challenging nature of the site. However, the tracks and bridges in the style of the Puffing Billy railway which now form the paths have been turned into a major feature of the park. This will be an important site amongst an extensive network of rail trails and pathways being developed with state government support within the Yarra Ranges, and the network is being enjoyed by increasing numbers of locals and visitors. It is a key site for the township of Belgrave and is important not only for the recreation of the local community but also for the tourism industry in the hills.

The community, the shire and the Bracks government have worked productively together on this project, and I congratulate all those involved in this very important development.

Office of Police Integrity: police files

Mr WELLS (Scoresby) — This statement condemns the Bracks Labor government for its continuing failure to properly and effectively deal with police complaints in Victoria. The government's haphazard string of bandaid policy blunders in relation to the investigation of police corruption and complaints is simply looking more dubious and ill-conceived by the day with several explosive and damaging revelations coming to light in recent days.

Late last week we had the startling revelation that in a series of blunders the Office of Police Integrity not only grossly breached the privacy of hundreds of Victorians in an embarrassing and incompetent blunder by releasing confidential Victoria Police Law Enforcement Assistance Program (LEAP) records and working files to a complainant but as it has been revealed, the OPI deliberately misled the same complainant into believing that her case had been thoroughly investigated when the files clearly show that that was not the case.

A woman in country Victoria contacted the OPI to complain about harassment by a serving police officer — an illegal breach of privacy by accessing police LEAP records. In what can only be described as a gross act of incompetence the OPI sent to the woman the case working files of the OPI which provide clear evidence that the OPI had bungled the investigation and is working too closely with the Victoria Police ethical standards department.

Victorians were told the OPI would be independent of Victoria Police, well resourced and have the ability to do the job. It has failed. Victorians will demand answers from the OPI on how it is going to fix this embarrassing mess. The establishment of the OPI was simply the Bracks government's bandaid solution to police corruption and — —

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

Australian Volunteer Coast Guard: 26th anniversary

Ms NEVILLE (Bellarine) — On Sunday, 31 July, at Queenscliff I was pleased to participate in the 26th anniversary of the establishment of the Australian Volunteer Coast Guard. I was joined by the mayor of the Borough of Queenscliffe, the new commander at the Queenscliff fort and other local identities. As part of the celebrations I was pleased to present a new state of Victoria flag for the flagpole at its local headquarters.

The volunteer coastguard does an exceptional, often unacknowledged job in keeping our waters safe. The Queenscliff flotilla is entirely run by volunteers, who undertake extensive training and service the area of Bellarine right down to Apollo Bay. This service operates over the weekends and on holidays and provides a 24-hour, on-call service. This is undoubtedly a professional service being delivered by volunteers.

The range of services provided include radio monitoring, safety patrols, and search and rescue operations. It is an important and reliable resource for Victoria's recreational and professional sailors in a very busy and often hazardous part of the bay, including the Rip. The coastguard also is an important resource to other search and rescue organisations. The Queenscliff coastguard has developed extensive education and training programs for the whole community, including boat owners and crews.

I would like to thank the coastguard and acknowledge the work that it does on behalf of the local community in Bellarine and across Victoria.

Central Gippsland Health Service: future

Mr RYAN (Leader of The Nationals) — On the evening of Wednesday, 3 August last, a public meeting occurred at Sale regarding the future of the Central Gippsland Health Service (CGHS). Arising from that meeting were a number of recommendations. I have been asked to read them to the house. They are:

1. The community demands the retention of core specialty services of medical, surgical, paediatrics and obstetrics — specialist skilled nursing staff; specialist ward areas, specialist succession planning.

2. We direct the Bracks government cease its current philosophy of an economic model of health care delivery in the state of Victoria and implements a community needs-based model for Central Gippsland Health Service and regional Victoria.

3. We condemn Minister Pike's unwarranted attack on our community and the deprivation of our voice in the governance of our health service and demand the immediate return of an effective community-based board of management.

4. We direct our elected parliamentary representative Mr Peter Ryan MLA to take responsibility for and strongly advocate these recommendations to the Premier and Parliament and regularly report back to his constituents on his progress. This should be done through the local media.

There were about 700 to 800 people at the meeting. Many opinions were expressed by a variety of people on the history of the formation of CGHS and the magnificent work it does. The strong sentiment was to ensure that that great work continues into the future, and thus these resolutions were passed.

Fr Tony Hicks

Mr LANGDON (Ivanhoe) — Today I pay tribute to Fr Tony Hicks who served the community of West Heidelberg and Heidelberg Heights with his work at St Pius X school in West Heidelberg. Fr Hicks and I have become friends over the years; I certainly have supported him in many of his endeavours. The best way of summing up his work and his commitment is to read from the St Pius X's school newsletter of 28 July. It lists his achievements in the school and mentions in particular:

> Class visits and talks; initiating the school choir; being instrumental in two refurbishments of the school; conducting sacramental workshops and feeding people with home made cooking at the Eucharist dinners; counselling children, parents and staff at times; employing three principals and numerous staff members; upgrading the kitchen and hall; supporting the Exodus community; youth group; supporting the school financially; celebrating the parish 50th anniversary; coordinating the religious education program.
>
> This list is not a true indication of his tireless work, and all members of the school community will sorely miss him.

Indeed, on behalf of the entire community, we will miss him. However, our loss is fortunately to the benefit of Surrey Hills, where he is moving to. Fr Tony's last day in the parish was Friday, 29 July. I wish him well at Surrey Hills and thank him again for all his efforts in the Heidelberg area.

Minister for Information and Communication Technology: questions on notice

Mr KOTSIRAS (Bulleen) — On 27 February 2003 I submitted a question on notice for the attention of the Minister for Information and Communication Technology in the other place. In other words, it was submitted two and half years or 30 months or 894 days ago, but despite all that time having passed, I have yet to receive a response from the minister.

The Premier, instead of advising all his ministers to answer all questions and to be accountable to the Parliament, has decided to advise his members about different styles, fabrics and patterns of suits — what type of shirt and collar are best, how to combine colours and patterns and which accessories or finishing touches best complement or detract from their appearance. Indeed, I thank the government backbencher who sent me the email, and I have promised to buy that person a coffee if he so wishes.

The email that was sent to all backbenchers states:

> Men:
>
> No loud ties, colourful jackets or sporting ties
>
> Bring a jacket
>
> Ensure tie matches jacket
>
> No white or cream shirts
>
> Women:
>
> No plunging necklines
>
> No jangly jewellery
>
> Wear a jacket
>
> Powder face to prevent shine

Powder face to prevent shine! It is a bit unfortunate that some of the men have not been asked to put on some powder.

I believe this has gone too far. I would have thought that members of Parliament would be old enough to decide for themselves what to wear at a photo shoot. While I appreciate that some members need to be told how to appear respectable, I believe this has gone far too far. I urge the government — —

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

Industrial relations: federal changes

Mr WILSON (Narre Warren South) — I rise to note my grave concerns and the concerns of many of my constituents over the federal government's proposed industrial relations (IR) changes. I have had many discussions recently with young families concerned about the effect these changes in the law will have on them. The changes pose a serious threat to the quality of life of working Australians and their families. My electorate of Narre Warren South has many young families, families with mortgages, families which are seeking to meet the high costs of raising their children. Under the Howard government's laws these families face an uncertain future.

The IR changes will make it possible for many workers to be sacked more easily, to be forced to give up their overtime or penalty rates or to be coerced into cashing in their holidays rather than spending time with their families. There is nothing about these changes that is in the national interest. Rather, they represent a perverse, extreme ideological campaign to trample the rights of ordinary Australians. The Prime Minister himself has finally admitted what the Australian people have feared all along — that he will not guarantee that workers will not be worse off under these changes.

I note the concerns expressed to me by constituents who work in the construction industry — members of the Construction, Forestry, Mining and Energy Union and the Communications, Electrical and Plumbing Union — about the Howard government's continued attacks on them because they are union members. The federal government's building industry witch-hunt has been described in the courts as 'shadowy'. The president of the Council for Civil Liberties noted the building task force's new coercive powers have 'no parallel in democratic societies'. It is evident from the discussions with my families and the massive protests — —

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

State Revenue Office: performance

Mr CLARK (Box Hill) — In recent years there has been a serious erosion of expertise in Victoria's State Revenue Office, which has led to a string of appallingly ill-considered attempts to give effect to the Treasurer's instructions to raise revenue by every possible means. The SRO has sought by administrative decree to impose stamp duty on business goodwill, tenants' fixtures and vendor terms interest, and to impose land tax on nursing homes.

Through a gullible and revenue-hungry Treasurer the SRO has obtained sweeping legislative discretions to apply payroll tax to franchisees and subcontractors, and stamp duty to alleged avoidance schemes. It has also obtained rushed and clumsy changes to stamp duty on land-rich companies and trusts, and had stamp duty imposed on the winding-up of companies and on the foreclosure of mortgages. Most recently, the SRO and the Treasurer sought and obtained cabinet approval for a new land tax on trusts at rates up to five times the standard rate on properties worth $20 000 or more, which has subsequently caused the Premier justified embarrassment. The SRO has also become notorious for delays in decision making and the time it takes for taxpayers to get rulings or responses.

It is clear that the Treasurer has neither the real-world expertise nor the understanding to scrutinise what the SRO is doing but instead has unquestioningly accepted whatever the SRO has told him. I therefore call on the Premier and the Secretary of the Department of Premier and Cabinet to intervene urgently to restructure the SRO and rebuild its expertise. The SRO needs senior management who have a better understanding both of

the law and of commercial practice. It needs management, staff and practices that will diligently detect and prevent genuine abuse while administering and advising on the law in a way that is fair and respected and does not further undermine business confidence in Victoria.

Mentone Primary School: upgrade

Ms MUNT (Mordialloc) — I was very proud to join the Premier and the Minister for Education Services for the opening of the completion of the capital works at Mentone Primary School last week. Mentone Primary School has received well over $2 million from the state government for the construction of eight general-purpose classrooms, a refurbished art and craft area, a new library, new multipurpose room, better facilities for the staff and administration in the totally refurbished, historic, original red-brick building, and the replacement of student toilets. There is also new landscaping and paving, a new basketball court for the entire community to use, and work has been done on the oval so it does not flood anymore.

The schoolchildren in our community now have access to the best and most modern facilities at Mentone Primary School. With these great new facilities the built environment can now match the great education that has been provided to our children by the principal, Rick Bruce, the school council, teachers, staff and the wonderful parent body which raised over $100 000 towards these works — it is not easy to raise that sort of money — at Mentone Primary School. Congratulations to the parents, the staff and, most importantly, the children of Mentone Primary School for their hard work, patience and good humour during these major building works. Well done, Mentone Primary School. My best wishes for a bright and happy future.

Disability services: accommodation

Mr MAUGHAN (Rodney) — The Bracks government stands condemned for its heartless treatment of people with disabilities and their families. While there are currently 1500 people with disabilities in full-time assisted care in Victoria, there are more than 3000 on waiting lists, 1100 of whom are classified as urgent cases. The waiting time to secure a bed in a supported accommodation facility in Victoria is currently 146 weeks, or very close to three years. This is totally unacceptable in a state where each month the Treasurer pockets $650 million in GST from the commonwealth government and where revenues have increased from $20 billion to $30 billion in the last five years. Under this government the waiting time has increased from 116 weeks in April 2002 to 146 weeks today. This is outrageous.

There are thousands of people with profound disabilities being cared for by their families, who in some cases have cared for their children for 30, 40 or even 50 years. These parents are understandably concerned about what will happen to their children and who will care for them when they are gone. This is nowhere near good enough for a government that has money flowing out its ears from GST, stamp duty, land tax and a raft of other taxes which are now indexed. An army of carers has been looking after their disabled children at minimal cost to the government for decades and it is about time this government showed more compassion and concern for their needs.

Longbeach Place, Chelsea

Ms LINDELL (Carrum) — I was delighted to be involved in an occasion at Longbeach Place to award life memberships to four longstanding members of the Chelsea neighbourhood house community.

Dori Grinlington has worked with the neighbourhood house, now known as Longbeach Place, since 1998 and is still an active yoga teacher. She has always been a true supporter of the house and was an integral member of the transition committee which oversaw the move from the old house at 36 Broadway to the new Chelsea Road venue. Dawn Watson began teaching craft and handiwork in 1993. Ill health forced her retirement in 2003, but during her 10-year involvement with the house as the drop-in leader, Dawn was sensitive to the needs of all her participants and always found them a suitable craft to match their ability.

Frank Field is an active house committee member and has been a facilitator of the men's group and the card group for two years. For 10 years Frank and his wife, Lyn, have been committed to the neighbourhood house trash and treasure market and have raised over $9000. George Haigh began his association with the neighbourhood house in 1997 and joined its management committee in 1998. In 1999 George became chairperson and oversaw the change from Chelsea neighbourhood house to Longbeach Place and the move from Broadway to Chelsea Road. George is a loyal and dedicated member of our community who has always worked for the common good and encouraged others to share his vision.

To Dori, Dawn, Frank and George, I offer my congratulations on the confirmation of life membership in recognition of their dedicated service to Longbeach Place and the Chelsea community.

Film studio: government expenditure

Ms ASHER (Brighton) — I wish to draw to the attention of the house a further financial folly of the Bracks Labor government. Documents released under freedom of information show that the government spent $1.569 million on an interim film studio located in a warehouse in St Albans: $301 000 was spent on consultants, including a building upgrade; $1 million plus was spent on rental; and $71 000 was spent on fire upgrades and security. However, only one film was produced there — *Salem's Lot*, produced by the Coote/Hayes Production Company. The government recovered only $205 000 of that outlay of over $1.5 million between March and July 2003.

Most ludicrous of all is the fact that after a burglary at the studio the government called in a company called Metropolitan Watching Pty Ltd to provide a 24-hour-a-day, seven-day-a-week security guard to watch over a building that was empty. The government spent $54 117 from November 2003 to January 2004 guarding an empty interim film studio! Taxpayers have every right to express their horror at this ridiculous waste of money. It demonstrates that the Minister for State and Regional Development has learnt nothing from the ALP's financial mismanagement in the 1980s. Overall this project was $6.8 million over budget and eight months late. This is a further example of unfortunate fiscal policy from the Treasurer of this state.

Police: Cranbourne station

Mr PERERA (Cranbourne) — I was honoured to be joined by the Minister for Police and Emergency Services and fellow parliamentary colleagues in taking part in the turning-the-sod ceremony for our new police station in Cranbourne. The Bracks government is delivering a magnificent new $6.7 million, 24-hour police complex right in the heart of Cranbourne.

This is one of the 136 police stations being built or refurbished across Victoria at a cost of more than $286 million. The new Cranbourne police station will serve our community for many years to come. I am also delighted to note that the Cranbourne police station will be home to an additional 12 uniformed police officers, with additional personnel such as sergeants and detectives. The Bracks government is on track to deliver 1400 additional police officers over two terms of government.

This investment in Cranbourne goes to prove that the Bracks government is committed to delivering a modern police force with the very best facilities and strong and sound resources and to keeping on delivering crime rates well below the national average.

National Council of Women of Victoria: hospital guide

Mrs SHARDEY (Caulfield) — I would like to give recognition to an initiative of the National Council of Women of Victoria — the production of a guide for country people on attending city hospitals. The guide lists all the major metropolitan hospitals with their addresses and contact details and offers advice to patients on what they will need to take for a hospital stay. Additionally it offers advice about accessing assistance from a social worker on issues such as accommodation, particularly when the hospital visit is an emergency.

The National Council of Women of Victoria is an important organisation for women that was founded in 1902. Rysia Rozen is the current president. Through its affiliated organisations and individuals the National Council of Women of Victoria promotes equality of opportunity for women. It acts as a voice for Victorian women in the state's decision-making bodies and undertakes projects such as the Rural Women's Voice in 2004, which was the impetus for this brochure on providing vital information for country people about being transferred to large city hospitals. I offer my congratulations to Rysia Rozen and the National Council of Women of Victoria for the work done on the Rural Women's Voice project and on this brochure, which I am sure will assist country Victorians.

Pharmaceutical industry: *Selling Sickness*

Ms LOBATO (Gembrook) — Last year Australians spent $3 billion on prescription drugs, not because we are getting any sicker but because we, and our doctors in particular, are being exposed to the most aggressive marketing strategies ever employed by pharmaceutical companies.

As discussed in the new book *Selling Sickness*, by Moynihan and Cassels, 30 years ago the big drug companies had a dream. Was it to make people well? No. Was it to reduce the incidence of disease? No. Was it to address the health crises in the Third World? No. The dream of the chief executive officer of Merck was to sell drugs to healthy people. Not content to provide a pill for every ill, as they say, the aim became to provide an ill for every pill. We began to see the medicalisation of the normal ups and downs of human existence — to see all behaviour as well as the predicaments of life as things that need to be addressed by expensive, powerful drugs. Our expectation of life, one encouraged by the

big pharmaceutical companies, is to live in optimum health without stress and anxiety. Drugs are now the answer to all the dissatisfaction in our lives.

The mother of a five-year-old girl recently approached me. Her daughter suffers from a range of disorders, including autism, epilepsy and bowel conditions. She also experiences anxiety, which given her array of problems and difficulties is not only normal but expected. Yet now she has been prescribed antidepressants to address her anxiety. One has to question whether more drugs and more pills are the answer in cases like these — especially for an already sick child.

The pharmaceutical companies that ensure that we are among the biggest pill poppers in the world simultaneously encourage scepticism and doubt about the only challengers to their world domination — the natural medicine industry.

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

Junting Tian

Mr LEIGHTON (Preston) — I wish to pay tribute to the work of the retiring Consul General of the People's Republic of China, Mr Junting Tian. Mr Tian is due to return to China later this month, where he will retire from service. Mr Tian has been instrumental in strengthening friendly relations between China and Australia, especially Western Australia at first and then Victoria over the last few years. The Parliament of Victoria has a flourishing parliamentary China friendship group, which in large part is testimony to Mr Tian's work. Mr Tian and his wife, Mrs Tian, have been gracious hosts to many members of Parliament, many of whom will attend their farewell next week.

Our Chinese community in the northern suburbs held its own farewell for Mr and Mrs Tian several weeks ago, and I thank my friend Dr Stanley Chiang for arranging this function. Mr Tian has been a regular attendee at many of the cultural activities organised by the North Eastern Melbourne Chinese Association, such as the annual kite flying festival, which is now an important regional event.

Australia's future is in Asia, particularly China. There are many economic opportunities between the two countries. In the northern suburbs, drawing upon the support of our local Chinese community, we have particular strengths in health, education and a number of manufacturing areas. I thank Mr Tian for his support for our local community, and I wish him and Mrs Tian a fond farewell and a long and healthy retirement.

Bentleigh West Primary School: tree planting

Mr HUDSON (Bentleigh) — I had the pleasure on 31 July of attending a tree planting at Bentleigh West Primary School as part of a National Tree Day celebration. The tree planting was enthusiastically embraced by students from all grades and resulted in the planting of 45 new trees and 330 ground cover grasses indigenous to the local area.

The school has a wonderful reputation for teaching young people about the importance of protecting the environment. It has appointed two environmental captains, Douglas McDowell and Alex Woodward-Greenhill. The school has also appointed 16 environmental monitors who measure the ecological footprint of the school, including its gas, electricity and water usage. The students have created wetlands where they can learn about the lifecycle of tadpoles and frogs and the role our wetlands play in purifying water. The school has also created a vegetable garden which provides organically grown food together, with compost and a worm farm. The students are also proud of the area they have created for their ducks and chooks, and they presented me with a carton of wonderful home-grown eggs.

Recently two environmentally sustainable classrooms were donated to the school through a parent, John Liddell. These classrooms are energy efficient and maintain a comfortable room temperature irrespective of the extremes in the outside weather. The eco panels are made from agricultural waste such as compressed wheat straw and use no resins, woodchips or glues. They contain no toxins. Underneath the classroom there are giant water beds that collect the rainwater and filter it through to the wetlands and the vegetable garden.

Much of the credit for these environmental initiatives is due to the hard work of the environmental coordinator, Leonie Brown, the school principal, Jennifer Small, and the whole school community.

Domestic violence: art exhibition

Ms BUCHANAN (Hastings) — At the Old Cheese Factory in Berwick last Friday I joined many other local women who gathered to celebrate and launch the 'Figures in the landscape' exhibition. This opening highlighted the great benefit of community arts programs in supporting the victims and survivors of family violence. Artist Jenny Saulwick worked with local women to craft the exhibits, each rich with its own

tapestry of history, colour and emotion, strength and courage as experienced through the eyes of the women. It was a great example of women's health in the south-east being supported by this state government and sponsored by the ANZ Bank to make a difference in women's lives, and I look forward to seeing this exhibit in the foyers of the ANZ branches. My love and respect for their courage in speaking publicly goes out to each of the participants in this very proactive program.

The same, however, cannot be said of the federal government, which has spent tens of millions of dollars on a tokenistic advertising campaign but not one red cent on a program to reduce the incidence of family violence in our communities. Not one cent has been given to community education and preventive programs, alternative housing arrangements or men's behaviour programs — unlike this government, which in its last budget committed over $36 million to implement a new approach to reducing family violence.

The lives of one in every five Victorian women are affected by family violence, as are those of too many children. This Bracks Labor government respects victims of family violence and will support them. These families deserve the same level of respect from the Howard government and opposition members should hang their heads in shame because of their lack of action on this most serious and intractable social issue and the absence of any policy statement or policy on this issue.

Mount Waverley Primary School: tree planting

Ms MORAND (Mount Waverley) — Last week I had the pleasure of joining students from Mount Waverley Primary School in celebrating National Tree Day. Schools across Victoria were involved in the Planet Ark Foundation tree planting day on 29 July. Students from prep to grade 6 took part in planting trees in the school's lovely gazebo garden, which students completed last year as part of the Artists in Residence program. I joined with year 5 students Phoebe, Juan, Rachel and Edward in the planting. It was great to see the students participating in this program, which provides a very tangible and fun way for school students to appreciate the value of trees in our environment.

All the students involved in tree planting at Mount Waverley Primary School will be able to watch their trees grow for years to come and know that they have played a part in the local and global environment. Congratulations to teacher Loretta Leary, who undertook this very significant coordinating role for the tree planting day. Mount Waverley primary is a great school, and I am looking forward to the celebration of its 100th anniversary next year.

Glenallen School: special assembly

Another special event last week was the presentation of school badges at Glenallen School in Glen Waverley. Glenallen is a very special school providing a fantastic and caring environment for the education of disabled children. This year the school decided to have school captains for the first time. I took great pleasure in presenting school captain badges to Nicolie Toon and Matthew Chinner, who I am sure will fill the role with great pride and ability. I was also very pleased to present school badges to the students who are spending their final year at Glenallen, and I thank the acting principal, Ann Maitland, and Vivienne Byrnes for inviting me to this special assembly to present the badges.

Oakleigh Senior Citizens Club

Ms BARKER (Oakleigh) — I wish to acknowledge the Oakleigh Senior Citizens Club and its members, who work very hard to provide activities and support for older citizens of the Oakleigh area. As well as organising a great number of activities and outings they also ensure that significant milestones for their members are acknowledged and celebrated.

I was very pleased to attend a special lunch at the club on 27 July to celebrate the 90th birthday of Don Irvine. Don has been a very active member of the club for many years, and on the special day of his 90th birthday he again indicated his commitment to the club by taking on the role of president of the committee for the coming year. It was very clear that all members respect and like Don, and we spent an enjoyable time opening the many presents he received on the day.

We were also able to wish many happy returns to Monica Maidment for her 80th birthday, which was on that same day, 27 July, and I was delighted to catch up with Phyllis Meagher, who had celebrated her 90th birthday on 1 May.

I would particularly like to acknowledge the work of Margaret Stapleton, known to all of us as Peggy. She is the secretary of the Oakleigh Senior Citizens Club and spends every day there organising activities, providing support to members and ensuring that any issues that they may have are taken up with the relevant authorities. Peggy has a strong commitment to the club, and I am sure that the club is better off for her being there.

ENVIRONMENT AND WATER LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 19 May; motion of Mr THWAITES (Minister for Environment).

Government amendments circulated by Mr PANDAZOPOULOS (Minister for Tourism) pursuant to standing orders.

