The Governor
Professor DAVID de KRETSER, AC

The Lieutenant-Governor
The Honourable Justice MARILYN WARREN, AC

The ministry

Premier, Minister for Multicultural Affairs and Minister for Veterans’ Affairs .............................................. The Hon. S. P. Bracks, MP
Deputy Premier and Minister for Water, Environment and Climate Change ................................................... The Hon. J. W. Thwaites, MP
Minister for Education ............................................................... The Hon. J. Lenders, MLC
Minister for Skills, Education Services and Employment and Minister for Women’s Affairs ....................... The Hon. J. M. Allan, MP
Minister for Gaming, Minister for Consumer Affairs and Minister assisting the Premier on Multicultural Affairs ........................................ The Hon. D. M. Andrews, MP
Minister for Victorian Communities and Minister for Energy and Resources ........................................... The Hon. P. Batchelor, MP
Treasurer, Minister for Regional and Rural Development and Minister for Innovation ................................ The Hon. J. M. Brumby, MP
Minister for Police and Emergency Services and Minister for Corrections ................................................. The Hon. R. G. Cameron, MP
Minister for Agriculture ............................................................. The Hon. J. Helper, MP
Minister for Finance, WorkCover and the Transport Accident Commission, Minister for Tourism and Minister for Information and Communication Technology .................................. The Hon. T. J. Holding, MP
Attorney-General, Minister for Industrial Relations and Minister for Racing ................................................... The Hon. R. J. Hulls, MP
Minister for Community Services and Minister for Aboriginal Affairs ......................................................... The Hon. G. W. Jennings, MLC
Minister for Public Transport and Minister for the Arts ................................................................. The Hon. L. J. Kosky, MP
Minister for Planning ................................................................. The Hon. J. M. Madden, MLC
Minister for Sport, Recreation and Youth Affairs ......................... The Hon. J. A. Merlino, MP
Minister for Mental Health, Minister for Children and Minister for Aged Care ...................................................... The Hon. L. M. Neville, MP
Minister for Roads and Ports ....................................................... The Hon. T. H. Pallas, MP
Minister for Health .................................................................. The Hon. B. J. Pike, MP
Minister for Industry and State Development, Minister for Major Projects and Minister for Small Business ........................................ The Hon. T. C. Theophanous, MLC
Minister for Housing and Minister for Local Government ................................................................. The Hon. R. W. Wynne, MLC
Cabinet Secretary ................................................................. Mr A. G. Robinson, MP
Legislative Council committees

Select Committee on Gaming Licensing — Mr Barber, Mr Drum, Mr Guy, Mr Kavanagh, Mr Pakula, Mr Rich-Phillips and Mr Viney.

Joint committees

Drugs and Crime Prevention Committee — (Council): Mr Leane and Ms Mikakos. (Assembly): Ms Barker, Mr Morris, Mr Delahunty, Mrs Maddigan and Mr McIntosh.

Economic Development and Infrastructure Committee — (Council) Mr Atkinson, Mr D. M. Davis, Mr Tee and Mr Thornley. (Assembly) Ms Campbell, Mr Crisp and Ms Thomson (Footscray)

Education and Training Committee — (Council): Mr Elasmr, Mr Finn and Mr Hall. (Assembly): Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras.

Electoral Matters Committee — (Council): Ms Broad, Mr Hall and Mr Somyurek. (Assembly): Ms Campbell, Mr O’Brien, Mr Scott and Mr Thompson.

Environment and Natural Resources Committee — (Council): Mrs Petrovich and Mr Viney. (Assembly): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh.

Family and Community Development Committee — (Council): Mr Scheffer and Mr Somyurek. (Assembly): Ms Beattie, Mr Dixon, Mr Perera, Mrs Powell and Ms Wooldridge.

Law Reform Committee — (Council): Mrs Kronberg, Mr O’Donohue and Mr Tee. (Assembly): Mr Brooks, Mr Clark, Mr Donnellan and Mr Lupton.