Opposition amendments circulated by Mr PLOWMAN (Benambra) pursuant to standing orders.

The Nationals amendment circulated by Mr WALSH (Swan Hill) pursuant to standing orders.

Mr PLOWMAN (Benambra) — I move:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to —

(a) retain the provisions relating to the Sustainable Forests (Timber) Act 2004, the Safety on Public Land Act 2005 and the Victorian Conservation Trust Act 1972; and

(b) take into account the outcome of public consultation with key stakeholders on the effects of the proposed amendments to the Water Act 1989 and the Melbourne and Metropolitan Board of Works Act 1958.

In talking to the reasoned amendment, the opposition does not wish to oppose the first three parts of this what is virtually an omnibus bill, with amendments to the Sustainable Forest Timber Act, the Safety on Public Land Act and the Victorian Conservation Trust Act 1972. We want to show our support particularly for the last of those three — that is, the Victorian Conservation Trust Act 1972 — because of the extraordinary work done around the state by the Trust for Nature (Victoria) and the fact that these amendments assist in its achieving quite extraordinary results.

But to do that and then to oppose amendments to the Water Act we need to see the split of parts 2, 3 and 4 from parts 5 and 6, and the opposition certainly does not want to support the latter part — that is, the amendments to the Water Act. The difficulty is that we want to make it quite clear that we oppose that part but not the first three parts of the bill. On that basis, I have asked the government to consider supporting the reasoned amendment so that the opposition can vote according to how it wishes on these issues.

Part 2 of the bill relates to the Sustainable Forests (Timber) Act 2004, under which VicForests is classified as a state-owned enterprise. Any decision to reduce the timber resource allocated to VicForests following a five-year review under section 18(1) or a review in response to a significant impact on timber resources under section 18(2)(c) can currently be phased in over the 10 years following the review. We now have reviews every five years and allocations every five years.

The amendment in the bill suggests that we can effectively, by agreement between VicForests and the minister, introduce a change to the allocation of resources to VicForests over 10 years. But the further part to the amendment suggests that if agreement cannot be reached between VicForests and the government, that allocation will be introduced at the end of the 10-year period

Circumstances such as fire, rezoning of land or an epidemic that might raze some of the forest and make it non-harvestable could bring about a substantial reduction of the available timber resource, which could lead to a reduced allocation order. In those circumstances an additional review can be undertaken to determine the loss of the resource. It makes sense that in order to try to give greater security to the industry, that reduction in resource should be delayed as long as possible to allow the industry to prepare for and accept that change. Therefore we support the position that, should VicForests believe it is not realistic for the industry to accept that reduction in resource, it should happen at the end of 10 years, thereby giving the industry every opportunity to prepare for it.

The second part of this part of the bill deals with the suspension of a notice served on a timber harvesting operator by an officer of the department. That suspension notice now can be lifted immediately it is determined that any damage, risk of damage or activities which required that suspension be put in place have in fact been remedied. In the past it required ministerial intervention to lift a suspension notice. This part of the bill allows a suspension notice to be lifted with as little time delay as possible. This makes good sense.

The industry believes the amendments to the Sustainable Forests (Timber) Act go some way towards providing better security of tenure for VicForests. Although the industry asked for 15 years, 10 years is certainly an improvement. That increased security for VicForests gives greater security for the industry and timber processors, and in turn to the harvesting and

haulage contractors. They have more certainty as to their employment and role in the industry.

Currently VicForests is proposing that 75 per cent of the timber be on a tenure of five years or less. But it is evident that when the government was contemplating the prices of timber in Victoria and comparing it with New South Wales, it did not understand or neglected to indicate that New South Wales, Tasmania and possibly Western Australia offer 20-year supply agreements. This puts them at a great advantage over timber suppliers in Victoria who do not have that luxury and until now have had five-year rolling contracts — that is, prospects for the timber to be made available to them on a five-year basis under a notice. If we are to be totally competitive with the other states, we have to look at extending that. Hopefully the government will actually increase those periods of tenure to match at least the tenure in New South Wales for our major competitors in the timber industry.

I will now touch on part 3 of the bill, the Safety on Public Land Act 2004. The opposition fully supports it because it is designed to improve safety on public lands by establishing and enforcing new public safety zones. The secretary is able to declare these safety zones for a variety of reasons. We see the principal reason as being to ensure there is a level of safety in public land that has been designated as a forest coupe for forest production. In these circumstances declarations will be published in a wide variety of ways through local and statewide newspapers, the *Government Gazette* and on the Internet site.

There is every opportunity through the use of maps and documents to identify where these public safety zones are and therefore to help those people who use public land like hunters, bushwalkers and so on to ensure they do not encroach inadvertently on these areas. They can find out exactly where these areas are. It is primarily to ensure that if protesters protest on logging coupes, they will not under this legislation be able to conduct themselves the way they have. They will not be able to gain access to these areas under this legislation. For that reason we believe it is in the best interests of the industry. It is a legal industry and should always be seen that way despite the fact that some people believe that importing timber is better than utilising our own renewable resource.

I again reiterate we support this part of the legislation, but it is yet to be seen whether it is effective when it comes to protesters protesting on public land about logging, interfering with logging enterprises and creating a totally unsafe environment not only for the protesters who have gone in for that deliberate reason but for those people harvesting who under some circumstances put their own lives at risk because of what the protesters do. We will look with interest to see whether this in fact does improve that situation for both parties.

Part 4 of the bill deals with The Victorian Conservation Trust Act 1972. This amendment allows land which is subject to a covenant by Trust for Nature (Victoria) to have land tax and the relevant rates on that land remitted by the minister in conjunction with the Treasurer. There is a bit of a sting in the tail to this though. If the covenant is withdrawn for whatever reason — and there are lots of reasons why covenants are withdrawn from public land — the land tax and rates which have been remitted over the preceding five years will become payable by the landowner. I have had discussions with Trust for Nature (Victoria). It advised me that the bill says the conservation trust has the power to advise the minister but the minister is not obliged to take that advice.

As the trust told me, there are occasions when landowners want their land to have a covenant on it to ensure the best environmental outcome in respect of the habitat for wildlife and the opportunity for native vegetation to regenerate, but they are unable to hold that covenant on the land, and in this case it might put an undue financial pressure on them. The trust believes there are circumstances when this provision would be unsuitable, and it believes that with its ability to advise the minister it should be able to overcome a problem. However, it is totally reliant on the minister's discretion, and the trust is only there in an advisory capacity.

In the past the trust has had 10 members, and on many occasions there has been some difficulty in appointing 10 members. To then form a quorum has meant having a majority of the 10 present. Now the trust will be reduced to between 6 and 10 members, and the majority of that number will form a quorum. This will make the trust more workable, and I again commend the legislation as it is sensible to make the trust more workable.

I now refer to the more contentious parts of the bill which deal with the Water Act 1989 and the Melbourne and Metropolitan Board of Works Act 1958. Section 31 of the Water Act requires that a water supply protection area requires a consultative committee, which is a local committee, to develop a draft management plan that would impose restrictions on the taking of ground water — that is, bore water — to prevent an aquifer or ground water table dropping below a specified level. In the past a draft management plan prescribed these

restrictions to prevent a certain rate of decline being exceeded, but it would not necessarily stop at a specified level, which could cause problems on the state borders.

As you would be aware, Acting Speaker, we have aquifers between Victoria and New South Wales that do not take any account of state boundaries. If restrictions are placed on Victorian irrigators for taking down ground water but none is placed on New South Wales irrigators, the New South Wales ones can draw-down that aquifer to an extent that it is below the level set by Victoria, and Victorian irrigators then suffer the position where, virtually through no fault of their own, they will be restricted on the amount of water they can draw from that same aquifer.

This is an area that needs further consideration. It is putting our irrigators at a great disadvantage, and I notice the minister has given notice of the introduction of a bill that deals only with the ground water between South Australia and Victoria. I was hoping it might also deal with initiating an agreement between New South Wales and Victoria because we need that to give protection to our aquifers. By doing that we give protection to our irrigators who draw water down from it.

The consultative committees development of the draft management plan for water supply protection areas means local farmers, irrigators and specialists in the field can determine the best outcome for that projection area because the committee is a local committee. If it is in a rural area, at least 50 per cent of its members must be local farmers, and therefore people who actually understand the ground water situation better than anyone else have the hands-on experience of managing it.

It is of concern that in this bill the minister can approve a draft management plan incorporating any of his own changes without referring it back to that consultative committee. Worse still, if he decides to refuse a draft management plan, he can completely do away with the consultative committee, form his own management plan with no reference to that committee or to those people who know what the issues are surrounding what should and should not happen in an area, thereby defying the spirit of the original legislation, which was to ensure that those local farmers, irrigators and specialists in the field would be used on all occasions when the draft management plan was being considered prior to its approval by the minister. The bill goes on to say that the minister can take any other action he considers appropriate. That again flies in the face of receiving and accepting local advice from that consultative committee.

The Victorian Farmers Federation has strongly opposed these provisions of the bill, and as a consequence I will read part of a letter sent to me in response to my approach to the VFF on this issue. This four-page letter indicates the extent of the concerns held by the VFF about these provisions of the bill:

> The VFF's interest in the bill is specifically with regard to Part 5: amendments to the Water Act 1989. The bill recommends major changes to the powers of community consultative committees to develop management plans for water supply protection areas.
>
> In particular the proposed amendments could have the effect of taking the development of water supply protection areas management plans completely out of the hands of the affected community and placing that power in the hands of the minister and the department in Nicholson Street, East Melbourne, in instances where the minister refuses to approve a draft plan prepared by the consultative committee.

This is the vital part of this issue. It is one thing for the minister to say, 'I do not accept your recommendations', but it is still in a draft form. For the minister then to completely negate any further negotiation with a consultative committee flies in the face of the intent of the original legislation. The letter goes on:

> In particular, the act provides that the membership of consultative committees must include
>
> > all relevant interests be fairly represented on the committee;
> >
> > persons who have knowledge or experience of matters to be covered by the plan; and
> >
> > for rural areas (including water supply protection areas not wholly within an urban area) at least one half of the membership must be farmers who own or occupy farming land in that water supply projection area, appointed after consultation with the VFF.
>
> This level of local community involvement on consultative committees is important as section 32A of the act provides that water supply protection area management plans may prescribe wide-ranging conditions or restrictions on the use of ground water and/or surface water to ensure these resources are managed equitably and sustainably for the long term.
>
> …
>
> Management plans can prescribe metering and monitoring requirements, the location, capacity and operation of some private dams, restrictions and conditions on issue and renewal of licences, restrictions on ground water taken from bores or on surface water, and conditions of payment for water taken, among other things.
>
> Decisions taken on these matters in proposing management plans could clearly have an impact on the equity of water resource use …

I fully support what the VFF is saying in the concerns it has registered with me. It goes on:

> Once a draft water supply protection area management plan is submitted to the minister, the minister currently has two options under section 32A(6); either to approve, or refuse to approve, the draft management plan.
>
> There is, of course, a third option which is for the minister to neither accept nor refuse a draft management plan, but instead fail to act or respond. The VFF has previously expressed frustration at draft plans developed at some length by local consultative committees, submitted to the government and never heard of again.

Clearly this is not a satisfactory situation. If we are to gain the confidence of local communities and the people who are there particularly to give that advice to the minister and the government, their plans must be considered and either accepted or refused or put back to those committees for amendment. That is the gist of the letter I received from the Victorian Farmers Federation on this part of the bill. On that basis I have circulated amendments for consideration, and hopefully during the consideration-in-detail stage we can go into the detail of the amendments and the reasons for them.

As a result of the Katunga Irrigators taking the minister, the department and Goulburn-Murray Water to court and virtually winning that action, given the settlement with the government out of court, the bill has been strengthened by its now saying that a draft management plan is not invalid merely because of a defect or an irregularity in the approval of the plan or in connection with the approval. The opposition will move an amendment to that, and during the consideration-in-detail stage I would like to go into greater detail about the reason for it.

The bill also allows for documents which may include area plans to be inserted into orders that the government has made on a retrospective basis. These orders cover a wide range of water issues, including aquifers and waterways and virtually any other issue in any part of the state. It then goes on to validate these orders back to 1 July 1984. In other words, there is a 21-year retrospectivity provision in this part of the bill.

It is complex. It means that if a plan or a document was available — or, in the words of the bill, was purported to be available — it could actually be incorporated into an order which determined whether someone could or could not draw ground water. This part of the legislation is specifically there to overcome the possibility of litigation by groups like Katunga Irrigators. It also might have a direct bearing on a case against the government by an individual irrigator which is currently before the Victorian Civil and Administrative Tribunal (VCAT). On that basis the opposition opposes the introduction of the cart blanche retrospectivity of any additional material which may prevent a legitimate case being brought against the government.

It is almost unheard of for a government, when a case is before the court — or, in this case, before VCAT — to introduce legislation that may well prejudice that case or certainly limit the chances of the proponent achieving a successful outcome. It is of real concern to me that the government is prepared to go to these lengths to try to protect itself from what I would consider to be a quite legitimate case. You may have applied to put down a bore, been advised that, 'Yes, you can put a bore in a certain area', then struck water to an extent which indicated that it might be part of an extensive aquifer or a deep lead with substantial opportunity for ground water to be drawn from it, all on the understanding that you had permission from the department to bore in that area, yet find that this legislation has been used to introduce a map or a document going back 21 years that indicates that that area could be declared a water supply protection area, thus negating the opportunity for you to utilise the water. I feel that this retrospectivity is exactly the wrong approach to take to the industry. It sends out all the wrong messages, and as a consequence we certainly oppose this part of the bill.

I note that the government has circulated house amendments which we have not had the opportunity to view because they were not made available to the opposition parties until the commencement of the debate on this bill. I hope the government is considering changes to those aspects of the legislation, because I sincerely believe that the irrigators who rely on bore water and ground water must be treated fairly and equitably. Any indication of legislation being introduced to prevent that level of fairness and equity should be opposed vigorously.

Mr WALSH (Swan Hill) — In starting my contribution to the debate on this bill I express The Nationals' disappointment that we have another omnibus bill which makes amendments to a range of different legislation. With these bills we effectively almost end up with a Trojan Horse situation. This bill is the Trojan Horse for amendments to the Water Act 1989, which The Nationals have some serious concerns with. We will move an amendment to delete clause 14 from the bill that amends that act, and I will come to that later as I work through the bill.

Clause 3 in part 2 deals with some issues concerning VicForests. When the VicForests legislation was

introduced last year we Nationals opposed it because we did not believe it delivered a good outcome for the forest harvesting industry. In his second-reading speech the minister talked about the fact that these amendments will provide greater commercial certainty to VicForests when entering into contracts. But further on the speech talks about how timber resources can be changed before 10 years have elapsed with the agreement of VicForests and the minister. In part it refers to:

> … a change in the land base zoned as available for timber harvesting, for example, as a result of the government accepting a recommendation by the Victorian Environment Assessment Council to this effect.

I think people in the timber industry would have major concerns with those sorts of statements by the minister — and take, for example, the red gum industry in my electorate. Currently the Victorian Environmental Assessment Council is doing a study of the red gum industry along the Murray River. We could find that VEAC will make a recommendation that that become a national park, which would then substantially reduce the amount of timber available for harvesting there. Then there was the situation before the last state election when the Bracks government effectively tore up the regional forest agreements and did not honour its commitments. I am not sure how the timber industry can take any heart from these changes or believe it will have any greater certainty into the future.

One of our concerns — and we have had a lot of legislation on the timber industry — is that we are again dealing with one particular part of the industry. Recently we dealt with the Owner Drivers and Forestry Contractors Bill, which will provide for one significant part of the industry to be regulated. I understand from talking to people in the timber industry that something like 80 per cent of the cost of timber comes from harvesting and transporting it to the mills. So effectively 80 per cent of the cost of the industry will be regulated by the new legislation, but the rest of it will not be. Again in this bill there is some stuff about VicForests that on behalf of the timber industry we are not particularly happy with.

Part 3 of the of the bill is an initiative that moves in the right direction of preparing safety zones. It goes through the mechanism of how those safety zones are to be published in the future. This issue goes to the heart of what I would like to call, for the sake of the debate, ecoterrorism. It is believed by quite a few people in the community that they can effectively create civil disobedience and danger in the work place to people who are going about their legitimate business. There have been instances of spikes being driven into trees and those sorts of things, but no-one knows where they are until someone with a saw or a chainsaw comes upon them later. That can create quite a dangerous situation for people who are timber harvesting.

Also machinery has been damaged by what I would call ecoterrorists, who believe it is legitimate for them to demonstrate, to damage private property and to cause an unsafe work environment for those who are legitimately working there — all based on raising the profile at issue. That goes to the heart of one of the issues very dear to our party — that is, the Hahnheuser case, which I would call industrial terrorism.

In that case the gentleman put ham into the sheep feed and caused financial loss to the people who were exporting wethers as well as causing a loss of face to the industry in the Middle East. The Leader of The Nationals recently introduced a private members bill to amend the Crimes Act, to correct what was an anomaly under which that gentleman was able to escape prosecution because he believed what he was doing was in the interests of raising the profile of the issue and not actually doing any harm to anyone, even though a significant economic loss was suffered by the people who were affected by what he did.

I would be interested to know what the Attorney-General is doing to make sure we correct that anomaly in the Crimes Act so those sorts of actions can escape punishment. More importantly, I would like to know what the Minister for Agriculture is doing to stick up for the industry he represents by lobbying the Attorney-General to make sure something is done on this particular issue.

Part 4 talks about the environmental Victorian Conservation Trust Act. Some very good things are in this part of this omnibus bill. We are very supportive of the conservation trust and the good work that it does, but because the bill amends the Water Act we feel compelled to oppose it as it would disadvantage our irrigators into the future. Hence, The Nationals support the reasoned amendment.

Of particular interest is the issue of remitting rates and land taxes back to people who enter into conservation covenants. I think this is an excellent way of using some market mechanism to make sure we achieve a good outcome for the environment. At the moment the government wants to be very prescriptive and to enforce things on people all the time; it wants to control people's lives with legislation, regulations and rules. The bill allows the use of a market mechanism to achieve a good outcome, and I think market mechanisms let people take more ownership of what

they want to do; in this case it is a good thing for the environment rather than government being prescriptive.

One of the concerns I have with issues the likes of this, and I hear about it as we move around the state, particularly in local government areas which have a significant amount of Crown land in their shires or large areas of state or national park, is about rates not being collected off that land. In this case they are remitting rates back to the people who have set up a conservation covenant. It is good that the conservation covenant exists, but it is disappointing that local government will miss out on income.

In some of those shires, taking the East Gippsland shire as an example, quite substantial areas are state forest and national park. The shire still has to maintain the roads and bridges but it does not get any income out of that land. There is a very good case as we move forward, particularly as the government seems to have a bent for declaring more state parks and more national parks, for some form of recompense being put in place for local government to make sure it is not out of pocket when these sorts of things happen.

Those who live in the north of the state would have recently seen in the press that the New South Wales government bought Yanga station, which principally is in the shire of Wakool and partly in the shire of Balranald. As I understand it the Wakool shire is going to be something like $50 000 a year out of pocket in their rates income because the New South Wales government has bought that property and declared it a national park.

If we had situations like that in Victoria, we could find local government being even further disadvantaged into the future. Under national competition policy I believe there is a very good case that particularly government land which local government should receive some income from should be paying rates because under competitive neutrality it is not fair that a government enterprise, in this case Crown land and national parks that may charge entry fees or may charge timber royalties on some harvesting areas, do not pay shire rates.

The other issue about state and national parks is the funding formula for state parks versus national parks; I know from some people in my area that the main reason for their lobbying to get extra areas declared national parks is because they want to see an increase in the funding formula so that more money is put into that. If we actually changed the ratio between the funding of state parks versus national parks, there may be a very good case to keep state parks that are more multi-use than there is to declare them national parks for the future.

The other thing that I would like to make the house aware of is that through an excellent initiative by the federal government in recently changing the commonwealth Income Tax Assessment Act, the government can now provide income tax breaks for any land value decrease of more than $5000 as a result of placing a covenant on that land. Several weeks ago an excellent article in the *Stock and Land* talked about a couple in north-east Victoria who placed a covenant on their land and received an income tax deduction of $40 000 for doing that — another market mechanism to achieve a good outcome for the environment rather than having a prescriptive way, which this government seems to have a great tendency towards.

The last issue I would like to spend some time on — it is the subject of a range of house amendments and a reasoned amendment from the Liberal Party, which wants to split off part 5 of the bill — concerns changes to the Water Act and particularly water management plans. Anyone who has been involved in the water debate would know that it is a very complex issue, and preparing plans for ground water supply protection areas is an even more complex issue than most. At least when you are dealing with surface water you can see and reasonably measure what is going on. However, with a ground water supply protection area it is very hard to measure, because you cannot see it. You do not know the flow of the water, where it comes from or what the draw-down is doing in one area and whether it will have an impact on another area.

We have already heard about the cross-border issues. Several ground water supply protection areas where there is a lot of contention come to my mind: Murrayville, which we share with South Australia in the north; the Condah aquifer, which we share with South Australia in the south-west; and the Ascot aquifer around Ballarat. All of the Ascot aquifer is in Victoria, but there is some debate as to which water authority it sits in — does it run to the north and go into Goulburn-Murray Water, or does it go to the south and impact on Southern Rural Water's business — —

An honourable member — Or both.

Mr WALSH — Or both! There is a lot of conjecture with those sorts of issues.

The Nationals have circulated an amendment seeking to delete clause 14 of this bill because the party believes the clause opens up the bill and gives the minister too much power into the future. The bill is very prescriptive

of what the minister does, and it stipulates that the community has to be consulted. But we in The Nationals have major concerns about the fact that effectively giving the minister unfettered powers, as clause 14 will do, would take away the community involvement and potentially the community ownership of any decisions that may be made as a result of the bill.

As the previous speaker said, we had detailed discussions with the Victorian Farmers Federation about this issue, and I would like to quote a couple of clauses of its letter of response:

> In particular the proposed amendments could have the effect of taking the development of water supply protection area management plans completely out of the hands of the affected community and placing that power in the hands of the minister and the department in Nicholson Street, East Melbourne, in instances where the minister refuses to approve a draft plan prepared by the consultative committee.

It goes on:

> Unfortunately the VFF believes proposed amendments to the act may greatly reduce the level of involvement by local communities in development of approved water supply protection area management plans.

Obviously the VFF has been doing its work very well. The reason I wanted to read out those two paragraphs is that they reinforce the issue that you need community involvement in water supply protection areas and in the production of their plans. Those plans, if adopted and implemented, can have long-term ramifications on the irrigation industry in that area and can inflict significant cost on the industry.

When we worked through some of these plans historically the government used to have in place a program that assisted in the cost of metering — and one of the recommendations that came from those plans was that all of the ground water bores should be metered — but that program has not been working as well as it should be and is not providing the necessary resources.

The VFF's letter goes on to talk about its opposition to particular clauses of the bill:

> Clause 14(2) of the bill, seeking to provide the minister with power to approve a draft management plan 'with any amendments the minister considers appropriate' without first requiring the minister to consult with the local consultative committee …

You can have an issue where a consultative committee has gone through quite a tortuous process working with the community to come up with a plan — and they are tortuous processes; I do not envy anyone the job of sitting on these committees and trying to do these plans — and you could then find that the minister does things quite contrary to all the work that has been done by the consultative committee and actually ostracises the whole community by doing that. Clause 14 gives the minister too much power in that regard.

The VFF opposes clause 14(3):

> Clause 14(3) of the bill in general but in particular to use of those powers without requiring the minister to consult with the local consultative committee in the first instance after refusing a draft management plan. I note the VFF is opposed to the minister being given power to prepare a draft management plan even after return consultation with the local committee …

So if the minister did not like the plan he could throw it out and ask his department to do a whole new plan. I do not think that is in the spirit of working with a community and it is not in the spirit of what is intended in the current Water Act, and that is why The Nationals oppose those sorts of things.

The VFF's letter continues:

> Under these changes there would be no legislative incentive for the minister (or the department) to refer issues about the draft management plan back to the original water supply protection area consultative committee for resolution.