Outer Suburban/Interface Services and Development Committee — (Council): Mr Elasmar, Mr Guy and Ms Hartland. (Assembly): Ms Green, Mr Hodgett, Mr Nardella, Mr Seitz and Mr K. Smith.

Public Accounts and Estimates Committee — (Council): Mr Barber, Mr Dalla-Riva, Mr Pakula and Mr Rich-Phillips. (Assembly): Ms Graley, Ms Munt, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells.

Road Safety Committee — (Council): Mr Koch and Mr Leane. (Assembly): Mr Eren, Mr Langdon, Mr Mulder, Mr Trezise and Mr Weller.

Rural and Regional Committee — (Council) Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels. (Assembly) Mr Eren and Mr Northe.

Scrutiny of Acts and Regulations Committee — (Council): Mr Eideh, Mr O’Donohue, Mrs Peulich and Ms Pulford. (Assembly): Mr Brooks, Mr Carli, Mr Jasper, Mr Languiller and Mr R. Smith.

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey
Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe
Parliamentary Services — Secretary: Dr S. O’Kane
MEMBERS OF THE LEGISLATIVE COUNCIL
FIFTY-SIXTH PARLIAMENT — FIRST SESSION

President: The Hon. R. F. SMITH

Deputy President: Mr BRUCE ATKINSON

Acting Presidents: Mr Elasmar, Mr Finn, Mr Leane, Mr Pakula, Ms Pennicuik, Mrs Peulich, Mr Somyurek and Mr Vogels

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Mr JOHN LENDERS

Deputy Leader of the Government:
Mr PHILIP DAVIS

Leader of the Opposition:
Mr PHILIP DAVIS

Deputy Leader of the Opposition:
Mrs ANDREA COOTE

Leader of The Nationals:
Mr PETER HALL

Deputy Leader of The Nationals:
Mr DAMIAN DRUM

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Tuesday, 17 April 2007

The PRESIDENT (Hon. R. F. Smith) took the chair at 2.03 p.m. and read the prayer.

BUSINESS OF THE HOUSE

Production of documents

The PRESIDENT — Order! Prior to the last break the Leader of the Government requested that I pursue some legal advice in relation to the powers of the house to require the production of documents. I made it very clear to the house that it was not my intention to require the production of documents. I made it very clear to the house that it was not my intention to become the legal reference point for anyone in the house, and that I would not allow it to be used as a precedent for any future requests anyone might have.

However, taking into consideration the seriousness of the issue, the impact it will have on the house going forward and the fact that in my view we are in uncharted waters, I have decided to get some legal advice for the Clerk. In the next few weeks the Clerk will receive legal advice in relation to this particular matter, and I will take my advice from the Clerk. When that information is received, we will consider what is to be done with it.

ROYAL ASSENT

Message read advising royal assent on 20 March to:

Parliamentary Legislation Amendment Act
Pay-roll Tax Amendment (Bushfire and Emergency Service) Act
Public Prosecutions Amendment Act.

QUESTIONS WITHOUT NOTICE

Nursing homes: infection control

Mrs COOTE (Southern Metropolitan) — My question is to the Minister for Community Services. Will the minister advise the house if there have been any outbreaks of gastroenteritis in any state-owned nursing homes in the past 12 months?

Mr JENNINGS (Minister for Community Services) — I must say that the member’s question is an interesting take on what is the subject of much discussion in the public domain at the present time — that is, the outbreak of illness which has caused the untimely death of a number of residents of a privately run, not-for-profit nursing home in the state of Victoria. That has led to some confusion about the appropriate regime in terms of public health notification and the responsibilities of the state in relation to public health matters in the commonwealth and in relation to accreditation of commonwealth aged-care beds and aged-care nursing homes. The question the member has asked me has a very topical background.