The current Water Act, although rather cumbersome and quite prescriptive on what the minister can and cannot do — and in some cases it is quite frustrating for people — at least ensures that issues go back to the community. Under proposed clause 14 issues do not have to go back to the community at all.

The final issue about this is in clause 14 (4). New section 32A(10A) is there to make sure that the things that happened in the Katunga ground water supply protection area do not happen in the future. My learned colleague the member for Murray Valley will no doubt have more to say about that when he speaks, because it is in his electorate, and no doubt a member for North Eastern Province in the other place will also have quite a bit to say about it.

I would just like to quote from the Katunga ground water management plan consultative committee newsletter of July 2005. This ground water supply protection area has now been sent back. The newsletter states:

> The consultative committee's job is to prepare a new management plan and they are doing that based on some principles of fairness and equity, consideration of impacts, simplicity, ease of use and in consultation with all stakeholders.

That paragraph sums up what we would be about in making sure that we have legislation that works, in making sure the community is consulted, in making sure that the community is involved in any decisions that are made about water supply protection areas and, in this case, ground water supply protection areas. As I said, I do not envy anyone the job of sitting on one of these committees and trying to come up with outcomes that quite often have a financial cost for all stakeholders. If it is not broken, why fix it? We have a situation here where the minister has sent it back to a committee to prepare a new draft management plan.

Mr Jasper — After it has been through the court.

Mr WALSH — True. However, it will involve the community. With the amendments the government has proposed in clause 14, that plan would not have had to go back — the minister could have just said, 'I do not like it. I will get my department to draw me a plan that I like'. That could have significantly disenfranchised the local community and, more importantly, could have imposed a significant cost on those who live in that area without any involvement from them in the outcomes.

Ms LINDELL (Carrum) — The bill before us today amends a number of acts of Parliament including the Sustainable Forests (Timber) Act 2004, the Safety on Public Land Act 2004, the Victorian Conservation Trust Act 1972, the Water Act 1989 and the Melbourne and Metropolitan Board of Works Act 1958.

Part 2 of the bill concerns the Sustainable Forests (Timber) Act. It amends this act to provide increased resource security for VicForests and the timber industry. The principal act provides for a review by the minister of the allocation of timber resources in a range of circumstances and directs what happens after the review. To improve the security of supply the amendment requires that any reduction following such a review must occur 10 years after the review rather than over the 10 years following the review as it is currently phrased in the act. The minister can still reduce VicForests' timber allocation prior to the elapsing of 10 years with the agreement of VicForests.

Clause 4 of the bill concerns the expiry of a suspension notice once the matter has been remedied. In the original Sustainable Forests (Timber) Act section 74 provides that a suspension notice expires once the matter referred to in the notice has been remedied to the satisfaction of the authorised officer who issued the notice. The amendment to section 74 in the principal act will allow for the expiration of the suspension notice if any authorised officer is satisfied that the breach has been remedied. This is obviously an administrative efficiency which is needed now the 2004 act is in place.

Part 3 of the bill concerns the amendments to the Safety on Public Land Act 2004. It authorises the secretary, when declaring a public safety zone, to incorporate maps by reference into a public safety zone declaration to assist with identification and location of the zone. Clause 6 amends the Safety on Public Land Act to streamline the administrative process necessary to declare public safety zones. The proposed amendments are in line with a similar provision in the Sustainable Forests (Timber) Act 2004. Clause 7 enables regulations under the Safety on Public Land Act 2004 to apply in that documents can be published.

Mr Honeywood interjected.

Ms LINDELL — Hopefully. Part 4 of the bill concerns the Victorian Conservation Trust Act 1972. Clause 8 inserts proposed section 1A into the principal act to provide clarity in relation to the meaning of the words 'trust' and 'trustee'. This will make it quite clear that the reference to a trust is indeed a reference to the Trust for Nature (Victoria).

Clause 9 inserts proposed section 3B into the Victorian Conservation Trust Act 1972 to re-enact and modernise section 4 of the Victoria Conservation Trust Act 1978. In fact, the 1978 act is repealed by clause 12 of the bill. The minister can make an order and remit all or part of the land tax payable by the landowner. Clause 10 alters the number of trustees, about which I believe the member for Benambra went into quite some detail. Clause 11 allows for the repeal of the Victoria Conservation Trust Act 1978, the Victoria Conservation Trust (Amendment) Act 1986 and the Royal Botanic Gardens and Victorian Conservation Trust (Amendment) Act 1995. Clause 12 repeals these acts as, as I have just outlined, their provisions are being enacted in the Victorian Conservation Trust Act 1972 by effect of clauses 9 to 11 of this bill.

Part 5 of the bill, which amends the Water Act, seems to be the most contentious part of this legislation. The amendments in clause 13 will make it clear that a consultative committee appointed to prepare a draft management plan for a water supply protection area must consider any comments made by interested persons and make any appropriate changes to the draft plan before it is referred to the minister for consideration. There has been considerable debate about the changes allowing the minister to approve draft management plans with amendments. The existing provisions only allow the minister to approve or refuse to approve a management plan. There is no flexibility at

all for the minister to make minor amendments to the plan, he has only two options: approve or not approve. The amendments in the bill seem quite reasonable in that the minister will be able to make some amendments without referring the entire plan back to the committee.

Clause 14 amends section 32A of the Water Act. It provides that management plans for water supply protection areas may describe ground water level maintenance requirements in a variety of ways. This provides for improved flexibility. Under the new provisions it will be possible to refer to an average or specified level and refer to a wide range of ground water level measurements. Clause 14 goes back to the draft management plans and sets out the process by which the minister may draft, amend or approve such plans.

Clause 15 inserts proposed sections 305C and 305D into the Water Act. It will allow for the incorporation of maps and plans by reference in subordinate instruments. This is obviously the most convenient and easily understood method of identifying areas affected by such instruments. There seemed to be some reluctance by previous speakers to accept that the government has a legitimate right to change legislation which has been contested and to clarify what was absolutely meant by the original legislation. Obviously these instruments are particularly important for clearly describing the boundaries of ground water aquifers and other hydrogeological features that are not visible at the land surface, which I think the member for Swan Hill commented upon.

In part 6 of the bill clause 16 inserts sections 241A and 241B into the Melbourne and Metropolitan Board of Works Act. It also allows for the incorporation of maps and plans by reference in subordinate instruments. The bill puts beyond doubt the validity of the subordinate instruments made under the Water Act 1989 and the Melbourne and Metropolitan Board of Works Act 1958 since 1 July 1984 that have incorporated by reference maps, plans and other matters contained in other documents. It provides certainty where there is no certainty. It enacts provisions to put beyond all doubt the interpretation of this act. I commend the bill to the house.

Mr HONEYWOOD (Warrandyte) — I know the saying 'empty vessels make the most noise', but what we have just heard from the member for Carrum would have to be the most pathetic contribution to parliamentary debate I have ever come across. So desperate are government backbenchers to fill up space in *Hansard* so they do not get reported in the *Herald Sun* for a lack of involvement in debates in this chamber that they stand up and repeat, almost word for word, the minister's second-reading speech and just read clauses into the record. We did not hear one iota of a contribution from the member for Carrum on what she thought of this legislation. We did not have one bit of debate about any aspects that she had discovered or might have had concerns about.

No, instead the government mushrooms on the backbench are given the public service spiel to read. In this case, in preparing the spiel for the member for Carrum the public servants did such a fine job that all they gave her was something on the mechanics of the legislation, which the minister read out in his second-reading speech. What a fine contribution from the member for Carrum! This will go down in the annals of parliamentary history as a great little recitation, clause by clause, of what is in the bill. I thank the member very much. She has earned her money today and can now go home!

This bill is about a number of key aspects, and I want to dwell particularly, given that I have the environment portfolio in my bailiwick, on the aspects relating to the Trust for Nature and safety on public land. If she stays in the chamber, the member for Carrum might learn something.

The Trust for Nature, we are proud to say, is Australia's oldest land trust. It notes on its web page — at www.tfn.org.au, which I can commend to the member for Carrum, if she cares to turn on her computer today — that 66 per cent of Victorian land is currently privately owned, that 95 per cent of that private land has been cleared and that less than 6 per cent of Victoria's remaining land is in a natural state. What we find, according to this web page, is that in Victoria 2500 hectares, an area roughly equivalent to 1300 Melbourne Cricket Grounds, is lost annually to land clearing.

We are proud to say not only that Trust for Nature is Australia's oldest land trust but that it was established in 1972, during the time of the Hamer government. The late Sir Rupert Hamer was a great advocate of the work of the Trust for Nature. Its mission initially was to look after land that was bequeathed to the state by enabling and facilitating the bequeathing of it for nature conservation. In 1978, some six years after the trust was formed, the act was amended to allow landowners to voluntarily place conservation covenants on their land, which permanently protected significant areas of natural bushland. In 1989 a revolving fund was added, which is a mechanism that allows the Trust for Nature to acquire noteworthy bushland and sell it again in

covenanted form. Most recently, the trust notes, changes in tax laws now support covenantors.

So this is, on any bipartisan measure, a worthwhile addition to the legislation that governs the trust. It ensures that there are more incentives for private landowners to donate bushland to the state and for that bushland to be cared for — but not with any money from the government, because we know that this government spends less per hectare and per head of population on park management and weed and vermin control than any other state in Australia. These are not my figures but those of the Australian Bureau of Statistics. Landowners do not look to this government to care for the land donated to the trust; they of course look to volunteers to do most of the hard work there and to get rid of weeds and vermin. In order to ensure that there are more incentives available to private landowners to join in ensuring that their land is covenanted and looked after for the future, we have this provision in the bill before the house that will ensure land tax exemption and the remitting of rates. I think that is a worthy addition indeed.

In my own electorate of Warrandyte I have a large number of properties that have been put into the Trust for Nature covenants. I know of one in particular, in Webb Street, Warrandyte, that is fantastic testimony to the owners there, who are not only committed to native vegetation retention but also involved in the propagation of locally indigenous native plants. I pay tribute to the work they are doing on that property, which I inspected in preparing for the debate today.

The objectives of the Trust for Nature are laudable. I might add that since we established the trust in 1972 other states have followed our lead. A number of trusts have now been established in other states, including Queensland, Western Australia and New South Wales.

A number of staff are involved in the Trust for Nature (Victoria). It has 18 regionally based staff and 32 staff in total. There are currently 10 board members, but they want the flexibility in the legislation to ensure that only 6 members need to be present at board meetings for decisions to be regarded as binding on the trust board. The trust is proud to have a total of 1221 volunteers, 350 of whom are general volunteers and 871 of whom are conservation volunteers. Again according to its webpage, 39 properties have been sold through the trust's revolving fund which has raised $1.3 million for conservation. The trust has purchased 110 properties, and 581 properties are protected through voluntary covenants. Therefore, a total of 66 000 hectares is protected in what is, after all, Australia's second-smallest state. The land conserved by the trust across the state is worth over $100 million.

We can all be proud of the Trust for Nature, which, as I said, was established by the Hamer government and has been supported by all subsequent governments. Whether it is through the conservation covenants, the revolving fund or through the buying-the-bush program it is doing the job for future generations so that hopefully we can be proud of the amount of land our generation passes on to the next.

We will not go into the problem of vegetation clearing on private land, which the trust often finds itself up against. Having said that, in the 2 minutes I have left in my contribution to the debate I will refer to the provisions in the bill as they affect the Safety on Public Land Act. Two legislative instruments currently guide safety on public land in Victoria — that is, the Occupational Health and Safety Act and the Safety on Public Land Act 2004. The Occupational Health and Safety Act sets out the principles for the health and safety and welfare of employees and other persons in workplaces, including on public land.

The role of industry codes of practice is an aspect of the changes to that act that has affected state forests. Under the previous provisions people were able to meet their duties under Victorian safety laws by complying with the related part of the code of practice. Changes made in 2004 meant that complying with the code of practice did not necessarily mean complying with a duty under the new act. That is one act that applies.

More recently the Safety on Public Land Act has been implemented. I was involved in the briefing about that legislation, and I know that it provided for the declaration of public safety zones. I would have thought the government would have gotten its act together and fixed up all the notification issues in that act, but as we often find with this government, we have to come back to Parliament to clean up bad legislation, so we find snuck into the bill now before the house a provision that clarifies what the Secretary of the Department of Sustainability and Environment can and should do when it comes to declaring and enforcing safety zones.

We are happy to accommodate the government's fixing previously badly drafted legislation to ensure that declarations about public safety zones are published in local papers and in full in the *Government Gazette*. I think that is in the interests of all public land users, including bushwalkers and, of course, protesters. Protesters need clear guidelines about where they can protest. Protesting is a legitimate activity in Victoria, but we want it done in a way that is safe for all parties

involved — those in the logging industry and the protesters themselves.

Finally, we have moved a reasoned amendment because we are concerned about the water provisions in the legislation.

Mr WILSON (Narre Warren South) — I rise to speak on the Environment and Water Legislation (Miscellaneous Amendments) Bill. The purpose of this bill is to make amendments to five acts — the Sustainable Forests (Timber) Act of 2004, the Safety on Public Land Act 2004, the Victorian Conservation Trust Act 1972, the Water Act 1989 and the Melbourne and Metropolitan Board of Works Act 1958.

I will just summarise the first three items, because as has been said in this chamber previously, the conservation trust and water changes have caused controversy, and they are also the issues of public interest. The amendments to the Sustainable Forests (Timber) Act is necessary to ensure the security of supply of Victoria's timber resources. This will allow greater commercial certainty and allow VicForests to enter into longer term, 10-year supply arrangements with its customers. This bill allows for checks and balances, allowing reviews if the minister considers that any event or matter has had a significant impact on timber resources, including the variation in resources due to fire, timber disease or other natural causes. I believe the amendments to the act will go a long way to easing the concerns of the timber industry and many in our regional communities who are dependent on that industry.

The amendments to the Safety on Public Land Act will allow the secretary of the Department of Sustainability and Environment to declare public safety zones. As has been discussed by previous speakers, these zones will improve safety in our forests for all. I am sure that is what every member in this place wants. The amendments will allow the streamlining of the process by deeming whatever is necessary to publish notice of the making of the declaration along with details of where interested parties are able to obtain the declaration in full. Obviously the *Government Gazette* and the department head office and relevant regional offices will have the information in full.

Substantial comment has been made about the amendments to the Victorian Conservation Trust Act 1972. It is designed to assist what is, as my predecessor in speaking noted, one of the better trusts in Victoria. He noted that it is the oldest one; I note the good work it has done in the south-eastern suburbs over the last 30 years. The current legislation requires the board have 10 trustees and that 6 trustees form a quorum. This amendment varies the requirement so that a minimum of 6 and a maximum of 10 trustees be appointed, with a majority — not six, but a majority — being able to form a quorum. This will allow flexibility to improve the efficiency of the trust when vacancies occur for various reasons like illness et cetera. I am sure that many of my colleagues have served on committees where quorums could not be formed due to the illness or injury of its members.

I am pleased to hear that all parties support the land tax and rate remission provisions of this bill for land held in trust. I am a strong supporter of rate remissions for conservation issues, and as a councillor I discussed these issues many times with officers of the City of Greater Dandenong.

The Trust for Nature does a great job in preserving vegetation in our state. As well as assisting in the purchase of land of significance, it also provides much valuable advice in the management of non-urban land, including the urban fringe. The amendments to the Water Act of 1989 improve the management of water supply protection areas. As has been said, this government is committed to sustainable water usage. The management plans will impose restrictions on the taking of ground water. As was also said earlier today, the measurement of ground water is very difficult given the fact that it is out of sight. The changes will improve the process of drafting, amending and improving management plans. As noted by members previously, the current provisions are cumbersome and can be frustrating. This is why I support this bill and the government amendments.

As a person who was born in Orbost near the banks of the Snowy River I note the importance of water to our whole state, whether in the natural flows to the Snowy or to Troops Creek through Hallam or in the water available to farmers through the production of the food we need.

Since the election of the Bracks government in 1999 much has been done to improve the health of our streams and rivers and the areas beside them. In my electorate of Narre Warren South the banks of Troops Creek north of Hallam and the Princes Highway have been substantially improved, and a playground has even been constructed. These improvements have transformed this land into a beautiful area, with a healthier creek running through local wetlands. The creek flows beside the houses of Hallam, making the area north of the Princes Highway a delight. As I understand it these improvements were funded through the Healthy Rivers program in conjunction with the

City of Casey and are part of a 10-site program through the Dandenong–Narre Warren area. The state government has a major investment in water initiatives approaching $1 billion. Some of these programs are very identifiable, such as the Snowy River improvement and the Wimmera–Mallee pipeline.

An honourable member interjected.

Mr WILSON — It certainly is, and friends of mine at Brim say it will do wonders for them. Further parts of the program are contained in the Our Water Our Future program, and I am especially interested in the investigation of the feasibility of running a pipeline from the eastern treatment plant for sewerage in Gippsland. The pipeline is likely to pass close to the south of my electorate and will continue drought-proofing this part of the south-eastern growth corridor. In addition to the extra water for recycling in the region through which the pipeline will pass, the Our Water Our Future program significantly encourages the use of water-efficient appliances and water tanks. Many of the residents of Narre Warren South have funded the installation of tanks using a state government subsidy, and one resident has installed seven tanks for his domestic use. This is a great encouragement for people. With water tanks and/or solar hot water systems being used to achieve rating 5 scores for the new housing in the growth corridor, the state government is truly committed to saving water in the metropolitan area.

Currently water savings of around 20 per cent are being achieved. This is a great job, but I believe even more can be done. In the electorate of Narre Warren South new schools — we have five new schools in my electorate — such as Hillsmeade Primary School have large water tanks that are ready to catch the flow when it rains, as was forecast today. Also the new primary school being built in Centre Road has two very large tanks.

These amendments largely concern the administration of five acts but are nonetheless important in ensuring the sustainability of our natural resources. I commend the bill to the house.

Mr DIXON (Nepean) — I wish to comment on the parts of this bill affecting the Water Act whereby local farmers and irrigators can develop their own draft management plans to take water from aquifers. Under this proposed legislation the minister can draft or make changes to the plans of local committees with absolutely no reference to those committee. I have real concerns about that. For example, the local users of aquifers, whether they be golf course owners or farmers, know the state of flux of the aquifer, water usage rates and how the weather affects all that, and that local knowledge is very important. No minister should ride roughshod over the considered opinions and plans of those local committees.

I have a particular instance underneath part of my electorate involving the Nepean aquifer, which is under a great deal of stress at the moment as a result of a combination of factors. The drought and the lack of water over a number of years has been affecting all of Victoria as well as Australia, and certainly the Mornington Peninsula. Coupled with that there has been a far higher use of that aquifer, which has steadily increased over the last few years. There are three reasons for that — and one is the increasing population in the area. More and more people are living down on the Mornington Peninsula, and a lot of them are putting bores down to water their gardens and whatever else. There has been a huge increase in that activity, and I know the water boring companies have been very busy. Yet in the scheme of things they are really only minor users of the aquifer.

The big users — they are the second reason that the Nepean aquifer has been under stress — are the huge number of market gardens in the area. The local market gardening industry wants to expand and will take any opportunity it can to do so, but it relies heavily on the aquifer to water its crops. The other main contributors to the increase in the stress on the Nepean aquifer are the huge number of golf courses. There are eighteen 18-hole golf courses in my electorate, most of which draw huge amounts of water from the aquifer. In drought situations the golf courses need more water. These are not just hit-and-giggle courses but world-class golf courses that require a high standard of maintenance, which usually means a lot of water.

The local users of the aquifer have been working with the Southern Rural Water Authority and also with Mornington Peninsula Shire Council to tackle the challenges facing the Nepean aquifer.

They are working long and hard on it. They are doing a lot of work. The problem is complex and of long standing. The idea that through this legislation the minister can just override that knowledge and the plan of that committee by either drafting his own plan or changing the plan without reference to the local committee is I think a disgrace. I do not know whether the government meant that to happen or not, but that is how the legislation reads, and that is how in a practical sense it could turn out.

You might ask me why the minister would want to do that. I have got a very good reason why the minister

might want to do that. It would be very embarrassing to the minister, for example, if the local committee were to say, 'We really need a cap. We will have no further water coming out of the Nepean aquifer or we are going to really severely restrict use of the Nepean aquifer'. The current users would not be able to take as much water out and therefore it would affect the viability of farms, market gardens and golf courses. That would be a major issue down on the Mornington Peninsula and could severely embarrass the government.

The other aspect that would even more severely embarrass the minister is that the Nepean aquifer is fairly well underground but above it is a pipe, and that pipe is carrying C class treated effluent from the eastern treatment plant out to Gunnamatta outfall. It actually flows right through the middle of the Mornington Peninsula. If that water were upgraded to A class, as we have been asking the government to do and as everybody wants the government to do, then the local growers and local golf courses could use that water. They could even recharge the aquifer, and certainly the pressure that is currently on the Nepean aquifer would not be there. There is a solution right under the minister's nose, literally. It could be very embarrassing if this aquifer were capped and no-one was allowed to use it or if it were severely restricted when the minister knows very well that this pipeline runs right through the aquifer area.

I think the minister has the power under this legislation to override what the locals want. If the government thinks the situation has become so severe that it needs to restrict or cap the aquifer and the use of the water out of it, the minister will be able to do that — and for political purposes. The member for Narre Warren South was talking earlier about the two-year study that is being conducted on upgrading the treatment plant and piping the water down to the Latrobe Valley. That is a great plan and is certainly worth considering, but what that has done is to delay the upgrade of the eastern treatment plant by another two years. I doubt the commitment of the minister on real change and real water reuse. I think if he is caught in a bind, if he is in a corner, he may use this legislation and the powers he gains under it to make a political decision about the future of our aquifer. Therefore I oppose the changes the government proposes to make to the Water Act.

Ms BEATTIE (Yuroke) — I rise to support the Environment and Water Legislation (Miscellaneous Amendments) Bill. This bill makes amendments to some five acts — the Sustainable Forests (Timber) Act, the Safety on Public Land Act 2004, the Victorian Conservation Trust Act, the Water Act 1989 and the Melbourne and Metropolitan Board of Works Act 1958. Certainly the Melbourne and Metropolitan Board of Works brings back some memories to people. In the short time I have I want to talk a little bit about each of those five acts.

The bill amends the Sustainable Forests (Timber) Act 2004 to provide greater resource supply security to VicForests and the timber industry. Of course VicForests was consulted during the process of getting this bill together, and it supports the proposed legislation. The bill provides flexible arrangements for the resolution of suspension notices issued to timber harvesters, and the proposed amendments to the Safety on Public Land Act 2004 address operational issues with respect to the declaration of public safety zones. I think any person here would support that particular aspect of the bill. It is important that there is safety on public land. Protesters have a legitimate right to protest; however, it must be done in a safe way. It must not endanger their lives or harm employees in those forests, and that also provides protection for the protesters themselves. It is easy to get carried away during a protest, and we must prevent that.

The bill addresses inflexibilities in the constitution and quorum of the Trust for Nature (Victoria). I have heard many speakers before me refer to the late Sir Rupert Hamer and express their admiration for his setting up of that trust, and that is certainly something members on this side of the house concur with. The legislation also addresses the potential invalidity of various subordinate instruments that incorporated by reference various maps, plans and other documents. The bill responds to the legal settlement of the Katunga litigation, which included an undertaking that the Minister for Water would approve a new management plan for the Katunga water supply protection area by the start of spring 2005. I want to talk about that aspect of the bill and how that came about.

In August 2003 the Minister for Water approved a draft management plan prepared by a consultative committee for the Katunga water supply protection area in north-central Victoria. The management plan incorporated proscriptions that reduced the annual water allocations under the ground water licences. These reductions were based on observed water levels and applied in different proportions to licence holders depending on the extent of the use of ground water. A Supreme Court writ was filed and 43 plaintiffs sought to have the management plan declared invalid. The matter was settled out of court, as indeed most matters are. These amendments have been proposed to overcome the uncertainties that were identified in what has come to be known as the Katunga Supreme Court case.

In the out-of-court settlement it was agreed the minister would appoint a new consultative committee for the purpose of preparing a new draft management plan. That was to happen within nine months of its appointment. The new management plan will take place at the spring and summer seasons of 2005 and 2006. The existing management plan remains in force unless it is revoked in accordance with section 32G of the Water Act. The new consultative committee prepares the management plan and if the minister approves it, he will then need to take the appropriate steps under section 32G to revoke the existing management plan. In other words the existing management plan stays there until the new act comes in. The minister has appointed the consultative committee and it has been established, which is a good thing. It is now working towards the preparation of the new management plan.

The solicitor for the plaintiffs recently wrote to the Minister for Water seeking a series of amendments to the terms of the out-of-court settlement and I understand the Department of Sustainability and Environment is currently preparing advice to the minister on this matter. It seems as though that is all happening very nicely. I will leave that section of the act for the time being. I would like to talk about the Sustainable Forests (Timber) Act 2004.

As a member of the Bracks government I am very proud of our record on the environment, absolutely proud. Just as Bob Carr named as one of his best achievements his record on conservation and environment, this government could also claim extremely high credits for its record on conservation and environment. The new act, the Sustainable Forests (Timber) Act 2004, provides for reviews to take place of the timber resources allocated to VicForests. It orders a review of the allocation every five years and a review of any significant variation to the availability of timber due to natural causes. Some of those could be disease and fire.

Recently we have seen huge sections of our forests decimated by fire. That flexibility is very much needed in the act. It can also be reviewed because of a significant change in the land base zone for available timber harvesting. An example of that could be as a result of the government accepting a recommendation from the Victorian Environmental Assessment Council to amend that. A review can also be ordered because of a significant impact on the availability of timber in accordance with sustainable forest management other than from natural causes. These amendments are being put in place to help the industry through times when there may be difficulties.

I want to go back to the Safety on Public Land Act 2004 in my remaining couple of minutes. It is important that everybody is made safe and protected on public land. That includes protesters and timber workers. They all have a legitimate right to do what they are doing. We live in a great democracy. Recently we saw protesters on horses in Bourke Street; the quoted number was some 500 horses. More recently we have seen people protesting about the introduction of the Howard jackboot industrial relations legislation. There were estimates of between 100 000 and 120 000 people demonstrating in the streets. We have a right to demonstrate whether it is an extremely small group like the so-called mountain cattlemen or a very large, passionate group like the workers who are interested in protecting their family's right to decent working conditions.

I commend the bill to the house. I do not support the amendments circulated by the other parties. I support this bill.

Mr McINTOSH (Kew) — I rise to join the debate to support the member for Benambra's reasoned amendment. The opposition can certainly agree with the Sustainable Forests (Timber) Act, the Safety on Public Land Act and the Victorian Conservation Trust Act, but the Water Act creates some difficulties for us. As a result the reasoned amendment proposes to have the bill split so it can be properly debated, wrapping what the opposition and many parties see as being worthwhile legislation so it can have a speedy passage through both houses of Parliament. That is an appropriate outcome whereas the Water Act, because of the concerns that have been raised by the member for Benambra and others, should be properly debated at an appropriate time so opposition can be fully mounted in relation to that matter.

I propose to deal in my brief contribution to the debate with the amendments to the Water Act and express my profound concern about the way they can work against Victorian farmers and others who have adopted a mechanism to take water from ground water.

The amendments to the Water Act, when they first came in a few years ago, essentially democratised the process of rationalisation of a very limited resource. There was always a problem with the management of water resources between different states, but Victoria has been at the forefront of dealing with responsible management of water resources in this state and the process of setting up a consultative committee, with the opportunity of then developing a draft management plan which is then submitted for the minister's approval and involving community representatives, experts and

others. These people can then come up with a rational response that democratises that process, and it becomes an effective tool for a rational determination of the way a limited resource can be operative.

The water being dealt with in these amendments is ground water, which causes profound concern in two principal areas. The first is that the amendments introduce a mechanism that allows a minister enormous power to effectively override the consultative committees and the draft management plan. While the plan can be refused, amended or accepted, in each of those cases the minister has enormous power to do what he or she wants at the time, which can be quite inconsistent with the wishes of the consultative committee or the broader community.

The second concern relates to a retrospective correction of irregularities and difficulties that occurred out of the Macumber case, which a number of earlier speakers have spoken about. Even if there is an irregularity and not a proper adoption of the documentation relating to a mechanism to implement this consultative committee over a particular area or body of ground water, the amendments allow other documents and plans to be brought in at a later stage. This is necessary to properly define the region, area or process that should form part of the process of a consultative committee developing a management plan.

This can cause profound difficulties because it means that through regulations they can change the ball game, and I rise at this stage to speak about that. I am profoundly concerned that as a regulator, the government is responsible for providing a mechanism that is certain from the commencement of whatever processes it wishes the community and users of the water to adopt, to develop a community plan that can be ultimately approved by the minister.

Indeed that process will now be corrupted because essentially the government has a mechanism whereby the process becomes a movable feast. It can start moving the goal posts as it sees fit by the adoption of amendments to that process at a time after the process has commenced, and nobody can challenge that process.

Indeed in the cases that have been talked about it is at that exact point that there is a lack of specificity. That can be challenged under the current regime which we have successfully done in one case. That case led to an outcome where the parties had to go back to square one, and the rights of a number of litigants were vindicated by agreement — it was not by a court order but by agreement — between the parties because of a perceived invalidity of the process that had been adopted.

This bill will prevent that from occurring, where parties' rights that may exist at a particular time are unable to be vindicated at a later time in front of a court because they can be corrected by the government; or worse, even if there is a technical irregularity, it will create a difficulty in having that particular matter dealt with by a court because of amendments to say that that is not the basis of making a valid claim in a court.

I refer specifically to the amendment on page 12 of the bill which says that a draft management plan is not invalid merely because of a defect or irregularity in connection with the approval of the plan. It is a matter of concern that the government can move the goalposts as it sees fit. The government is very pious when it seeks to impose regulations and obligations on other parties over a variety of different activities — whether it be something like occupational health and safety or, dare I say, the working-with-children bill the house will deal with later. It imposes strict regulations that have to be complied with, yet in relation to water it sees fit to give itself the ability to move those goalposts as it sees fit.

What is worse is that it can be done retrospectively and backdated for up to 20 years. That is reprehensible in principle and is something the opposition takes great exception to. It is the basis of the opposition claiming that this matter should be separated from the other three parts of the bill and that amendments to the Water Act should not proceed but be dealt with differently. Indeed, the honourable member for Benambra has circulated a number of amendments which will be dealt with later during the consideration-in-detail stage.

In conclusion, while it may be reprehensible, the bill grants to the minister enormous power to do what the minister likes. The minister can send a plan back to a consultative committee, the minister can prepare a new draft management plan, abolish a water supply protection area under section 28 or take any other action which the minister considers appropriate in the circumstances, which means that while it may be viewed in light of what has gone before, it seems to be an enormous power. While the legislation prescribes a particular process that everybody accepted, which is this democratisation of determining a management plan, if the minister rejects that plan, ultimately that outcome will be at the complete behest of the minister. That is inconsistent with the process that has been accepted and is in place, and certainly it is something that should not proceed in this bill.

I support the member for Benambra's reasoned amendment. The amendments to the Water Act should be separated out and dealt with quite separately to the otherwise good parts of this bill.

Mr SAVAGE (Mildura) — I rise to make a contribution to debate on amendments in the bill to the Water Act, not to other parts of the bill. The electorate that I represent has a significant ground water management area at Murrayville, on the state border with South Australia. That community faces some difficulties in managing across a state border what are significant detrimental outcomes when one state meters its water, and the other does not. Some elements of the South Australian usage are unrestrained as a consequence.

I went to a briefing by the catchment management authorities a few years ago where the senior hydrologist from Sinclair, Knight and Mertz gave an appraisal of ground water. Wherever it has been used around the world in an unrestrained way it has run out, and it is not a resource that necessarily replenishes itself. That is the case with ground water at Murrayville — it is a fossil reserve and does not have the normal replenishment factors that one would find in a reservoir or river catchment.

In August 2003 I presented to this Parliament a petition bearing 231 signatures from the majority of land-holders in the Murrayville–Underbool area asking for a curtailment of any further expansion of ground water management in that region on the basis that there were further applications for potato farming around the Tutye area, which was going to severely impact, the locals thought, on the potential stock and domestic supply. That water is also very high in salinity, at about 2000 on the electrical conducting measure. I am not sure how you would grow potatoes in that, but I guess anything is possible. I have to say that Grampians Wimmera Mallee Water is a much more efficient and easy-to-deal-with authority compared to the old Wimmera Mallee Water. It was a pleasant amalgamation from that perspective. Nevertheless the authority was going to issue a permit for the two ground water licences at Tutye.

It was up to the locals, led by concerned farmer Jocelyn Lindner, to instigate a report by a Dr Macumber, an expert on ground water. That should be a guide for all water authorities when it comes to assessing whether ground water usage is appropriate for large scale irrigation, because once these fossil reservoirs are gone, they are gone forever. The danger is that when you plunder them any water that is saline moves across into those areas and can infect or make the subsurface water unusable — which is what has happened historically in this region. Salinity levels are rising and there is the potential to make the water unusable for every purpose, even for stock and domestic uses.

As a consequence the locals, led by Jocelyn Lindner, funded the report by Dr Macumber. The matter was going to go to VCAT, because the water authority, Grampians Wimmera Mallee Water, was going to issue those two licences. I flew over this area and saw how the pivots were being used on the border region. The water was not being used judiciously, because they were flooded pivots. When you have a precious resource you should not be irrigating so much that the wheels of the pivots are lying underwater. The area concerned at Tutye was already suffering from significant salinity degradation. It was on the crest of a ridge from where the water would run off onto neighbouring farms and further impact on the surrounding land. It was a very questionable decision for the authority to say, 'We will refer this to VCAT and let it decide'. It should really be the role of the water and catchment management authorities. That is why I come back to the clauses of the Environment and Water Legislation (Miscellaneous Amendments) Bill.

I cannot see a problem with what is being proposed, because the ground water protection authorities are usually made up of interests which are either for or opposed to irrigation. It is possible to come up with a management plan where you have a draw-down — and we have one which has an allowed 0.67 metres of draw-down per annum. But if you allow that, at some point you will run out of that resource. I would question whether that ground water management plan is acceptable. We have bores now that have up to 14-metre draw-downs, and farmers are continually having to re-lower their bores to access water. We do not have a pipeline in this region — there is no northern Mallee pipeline from Tutye across to Murrayville — so if we run out of this precious resource, we will have a major problem.

My understanding of this particular amendment is that if the proposed draft plan is unacceptable, it cannot be approved by the minister. I would accept that. On the basis of the experiences I have had with ground water at Murrayville, there needs to be a greater involvement from a detached perspective to make sure that these precious water reserves are not plundered. The time is coming when we will not be able to have almost unrestrained pivot irrigation using ground water in very arid parts of Victoria, especially in border regions.

I understand from the advice I have received that the amendment to section 32A is being made not to amend

the plan on the basis that there is some strategic requirement to amend it but because there may be some irregularity or some error after the committee has been disbanded. On that basis I support the amendments to the Water Act. I will leave the issue of the reasoned amendment, which refers to the first part of the bill, to a division later today.

There has to be accountability for ground water use, and there have to be appropriate management plans. We have to get it right the first time. There is no room in these situations to make a mistake and then say, 'Let's go back and revisit it'. This water is not something that is replenished in the normal way. If we do not get it right, we will run out of water — and that will have a very significant environmental impact.

Mr JENKINS (Morwell) — It gives me a great deal of pleasure to rise in support of the Environment and Water Legislation (Miscellaneous Amendments) Bill, which as other speakers have said seeks to make amendments to the Sustainable Forests (Timber) Act, the Safety on Public Land Act, the Victorian Conservation Trust Act, the Water Act and the Melbourne and Metropolitan Board of Works Act. The amendments already referred to by other members regarding the Water Act relate to the development of management plans and their enforceability; and as many speakers have said, they also partly arise out of the outcomes of a court case relating to the Katunga management district.

The Bracks government has put water use fairly and squarely on the national agenda. This government has made sure not only that it takes responsibility, as it should, but that the federal government takes responsibility and each and every Victorian takes responsibility for the way we manage water. It is not the government's job — and it is certainly not the federal government's job. Had it been left up to the federal government we would still be talking about it instead of doing what this government does — that is, listening and then acting. This government acts on behalf of all Victorians. It seems that the only people who have not got that message sit on a very small part of the opposition benches — —

Mr Nardella — Very small!

Mr JENKINS — And it is getting smaller. These people have not got the message that it is about responsibility. I applaud the words of the member for Mildura in talking about this scarce resource. It is a scarce resource, and this is the driest continent. There must be — and I repeat the words 'must be' — accountability for ground water use. There must be accountability for our water resource, regardless of where it is placed. Just because we cannot see it readily — and it is not obvious to most Victorians — we cannot assume that it is a resource that will continue to be replenished and is inexhaustible, because it is not. We need to take responsibility. It is about time that those members on the opposition benches took a little bit of responsibility for educating the public, whom they claim to have a bit of influence over. Thankfully those opposition members have a reducing amount of influence over country Victorians as they cease to play a representative role right across country Victoria.

The people I know in country Victoria, whether they are involved in farming, in agriculture or in industry or whether they are just families or schoolchildren — who seem to know a lot more about water conservation than some of the members on the opposition benches — know that we all have to take some responsibility. They know that the $1 billion investment by this government in water conservation — through the water trust, the Snowy River and the Wimmera–Mallee pipeline — is worth while. But it has to be backed up by individual accountability and responsibility and by ministerial accountability. At the end of the day this government consults; that is well known. Those on the opposition benches cannot work out whether to complain that this government is consulting too much or not consulting enough.

We have been consulting on water, and we know what the community expects. It expects us to consult and to have those users of ground water involved in a consultative process but they expect there to be reasonable outcomes. They expect those outcomes to be able to be enforced, and they expect that they can be modified when it is necessary. They expect that if all those people who are generating or who are affected by those management plans cannot accept responsibility, then the government has got to accept some responsibility. We cannot continually send it back — to go back through a process year after year.

At some stage the buck stops here, and the Victorian people have said quite clearly that the buck stops with the Bracks government. The buck certainly would not have been picked up by the previous government. I have listened to the opposition again try to pick on a small part of a number of amendments in this omnibus bill — a small part that relates to whether or not they can waste some more time, or whether or not the minister should be taking responsibility. The minister and the government are prepared to accept responsibility.

The amendments to the Water Act and the Melbourne and Metropolitan Board of Works Act will fix a range of technicalities which were highlighted through the Katunga case. They tighten some of those loopholes to make sure that the intent of the legislation has been put in place and is followed. It would not be beyond even members of the opposition to come to grips with the realms of comprehension — it is quite a simple thing to do — that we use maps to define areas, and that is what we are going to do. We are going to enable those decisions which have been taken by reference to a map to stand.

What we are also going to do, and what this legislation seeks to ensure, is that management plans can be drafted, amended and approved by the Minister for Water. When they are drafted they can be approved, they can be amended and those areas where there are rational and cooperative ways of making sure those management plans satisfy the needs of all those users, they will be put in place holus-bolus.

Where there are occasions where the minister must take responsibility to make sure that the resource is protected on behalf of all Victorians, then that will take place. This government, through Our Water Our Future and over 110 initiatives, has put in place initiatives right throughout Victoria. Management plans are enforceable in a range of other water supplies — so why not ground water? It should be in place here as well. We are making sure that all Victorians, regardless of the sort of water that they are using and accessing, take a similar amount of responsibility. As indicated by the member for Mildura, coming from a particularly dry part of this state, it has to occur and we have to all take some responsibility.

In relation to some of the other parts of the bill, amendments to the Sustainable Forests (Timber) Act ensure that when VicForests is able to enter into contracts for the sale of a timber resource after an exhaustive process has allowed that timber resource to be transferred to VicForests, that timber resource will be able to be accessed and the people can have some confidence that that timber resource will be available to them. When there is a review of the availability or the appropriateness of that timber resource, the plans and the availability will not be overturned overnight. In fact over a 10-year period of time people can have some confidence.

This allows people to make an investment in the industry and particularly importantly invest in that sort of infrastructure and highly expensive mechanisms that will allow us to value add to what is a very important but wasted timber resource although much of it was wasted by the opposition when in government. The opposition sold out the timber resource like there was no tomorrow, until the industry came along to the Bracks government and explained, 'We cannot go on like this, these people are wastrels, we need to make sure that we use this industry wisely and that we use this timber wisely'. This will give us the opportunity to ensure that the investment that people need to make will be made because it will give this government the opportunity to enter into long-term contracts, and those people will be able to act on those long-term contracts.

The Safety on Public Land Act is very important legislation in that it ensures that people will understand where those zones are going to be. We will not have to take out the whole issue of the *Snowy River Times* to be able to advertise all the details, they will be available to all, but will be accessible from a certain place or web site rather than all being published in the paper. These are sensible changes through sensible amendments. I commend this bill to the house.

Mr JASPER (Murray Valley) — I get angry when I rise in this Parliament to respond to the comments made by the member for Morwell. The member does not realise that most of The Nationals' members live in the northern part of the state, and we understand water; we are involved with water programs, yet the member has said we do not understand. I say he should not preach about water to we, who represent seats in northern Victoria.

I intend to talk about water because that is the critical part of this omnibus bill now being debated. I listened to the member for Yuroke and particularly to her comments about part 5 of the bill. The member spoke about the Katunga deep lead as did the member for Morwell. I invite them to come up and visit north-eastern Victoria. I do not think they have ever been there. I would like to take them around that area, talk to them and show them the problems that have developed — the problems people have had with deep lead and the deep lead bores in that part of the state.

I do not want to fully cover all the parts of the bill, because my deputy leader has covered it as far as The Nationals are concerned. However, I remind the house and the member for Morwell that it was the former federal Leader of The Nationals and Deputy Prime Minister who coordinated the states and the commonwealth on the implementation of the national water initiative. Indeed $2 billion has been provided by the federal government for the national water initiative. The member for Morwell should acknowledge that the federal government has done a lot of work on water, but

the member for Morwell has decided to attack The Nationals on certain selected issues.

When the member for Yuroke talked about the Katunga deep lead and the difficulties there she said, 'It's happening nicely'. There have been changes, but what we need to do is talk about this particular issue and the importance of this part of north-eastern Victoria in relation to the deep lead bores.

Part 5 of the bill relates to the Water Act 1989. Like the Deputy Leader of the National Party I am totally opposed to this part of the bill and what it does. The Katunga ground water supply protection area consultative committee was appointed in August 1999 to review the allocation of ground water through the Katunga deep lead and the Katunga aquifer. A lot of issues were involved with this. An investigation was undertaken, and over a period of time a committee was set up that did not have a lot of input. Goulburn-Murray Water came up with a particular program for reducing the allocation of water under the deep lead. There is no doubt that because of the dry seasons the aquifer had reduced, as did the amount of water which could be provided, and there needed to be changes provided through the deep leads that people were drawing water from in the Katunga deep lead area.

In August 2003 the minister signed off on this program. The drawing up of the plans for the water allocations were produced mainly by people with supposed specialty qualifications. Various allocations were made; however, these were not across the board. Many people found that they had a massive reduction in their allocation from as much as 70 per cent back to 40 per cent. This could be compared to the Campaspe deep lead, where there was a 50 per cent reduction across the board for all the people in that deep lead area.

Concern was expressed to such an extent that a group of irrigators in the Katunga area decided that they would take this issue to the Supreme Court to try to get a just review of the allocations being made. It is history that they got together and decided to take this action. However, their case did not go to the Supreme Court in the finish, because an agreement was made with the state government that it would review the allocations under the Katunga deep lead. Some 120 irrigators access the Katunga deep lead. I understand that there are 62 ground water management areas across Victoria — 23 have been declared as water supply protection areas.

Katunga is one of the water supply protection areas that was being reviewed. I met this group on a number of occasions to talk about the inconsistencies which had been made in the allocations. Prior to their taking the issue to the Supreme Court a lot of appeals were made to Goulburn-Murray Water seeking a review of the allocation of water through the deep lead, and many had some changes. However, most were only minor changes and resulted in no increase in the allocation. Some gained as little as 2 megalitres, up to about 38 megalitres, in increases in their allocation of supply.

Finally, the government agreed that there needed to be a review and a new committee was put into place to review the allocations. I want to quote from a letter I received from the minister in December 2003. He said:

> The consultation committee anticipated that some licence-holders would feel disadvantaged under the formula. Against this, there is considered to be a greater group who would fully support the formula.

But they did not support the formula. The minister went on:

> In my response to the approval of the plan I advised GMW that the plan should be reviewed within two years. I consider that there is not sufficient justification to halt implementation of the plan in its present form. Even if there was, this would not occur until well into the irrigation season.

So the minister had disagreed with the representation which had been made. Subsequently when the issue went to the Supreme Court the minister backed away and a new committee was established. That committee is doing a lot of work now in reviewing the allocation of water through the deep lead. I think the committee's work will produce a satisfactory result.

The Nationals' major concern is in relation to part 5 of the bill and the proposed amendments. We are totally opposed to the implications of these amendments. In particular we take exception to clause 14(3), which inserts section 32A(7A) and states:

> If a draft management plan is refused, the Minister may —
>
> …
>
> (d) take any other action that the Minister considers appropriate in the circumstances.

In other words, the minister can really do anything. Further, clause 14(4) states:

> After section 32A(10) of the Water Act 1989 insert —
>
> "(10A) A draft management plan is not invalid merely because of a defect or irregularity in, or in connection with the approval of the plan.".

Again, the minister has the ability to be able to continue with the plan even though it may be agreed that there are defects and irregularities in the plan. So far as The

Nationals are concerned this gives greater ability to the minister to be able to approve a plan which is not accepted by the people who are involved with the deep lead. We need appropriate consultation through the committee. I am pleased to say that the committee does have five people involved with the deep leads. They are pumpers, so they will have a strong input into the committee and will be able to produce a more effective and appropriate result in the final draft management plan which is proposed to come into effect for the 2005–06 season.

From my point of view it is an issue I have been involved with, as representations have been made to me by a number of constituents, particularly those involved in that area, which stretches right through the Moira shire. Their concerns were genuine, given that there had not been an even distribution of the reduced allocations made through the deep lead for the bores. Experts were proposed to have a look at this and review it, but they came up with a situation that was certainly not workable. The Supreme Court agreed with the application made to it and the government finally agreed that this should be reviewed. I think the review will come up with a much better result in terms of the allocation of water through deep leads and the importance of water to the industry itself.

Debate adjourned on motion of Mr SEITZ (Keilor).

Debate adjourned until later this day.

ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (OMBUDSMAN) BILL

Second reading

Debate resumed from 19 May; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — The Accident Compensation and Transport Accident Acts (Ombudsman) Bill is a relatively simple bill. It creates an extra jurisdiction for the state Ombudsman to inquire into the administrative actions of agents of both the Transport Accident Commission (TAC) and the Victorian WorkCover Authority. Those agents include insurers' agents, self-insurers and the delegates of the WorkCover authority. The Ombudsman currently has jurisdiction to inquire into the administration of both the TAC and WorkCover but this extends that jurisdiction a bit further down the chain of responsibility to include agents and self-insurers of the TAC and delegates of the WorkCover authority.

It is a matter of some interest that this bill was part of the policy the government took to the last election with an expectation that it was going to get a little bit more than an extension of the Ombudsman's powers. I pause at this point to say I am curious as to why it has taken so long to implement this package. One can only think that there was a hell of a debate in the caucus room as to, firstly, whether WorkCover and the TAC needed their own independent ombudsman as opposed to the state Ombudsman, Mr Brouwer, and, secondly, whether the ability to review the two relevant agencies in relation to administration should be extended to a broader inquiry into examining other aspects such as outcomes, medical matters or the like. As it is, we have a substantially watered-down arrangement where it is the state Ombudsman and it only relates to administrative powers.

As I said, this is a relatively simple bill. It is something the opposition does not oppose but a number of matters need to be looked at. The state Ombudsman has a number of other functions including, as we heard during question time today, that of running the Office of Police Integrity and being the director, police integrity. At least one aspect of what has been disclosed today seems to be one hell of an administrative bungle with the release of the files of 500 people relating to the law enforcement assistance program database. We can speculate as to the reasons for that but the error has been admitted by the government — the Minister for Police and Emergency Services has apologised in relation to this matter. I understand four notional positions will be created down there over and above what they currently have, which is 1 to 1.5 staff looking at this matter. There is also provision to provide some extra resources — $500 000 in the first year and $450 000 thereafter — to meet the additional cost of providing these officers and looking into these matters.