Interestingly enough, with regard to my responsibility in relation to the matters that I have outlined to the house, as Minister for Community Services I have a concern that we provide quality care throughout institutions in the state of Victoria. I am directly responsible for public sector residential aged-care beds, which is at the heart of the member’s question, but I am not responsible for non-Victorian-government-auspiced-and funded-residential aged care. That sometimes leads to some confusion about what the scope of influence and responsibility should be, but I can assure the member, the chamber and the Victorian community that I am acutely aware of the need to make sure we have effective infection control mechanisms that apply throughout residential aged care within Victoria.

I am particularly mindful of the regime that we should adopt within public sector residential aged care to ensure the timely reporting of public health matters, particularly as they relate to infection control and the instance of salmonella, which has been the subject of consideration and concern in relation to the particular matter that has occurred at the private sector facility in Camberwell.

I have authorised the Department of Human Services to ensure that all public sector residential aged-care facilities receive appropriate notification about being mindful of their public health obligations in relation to an effective response to infectious disease that may occur within our jurisdiction, to make sure that they are acutely aware of their obligations regarding public health reporting and what our expectations would be of them in making sure they comply with those obligations and with the standards that are imposed within the commonwealth.

It is an issue of concern to the Victorian government — I certainly have that concern — that there seems to be not necessarily the best integration of public health considerations with the accreditation process of commonwealth aged-care regulated and controlled facilities throughout this country. I have written to the federal Minister for Ageing, Christopher Pyne, to discuss the issue of appropriate integration of those considerations and have recommended to him that certain procedures be followed in cases of multiple deaths that may occur. I have done that to ensure that the facility itself has the systems in place to satisfy
accreditation and that in the future there will be quality control mechanisms across the accreditation of aged-care facilities generally.

I place all of that on the public record because I think it is very important for us to understand my role in this issue, which is in fact for me to be very concerned but not officially responsible for the cases that have been drawn to public attention in the last few days. I am particularly concerned to ensure that there is harmonisation of the regulatory regime that relates to public health, which is the responsibility of the Victorian government, and the appropriate standards and support structures that occur within the commonwealth regulation of the aged-care sector.

In relation to the specific issue of gastroenteritis and salmonella as they occur within public sector residential aged care, which is at the heart of the question, quite often outbreaks of gastroenteritis occur right across the Victorian community and within aged-care facilities, which includes public sector residential aged care. I am able to tell the chamber that of the total notifications in 2007 there have been in the order of 67 cases of gastroenteritis in all situations and circumstances throughout the Victorian community. There have been far fewer instances of salmonella, which may be the concern we have with this specific event. Salmonella is a variation of the gastroenteritis infection, and it may have been the cause of death in these instances. That is the subject of a coronial examination. Far fewer instances of salmonella have occurred. There has not been any case of salmonella in any public sector residential aged-care facility drawn to my attention in the last 12 months. I am happy to take that question on notice and to get a specific answer, but none has been drawn to my attention.

Supplementary question

Mrs COOTE (Southern Metropolitan) — The minister acknowledged in his answer that in the last 12 months there have been outbreaks of gastroenteritis in state-run nursing facilities. When those outbreaks occurred, at what stage was the Department of Human Services notified?

Mr JENNINGS (Minister for Community Services) — The member in extrapolating from a short part of my fairly lengthy answer — perhaps for her own purposes — may have been confused about the difference between the outbreaks of gastroenteritis, which might be a more regular occurrence within the Victorian community, including in aged-care facilities, as distinct from more virulent strains that may make people more vulnerable to premature death than might be the case if they had gastroenteritis. Quite different infectious disease controls would apply in each case under the appropriate regulation. What I am indicating to the member and to the chamber is that not one case of salmonella has been drawn to my attention, which makes the question redundant.

Port Phillip Bay: channel deepening

Mr PAKULA (Western Metropolitan) — My question is to the Minister for Planning. Industry and exporters have long been promoting the need to deepen the channel in Port Phillip Bay as a means of increasing economic growth in Victoria. There has also been much discussion around the potential environmental effects associated with the proposed project. I ask the minister to advise the house of what processes have been established to ensure that environmental effects are appropriately considered before a decision is made to proceed with deepening of the channel.

Hon. J. M. MADDEN (Minister for Planning) — I thank Mr Pakula for his interest in this matter. As you would be aware, President, the Bracks government has remained steadfast in its commitment to deepening the channel, provided the project receives the relevant state and federal environmental approvals. To illustrate this commitment let me remind the house that an environment effects statement (EES) was prepared in 2004. That statement was found to be deficient, and it was considered that the environmental issues needed further investigation. As a result the then planning minister, Rob Hulls, my colleague in the other place, confirmed in July of 2005 that a supplementary environment effects statement was required.

In March this year I released the supplementary environment effects statement prepared by the Port of Melbourne Corporation so that Victorians could have their say on the proposed channel deepening project. This supplementary work is the culmination of more than two years of investigation, including a $32 million trial dredge that was conducted in 2005, 40 technical studies and around 15 000 pages — I will reinforce that, 15 000 pages — of research and data. The supplementary EES is on display now at 29 locations until 7 May.

However, the analysis and thorough consideration of environmental issues do not stop there. Following the public display period, the report will be considered by an independent panel. I have appointed the panel under the Environmental Effects Act. It will advise me on the supplementary environment effects statement. As part of its work the panel will conduct public hearings over June and July. This will include discussion sessions and
hearing over a seven-week period, giving even more
opportunity for issues to be canvassed and thoroughly
considered.

Chancellor of the Australian National University,
Dr Allan Hawke, will chair the panel. He will be joined
by Ms Kathryn Mitchell, the chief panel member for
Planning Panels Victoria.

Mr Finn — Are you serious?

Hon. J. M. MADDEN — The panel also includes
Dr Mike Lisle-Williams, managing director of the
Flinders management group and formerly a senior
partner at Deloitte — all, eminent people, Mr Finn, as
opposed to yourself. The appointment of such an
eminent group of people — —

Honourable members interjecting.

Hon. J. M. MADDEN — I can understand why
opposition members, particularly Mr Finn, do not
understand the meaning of the word ‘eminent’, because
I suspect Mr Finn has never met anybody or shared a
conversation with anybody who might be considered
eminent.

The PRESIDENT — Order! The minister has
presented me with an opportunity to make a statement I
want to make to the house regarding question time.

Question time is one of the more important functions of
the Council in its function of critical review of the
executive. It is an opportunity for members to raise
topical or urgent issues and seek information from
ministers regarding the administration of their
portfolios.

As President I am charged with upholding the rules,
customs and dignity of the house. On my election as
President I told the Council that I was determined to
ensure that every member in this house, regardless of
party, policy or politics, would be given a fair hearing
and a fair go, members would be treated with respect
and the house would be a respectful place.

Question time is a particularly important part of the
day’s proceedings. There is a great deal of public and
media attention focusing on it. It is essential that
question time is conducted as efficiently and as fairly as
possible and that the rights of all members of the house
are maintained. However, on occasions in the past
question time has not shown the house in the most
favourable light. Members should be aware that I intend
to ensure this is not the case in the future.

It is a longstanding practice in the Council that a
minister is not obliged to answer a question but that if a
minister gives an answer, it should be relevant and
responsive. Where a minister refuses to answer, the
Chair cannot insist on a reply, and in that instance a
supplementary question is also out of order. The
standing orders also prevent a minister from debating
an answer. Ministers should simply confine themselves
to the points contained in the question.

I do not propose to change this longstanding practice.
However, a minister will be deemed not to be relevant
and responsive if the minister makes a personal attack
in any way upon the member asking the question or
overtly criticises the opposition or other
non-government members of the Council. If the
minister chooses to answer the question, the minister’s
comments must remain within the bounds of his or her
portfolio.