I say from the outset that my experience with the WorkCover authority as a member of Parliament acting in the interests of my constituents has been a very good one. I have had a couple of meetings with the board of the WorkCover authority. On the first occasion I was invited to take any difficulties to the managing director, Mr Tweedly. On at least two occasions that has led to a more than satisfactory and very quick solution to the matters I have raised with him. I am very grateful to the WorkCover authority and Mr Tweedly and Mr MacKenzie who facilitated that process. I put on the public record my gratitude to them for resolving those matters very satisfactorily. I hasten to add that I did not go through the Ombudsman's process; it was a direct political contact, but it was a satisfactory solution.

As I understand it, under the current regime looking at the administration of WorkCover and the TAC does not place a great burden on the 1 or 1.5 officers in the office of the Ombudsman. I have a recollection that somewhere between 100 and 200 requests are made in relation to those matters during the course of a year.

Mr Stensholt — About 100 each.

Mr McINTOSH — I said between 100 and 200 but the member for Burwood points out that it is a total of 200 — 100 for each agency. When you look at the number of cases processed by both agencies, it seems they are not imposing greatly on the operations of the Ombudsman.

I hope the Ombudsman will have the opportunity to review, for example, the expenditure of Mr Grant, which recently received a lot of publicity. He has spent $180 000 on overseas trips, dining out at restaurants and staying at plush hotels. That seems to be well and truly in excess of what one would expect from a senior public servant. It demonstrates a fairly lavish lifestyle, including nearly a month in Dubai looking at rehabilitation there courtesy of the taxpayers of Victoria and those people who pay motor registration fees. That $180 000 means over 500 people who registered cars are effectively paying for Mr Grant's extravagance at the TAC. Hopefully the Ombudsman will be looking into that matter and suggesting ways Mr Grant might curtail his expenditure and limit the burden he places on owners of registered cars in this state. One would expect the Ombudsman will have an active role to play in relation to those matters. The opposition would welcome that input from the Ombudsman in reviewing those administrative matters.

As a result of the bill this power will now extend to the TAC and its various agents and self-insurers. Regarding those self-insurers, inquiries can only be made as to the administration in relation to their activities as agents, self-insurers or delegates, in the case of the Victorian WorkCover Authority. It is a matter of real concern.

While resources would appear on the face of it to be sufficient, one hopes those resources will not be diverted to other more pressing matters, such as trying to find out the nature of the police files leak at the Office of Police Integrity and reacting to public scrutiny. It is regrettable that the Ombudsman was not independent and separate, like those for other industries such as the banking ombudsman, the financial industries ombudsman and the telecommunications ombudsman — just to name a few who deal with both private companies and government agencies.

Secondly, I have spoken to the shadow minister, who provided me with a paper that has been prepared by a Mr Bartl, which indicates what he was expecting from an independent ombudsman. I will quote his summary of the three key benefits of a Victorian statute for a transport ombudsman, but it could have similar applicability here:

> 1. Having a speedy and effective public inquiry, complaints investigation and dispute resolution body …

This legislation does not provide the disputes resolution body that was anticipated by Mr Bartl regarding the original promise that was made by the Bracks government. That has not come to fruition. The paper continues:

> 2. Fostering the development of a centre of specialised, efficient and effective expertise in state-of-the-art rehabilitation support and strong disability advocacy, to protect TAC insurance claimants and facilitate their optimum rehabilitation …

And finally:

> 3. Establishing a body which will cooperate with and indirectly contribute to the task of the Office of the Public Advocate and other health and disability protection and advocacy bodies, to further the inclusion and improve the welfare of people with a disability generally …

They are the expectations that Mr Bartl may have had originally.

Sitting suspended 6.30 p.m. until 8.04 p.m.

Mr McINTOSH — As the house is aware, before the dinner recess I was riveting members with a couple of quotes from Mr Bartl who, I should again say, is a member of the Action Committee for Transport Injured Claimants. In the document I was quoting from he was talking about his expectations of the bill. He expected to see a completely independent ombudsman who would specifically deal with transport accident cases and WorkCover, who could inquire into not only administration issues but also the medical aspects of claims. As I said, that was his expectation, but unfortunately it appears his hopes were dashed; certainly from discussions with members of the government and its policy at the last election it would seem his hopes have been dashed. In an email to the Honourable Bill Forwood in another place, shortly after the bill was second-read, Mr Bartl says:

> The bill is pathetic. It does not ensure more effective dealing with disputes and complaints, unlike the commercial industry bodies such as the insurance ombudsman service previously known as the insurance inquiry and complaints scheme, which can settle claims up to $150 000 and recommend —

I think he is saying 'recommend resolution' —

> up to $290 000, or the banking ombudsman — recently increased limit to be able to settle claims up to $250 000. It also leaves the TAC/WorkCover dispute and complaints resolution function in a ballooning Ombudsman's office which is predominantly dealing with corruption and organised crime and VWA/TAC complaints may well get lost as a priority area in this setting.

Accordingly, while the opposition does not oppose this legislation it would appear that a number of constituents who had expected something bigger, better and bolder seem to have had their hopes dashed. Having said that, it is at least a step in the right direction. The opposition does not oppose the legislation.

Mr RYAN (Leader of The Nationals) — The Nationals do not oppose this legislation. Indeed we welcome the involvement of the Ombudsman in a formalised sense through the provisions of this legislation insofar as WorkCover claims are concerned. Up until now there has apparently been some sort of uneasy understanding between the authority and the office of the Ombudsman that in the case of claims agents and self-insurers the Ombudsman has had the capacity to be involved in the manner in which those claims are processed, but it is through this legislation that such capacity will be confirmed in law.

On the other hand the position in the Transport Accident Commission has been for some time that the Ombudsman has had a capacity to be involved in the investigation of administrative arrangements regarding claims, and this legislation is supplementary to something that already exists insofar as the TAC is concerned. With regard to both bodies the costs that might be incurred by the Ombudsman in investigating any complaints that come to his office under the auspices of either the TAC or WorkCover schemes will be met from the respective authority funds of the two organisations.

For the main part there will be a general attitude of welcoming the capacity of the Ombudsman to be officially directly involved in the investigation of these matters. The necessity for it has been talked of for some years, because there is a natural tension, like it or not, between the respective authorities and the people who are making claims upon them. In the case of the TAC, for example, it collects money from motorists but also administers the scheme which pays those benefits to those people who are entitled to such benefits pursuant to the terms of the TAC legislation. The same principle applies with WorkCover. It collects premiums from employers, and from the pool which it gathers it then administers the way in which that money is distributed to people who make claims.

In each instance the way in which the respective authorities go about the distribution of funds from the scheme is subject to oversight through the various mechanisms provided by statute. That is particularly so through the court system in its various forms. Nevertheless one of the complaints that historically has been made to both organisations is on behalf of persons who have been injured and have sought to obtain benefits through the organisations. The complaints have been many and varied. In the years when I was practising law there were assertions made that personnel within one or other of the organisations simply were not sufficiently responsive to people's claims and did not do enough to process those claims quickly.

There were instances where, in the case of discretionary approaches to the way in which claims could be assessed, people felt that the views taken by the bureaucracy and the employees of the respective organisations were unfairly against their interests. I saw many of these cases over the years. That was particularly so for people who suffered major injury which perhaps precluded their being able to earn an income. They would lodge a claim with whatever authority — that being the TAC in relation to car accident injuries and WorkCover in relation to industrial accident injuries — and they would be frustrated by the delay in having those claims processed. These people were often dependent upon the authority pushing their claims through so that they had the income they required to support themselves and their families.

There were other instances where disputes would break out over the way in which medical claims were assessed and paid, instances where the costs of ongoing treatment would be the subject of dispute between on the one hand the claimant, the person suffering the injury, as opposed to either the TAC or WorkCover having to fund the cost of that treatment on the other.

At the core of a lot of those complaints was this general issue about the way in which the respective aspects of legislation were administered. Often comments would come to me about people being concerned as to the way they were treated by the organisation. The role of the Ombudsman, which is essentially to investigate administrative acts, is dedicated toward dealing with these administrative matters. I make that distinction purposely, because the Ombudsman is not in any way involved in the actual determination of the claims themselves in whatever form they might be. Rather, the

Ombudsman's task is limited to investigating aspects of the administration of those claims. So it is that the TAC has that longstanding jurisdiction for the Ombudsman, and now, through the provisions of this legislation, that jurisdiction will be officially extended to WorkCover.

Whilst on the topic of the Ombudsman I cannot help but reflect upon this being another element of an enlarged jurisdiction of the office of the Ombudsman. As we have seen through current events that are being talked about in this Parliament even today, the Ombudsman's office is ever more in the focus of the public eye, and so it is vitally important that the community has complete confidence in the role of the Ombudsman. The events that are unfolding at the present time about complications over the operations of the Office of Police Integrity, which in fact is a role fulfilled by the Ombudsman, are all the more delicate given the current complications to do with the Office of Police Integrity are precisely those about which The Nationals were concerned when the legislation was introduced which gave the Ombudsman that role.

At a time when we are discussing legislation which will further extend the role of the Ombudsman in the lives of Victorians, this is an issue the government has to face up to. It cannot keep extending the role of the Ombudsman ad infinitum particularly where that role is to do with issues such as we are unfortunately hearing about now in the context of even more errors being made in the management of the law enforcement assistance programs files perhaps by police and in the general administration and investigation of claims that are coming to the Ombudsman in his role as being in charge of the Office of Police Integrity. As I have said before in this place, the associated concern is with the processes under the relevant legislation which controls the OPI, that office being subject to investigation by the special investigations monitor. It may well be in time to come that this Parliament is unfortunately going to see a report tabled from the office of the special investigations monitor which may in some way reflect adversely upon the director, police integrity, who in turn is the Ombudsman in another role.

While we generally welcome the provisions of this legislation and the extension of the Ombudsman's role in a manner that will enable that office to have a direct involvement of behalf of the citizens of Victoria in the administration of the WorkCover and Transport Accident Commission schemes, nevertheless it is an opportunity to reflect on the fact that the role of the Ombudsman should be dedicated specifically to this particular task. The role of the Ombudsman was originally created to review administrative functions of agencies in government. To have seen that role expanded in the way this government has chosen, particularly with regard to the investigation of crime and corruption, is something the government will come to regret. We are seeing that even now.

Mr STENSHOLT (Burwood) — I am delighted to rise to speak in favour of the Accident Compensation and Transport Accident Acts (Ombudsman) Bill. This delivers on one of our election commitments to ensure there be a specialised office of the Ombudsman to deal with complaints in the administration of WorkCover and the transport accident scheme.

As members would know, Victoria leads the way when it comes to the provision of soundly administered and fully funded compensation schemes for workplace and transport accidents. Both WorkCover and the Transport Accident Commission (TAC) have certainly delivered sound administration and very stable schemes. Indeed under the Victorian WorkCover Authority's (VWA) WorkCover scheme we had a 10 per cent cut in the average premium rate which saves employers $170 million a year. It was the second cut of 10 per cent and makes Victorian WorkCover premiums the second lowest rate in all the states. We were left with a bit of a basket case in the VWA scheme when we took office. Now the scheme, the way it looks after injured workers and its administration have all been strengthened.

Up to the middle of the year it was running at 108 per cent in terms of being fully funded. There is a slight surplus, the first for a number of years. It shows the government can simultaneously deliver a sustainable workplace injury insurance scheme with lower premiums and strong benefits for the workers. Similarly the TAC has a strong funding ratio of about 116 per cent to 30 June 2004, up from the previous year of about 111 per cent. In that sound management environment people are able to make sure that any complaints or problems are handled in a transparent, speedy and appropriate manner.

This bill is an important addition to these schemes following the announcement to establish a specialised office within the Ombudsman to deal with these issues. It continues our reform agenda for WorkCover and the TAC. I can speak confidently in this regard having had a lot of experience particularly in terms of the review of the Occupational Health and Safety Act and seeing the consideration and implementation of the Maxwell report. I note that Chris Maxwell in his report went into issues of public accountability, both internal and external, in regard to occupational health and safety. The principles of transparency, speed in looking at complaints and independence were issues he clearly enunciated when he talked about public accountability.

This is what we are looking at with regard to the Ombudsman taking on this very clear statement and status under the act. As the Leader of The Nationals mentioned, this provides clarification in regard to the handling of disputes. As the member for Kew in his statement mentioned, with a little prompting from me, around 100 cases a year are dealt with already by the Ombudsman in respect of both the schemes. This actually puts it into legislation and provides a more appropriate and stronger framework.

The enhanced role of the Ombudsman as foreseen in this legislation includes investigating and resolving individual disputes, reviewing the complaint-handling processes of the Victorian WorkCover Authority and the TAC, improving data collection, educating the public and industry about the role and recommending to the schemes solutions to any systemic problems they might have.

The idea of the bill is to clarify the jurisdiction of the Ombudsman as the preferred means of implementing the election commitment. You no longer have to rely on contractual arrangements between the Victorian WorkCover Authority and its agents and self-insurers as a basis for jurisdiction. This includes the agent who manages the claims arising under the former Workers Compensation Act 1985. This provides the clarified jurisdiction to investigate complaints, although the Ombudsman does not gain any additional power. So it is a matter of good, sensible government and of tweaking the system to ensure that it is clearer and more transparent than it was before.

It ensures that the various instrumentalities in this, whether they are the self-insurers or the agents, are covered and that the Ombudsman will be able to deal with them in terms of regulating them. It strikes a balance between the main functions of the Ombudsman, now to include investigating and resolving individual complaints as is required, as well as collecting statistical information, reviewing it and recommending solutions.

It has already been mentioned that the Ombudsman will be provided with additional resources in this regard — some $500 000 or thereabouts — for four staff to undertake this task, and there will be a communications process associated with this to ensure that people understand the role of the Ombudsman in terms of complaints and how he and his office will undertake their duties.

It will provide a simple, efficient, cost-effective means of helping people deal with WorkCover and Transport Accident Commission issues. We all have in our electorates people who have come to us with their problems, and we all know of the complications that arise in the individual cases. In this regard the Ombudsman will be effectively a one-stop shop where we can deal with administrative complaints and not only assist the individual complainants — and we all like to ensure that the people who come to our office can be helped — but also ensure that the organisations themselves, namely WorkCover and the Transport Accident Commission, improve the services they deliver for Victorians.

It is interesting to note that there has been widespread consultation with stakeholders in this regard, and there is general backing from employer and union groups for particular schemes. It was noted, for example, by the chief executive officer of the Transport Accident Commission, Stephen Grant, on the radio in May, when this was put forward, that the commission is looking to continually improve, and that is very important.

This is one of the lessons of the Maxwell report into occupational health and safety as well. It is not just about changing legislation but ensuring that the organisations that run these schemes for Victorians do what they do as well as possible. It is not just a matter of ensuring the financial viability of the schemes but also ensuring they look after the workers, the people who are injured, in the best possible way and that they interact in a productive way and in a way that makes the requirements as clear as possible for people.

The establishment of this office, as well as a number of reforms which the government has made to WorkCover and the TAC and its financial viability, will ensure that Victoria continues to lead the way in this important area of looking after workers and injured people.

Mr SAVAGE (Mildura) — I support the Accident Compensation and Transport Accident Acts (Ombudsman) Bill. The reason for my support is that until now there has been a void in the area of dispute resolution between companies that are paying out huge premiums under accident compensation and the Transport Accident Commission, without the ability to get resolution for disputes that have been protracted. I look forward to the implementation of this bill.

I place on the record the case of GTS Freight Management and the conflict it had with the accident compensation and transport accident acts. This relates to a number of accidents that should have been fully covered by the company but were not, and the WorkCover premiums, instead of running at a low rate, increased to 16 per cent. If a transport company has

high premiums, that can have a significant impact on your business.

WorkCover refused to separate the company's warehousing and transport operations, which meant it was paying high WorkCover premiums for a warehousing component of the business. The company is now in the process of building a significant separate warehousing concept in Mildura, which will minimise the problem because it is becoming completely separate from the transport depot. Over the last couple of years GTS transport has been in regular communication with me. The problem relates to the inability of WorkCover to properly listen to the company's claims and properly address the issues of accident claims and also the increasing premium.

In terms of the chronology of the events there are two issues. The first is the ability of GTS to recover only 50 per cent of the cost of claims, even though the Victorian WorkCover Authority has recovered 100 per cent of the claims from the Transport Accident Commission. This campaign has resulted in a satisfactory change in the regulations that now allow for 100 per cent recovery, but unfortunately not retrospectivity, in order to compensate GTS for the two claims it faced. Of course the premiums still continue at the previous level, even though there has been 100 per cent recovery.

The second issue is the claim by GTS to split the activities between transport and warehousing. This is a major issue, as premiums for the warehousing staff are currently calculated at the far higher transport premium level when they should not be. This issue is still outstanding. I view this as a very prominent step forward. I support the bill.

Ms MORAND (Mount Waverley) — It is a pleasure to speak in support of the Accident Compensation and Transport Accident Acts (Ombudsman) Bill.

Can I say at the outset that Victoria has an outstanding compensation scheme to take care of those who are injured in road accidents and an outstanding workers compensation scheme. As a government, as the community would expect, we foremostly want injured people to be looked after. There should be an effective means of dealing with complaints that arise when people have not been satisfied. As the member for Mildura pointed out, that is a very important part of these changes. This bill seeks to improve the effectiveness and efficiency of the handling of complaints, and it will enhance and clarify the role of the Victorian Ombudsman.

This bill, which comes on top of reforms introduced earlier this year, will improve the existing benefits paid to Transport Accident Commission (TAC) clients and increase access to and the efficiency of providing those benefits. In this place we would all like to see a reduction in the number of people injured on our roads and injured and killed at work. The reforms to the Occupational Health and Safety Act, which were based on the Maxwell report, came into effect on 1 July. We hope they will make significant changes to the number of deaths and injuries that occur at work. For those who are injured in road accidents, as a community we strive to ensure they are appropriately supported and looked after as well.

The TAC annual report indicates that there were 19 700 new claims in 2003–04. This is a huge number of people affected by road accidents whose lives are changed forever as a result. Victoria has the lowest road toll ever. The police, the TAC, the government and the community have collaborated to achieve this outcome, which has been assisted by the excellent and effective TAC media campaigns. The Arrive Alive strategy is about reducing road trauma by reducing speed limits in our suburban streets. Unfortunately we do not seem to have a bipartisan approach to road safety in this place.

The opposition continues to undermine the goals of the Arrive Alive strategy by stating that the enforcement of speed limits is just about fundraising. But the facts speak for themselves. Reducing speed reduces road trauma. Speed limits must be enforced to be effective. You can ask anybody who has been issued with a ticket lately whether it has slowed them down. I am sure they will tell you it has made them slow down and watch their speed. Unfortunately, though, many people are still being injured and are therefore seeking assistance.

The bill will allow the Ombudsman to have an enhanced role in handling TAC and WorkCover complaints. The bill makes changes that actually build on reforms that have already taken place within TAC and WorkCover. They will improve the effectiveness of their internal complaints handling process. The combined effect of these changes will ensure that claims by injured people are managed in the most effective way.

The functions of the Ombudsman will now include investigating and resolving individual complaints against WorkCover, claims agents, the self-insured and the TAC. One very important change is the collection of improved data and the review of that statistical information. Research of this nature will allow the identification of systemic problems. In Victoria we are very fortunate to have access to excellent data on

claims through WorkSafe Victoria, which can identify the effectiveness of safety campaigns and help us to focus on where the problems lie.

In conclusion — I know there is a limited time to speak on this bill — we are very fortunate to have an excellent workers compensation scheme and transport accident compensation scheme in this state. This bill will only further improve our system. I commend it to the house.

Mr CAMERON (Minister for Agriculture) — I thank the member for Kew, the Leader of The Nationals and the members for Burwood, Mildura and Mount Waverley for their contributions to the Accident Compensation and Transport Accident Acts (Ombudsman) Bill. Over quite a number of years in this state we have been fortunate to have had a very good Transport Accident Commission scheme. Of course we have seen a substantial turnaround in the WorkCover scheme since the second term of the Kennett government. During that second term the average losses by insurance operations were over $200 million per year.

The Bracks government has been able to turn that around. We now have the lowest average premium on record, we actually have a profit from insurance operations, and we have improved benefits. We have seen that turnaround. But of course that does not mean that Labor rests. Labor always moves forward, and in moving forward it is here to make sure that there is the appropriate jurisdiction for the Ombudsman with WorkCover and the TAC scheme, which is the bill we are debating tonight.

I thank honourable members for their contributions. Certainly there is a recognition, as set out in the bill, that the administrative decisions of claims agents and self-insurers should, as part of the schemes, be able to be examined by the Ombudsman. I thank honourable members and wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

VICTORIA STATE EMERGENCY SERVICE BILL

Second reading

Debate resumed from 26 May; motion of Mr HOLDING (Minister for Police and Emergency Services).

Mr WELLS (Scoresby) — I rise to join the debate on the Victoria State Emergency Service Bill. The opposition is not opposing the entire bill. The bill is actually in two parts. The first part will re-establish the Victoria State Emergency Service as a statutory authority, as opposed to its existing status as a business unit of the Department of Justice. That part of the bill we strongly support. But the second part, which will amend provisions in the Metropolitan Fire Brigades Act 1958 and the Country Fire Authority Act 1958 relating to the calculation and reporting of statutory contributions by insurance companies to the Metropolitan Fire and Emergency Services Board (MFESB) and the Country Fire Authority (CFA) to overcome perceived inequities with reported gross premium income due to large deductibles, or policy excesses, is the part about which we have some issues. The overall position of the Liberal Party is that while we strongly support the SES side, we have some issues with the insurance side. For that reason our position is that we do not oppose the bill.

The main provisions relating to the Victoria State Emergency Service establish the Victoria State Emergency Services Authority, recognise the SES as a fully fledged emergency services organisation and place it on the same status level as the CFA and MFESB. They recognise the SES as a key provider of emergency service assistance within Victoria's emergency services management framework, and create structural comparability and provide structural parity across all three emergency response services. The government states that creating an authority will assist in meeting existing and future challenges facing the SES — namely, the need for a reform of the management structure to respond to increased demand for services; regulatory requirements; population growth in urban growth corridors; changed community expectations; and the need for a sustainable budget framework to enhance performance.

The potential benefits of re-enacting the SES as an authority are improved reporting and governance, improved strategic planning and emergency response and deployment planning, assistance in partnering relationships with other emergency service officers

(ESOs) and enhanced corporate efficiencies and sharing of resources.

The bill outlines the functions, duties and powers of the authority and provides that the authority is subject to the direction and control of the minister. It provides for a board of the authority of up to seven directors — and I am advised that the minister is seeking an expert board with volunteers to be recognised and represented as one area of expertise, which we strongly support — and the directors will be appointed for up to three-year terms. Funding will continue to be made by appropriation from consolidated revenue rather than by an extension to the fire services levy.

As to the provisions relating to the fire services levy, measures are designed to improve transparency in the way in which insurers collect and report the fire services levy in relation to what is actually contributed to the fire services. Amendments to the Metropolitan Fire Brigade Act 1958 and the Country Fire Authority Act 1958 will ensure insurance companies properly account for and report gross premium incomes inclusive of total deductible policy excesses and therefore provide a more equitable total revenue base for the allocation of liability contribution for the fire services levy.

The changes result from the Department of Treasury and Finance's 2003 review of Victorian fire services levy funding arrangements. This recommended that the current insurance-based fire services funding model should remain, as opposed to a property rates-based system but with improvements to ensure a more equitable funding base. The aim is to ensure the more transparent reporting of gross premium income by insurance companies. Insurance companies will have to properly report total fire services levy incomes collected to the CFA and the MFESB. Whilst the Victorian Managed Insurance Authority is not being treated as a contributor to the fire services levy with regard to government property, any insurance business in the non-general government sector will be liable for fire services levy contributions.