I intend to strictly police the answering of questions by
ministers during question time, and I ask ministers to
take my requirements into account when they are
answering questions.

Hon. J. M. MADDEN — Thank you very much,
President, for that direction. I appreciate that in
particular, because I think it is very important that
ministers be heard and that we conduct question time in
a way which does us all justice.

The appointment of an eminent group of people to the
panel is an indication of our commitment to the
rigorous review of this project. The panel has a very
balanced background, with its members having
extensive experience across both the public and private
sectors. Members of the panel possess both scientific
and non-scientific credentials and have been involved
in high-level government reviews and planning
processes. As it is particularly relevant, I reinforce the
point that, importantly, the panel will also be able to
draw upon the expertise of the independent experts
group, as necessary. When the panel does not feel it has
sufficient expertise, it can call upon this group to assist
it.

I have set a date of 1 October this year for the panel to
provide its advice to me. The advice will include the
suitability and feasibility of the proposed design for the
project, the likely environmental effects of the dredging
and whether the project can be managed to ensure
acceptable environmental outcomes. I will then prepare
an assessment of the environmental effects of the
channel deepening project, which will be provided to
the commonwealth Minister for the Environment and
Water Resources as well as the relevant Victorian
government ministers. While the Victorian government has signalled a desire for the project to proceed, can I reinforce that this is subject to an environmental assessment and relevant approvals.

**Human Services: Broughton Hall**

**Mrs COOTE** (Southern Metropolitan) — My question is for the Minister for Community Services. Is the Minister for Health in another place correct in claiming that the Minister for Community Services is the responsible minister for receiving departmental advice on gastroenteritis outbreaks in nursing homes?

**Mr JENNINGS** (Minister for Community Services) — I am responsible for public sector residential aged care in the state of Victoria, and I have been responsible for it since the election of 2002. I remain responsible for public sector residential aged care, as I clearly outlined to the house in my first answer. In accordance with that, the relevant information as it relates to the wellbeing of residents, the quality of care issues and the performance of public sector residential aged-care services, their financial viability, their ongoing redevelopment and the project management of redeveloping and reconfiguring those services — all those matters — is drawn to my attention.

*Supplementary question*

**Mrs COOTE** (Southern Metropolitan) — Has the minister received advice from his department which supports the claim by the Minister for Health in another place that food poisoning was the cause of the deaths at Broughton Hall?

**Mr JENNINGS** (Minister for Community Services) — Those matters are subject to coronial investigation, and I have not received the coronial investigation report.

**Australian International Airshow**

**Ms TIERNEY** (Western Victoria) — My question is to the Minister for Industry and State Development. Can the minister provide the house with the outcomes of the recent Australian International Airshow 2007, which was held at Avalon?

**Hon. T. C. THEOPHANOUS** (Minister for Industry and State Development) — I thank the member for her question. I want to take the opportunity to update the house on the great success of the Australian International Airshow 2007.

Mr Finn interjected.
continue to do an analysis for each airshow, and we
expect the analysis of the 2007 event to show even
greater numbers.

The airshow plays a vital part in advancing Victoria’s
aerospace and aviation industry. For those who might
not understand how important it is, it is worth
$600 million to the Victorian economy. It directly
employs 5000 people and it is responsible for annual
exports of $250 million — and that amount is
increasing.

A number of Australian companies are now getting into
the global economy and creating new products and new
technology, which are being integrated into global
production systems that now dominate the aerospace
industry. Many arrangements and agreements were
made and brought into play as a result of the airshow,
which will ultimately result in what we all want in this
state — that is, economic growth and jobs for the state.

I will give members a couple of examples.
GKN Aerospace and Lockheed Martin Aeronautics
Company have confirmed that they are working
together to address an opportunity to commence the
manufacture in Australia of major composite
components for the F35 joint strike fighter program.
GKN is evaluating establishing a new composite
component manufacturing facility in Melbourne, and
this would involve the creation of around 200 jobs. I
spoke to representatives of both GKN Aerospace and
Lockheed Martin at the airshow. We brought the
players together. If we get an outcome from this, it will
have a significant economic impact on this state,
because we will see a contribution to the worldwide
production of the F35 joint strike fighter program.

I could go on to mention all of the other tangible
business results that came from the airshow, but more
broadly I say that each year it is held this is a major
event in all senses of the word. We are very proud to
have it held in Melbourne and to have the outcomes in
terms of jobs for our community.

Human Services: Broughton Hall

Mrs COOTE (Southern Metropolitan) — My
question is to the Minister for Community Services.
Was the minister’s department’s response to the
outbreak of gastroenteritis at Broughton Hall consistent
with the government’s expectations of the department?

Mr JENNINGS (Minister for Community
Services) — Indeed my colleague the Minister for
Health, who is responsible for this matter, has made a
series of comments about it. In fact she has referred to
the actions being undertaken by the department as
being appropriate in addressing public health
considerations, such as infection control, and ensuring
that the Boroondara City Council was appropriately
mobilised to provide scrutiny of the facility. It also
ensured that there was a contractor clean-up
arrangement in place, that measures were taken to
ensure that the food source was taken off site and that
food was brought to the facility from off site.

In terms of the public health measures, a series of
infection control measures were undertaken.
Appropriate screening has been undertaken at the
facility, both of the fabric of the facility and the hygiene
levels. In fact biological samples were taken from a
number of residents in appropriately screening for the
transmission of contaminants. In terms of mitigating
any danger to public health, those actions were
complete and appropriate.

The issue of concern that has been the subject of public
discussion and some consideration relates to whether
the initial notification that was provided by the facility
to the Department of Human Services was provided in
a timely fashion. Most people would say that clearly it
was negligent — that it was deficient as a notification
from the facility in the first instance. That has drawn
attention to itself and has caused ongoing concern about
the timeliness of the response. Once the notification had
been imparted to the department, the response was
totally appropriate in adhering to the scrutiny and rigour
of public health requirements.

Supplementary question

Mrs COOTE (Southern Metropolitan) — The latest
victim of the Broughton Hall outbreak had to be
removed from the facility by his own family. Is that
level of neglect also consistent with the government’s
expectations of the department?

Mr JENNINGS (Minister for Community
Services) — I have been pretty fulsome in my answers
to the member’s questions. She fails to accept the
fundamental premise that this is a non-Victorian
government facility — it is run by a community
organisation that is registered, licensed and accredited
under the commonwealth Aged Care Act. The
procedures and operations that occur on that site
relating to the care and treatment of patients — their
medical care, their location and the appropriate quality
assurance — are the responsibility of the agency itself
and of the commonwealth. The member in her question
has clearly erred on the wrong side of appropriate
jurisdictional responsibility.
Automotive industry: exports

Mr THORNLEY (Southern Metropolitan) — My question is to the Minister for Industry and State Development. Can the minister inform the house of any recent export announcements that will benefit the Victorian motor industry?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I thank the member for his question and for his ongoing interest in the Victorian economy and in creating jobs in the Victorian economy. It is the case that the Victorian automotive industry is one of our most important industries. It creates a large number of jobs for Victorians and a whole range of add-on businesses that complement the major manufacturers in this state and in this country.

As I have said before, the automotive industry has changed significantly over the past 15 or 20 years. It was the case 15 years ago that the majority of motor vehicles purchased in Australia were made in Australia. That situation has changed completely. Now no more than a quarter of the motor vehicles that are purchased in Australia are made in Australia, but concurrently that industry’s exports have increased. It may not be known to members in this place, but the third-largest Victorian exporter is Toyota motor vehicles. Toyota Australia exports a significant number of Camrys to the international market, particularly to the Middle East but also to other parts of the world.