Government advises that the total pool of fire services levy collected will not change, only the potential equitable reallocation of liability away from households, farmers and small to medium business enterprises towards large corporations. It is envisaged that the changes will mean that large corporations which choose to and which can afford to have large policy excesses in return for lower premiums, thereby consequentially reducing the fire services levy liability payable, will pay relatively higher fire services levies. However, whether reduced fire services levy contributions from households, farmers and small to medium business enterprises actually result depends entirely upon the pricing of the policies by insurance companies. The actual change to the calculation of insurance contributions to the fire services levy to account for the full insured value of the property insured, inclusive of all excesses, will be detailed in a regulation at a later date.

I thank the minister and his staff for organising a very good briefing on the bill. One of the issues that came up was how the calculations will be worked, and I suspect that the shadow Treasurer and I will ask the minister for another briefing when the regulations and calculations are ready for us to have a look at, but we will wait for that to happen.

We have a number of concerns about the bill. In regard to the SES provisions, the reform to the SES has been mooted for some time and the Bracks government last year initiated a review which was carried out by Brian Parry, president of the MFESB. I understand the Parry report is not being released publicly at this stage, with the government citing cabinet-in-confidence reasons. It is our understanding that the report has been shown to and discussed with senior personnel only, and no copies have been provided for detailed analyses during consultation. Whilst on face value there appears to be no hidden agenda or objectives of cost cutting by the government, volunteers and staff still have some concerns that there may be other claims that are going to happen in the next or following financial years, which is something we on this side of the house will keep in mind and monitor.

One point that volunteers have raised — and I will come back to it later — is that the road accident rescue funding received from the Transport Accident Commission goes directly into consolidated revenue. Volunteers argue that that should come directly to the SES as an additional amount to government funding. That is something the Liberal Party will be looking at, and we will be talking to volunteers about whether that component of the road accident rescue (RAR) funding should go directly to the SES as part of its funding or whether it should go into consolidated revenue. There are concerns that the existing SES budget of approximately $28 million is already insufficient, yet at this point no additional funding has been announced to accompany the changes that the establishment of the new bureaucracy will bring.

We will closely monitor that and we will be obviously supporting the government for an increase of that amount, and the minister has just made that point to us.

The shadow Treasurer will go into greater detail about the fire services levy changes. We will need to ensure that there will be a more equitable allocation of fire services levy contributions. The measures do nothing with regard to equity issues concerning the self-insured or offshore insured companies. The actual calculation formulas for all insurers and the contributions to fire services levy are yet to be determined as I mentioned through regulation and we will make sure that we request a briefing. The Insurance Council of Australia has advised that there are a number of concerns, and these will be gone into in greater detail when the shadow Treasurer gets up to speak.

We welcome the new structure. I think it is important to say that the Liberal Party has a very strong relationship with SES volunteers right across the state and we are very well received when we visit controllers and talk to the volunteers. I am not so sure whether the relationship with head office is exactly the same. We would welcome the new board because it will have a chief executive officer or director, it will have a new board and it will be a time when the Liberal Party can build up a relationship with the hierarchy and the paid employees of the SES.

I would like to pay tribute to the former Minister for Police and Emergency Services. André Haermeyer, who did an enormous amount of work in the run-up to the last election. We met with the volunteers who were also very strongly supporting the move into a separate authority. I know the minister was very keen about it. I think Laurie Russell and the volunteers made it very clear that they had support from both sides of politics to make sure that that happened. We welcome that and we congratulate the former minister and this minister for bringing it through to fruition. I make the point that it will be an opportunity under the new structure for the Liberal Party to build up a relationship.

I mentioned earlier the Parry inquiry and its terms of reference. The terms of the reference for the Parry inquiry were that the first point would be the clear policy from the minister that the SES was to remain as its own entity, that there would be no takeovers, mergers et cetera. That is an important point that we need to get on the record because there are lots of rumours around that the SES would be merged with the Country Fire Authority, and that lifesaving would be merged into the SES. I think this would be a great opportunity to ensure that both sides of the house strongly support the SES standing on its own and that this authority does not move on to another phase. The Liberal Party's position is that the SES remains as is, that Surf Life Saving and lifesaving remain separate and that the CFA also remains as a separate entity.

Under the terms of reference the inquiry would identify existing functions; it would identify functions that might be able to be taken on and those that might be dropped; it would recommend the funding base for the service; and it would suggest how the SES might be governed. I thought the terms of reference were fair and we did not have any issues about that, but we were a little perplexed about why the report that Mr Parry wrote about the SES has not been released to the public. We are a little miffed by that, because it makes you wonder if there was something in the report that the government obviously does not want the public or the opposition to see.

We put in a freedom of information (FOI) request for the report because we could not get it any other way. We have been told that our request has been rejected because it is now deemed to be a cabinet-in-confidence document which means that we have no access to that document. Perhaps when the minister is summing up he can tell the opposition why that report should not be available to the public, why it should not be available to the volunteers, why the document has been hidden, kept out of arms reach and not handed over. We did the right thing going through FOI, but the document is fully exempt under sections 28(1)(b) and 30(1) of the Freedom of Information Act. That does not make sense.

One of the reasons put to me as to why it was exempt was that there was a strong push for the funding model to be based on the fire services levy. My understanding is that the Country Fire Authority would have objected to that — and rightly so, I suppose — to an extent. If the State Emergency Service is going to be based on a fire services levy model, do you just keep on increasing the fire services levy to make sure the SES receives its fair share of funding — and the CFA and the Metropolitan Fire and Emergency Services Board (MFESB)? How is it going to work? The government has decided to take it from consolidated revenue. Why not release the report and let us have a look at it? The government says it is an open, transparent and fair government, but when it comes to the actual delivery we find a different result, and we are a little bit surprised by that.

With respect to its history, the SES was established in 1975 and was formerly known as Victoria Civil Defence. It now has 149 volunteer units, 5600 volunteers, 72 permanent staff and 8 regional offices. What a magnificent job the volunteers do. Whenever there is a road accident, a rescue needed in the alpine areas or a child is lost, you can always count on the SES being there. Its members do a great job and when you go and see their training you realise that the commitment of the SES people is quite extraordinary.

In the smaller country towns an SES volunteer and a CFA volunteer are sometimes the same person. They do an incredible job and I take my hat off to every single one of them.

There are 101 accredited road accident rescue units. As one of the largest single-agency accredited providers of road accident rescue services in the world the SES units attend about 1200 road accident rescues every year. When you look at the general statistics you can see that there are more than 350 000 hours of community service contributed by SES volunteers, including training and operations. SES volunteers are involved in 300 searches, over 8000 operational call-outs, more than 5000 storm damage requests for help and over 200 operations in support of the police and fire services.

It is also very important that we thank the partners and families of the SES volunteers. When volunteers get that phone call at 2 o'clock or 4 o'clock in the morning they are out the door with no complaints, and I know that it must be very hard sometimes on their families but these people just get on and do it.

It is interesting to note that in 1939 Victoria formed the State Emergency Service based on the UK Air Raid Precautions model. With the lessening chances of a direct attack on Australia during the 1939–45 war the service was disbanded in January 1942. Following the war discussions took place between the states and the commonwealth government about civil defence, and a civil defence directorate was maintained within the commonwealth Department of the Interior. The commonwealth also established the Civil Defence School at Mount Macedon, conducting the first course in 1956. The Civil Defence Office was set up in the Premier's department in 1961. It consisted of a coordinator, a civil defence officer, a clerk and a typist. From 1961 to 1972 efforts were made to form a civil defence unit in each city. In 1962, largely as a result of disastrous fires in the Dandenongs, the then Premier directed that a state plan was to be formulated to deal with peace-time disasters. The staff of the Civil Defence Office was made available to assist the Chief Commissioner of Police to prepare this plan.

By 1972 about 100 voluntary municipal units had been formed. Although some were nominal, the extent of the counter-disaster activity of volunteer members warranted the passage through Parliament of the Volunteers Civil Defence Workers Compensation Act 1972. The following year the Headquarters Civil Defence Organisation was established at 31 Queens Road, Melbourne. In the same year the Civil Defence Organisation was transferred from the Premier's department to the Chief Secretary's department and headquarters staff had increased to eight.

We have been speaking to a number of volunteers, and I partly touched on this earlier. Some of the concerns of the volunteers — and this will not be a surprise — relate to the budget, and the minister mentioned an increase in the funding when the last budget was brought down in May.

They still ask whether there will be enough money to run it, even though there has been an increase in the budget, and how it will operate with a new board in place. They will obviously need to work out the budget with the director to make sure there is a sufficient amount of money. There is an argument that with the new structure there will also be an increase in pay for the people who are full-timers, because there will be a greater expectation of accountability, so that, like all emergency services, there is an argument for more funding. I believe the current allocation is about $20 million.

The PricewaterhouseCoopers draft discussion paper on the review of funding arrangements for the VicSES road accident rescue service states, and I suppose this is the point that I made before:

> The Department of Treasury and Finance … collect road accident rescue (RAR) cost recoupment payments from the Transport Accident Commission. The Department of Treasury and Finance then makes a payment to the Department of Justice (representing the cost of all VicSES activities — that is, RAR and non-RAR) and this is forwarded by the Department of Justice to VicSES headquarters (VHQ) on an annual basis. The Department of Treasury and Finance payment is made out of consolidated revenue. The cash component, distributed by VHQ to the local SES units, is a flat rate. As such, all units (whether accredited or otherwise) receive an equal distribution regardless of the size of the unit or the number of RARs performed. A more detailed discussion of the calculation of RAR cost reimbursement rate is provided below.

Some would argue that if you were in far East Gippsland you might not be attending many road accident rescues but might instead be working in floods or bushfires or looking for lost children. Over the last couple of years we have had problems with the way some of the decisions have been made. Obviously we were concerned about the importation of trucks from Argentina. I do not know what went wrong there, but there was an issue with the weight. We are hopeful that that will be resolved.

We are not happy that the SES rescue horse unit is still not up and running, and we hope the minister, the director and the hierarchy of the SES will be able to sort that out. If hikers or bushwalkers were lost in the alpine

country, you would hope the SES would have access to every available unit and piece of equipment it could get its hands on to look for them. It is not good enough to have a situation where the SES rescue horses are not part of the necessary equipment and whatever else is needed to be able to search for people. I understand that there are issues to do with insurance, but this has been dragging on for 18 months now and it is time it was resolved. As I mentioned, the shadow Treasurer will be talking about the insurance side of this.

As I come back to what I said at the start: we in the Liberal Party strongly support the State Emergency Service becoming an authority. We congratulate the government on that, and we think it is a very good move. We need to get in and support the SES workers and volunteers: we thank their families and their partners for the enormous amount of work they do in this state.

Mr RYAN (Leader of The Nationals) — It is my pleasure to join the debate on the Victoria State Emergency Service Bill. I commence where the member for Scoresby left off in offering congratulations to the State Emergency Service (SES), which is surely one of the great volunteer organisations in this state. It has a proud 30-year history of service in its current guise. Before becoming the SES in 1975 it also faithfully served Victorians for many years. That service is provided across a wide scope of activities.

In times of floods, fire, car accidents, in search and rescue and road accident rescue over the years the organisation has built up to an extraordinary extent its service not only to Victorians but also to those who may have the misfortune to come to grief even though they are not Victorians but visitors to our state. Invariably this great organisation has been able to be relied upon, and it is a time when the organisation itself can look forward with much confidence to its future.

The fact of its being established now as an authority in its own right, beholden to no-one, will, I am sure, be a source of great comfort to the members of the State Emergency Service (SES) — and I am conscious of the presence of many of them here tonight as we debate the bill — and their families. It is a great day for them, and I must say the government is to be congratulated for that component of this legislation that will see that future secured. Inasmuch as this legislation deals with those important matters, The Nationals very strongly support it.

The legislation comes in eight formal parts. Those matters which have been canvassed extensively by the member for Scoresby — the establishment of the SES as an authority, the transitional issues and the matters that will govern it going forward — are dealt with in parts 1, 2, 3, 4, 5 and 8 of this legislation. As I said, The Nationals very strongly support those provisions. We think they will chart the course for this great organisation in the years to come, and it is wonderful to see it come to be.

I must say the position regarding the other two parts of the legislation — that is, parts 6 and 7 — is not of a similar ilk. Indeed, The Nationals are opposed to those provisions which of course have nothing to do with the SES in any way. Rather, those two parts and the provisions they contain deal specifically with the fire services levy, and it is to that I wish to address some comments.

The fire services levy is a dud. It needs to be replaced, and the fact of this legislation coming before this house is, we think, most unfortunate. It not only repeats the sins of the past in the presence of the fire services levy but entrenches it for the future. We think all that to be unfortunate. We recognise that the fire services levy has existed under governments of all persuasions, but we think it has had its day. We went to the last election with a policy to have the fire services levy abolished, and we think it is a mistake on the part of the government that the provisions in the legislation will extend the operation of that levy in the manner set out.

The levy itself arises through the provisions of sections 36 and 37 of the Metropolitan Fire Brigades Act and sections 75 and 76 of the Country Fire Authority Act. Insofar as the Metropolitan Fire Brigades Act is concerned, section 36 sets out the fact that an annual estimate of expenditure and review has to be undertaken with a view to the minister being provided with estimates by the board of the Metropolitan Fire Brigade (MFB) of the expenditure to be incurred by the board and the revenue it expects to receive in the execution of its responsibilities under the legislation over the next financial year. Having regard to those matters, the provision says that the minister must then determine the total amounts of contributions that are payable under section 37.

That section goes on to set out the contributions which have to be made toward that annual expenditure — that is, calculated under section 36. In essence the section recites that the sum required to meet the total amount of the contributions is to be contributed on a basis of 12.5 per cent coming from the consolidated fund, 12.5 per cent coming from municipal councils and the other 75 per cent coming from the insurance companies which are insuring against fire on property situated within the metropolitan district.

Those provisions are in effect replicated in the Country Fire Authority Act, with the substantial difference that when it comes to the question of contributions, 22.5 per cent are to come from the consolidated fund and 77.5 per cent are to come from the insurance companies which are insuring against fire property, although in this instance it is property situated within the country area of Victoria. There are then provisions as to the manner of that payment, the bases of the payment and the date of the payment and so on but that essentially sets out the way in which the fire services levy is levied under the statute.

State Emergency Service funding is not, at the moment, dependent on the fire services levy. However, it has been put to us that there is a concern about the prospect of the fire services levy being extended to have application to the SES. Time alone will tell in that regard. The Victorian Managed Insurance Authority has its position secured in this legislation as being excluded from having to contribute to the fire services levy.

The levy itself was subject to a government review. That review was undertaken a couple of years ago and a report was provided in July 2003. Unfortunately this review was undertaken by Treasury. I say unfortunately because if you are going to have Treasury reviewing an issue which is to do with the amount of money that flows to Treasury, then you are putting the fox in with the chooks. I do not have the precise figure but I think the Treasurer draws about $30 million a year in state taxation from stamp duty on this process, so the notion of putting the Treasury in charge of an investigation into that issue seemed to me at the time to be strange. It is also interesting that the terms of reference in the report confirm that any outcome of the report was to be revenue neutral to the government. One can see how on the way in the whole thing was stacked against the prospect of getting an outcome which was likely to bring any realistic amendment to the fire services levy provisions.

There are some interesting figures in the report. In the metropolitan area — in Melbourne — about 30 per cent of the claims for fire damage are in relation to residential property and about 70 per cent are in relation to commercial property. In the country it is about fifty-fifty. When you look at the number of calls made, about 15 per cent of the calls the Metropolitan Fire Brigade receives are in relation to cars and about 85 per cent are in other categories. In 2001–02 the MFB had a total budget of about $146 million. Of that, about $110 million came from the fire services levy, which equated to about 62 per cent of the total and about 75 per cent of the statutory contributions. In that same year, the Country Fire Authority had a total budget of about $156 million with $121 million of that coming from the fire services levy. That was about 70 per cent of the total and about 77 per cent of the statutory contributions. Inevitably those figures are rising. We have seen recently calculated estimates as to what the figures are likely to be for the upcoming year and there is no doubt that they are going to go up.

Why is this wrong? Why is this a dog and why should it be abolished? It should be abolished for a variety of reasons. It is wrong because it is simply not equitable. It is not equitable, because not everybody pays it. Not everybody pays out the amount of money which is required to insure a home or commercial property and accordingly not everybody is paying for the fire services levy. When the bells ring and the disaster occurs, just as is the case with the SES, when the fire authorities react to the emergency no-one rings up the house where the fire is occurring to ask if they have paid an insurance policy — they go and put the fire out.

The inequity in this is that many of the people who call upon the Country Fire Authority and the Metropolitan Fire and Emergency Services Board to attend their properties to put out a fire do not contribute to the fire services levy because they do not insure their property. It is true there are provisions in the respective pieces of legislation which enable the two authorities to send an account to the owners of those properties, but that does not happen with great regularity, and in fact this is another case of where the people who do the proverbial right thing, insure their property and accordingly pay the fire services levy are the ones who are primarily propping it up because they are the ones contributing to this scheme.

It is not equitable, because many people underinsure. The fire authorities tell us that in the case of the disastrous fires in Canberra a couple of years ago where about 500 homes were destroyed, some 40 per cent were under insured. That in turn means that the amount of money going into the fire services levy is not what it ought to be. It is not equitable because there is no fire services levy charged in relation to grass fires that occur on vacant land. It is not equitable because the people who are unfortunately involved in car accidents which require the attendance of the brigades are not contributing directly to the fire services levy.

It is not equitable, because the state of the levy in Victoria at the moment is almost out of control. When you look at the figures and the compounding tax effects of the financial services levy scheme in Victoria, the outcome is horrendous. For example, on a basic premium of $100 on a domestic policy in country

Victoria you add the fire services levy of about $19, GST of $11.90 and the Treasurer's slice of stamp duty of $13.09 and you end up with a total of $143.99, which is an increase of 43.99 per cent on the original $100 premium. When you look at the fire and industrial and special risks category, the figures are even worse. If you go through the same process the original $100 for a commercial property becomes $181.50, in effect an 81.5 per cent tax on the base figure, and needless to say people are very concerned about its impact. This system is not fair and ought be replaced. It puts the system among the highest in the world, which is another reason why it needs to be replaced.

This bill only makes the situation worse because it deals with the question of deductibles which are not even covered or defined either in the two primary pieces of legislation or within the legislation before the house. There is no definition for the expression 'deductibles', but in effect, it means the excess which applies to a policy, if I can put it in those crude terms. It was defined more particularly in a letter I recently received from the Insurance Council of Australia which says:

> A deductible is a basic mechanism of insurance that has been used in one form or another for several hundred years. Deductibles are included in virtually all insurance policies. Their purpose is twofold; first, to enhance risk management by the insured through its acceptance of some risk exposure and, second, to reduce premium costs. The two factors are closely related.

Were time with me I would read more, but that is a quick reflection of the definition of deductibles. In essence, what is going to happen here is that a notional cap of $10 000 will be imposed upon the deductibles in an insurance policy. It does not matter if the insured has chosen to accept a risk of $1 million as an excess or a deductible on the policy, the government is going to make that client — in effect, because it gets passed on — pay a fire insurance levy not only on the money over and above the $1 million, but on the difference between the cap of $10 000 and the $1 million. The client is now going to have to pay the fire insurance levy on that extra $990 000.

That, of course, will be a very significant imposition. It will potentially mean that in a political sense the government will be popular, because it will offer the option, at least if the government so chooses, to perhaps reduce some of the policy costs for the proverbial man in the street. But for business it is a disaster.

Already the government is being lobbied very heavily by different organisations, including the Insurance Council of Australia, the national insurance brokers group and various other major corporations, all of which are telling the government this is anticompetitive. In an era where we look to the prospect of attracting business to our state to grow jobs, to grow our employment and to add to the way in which our state is able to successfully function, this is an issue which can make a major difference. For example, on a development of $100 million-odd I have been advised it might mean a difference, given the deductible structure of the organisation about which I have been speaking, of over $2 million per year which it has to pay year after year in addition to its existing obligations. We think a change has to be made, and we believe the change ought to be to the Western Australian model, which is a property-based system.

At this stage I wish to move a reasoned amendment. I move:

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

That system is fair because everybody pays; all property owners pay. There are defined amounts which are set out by way of obligations. It is equitable, because of the fact that everybody is in the pool; everybody is contributing. I might say that the report of the review which has been undertaken of the Western Australian system, which has operated since 1 July last year, says, after speaking about the introduction of the system — and I am reading from an independent report by Sigma Plus Consulting which was commissioned by the government:

> We are pleased to report that insurers have passed on the savings to consumers.

It also says:

> Sigma Plus Consulting commenced work on the emergency services levy … compliance project in October 2003. Our brief is to write a report describing the effect of the phase-out of the fire services levy … upon property insurance premiums and more specifically to demonstrate whether insurers have passed savings on to consumers.
>
> …
>
> On average, buildings and contents insurers actually dropped their premium rates. Consumers have responded to cheaper insurance by increasing their insurance cover to more adequately protect themselves —

and so on. This is a proposition that the government should properly consider. It would mean a fair outcome for the people of Victoria. It would mean that the fire services levy could be dispensed with and we would

have an arrangement in place that would be fair and equitable to everybody. It would not be anticompetitive, as is the case with the legislation which is now before the house. It would assist in attracting business to our state rather than driving it away, and it would mean that in time to come we would have a much better system that is able to fund and service those wonderful organisations such as our fire brigades and, very particularly, those many volunteers who contribute to them. I finish again on the note I started on: what a great organisation the State Emergency Service is, and long may it thrive!

Mr ROBINSON (Mitcham) — I rise with great delight to speak on this very significant piece of legislation. I am delighted because it gives me the opportunity, a very welcome opportunity, to highlight the outstanding work of an outstanding organisation. The bill, quite properly in my view, seeks to establish the State Emergency Service (SES) as a statutory authority. In view of the role that the organisation plays, that is a justified move. I want to come back in a few minutes to the historic context of getting that recognition up for the SES.

Speakers before me have given a good overview of the work that is undertaken by the Victorian SES. It is a volunteer-based emergency service with some 5500 volunteers, 72 staff, 8 regional offices, and some 149 volunteer units, one of which is the Nunawading unit which services the city of Whitehorse and with which I am somewhat familiar. The fact that it has 101 units accredited for road accident rescue makes it the largest provider of road accident rescue services in Australia and one of the largest anywhere in the world. Members attend some 1200 road accidents every year.

Importantly the organisation also undertakes invaluable preventative work with regard to road trauma. I am sure the Driver Reviver program is extremely well regarded by all members. It operates currently at some 65 locations across the state with more than 1000 volunteers who serve some 200 000 cups of tea and coffee. We could ask how much higher our road toll would be without this massive contribution from the SES volunteers. It is an absolutely extraordinary contribution — some 350 000 hours of community service each year, participating in some 300 searches and more than 5000 storm-damage requests.

The organisation grew in the mid-1970s out of the former Victoria Civil Defence Organisation. That has been referred to. It is not to say that the Victoria Civil Defence Organisation was well resourced; indeed, there were shortcomings. In the mid-1970s there was occasionally debate on this and the *Hansard* of that time is a useful source. In particular I quote from *Hansard* of 29 October 1974 when members of this house were debating the then government's budget. One member spoke as follows:

> Several things come out of the budget. The first is the absence of any emphasis on civil defence. The amount allocated for salaries and allowances for the civil defence organisation is a miserly sum. The Treasurer again failed Victoria by not emphasising the importance of civil defence to this state during bushfires, floods and other national disasters. It is high time civil defence was not a child lost in the chief secretary's office but was given a separate entity.

The speaker went on to say:

> Civil defence must become a separate entity and have an independent existence so that it can cooperate in every possible way with the police force and other bodies in dealing with any emergency that affects the state. In New South Wales, the civil defence organisation is independent; it has done a good job and has proved its worth. Victoria usually leads New South Wales, but in this instance it lags behind that state. The government should update and strengthen the civil defence organisation.

At first I thought that must have been the shadow minister of the day who came out and gave the then government a bit of a serve but in fact it was not a Labor opposition member at the time. The speaker was a Mr Mitchell, a then Country Party member for Benambra. There is a certain timeless eloquence to his comments of that era. He actually went on and said lots more interesting things but in fairness to the house, I will save them for another day. The timeless eloquence and the mutual support between the Country Party and its city conservative cousins are something to behold.