The Toyota business has become one of the major production centres for Toyota around the world — it exports its products all around the world. To do that — and this is also the trend with other manufacturers — we now have a circumstance in which about 40 to 45 per cent of local production is exported out of the country. This industry is becoming export focused, and it is an industry which is largely focused in Victoria. This important export industry is earning export dollars, and a lot of the dollars are even coming not from the exporting of motor vehicles but from the exporting of design and engineering capability and so forth.

To give an example of this, the Ford Motor Company of Australia has an engineering and design section in its Broadmeadows plant. Guess how many people work up there? Members might think there would be half a dozen, a dozen or even 100 engineers up there, but there are nearly 1000 people working in the design and engineering component of the Ford Motor factory. This capability has been developed over a period of time and Ford at Broadmeadows has been able to take on a project like developing a four-cylinder car that will be produced in India. The development of the design and engineering factors, all of those things, take place not in India but in Australia — in Broadmeadows. These things can happen because we have put together an industry which has that kind of capability. We have an education system that supports that, and the skills and the investment that allow it to occur.

I want to also mention to the house that as part of its export program, GM Holden has recently announced a project to export to South Korea and China. General Motors will be exporting the Holden Statesman, which is to be rebadged as the GM Daewoo L4X luxury sedan. If you go to one those countries and look for that catchy title — the GM Daewoo L4X luxury sedan — you will find it is an Australian motor vehicle that has been exported from this country. The car will use V6 engines produced at the Port Melbourne plant in Victoria as part of the overall GM worldwide production strategy. In China, the new Buick Park Avenue will also be powered by a V6 engine produced at Port Melbourne.

We have V6 engines being produced at Port Melbourne and exported. We have design and engineering capability being exported. We have the global rear-wheel-drive architecture, which has been developed in Victoria with state government assistance, and a range of successful redevelopments of the V6 engine, again with assistance from the government of Victoria.

These successes do not happen by accident. They happen because of a partnership between government, the private sector and the industry itself. They come from our being focused on the things that we need to do and putting those packages together. I have already informed the house about the Pontiac that has been sent to the United States. This is in addition to the success story involving 40 000 Pontiacs, or rebadged Commodores going out as Pontiacs, being exported to the United States. You will see people in Los Angeles driving around in Pontiac V8s that might have been made in Port Melbourne or somewhere else in Australia. It is a great success story, and it means more jobs for Victorians.

Human Services: Broughton Hall

Mrs COOTE (Southern Metropolitan) — My question is to the Minister for Community Services. When was the minister first advised of the outbreak of gastroenteritis at Broughton Hall?

Mr JENNINGS (Minister for Community Services) — I discovered and was informed about these
matters on the same day as was the Minister for Health in the other place, which was Saturday, 14 April. I reiterate to the house that in terms of my responsibility over this matter, I have no direct responsibility either in terms of the public health administration or the administration of that nursing home, because it is not within my jurisdiction.

Supplementary question

Mrs COOTE (Southern Metropolitan) — I thank the minister for his answer, but I ask: when did he first contact the federal minister regarding the outbreak of gastroenteritis at Broughton Hall?

Mr JENNINGS (Minister for Community Services) — Again, I appreciate this question. In fact I think the member may rue this question because it is not my formal responsibility to notify the federal minister of anything in relation to these matters. I do have some responsibility, as I have indicated, for services that I may be responsible for. I may actually have reason to make contact with him on a whole range of administrative practices relating to the commonwealth-state programs and indeed to my responsibilities under the Aged Care Act as it relates to public sector residential aged-care facilities, of which this facility in Camberwell is not one.

In terms of my formal requirement to contact the minister about any matter in relation to this issue, I have no obligation to contact him in relation to this. His responsibility lies at the heart of his accreditation and regulation of the agency in question. I think the member and the Victorian community should be very concerned about the lack of engagement between the accreditation agency and the commonwealth minister, because whilst this has not been the subject of much commentary in the public domain, the commonwealth has been extremely tardy, as it has the appropriate administrative arrangement to make sure that compliance with the accreditation standards and the required safety and quality of care for residential aged-care residents within those facilities are provided in an appropriate fashion.