What Mr Mitchell spoke of back in the mid-1970s is now coming to pass. The only pity is that it has taken as long as it has because we are, through this bill, giving the SES in this state that sort of recognition. It can stand alone as a statutory organisation and be even more well regarded in that capacity.

One of the SES units, the Nunawading unit, is based in the city of Whitehorse. It has about 50 active members who are unsung heroes in the Whitehorse community. They make a regular commitment of time for training. I understand it is every Monday night so if any honourable members — including, I am sure, the member for Box Hill — would like to be made aware, the volunteers train at the Box Hill Whitehorse council depot just off Middleborough Road. I might even see him there one night. They tell me it is a very active group.

At times the unit is very, very busy. When looking through my files today I noted that in September 2002 the unit received about 450 calls following two severe

storms. Its members were involved in the Lake Mountain search for a missing hiker. They were involved in gathering forensic evidence in the Wales-King murder investigation. They assisted with the Bali bombings telephone appeal, and they were involved in providing safety patrols at the Australian Motorcycle Grand Prix at Phillip Island.

The unit controller at Nunawading is Alan Barnard. He has been involved for many years and provides a superb service. Tonight I had the chance to catch up with Alan and some of the other members, Craig Bergin, Rob Pitt and Sharon. We had a good old chat about how things are going at the Nunawading unit.

The government has funded the State Emergency Service (SES) very strongly in the past few years. The highlight has been the rollout of some 50 new trucks. Nunawading has its new truck, and it is providing great service. Funding for the trucks amounted to some $7.5 million over four years. Personal protective equipment has also been provided. We had the opportunity to see some of that this evening. It is a great improvement on what was previously provided. In addition members have had the opportunity of further training.

The important thing about the SES is that it is made up of volunteers. They do not have to do this; they do it as a very valuable form of community service. We need to support them in many ways. In particular we need to support them in their workplaces. They need the flexibility to be able to turn out to emergencies and in all instances they need the support of employers. We would not have such an active SES if we did not have workplaces that allowed this. It is getting harder; it is not as supportive an environment as it once was. I am sure that in the coming weeks and months we will have reason to revisit this issue in the context of some of the proposed industrial relations changes.

The bill provides a new management structure — a chief executive officer, an expert board and a director of operations. We wish them well in their endeavours. The bill also seeks to amend some insurance industry contribution arrangements via the fire services levy. The Leader of The Nationals spoke about this.

Dr Sykes — You agree with him.

Mr ROBINSON — No, I cannot agree with him. I cannot agree that just because it was a Department of Treasury and Finance inquiry into the way in which the fire services levy operates that it was a bad thing. I know the honourable member for Box Hill is a former parliamentary secretary for treasury and finance, as am I. We will occasionally go to the defence of the Department of Treasury and Finance because it does get to the heart of these things.

Honourable members interjecting.

Mr ROBINSON — No, he is being very uncharitable, as the third former parliamentary secretary for treasury and finance has just commented on.

The Leader of The Nationals missed the point. The central point of the Department of Treasury and Finance investigation was that those moneys being collected through the fire services levy are not necessarily making their way to the providers of those services for that purpose. I would have thought that was the essential point. If we want an example of inequity, it is that insurance companies collect something called a fire services levy that somehow does not make its way in full from those companies to the organisations providing the service.

Dr Sykes — Say that outside Parliament.

Mr ROBINSON — It has been said outside Parliament. Lord knows this place and other chambers around the country have done an awful lot for the insurance industry in the last few years through changes to legislation that improve the viability of the services it offers. I do not have any problem with supporting legislation which will make the disclosure — —

Dr Sykes — You are against people managing their own risk.

Mr ROBINSON — The Leader of The Nationals also talked about the fire services levy being a dog. He mentioned vehicles that catch fire. Vehicle owners do not pay a fire services levy. By his logic not only should we apply the levy to property holders but also to vehicle owners, even though 99.9 per cent of vehicle owners would never have to have a fire service called to their vehicle. It is interesting theory that we should start pinging motorists for this service. I have no problem with this bill. It is a terrific bill that recognises the outstanding work of people in the Victorian SES.

Mr CLARK (Box Hill) — I echo the remarks of the member for Scoresby, the shadow Minister for Police and Emergency Services, in acknowledging the outstanding work of the SES and wishing it every success in its new corporate structure. As the member for Scoresby indicated, I will address my remarks particularly to the changes to the fire services levy. In this muzzled and dumbed down Parliament I have only 10 minutes to do so. The provisions make three

changes. The first regulates what happens with the Victorian Managed Insurance Authority and provides that the VMIA will not pay the fire services levy in relation to government property but will in relation to non-general government sector property. I have not yet heard a rationale from the government for this distinction, but perhaps one will be forthcoming.

The second area of change is the one primarily referred to by the honourable member for Mitcham. It requires greater disclosure by insurance companies and others about the collections of funds they make which they designate as fire services levies and provides for the publication of that information by the Country Fire Authority and the Metropolitan Fire and Emergency Services Board. The member for Mitcham proceeded to attack insurers and implied that they were failing to account properly for the levies they collected and that there was some sort of improper profiteering by the insurance industry from its members' collections. The insurance industry rightly makes the point that the way this scheme works — and it is inherent in the scheme — is that its members are told how much they need to pay by way of contribution, and they then need to determine a rate to pass on to their customers which will raise the amount they themselves have to provide to the government.

Since they cannot estimate in advance what their annual premium collections are going to be each year, in any particular year there are very likely to be overs and unders in what they collect in that year and what they pass on. My understanding is that the insurance industry has no objection whatsoever to being more transparent. Indeed insurers have put the point to the government that if it wants to eliminate that problem then it should specify the rate of the fire services levy that is imposed on customers. The entirety of that amount could then be paid to the government, and it is the government rather than the insurance sector that would carry the risk of the overs and unders. While there is no objection to the greater disclosure provisions in the legislation, trying to attack the insurance industry in the absence of evidence of malpractice seems somewhat unfair.

However, the main amendment to which I want to address my remarks concerns the changes that relate to deductibles. I appreciate the very comprehensive explanation given to the house by the Leader of The Nationals as to how the general fire services levy scheme operates, therefore there is no need to repeat what he said. However, what is being done in relation to deductibles is extremely complex. Indeed it is far more complex than the government's second-reading speech makes out, because the government implies that a levy will be applied to the full insured value of a property minus an allowable deduction of $10 000. But what the legislation says is that the gross premiums that insurers have to include in their returns and on which the levy is payable must include a notional premium for deductibles of $10 000 or more, calculated in accordance with the prescribed formula. That is contained in clause 70 of the bill and in proposed section 40(2) of the Metropolitan Fire Brigades Act 1958, and there is a corresponding amendment in relation to the Country Fire Authority legislation.

What this makes clear is that it is not just a question of looking at the value of the insured property. What the scheme envisages is that you will ask yourself, 'What would the premium be on this insurance policy if there were only $10 000 worth of deductibles and not whatever level of deductible there might in reality be?'. Perhaps if you look at a simple example of a house or some other insured premises. It might be an achievable calculation, but what the insurance industry says, and I think with good justification, is that its members write policies over an enormously wide range of risks, of which fire may only be one. They offer a package of insurance to large or medium-sized businesses over all the entity's risks, and the standard practice is for far higher levels of deductible than $10 000.

What you are trying to achieve by using this formula is to say, 'Forget what the industry practice is. Assuming the industry insured everything down to $10 000, what would the premium be?'. How on earth do you calculate that? How do you pluck that figure out of thin air? The government cannot answer that question. Government members do not have it in the bill. They are saying they are going to do it by regulation. My understanding is that they are asking the insurance industry to tell them how on earth to draft the regulations to implement this gee whiz scheme which the government has thought up.

It shows yet again the lack of commercial or real world understanding by the senior cabinet ministers in this government, starting with the Treasurer and then going around the rest of the cabinet table. Not one of them had the real world nous to say, 'This concept is not going to work'. Since the introduction of this bill the insurance industry has been giving the government that message loud and clear, but so far there has been no indication from the government that it has got the message.

I acknowledge and express the opposition's appreciation to various bodies that have provided detailed information to it, including the Insurance Council of Australia, the National Insurance Brokers

Association of Australia, Allianz Insurance Australia and Aviva. They have provided very hands-on explanations of the details of the difficulties which this legislation is going to cause. The honourable member who is enjoying interjecting might like to address some of the concerns those organisations have raised and explain how the government's policy will deal with them.

I adopt in particular some of the points made by Allianz Insurance in a letter dated 5 August 2005 to the Minister for Police and Emergency Services, a copy of which has been provided to the opposition. The legislation refers to insurance against fire and deductibles in relation to insurance against fire, and says:

> No formula can equitably reflect the factors that have determined the deductible applicable policies of insurance against fire.
>
> …
>
> It is frequently not possible to identify a single deductible in relation to policies of insurance against fire. Such policies, particularly where they are issued in respect of large commercial property portfolios, may apply to deductibles that apply to each loss but subject to an aggregate deductible for all losses; different deductibles for different types of insured property; different deductibles for different types of insured perils; a deductible that increases with each successive loss under the policy, or a combination of one of more of the above.
>
> It is submitted that to seek to apply a notional premium to any deductible above $10 000 is not practical given the complexity around these arrangements.
>
> The bill does not make clear what constitutes a 'deductible' for the purposes of the legislation.

Allianz then gives an example of a business that takes different slices of insurance from different insurance companies. The insurance brokers have been even more explicit in pointing out the variety of deductibles that can exist out there in the real world such as time deductible, each and every deductible, each and every non-contributing deductible, each and every cumulative deductible in excess of a non-contributing deductible — and they continue with about six or seven more.

The government has clearly not thought this through and has come up with yet another dog's breakfast as a piece of drafting. So far we have had no explanation or justification whatsoever from the government side. The Nationals have moved a reasoned amendment, and we can certainly understand the frustration and concerns that have lead to the moving of the reasoned amendment. The dilemma that we face is that this has been bundled in with provisions that will reconstitute the State Emergency Service (SES) on a new basis. Hence the dilemma that this bundling of provisions together in the one bill creates for all members of this Parliament, that if you support reasoned amendments to try to fix one serious deficiency in the bill, you prejudice the rest of the bill.

The concern with these provisions in relation to the fire services levy is one that the government needs to get loud and clear. There is already grave business disquiet with lack of acumen on the part of the Bracks government when it comes to the real world and the government really needs to do something about the problems that is creating.

Mr CRUTCHFIELD (South Barwon) — I rise with great pleasure to speak on the Victoria State Emergency Service Bill 2005. It has two main purposes — the primary and only one that I am going to speak on is about the re-enactment of the Victorian State Emergency Service Act 1987 which established a statutory authority to manage the Victorian State Emergency Service (SES). I am not going to touch on the insurance issues spoken of by the previous speaker throughout his speech.

Before I move to the detail, I want to acknowledge the previous Minister for Police and Emergency Services. He walked the talk and was passionate about volunteers and emergency services. The SES, the fire brigades and the police were all in his portfolio.

In my previous role as a career firefighter and also in my role with the City of Greater Geelong I came into contact with a number of people in the police force, the Country Fire Authority and the SES. In recent times I have run into those people again. They are to a person unanimous about the funding provided by this government — and in particular the previous minister, who has now been followed by someone with a high level of enthusiasm, in new Minister Holding. It is very easy to talk about volunteers and to espouse the views that I know are heartfelt on both sides of the house, but it is a lot harder to back up the talk with funding. As a firefighter in the CFA I remember those dark years in the late 1990s when we were scrounging around for equipment, were threatened with being privatised and were struggling along in second-hand trucks. I contrast that with the record funding for all our emergency services over the past four or five years.

In talking in detail about the bill, given my previous occupation as a career firefighter, I have come into contact with SES personnel at many road accident rescues, at major incidents, particularly fires, where they provide operational support, and at the council. I acknowledge the SES south-west regional manager,

Allan Sullivan, with whom I have come into contact over many years. I would certainly call him a friend. We spent many hours at the council table of the City of Greater Geelong constructing an emergency management plan — which, as many members would be aware, is one of the roles of the SES and one that Allan carried out professionally. I put on the record my thanks for those endless hours he put in.

Mr Wynne interjected.

Mr CRUTCHFIELD — The member for Richmond is well aware of that process.

The bill is about ensuring the future of the SES as a distinct unit in the emergency services family. Over a long time there have been rumours about an amalgamation of the SES into whatever form the conspiracy theorists wanted to make up. That will not happen. The bill ensures that it will be its own entity and that there will be a continuation of the professionalism of the work force, which, as other members have touched on, has primary responsibility for responding in extreme weather conditions; for road accident rescues; for search and rescue; for providing operational support, as I mentioned, during bushfires; and, as the member for Mitcham touched on, for other areas such as the Driver Reviver sites.

Not all members of the public realise that the SES and the CFA are predominantly volunteer work forces. I say 'work forces' because there is no distinction between work forces where you are a paid employee, which the SES has, although they are smaller in number than those in the CFA, and work forces where you are a volunteer — and the SES has 5500 volunteer workers. Sometimes it is very confusing for the public. People do not realise that members of the SES are sacrificing time they could otherwise have with their families.

The member for Mitcham and others talked about their workplaces. I acknowledge that there are workplaces that are volunteer friendly. As a state government we need to encourage employers to have workplaces that are volunteer friendly. In a world of increasing competition, and perhaps changes to industrial relations laws, we need to ensure that employers acknowledge employees who have special requirements for time off — and they include the emergency services volunteers. We have a number of those volunteers here in the public gallery, and more were here earlier at a function.

As I mentioned, the bill places the SES on an equal footing with the other emergency services. By incorporating it into a statutory authority it has a new management structure. I note that a good friend of mine, Craig Lapsley, who was with the CFA and is now acting chief executive officer of the SES, was here today. This new structure aligns the SES with the fire brigade boards, and it allows them an additional power.

One thing we have not touched on is that board members will be appointed on a skills and merit basis. Whether they are from a volunteer background or have accounting or legal ability, they certainly need to have a basic affinity for emergency services. This additional power will allow the SES to lobby the government, including future governments of a different persuasion. The Liberal Party and The Nationals may get in in the future; it happens eventually. The changes will certainly allow the SES an additional lobbying power with seven board members, a chief executive officer (CEO) on an equal footing with the fire brigade CEO and a director of operations in a similar role to the fire brigade director. It will act as a lobbying force.

I know some opposition speakers have raised doubts about future funding from an operational basis. I can assure members that this new structure gives the SES a strong chance to lobby future ministers, and I know that our track record is very clear in terms of both the current and the previous minister. They are sympathetic to a good argument, and there have been good arguments put forward by the SES.

As my time is running out, I want to put on the record that the other parts of the bill also put the SES on an equal footing with fire brigade volunteers. The immunity protection that CFA volunteers have enjoyed for 30 or 40 years is now going to be afforded to the SES work force, and rightly so. They will not be personally liable for discharging their duties. With reference to traffic management powers, which for the SES were not clear in the 1987 act, this bill makes it clear that authorised people will be able to undertake traffic duties at emergency incidents without the threat of legal action if something happens. In addition the Victorian SES has not been able to support interstate fire brigades while interstate brigades have been able to do so for many, many years. This bill enables the Victorian SES to assist interstate agencies, and importantly the immunity and compensation provisions will apply to our volunteers across the border.

I want to focus finally on my two SES brigades — South Barwon and Torquay. They have been beneficiaries of the community safety emergency support program. The South Barwon brigade has received $46 000. I am conscious of mentioning figures here, because it becomes a competition among brigades to see what others have got, but Torquay brigade has

received $27 000. I would like to acknowledge Charlie Stephenson, the controller at South Barwon, and Darren Perryman, the controller at Torquay. What is not acknowledged with these funds is that the SES raised a matching amount of money. Whether it is two to one or one to one, the brigades raise their own money. So these brigades have raised at least that equivalent with fundraising activities. It is not unfamiliar to any of us to see the SES orange uniforms at intersections or in other fundraising activities.

In conclusion, I congratulate the SES on its professional work force and on being a single, recognisable entity amongst the emergency services family.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Victoria State Emergency Service Bill and to discuss the two parts of the bill. The first part is about the State Emergency Service and the establishment of the SES authority, and the second part is about changes to insurance with regard to the fire services levy.

Let me say from the outset that I and the Liberal Party welcome the changes to create a more independent structure for the Victoria State Emergency Service Authority. We think that is a step in the right direction and acknowledges the growth and development of the SES over the 30 years since it was established in 1975 and prior to that its predecessor organisations.

As a country member of Parliament I would also like to place on record my appreciation of the enormous amount of work done for the community by the many hundreds of volunteers in the SES right across country Victoria, and also the professional input from the SES paid staff, its officers. I acknowledge the contribution of family members of SES volunteers who provide so much support and backup and allow volunteer members of the SES to go out in response to a range of emergency situations. I would also like to place on record my thanks to employers of SES volunteers who also supply support to those volunteers in their community role.

I would like to acknowledge the SES groups in my area and the work they do — the Warrnambool SES, the Port Fairy SES, the Portland SES, the Heywood SES and the Dartmoor SES, which is actually in the electorate of Lowan but also right on the edge of my electorate, so it works across the electorate boundaries. These SES groups respond in storms and floods to search and rescue situations, particularly at sea and on land. In my area there are sea searches and cliff rescues, which can be very challenging, road accident rescues and other responses regarding road accidents and bushfires.

In my previous role as a district and regional veterinary officer with the Department of Agriculture I worked very closely with the SES in terms of disaster relief. It played a major role in bushfires and the support of the Displan for bushfires and exotic diseases. Its work in those areas is enormously appreciated. I would also like to acknowledge the contribution it makes to a wide range of community events. There is rarely a community event, whether it be a local show, activity or parade that the SES is not involved in, participating, showing its wares and helping supervise and run them. It is very much appreciated.

One of the other things the SES is famous for is its Driver Reviver program. When driving home from Parliament sometimes of a long weekend, stopping at Lismore to have a Kit Kat and a cup of coffee is a most welcome break. I appreciate it. I know the SES operates centres throughout Victoria: as well as the Lismore one I have stopped at the Colac one and a number of others.

There is one aspect of the bill with regard to the establishment of the SES authority I would like to make some comment on and ask the minister to take on board. It relates to clauses 9 and 10 with regard to the board of directors and the appointment of directors. I note there is no specification that any of these directors should come from outside the metropolitan area. I would urge the minister and government to make sure the board represents the true geography of Victoria and the wide range of experience and expertise brought to the SES from rural and regional Victoria. In appointing board members I would urge the minister to be conscious of the need to have people from regional centres such as the major regional towns and communities and also from the more far-flung rural areas, where the SES is a vital part of those communities. I would urge the minister to make sure the board reflects that.

I would also like to take the opportunity to again call for government assistance for a new SES headquarters in Warrnambool. The headquarters are unfortunately absolutely unsafe. It should not be allowed to continue. The building has an asbestos roof with cracks and holes in it; it has numerous leaks; it has faulty electrical wiring; it has no hot showers or suitable training areas. Indeed the electrical wiring is so bad that whenever there is a storm they have to switch off the power supply to the whole SES headquarters. It is ironic that the SES has to respond in storms but does not have any power at its own headquarters to respond. Clearly the Warrnambool SES needs a new home and needs it

quickly. I would urge the government to take that up. I know it is the no. 1 priority of the Liberal Party when we return to government after 2006 to do this if it is not already done.

I would now like to refer to parts 6 and 7 with regard to insurance. Let me make some general comments. The fire services levy is used largely to fund the Country Fire Authority and the Metropolitan Fire Brigade. The fire services levy system is fundamentally flawed, unfair, inequitable and sends the wrong message to our community. Fundamentally, it penalises those who do the right thing and have full and proper insurance on their property. These people pay a maximum fire insurance levy, whereas those who do not take out fire insurance on their house, their business or their farm are the ones who are bludging on the system, yet they get away with it. Clearly the fire services levy system needs a major overhaul, and it is disappointing that the government, when it drafted this legislation, did not do it properly after its review.

The other problem area is the significantly different impost in country areas versus city areas. That is a real problem for this area. I will refer to some information that has been given to me as early as this week. On 27 July 2005 a memo was sent out by a major insurer to its branch offices outlining the new fire services levy premiums, effective as of 23 September this year. In metropolitan areas, for fire and consequential loss the fire services levy will be 37 per cent — an increase from 33 per cent; contractors all risks, 43 per cent, up from 36 per cent; household and home owners, 15 per cent, up from 14 per cent.

But, and members should listen to this, in country areas the fire services levy for fire and consequential loss is 50 per cent, up from 40 per cent; contractors all risks, 54 per cent, up from 44 per cent; and household and home owners, 19 per cent, up from 16 per cent. Clearly country people are paying more in fire services levies whether in a business, a home or on a farm. They are paying more in fire services levies under the Bracks Labor government than city people. It is discrimination against country people, against rural businesses, and it is about time it ceased. The same memo says that in New South Wales there is a uniform fire services levy, and it is significantly lower in all categories in New South Wales than in Victoria. We have a real problem in Victoria with the fire services levy.

Three problems stand out from the memo: firstly, there are increases in the fire services levy, and this year under the Bracks Labor government there are further increases; secondly, the levy rate is significantly higher in Victoria than in New South Wales; and thirdly, the levy rate in country Victoria is significantly higher than in city Victoria. On top of that this legislation introduces an unworkable and unfair system with regard to deductibles. The Insurance Council of Australia said in a letter to the Minister for Police and Emergency Services dated 15 July:

> The Insurance Council of Australia is very concerned about implications of the Victoria State Emergency Service Bill currently before Parliament. The bill threatens to further distort commercial insurance operations in Victoria and create major cost burdens for business and other organisations with property holdings in this state.
>
> …
>
> … if implemented the bill would:
>
> significantly increase costs for businesses …
>
> distort important risk management processes;
>
> complicate and distort the insurance process and introduce unwelcome costs for insurers and brokers in operating their property portfolios; and
>
> increase the incentive for tax avoidance.

The new changes in the bill with regard to deductibles will actually distort the system and increase its unfairness. It will make it more likely that people will not insure properly and indeed not insure at all, and hence not pay their share of the levy.

Clearly the whole fire services levy system needs a major overhaul, and the government failed the test when it did its review in 2003. We need a fairer system for all Victorians, and particularly a fairer system for country Victoria that does not put an increased burden on country Victoria compared to city Victoria.

Mr WILSON (Narre Warren South) — The bill reinforces the Bracks government's commitment to ensuring that Victorians have at their disposal the best emergency services in Australia. As many members would be aware the first new State Emergency Service unit for more than a decade was recently established in the city of Casey in my electorate of Narre Warren.

I would like to acknowledge the City of Casey, led by the then mayor Rob Wilson, which lobbied the state government to provide the service and contributed the necessary funds for the new building and land.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Omeo Highway: upgrade

Mr PLOWMAN (Benambra) — The issue I wish to raise this evening is for the attention of the Minister for Transport. It deals with the current condition of the Omeo Highway between Mitta Mitta and Omeo. The action I wish the minister to take is to ensure this highway is improved to the extent that it can remain open and trafficable for two-wheel-drive vehicles throughout the winter.

Earlier this year the highway was closed for a period of days due to heavy snow which caused trees that were damaged during the 2003 bushfires on the hillside above the road to be a hazard to passing traffic. This was a one-off safety situation and could be accepted. However, what is not acceptable are road closures that are due to normal levels of rainfall that create so much mud that even locals with chains fitted to their four-wheel-drive vehicles are reluctant to use the road. This has occurred in the last few weeks. This makes this road totally impassable to two-wheel-drive vehicles. This is not only totally unacceptable for local traffic on a state highway — in fact the first highway designated in the state — but a major disincentive for tourist traffic.

I commend the state government on its decision to complete the seal on the Bogong High Plains Road from Falls Creek to Omeo, but the immediate requirement is for the completion of the seal on the Omeo Highway. There remain only 34 kilometres of seal to achieve an all-weather, all-year trafficable road.

I again ask the minister to give consideration to completing the sealing of this road for the benefit of local traffic and, more importantly, for tourism businesses in north-eastern Victoria and Gippsland East. I have discussed this at length with the member for Gippsland East and — —

Mr Ryan — You mentioned it to me.

Mr PLOWMAN — And of course with the member for Gippsland South. This is a road that is vital for both the north and the south.

Mr Pandazopoulos interjected.

Mr PLOWMAN — And I have mentioned this to the Minister for Tourism. I am delighted to be reminded of that because the Minister for Tourism should apply pressure to the Minister for Transport to ensure that this major tourism road is kept open. At the moment it is anything but kept open; in fact, it is a disgrace. This government should do something about it.

Anderson Street, Lilydale: duplication

Ms McTAGGART (Evelyn) — The matter I wish to raise is for the Minister for Transport. The action I seek is for the Minister to consider urgent funding for the duplication of Anderson Street, Lilydale, in my electorate. As the Bracks government-funded and now completed duplication of Swansea Road is a great asset to the residents in my electorate, it is now necessary to complete the connection to Maroondah Highway via Anderson Street. Currently this stretch of road is extremely congested at peak time and motorists become quite annoyed and take unnecessary risks on the roundabout at Hereford Road, Albert Road, Anderson Street and Swansea Road.

Many residents travel from Mount Evelyn, Silvan and Wandin via Hereford Road to the railway station at Lilydale. This is also a main route for many students of the secondary schools in my electorate and customers of the two shopping precincts. There are usually long delays during the school pickup and drop-off times. People get quite annoyed. It is also a major route for local bus companies. I believe they will benefit greatly should this duplication proceed. Recently we were pleased to announce new bus routes. The bus companies will appreciate it if this duplication proceeds.

Swansea Road carries traffic from the Dandenong Ranges via the Mount Dandenong Tourist Road to the Yarra Valley. My electorate is a magnificent region and attracts local, interstate and overseas visitors. We have fine produce in the region such as vegetables, stone fruits, berries, and flowers — and, of course, our magnificent wines.

Many transport companies freighting our products and delivering goods to the outer suburbs travel along Swansea Road and Anderson Street to connect to Maroondah Highway. At times they experience long delays along the stretch of Anderson Street that has one lane in front of the shire offices. People who are trying to access the library and the civic centre experience long delays. Some of the drivers have difficulties manoeuvring the big B-double trucks through to Swansea Road. I am happy and proud that this government is committed to upgrading major arterial roads in our outer suburbs, and I trust the minister will give this project his consideration and support.

Aboriginals: Won Wron rehabilitation centre

Mr RYAN (Leader of The Nationals) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services. The issue for the minister's

consideration relates to the proposal by the government to establish an indigenous rehabilitation centre on the site of the former prison at Won Wron in my electorate. Won Wron is a locality about 15 kilometres from Yarram.

On the evening of Wednesday, 27 July, I met with Jan Ponsford and Shelly Hanley, two local residents residing in the area immediately adjacent to the former Won Wron prison and to the site of the proposed facility. They expressed to me, both in their own right and on behalf of a number of other families around the immediate area, their concerns about the prospect of this facility being built. Among the concerns they emphasised to me was that over the years that the Won Wron prison was in operation it was a worry to them. There were instances where police were called during the night to arrest prisoners who had escaped from Won Wron. In one case, which was recalled to me by Jan Ponsford, the police were actually on the premises and in the garage of her home in the early hours of the morning seeking an individual whom they were trying to arrest. Needless to say, it was a matter of great concern.

Ultimately Ms Ponsford reached the stage where, she confided in me, she was sleeping with a rifle under her bed, since she resides alone at her property. She said to me that over the years at times she has felt she has been a prisoner in her own home, that she has been very uncomfortable at the prospect of the prison up the road, and the further prospect of the indigenous centre being built has only reignited her concerns.

One of the worries is having to collect rubbish which is thrown away by various people who are visiting. There is also the issue of sewage ponds at the Won Wron property, which have leaked into Macks Creek. That most unfortunate event has led to a concern on behalf of local residents. There is the issue of the fire risk occasioned by the prospect of the new facility being built, and there is also the question of the provision of security of the offenders who will be housed within the new facility. The local residents are concerned about the extent to which security will be on hand to deal with those who might have to go onto the premises.

I ask the minister to respond to these various elements of concern on behalf of the local residents. This is an important issue, and I seek his assistance.

Aquatic centres: Frankston

Mr HARKNESS (Frankston) — I wish to raise an issue with the Minister for Sport and Recreation in another place. The action I seek is for the minister to provide up-to-date information on the time lines for the Better Pools program. Since November 2002 a member for Chelsea Province in the other place, Mr Viney, and I have been working toward the advancement of a regional aquatic centre for Frankston. Plans are rapidly advancing, and an exciting new concept is being developed. Monash University and the Frankston City Council are now actively working with us toward the formulation of plans and funding applications.

In what is likely to be a first in the Southern Hemisphere, the proposed Frankston regional aquatic, health and wellness centre will be much more than just a swimming pool. It will combine an education and training centre for health, wellness and sport for Monash University, the Chisholm Institute and the entire region with a leading research centre. When constructed this centre will also provide a social, entertainment and activity centre for people of all interests, abilities and ages. It will incorporate a health and wellness resource and prevention centre, providing advice and support to assist people to lead healthy and happy lives.

People living in Frankston make much less use of swimming facilities than other Melburnians because the region lacks a suitable facility which provides for a broad range of interests. In fact Frankston and Greensborough have been identified as the only two areas in Melbourne without a public indoor 50-metre pool. Frankston needs a major regional aquatic centre to service its large and growing population. Existing pools in the area are simply unable to cope with this and similar growth in surrounding municipalities.

Sports and aquatic centres provide numerous benefits to a community. Quality aquatic facilities are an important component of community sport and recreation infrastructure and play a vital role in improving individual fitness, strengthening communities, enhancing water safety skills and creating local employment opportunities. Frankston also needs professional training facilities, as many swimmers are travelling large distances to get to other suitable facilities and local swimming clubs are losing members.

Improving the physical, mental and social health and wellbeing of a community is also vital. It is worth noting that Monash University is establishing a faculty of health services at its peninsula campus and will soon have additional places for tertiary students. It is very important to cement and integrate this university's place in the city. A few years ago the campus had declining enrolments. Now it is looking at expansion with many more students. An aquatic centre is a very

important part of making Frankston an education city. This proposal would also open up the university to the entire community and improve university take-up rates. It would also strengthen Chisholm TAFE's course offer and link it directly with the university.

A submission of qualified application will be made to the state later this year. A joint partnership with the council and the university is being formed, so it is very important to be aware of the up-to-date time lines for the Better Pools program, and I ask the minister to supply this information.

Schools: water-saving initiatives

Mr COOPER (Mornington) — I have a matter for the attention of the Minister for Education Services. I ask the minister to take action to provide funds to all government schools to enable them to harvest rainwater from school roofs, which can then be used for other essential purposes such as flushing toilets and watering gardens. Millions of litres of rainwater that fall on school roofs each year are lost down drains while the schools in turn then use vast quantities of fresh water for essential things like toilet flushing or for the maintenance of gardens.

This suggestion that I am making to the minister is simply commonsense and can be implemented at very little cost when compared with the cost of water waste which the government is constantly moaning about. But as in most things with this government, it is all talk and no action.

On 20 July this year on Radio National the Deputy Premier said during an interview that more must be done to conserve water and find new water sources, but of course this government's record in regard to its own buildings is absolutely appalling when it comes to water conservation. I need only draw the attention of the house to the fact that when this government took office in 1999 it removed the rainwater tanks from the Federation Square development so as to save $300 000. Those rainwater tanks were to harvest water from Federation Square, to be used for garden watering and the flushing of toilets. This government saved $300 000, but God knows what it is costing us in the way of fresh water that is now having to be used for the kind of thing that that rainwater was going to be used for.

We only then have to look at Spencer Street station and the huge roof down there that the Minister for Transport is so proud of. It is developing, when it rains, enormous quantities of water — all going down the drain. No facility has been made for the harvesting of that water, which could be used for the flushing of the toilets at Spencer Street station.

This government's track record is simply shocking. What I am suggesting to the Minister for Education Services is that she make herself a heroine — a heroine of the Labor Party, a heroine of this Parliament and this government, and a heroine to the people of Victoria — by doing something, rather than what her colleague ministers have done, which is nothing with regard to water saving and harvesting. School roofs throughout this state collect millions of litres of water which currently go down the drain. That water should be harvested for better use by those schools.

Cranbourne: community legal centre

Mr PERERA (Cranbourne) — The matter I wish to raise is with the Attorney-General. I ask the Attorney-General to take action to address the urgent need for a community legal centre in Cranbourne. I take my hat off to the Bracks government for its recent budget announcement of $8.9 million over four years to include funding for the establishment of four new community legal centres in Victoria. This is a great initiative. I have just completed an electorate-wide survey and I am happy to note that I have been inundated with responses. Many residents in the electorate have noted in their responses that there is a high need for a contact point in Cranbourne for free, qualified, face-to-face legal advice. My electorate office receives numerous legal inquiries relating to such matters as, primarily, family law and debt-related problems, just to name a few.

The Cranbourne residents have been fortunate enough to have a qualified legal representative from the Peninsula Community Legal Centre come once a week to see them in Cranbourne, but this simply is not enough. On many occasions this representative is booked out weeks in advance. The queue is too long.

The Bracks government is committed to supporting the valuable work of community legal centres and to working with them to ensure that all Victorians have every opportunity to get early, accessible and effective legal advice so that legal matters are resolved quickly. I urge the Attorney-General to allocate funding from the recently announced $8.9 million for the establishment of a community legal centre right in the heart of Cranbourne.

Building industry: warranty insurance

Mr INGRAM (Gippsland East) — The matter I raise is for the attention of the Premier. The action I

seek is for the government to establish an effective builders warranty fund with a principle of first-resort redress. The current builders warranty insurance scheme is an absolute disaster. It has provided no real consumer protection and has levied very expensive insurance costs on builders, particularly small to medium-sized builders. Since July 2002, $400 million has been levied on builders, with an estimate of only six claims having come out of that. Someone is making a lot of money out of this scheme and it is providing no protection for consumers; it is just levying enormous costs on small business people in this country.

This issue is one that has been raised in this Parliament before, and I have raised it personally. It is absolutely essential that the government take action to establish an effective builders warranty fund. The issue has really come to the fore. I refer to the current Building Commission Victoria *Inform* magazine for owner-builders, which makes it quite clear that there is a marked increase in owner-builder permits being issued. In 2004, 38 per cent of all building permits issued were to owner-builders. This is an upward trend from 26 per cent in 1998, which highlights that a large proportion of builders are using the get-out clause by having owner-builder permits issued when these are really domestic building contracts with small businesses. This highlights that it is very difficult for those individuals to get builder warranty insurance or pay the exorbitant fees that are being levied by the insurance companies.

The builders collective has put forward a proposal, and I think it would work. It is based on the travel agents fund and would establish a building warranty scheme which would put a levy on all the 85 000 domestic building permits currently being issued. This would provide a first-resort protection so that consumers would have somewhere to go when faced with faulty workmanship or if a builder went out of business. Penalties would obviously need to be applied to builders who did not uphold their contracts or continued to produce shoddy workmanship.

This is a very important issue for this house, and I call on the Premier to ensure that consumers are protected and builders do not have to pay the exorbitant costs of insurance which really provides no protection to consumers.

Bayly Design: award

Mr ROBINSON (Mitcham) — I draw to the attention of the Minister for Manufacturing and Export, and also in his capacity as the Minister for Small Business, the outstanding performance of a company by the name of Bayly Design in the Mitcham electorate. I seek from the minister his agreement to visit Bayly Design at some stage in the near future to see for himself the outstanding work that this company — —

Mr Plowman interjected.

Mr ROBINSON — There is a reason why the member for Benambra ought to listen to what I have to say, and I will come to that in a moment.

Bayly Design is a small family company. As the name suggests, it is a company involved in design, unique design, and it has been in business since 1971. This year it received an industrial design excellence award from the Industrial Designers Society of America for its medical product, Scholl arch supports. The member for Benambra may need arch supports one day, and he ought to listen because this breakthrough is terrific. It is a health ware product designed to give users pain relief. The same company also won an award in 2004 from the American designers society for its industrial product, the Demain angle grinder.

The SSL Scholl gel arch support — and I will relate this to the house in a little detail — is composed of two separate pieces: the clear arch support and the kidney-shaped support inserts. The arch support is made from a clear material, making it less visible in open-sided and open-toed shoes. The lower surface of the arch support is flat and formed with a re-entrant pattern to facilitate the redistribution of the compressed arch support when under load and its retention in a selected position in the shoe.

The logo — and this is important from a marketing point of view — is discreetly placed on top of the cavity of the arch support, so that when the brightly coloured kidney-shaped insert is inserted the logo becomes more visible. The company has been quite innovative in the materials it has used, and I understand that a clear thermoplastic rubber material was selected for weight and shaping reasons. It is a material that is not irritating to the skin, odourless and biologically inactive and therefore resistant to bacteria.

Bayly Design has done outstanding work to earn a nomination from the prestigious American designers society and there are lessons that other small Victorian manufacturing design companies can learn from this company. The minister would benefit from seeing this outstanding work and I hope he is able to visit the company in the near future.

Office of Police Integrity: police files

Mr WELLS (Scoresby) — I raise for the Premier a matter of grave concern and ask him to take immediate action to appoint a retired judge to investigate the current Office of Police Integrity fiasco. I will outline to the house the problem as the Liberal Party sees it. A woman in good faith writes to the Office of Police Integrity with a legitimate concern — that is, she believes her law enforcement assistance program (LEAP) file details have been inappropriately accessed. The OPI investigates the matter and writes back to the complainant. It says in the letter that it sent back to the complainant that it has investigated and done an audit over a two-year period. The fact is that the OPI had done a cosy deal with Victoria Police to do an audit and investigation, not over a two-year period but over a five-month period. That arrangement was referred to in an email and was, as I said, a cosy deal between the police and the Office of Police Integrity.

The second issue relates to the question the complainant asked, which was whether there had been any inappropriate access to her or her husband's LEAP file records. In a letter sent back to the complainant the Office of Police Integrity said that there was no inappropriate access. As we now know, there were 10 pages of inappropriate access.

George Brouwer, the director, police integrity, has invited Paul Chadwick, the Victorian privacy commissioner, to investigate. But this is not the answer to fixing the mess. We understand why he should investigate the LEAP file details being given to a member of the public, but we do not understand why he does not investigate the more serious breach relating to the level of incompetence on the part of the Office of Police Integrity in conducting an investigation, putting all the information into a file and then misleading the complainant in its letter to her. That is what the Liberal Party wants investigated.

I notice in a newsclipping today that Mr Brouwer announced:

> I have today invited the privacy commissioner to examine the circumstances of the dispatch.

But that is not the main part of it. The main part is the level of incompetence of where they have said one thing in a letter but the files have shown another thing.

We ask the Premier to take immediate action and ask for a retired judge to investigate this, because unless it is investigated and cleaned up we will not have any confidence whatsoever in the Office of Police Integrity.

Road safety: hoons

Mr LEIGHTON (Preston) — I ask the Minister for Police and Emergency Services to refer to the Victoria Police for investigation the activity of hoons in Reservoir, and more particularly in Invermay Street.

I have been approached by a constituent, who is a resident of Invermay Street, regarding ongoing problems with hoon drivers. The resident informs me that he has, over a long period, experienced ongoing harassment and interruption to the peaceful enjoyment of his home through the idiotic activities of hoon drivers. He advises me that the hoons have repeatedly performed burnouts and engaged in other dangerous driving in Invermay Street.

It should be noted that recently the government announced it would introduce important anti-hoon legislation that will give police greater powers in this area. I for one welcome this announcement, because notwithstanding what underlying social causes there might be of such activity, a community is certainly entitled to protect itself against such dangerous activity. I look forward to the introduction of that legislation.

However, in the meantime the harassment of my constituent has increased. Recently a severed animal's leg — possibly a deer's leg — was hung at the front door of his house. He believes this was a warning from the hoons whom he has been campaigning against. Clearly a threat like this has no place in a civilised community governed by the rule of law. I would be happy to provide directly to the minister or Victoria Police the name and contact details of the constituent concerned.

I certainly appreciate the separation of powers. I am certainly not suggesting the minister should come out and investigate hoons in this street; I understand it is an operational matter for the Victoria Police. However, there is an ongoing problem concerning hoons in a number of the long Reservoir streets that lend themselves to this sort of idiotic behaviour.

I would therefore be pleased and grateful if the minister would refer this matter to the police for possible investigation.

Responses

Mr HOLDING (Minister for Corrections) — The Leader of The Nationals raised a matter with me in my capacity as Minister for Corrections relating to the facility at Won Wron, the decommissioning of the former prison there and the establishment now of an adult indigenous offenders program. He listed for the

benefit of the house and for me the results of a meeting he had had with local residents, some concerns they had raised about the operation of the Won Wron prison when it was a functioning prison, the effect that that had had on their lifestyle and the corresponding concerns they now had about the establishment of an adult indigenous offenders program at Won Wron.

The government is determined to ensure that, following the decommissioning of the former prison at Won Wron and the subsequent loss of economic and community activity in the broader Yarram area as a consequence, it puts in place support for the local community so that that community can continue to see the site utilised in a way that will bring some economic benefit to the township and accommodate a very important facility for adult indigenous offenders who are currently on community-based orders.

It is for that reason that we took the decision to locate the adult indigenous offenders program not at Mount Teneriffe but instead at the former prison site at Won Wron. The program is not aimed at offenders who would have received a custodial sentence and is therefore not aimed at offenders of the same ilk as those who would have been at the former Won Wron prison when it was functioning. Instead it is targeted at indigenous offenders who have received community-based orders.

As a condition of their community-based orders they will voluntarily agree to be part of this residential program of between three and six months duration. It will involve their living at the refurbished Won Wron prison site. They will complete a range of programs that are consistent with addressing their offending behaviour and assisting with their rehabilitation and reintegration into the community. We believe that as a consequence of delivering that program from the former Won Wron prison site we will be able to not only deliver a program which will go towards meeting the government's obligation to respond to the parlous state of affairs following the Royal Commission into Aboriginal Deaths in Custody but also inject back into the Yarram community a proportion of the economic benefit that flowed from having the former Won Wron prison operating there.

We are currently engaging in a process of community consultation, and I invite the constituents on whose behalf the Leader of The Nationals has made representations to participate in that community consultation. On 21 April I met with some representatives from the local community, including officers from the Shire of Wellington. On 9 June I met with Bess Yarram in relation to some of the issues raised by indigenous representatives. Corrections Victoria conducted a series of consultations with local indigenous groups on 21 May, 31 May and 1 June respectively. It also consulted with the Wellington Shire Council in Sale on 12 May and conducted a series of sessions with local community groups on 18 and 19 May, including the Country Women's Association, the Rotary Club of Yarram, Yarram Secondary College, the Alberton Project, the Yarram Community Learning Centre, the Alberton Ratepayers Association, the Lions Club of Yarram, the Yarram and District Health Service, the district area network, a local Anglican minister and the Yarram and District Traders and Tourism Association.

I also propose to address a public meeting that is to be held at 7.30 p.m. on 16 August in the Regent Theatre in Yarram. Following that public meeting there will be a series of workshops which have been advertised in the local media, inviting members of the community to participate in the consultation. We believe there is an effective mechanism in place to consult with local residents and get their views on how this program can work effectively and provide some economic benefits to the local community at the same time. We believe the program itself will be very effective in addressing the very high breach rates that indigenous offenders on community-based orders currently experience. We are determined to work with the local community to address any concerns that local residents may have arising out of their experience with the former Won Wron prison or any concerns they may have about the operation of this program.

The honourable member for Preston raised with me concerns about hoon driving in his electorate and the impact this has had on a particular resident. He seeks a formal investigation by Victoria Police on behalf of the local residents. I am happy to obtain their personal details from him and forward them on to Victoria Police. I will resist the temptation to investigate the matter myself — observing the separation of powers, as the member for Preston rightly noted — and will make sure it is investigated thoroughly by Victoria Police. As the member noted, the government has announced its intention to introduce anti-hoon driving legislation later this year. This legislation will provide for, among other things, the impounding or confiscation of vehicles when they are used by drivers in inappropriate, dangerous and hoon-like ways. We think this will give police additional powers to address the very matters the member for Preston's constituents are concerned about. We are more than happy to investigate those matters thoroughly.

Mr BATCHELOR (Minister for Transport) — The member for Evelyn raised with me a very important transport matter in the suburb of Lilydale in her electorate. I thank her for raising this issue. It is typical of the member for Evelyn — she raises a lot of transport matters, both roads and public transport. She has a keen attention to detail and has an ability to identify sensible transport solutions for the benefit of her electorate. An example of that is her recent suggestions in relation to improving public transport in the Evelyn electorate. She has done her constituents very proud.

She has raised a roads matter tonight with the issue of a section of Anderson Street. It is a little over 1 kilometre in length but it is a non-duplicated section of road between two duplicated sections of the road network — between the duplicated section of Swansea Road and the duplicated Maroondah Highway. It is a gap. It is important to recognise that there is this gap in making a connected, safe road network in the suburb of Lilydale. This gap is the scene of lengthy traffic queues and general traffic congestion. This problem affects motorists and bus passengers travelling along the road and pedestrians who are trying to cross the road. Unfortunately it is also the scene of many traffic accidents and crashes. It is understandable that the member for Evelyn has raised this with me tonight as an issue of great importance and concern to her electorate.

This is the sort of project the government is paying particular attention to in trying to upgrade outer metropolitan suburban roads. We have already seen significant improvements in the outer metropolitan area. The duplication of Anderson Street between Swansea Road and the Maroondah Highway is the sort of project that we would like to address. I will ask VicRoads to have a look at the sensible suggestion from the member for Evelyn and provide me with advice as to whether this is the sort of project that we should be undertaking and how it ranks against similar projects of interest across the metropolitan area. I thank the member for Evelyn for raising with me tonight the duplication of Anderson Street and I will get back to her in due course once the government has established a position on it.

The member for Benambra raised with me the Omeo Highway and a section of it which remains unsealed. It has been unsealed for a very long period of time — —

Mr Plowman — Forever!

Mr BATCHELOR — Under Liberal and Labor governments alike. It has been the subject of discussion off and on over a very long period of time. I stand to be corrected but I think that in the summer period the traffic volumes on this section of highway are around 400 vehicles a day, so it is not a very highly trafficked area.

Mr Wells interjected.

Mr BATCHELOR — The member for Scoresby suggests there may not even be that many. Of course, we are building a very important road in the member for Scoresby's area which will carry several hundred thousand cars. We understand that there are important roads in our road network that are at either end of the traffic spectrum. However, we have carried out an economic survey of this road to determine the economic benefits and merits of sealing the road. If my memory serves me well, it was carried out two or maybe three years ago.

The results of that survey were published and showed that the economic benefits from sealing this section of road were marginal. It had a very low cost-benefit ratio, and when you compare that to other road projects which have a much higher cost-benefit ratio you can understand why it has not been successful in attracting the scarce funds that are available. Interestingly, the member for Benambra praised the government for recent announcements about sealing other roads in this area, so it is not as if the government is not prepared to undertake road projects there. The Bogong High Plains Road is not the only road in this area where we have applied improvements. We are actively improving roads in country Victoria. We are prepared to do it. But many roads need improvements and we do it on a rational and strategic basis.

Notwithstanding that, regular maintenance is carried out each year on the Omeo Highway. There is regular re-sheeting, and subject to the weather conditions the maintenance work is carried out in order to keep the road in a trafficable condition. But it is an unsealed section of road that is subject to snow, rain and mud and it is in the alpine part of the state, with very low usage in both winter and summer. But that notwithstanding, we will keep an eye on this section of the state's road network, and its needs will be considered against the needs of other roads around the state.

The ACTING SPEAKER (Mr Nardella) — Order! The Minister for Police and Emergency Services to respond to questions from the members for Frankston, Mornington, Cranbourne, Gippsland East, Mitcham and Scoresby.

Mr HOLDING (Minister for Police and Emergency Services) — Those members as listed have raised matters with various ministers, and I will direct the matters to those ministers for their attention and response.

The ACTING SPEAKER (Mr Nardella) — Order! The house is now adjourned.

House adjourned 10.42 p.m.