The commonwealth was extremely reluctant to participate in this issue. Yesterday I made a call to the commonwealth minister, and despite that he may have actually gone on Melbourne radio this morning and indicated that he rang me. Yes, he did ring me — but that was 5 hours after my office requested that we have a conversation. Yes, he did ring me — but he did so in a tardy fashion after contact was instigated by my office and despite the way he mischievously represented that on morning radio in Melbourne today. The member who may be asking this question on his behalf may rue the question, as the commonwealth minister is trying to be a bit slipshod and is gilding the lily in relation to this matter.

I have played it extremely straight with the federal minister. When I spoke to him I talked about the appropriate systems that I would hope would be in place to ensure this specific facility complied with its obligations. I specifically asked him whether in circumstances where multiple unaccountable deaths or sentinel events may have occurred within aged-care facilities, this becomes an automatic trigger for the commonwealth to intervene and to look at the accreditation of those facilities. He was silent on that in answering that question; he was silent when I asked him to communicate with the field to ensure there was appropriate notification throughout the sector of their responsibility to comply with public health regulations. He was completely silent on all of those matters.

I sent him a letter today to try to progress these important matters. Again my office tried to arrange a conversation between him and me to appropriately embed these practices within aged care in Australia, in Victoria, but he has again been spectacularly silent and has not returned my call — for the second day running. On behalf of the people of Victoria, I would be very happy to meet with him to discuss these issues, to deal with them in a harmonious fashion and for us not to shift responsibility.

I have stepped into a space where I have no formal responsibility in relation to these matters. I am very happy to do so for the wellbeing of Victorian citizens and to try to provide for the appropriate integration in the state of Victoria of public health regulations and aged-care responsibilities, which are the commonwealth minister’s responsibilities. I am very happy to step into that space and very happy to facilitate outcomes that would provide greater certainty and confidence for the people of Victoria, and I am waiting for the commonwealth minister to appropriately respond.

Schools: water-saving initiatives

Mr TEE (Eastern Metropolitan) — My question is directed to the Minister for Education. Can the minister outline how the Bracks government is promoting state schools to lead the way in water efficiency and help promote water awareness throughout the community?

Mr LENDERS (Minister for Education) — I thank Mr Tee for his question and for his ongoing interest in
state education, particularly water conservation methods in state schools.

Mr P. Davis interjected.

Mr LENDERS — I believe the opposition says this answer was given six weeks ago. The Leader of the Opposition should perhaps listen to my answer. I am responding to Mr Tee, who has an interest in this. At this time — when we are coming to the end of the autumn with record low rainfall — I should have thought water conservation in schools would be one of the things very close to Mr Davis’s heart, as he represents a rural electorate, but perhaps he is being a tad flippant in the Parliament. Perhaps Mr Davis is really very interested in this matter, like Mr Tee definitely is.

In Victoria we have 1593 state schools, and one of the objectives of the government is to get the schools to conserve water very well.

Mrs Peulich interjected.

Mr LENDERS — Mrs Peulich may well interject. There were a lot more schools when she was in government and part of slashing them — 300 — by the Kennett government. Two years ago the state government, in an innovative project through the Department of Sustainability and Environment, offered money to schools to audit the water they used and, as a response to those audits, to take action so that water would be conserved and saved. That is good, firstly, because it means that less water is being used, and secondly, because it means that among our younger generations — those tens of thousands of Victorians in schools — water conservation in a sensible fashion is something very close to them. It is not just saving water; it is saving money for schools. It is also helping our young people come to terms with how they can be part of the important process of saving water. One of the — —

Mrs Peulich interjected.

Mr LENDERS — Mrs Peulich’s solution to saving water in schools was to close schools — 300 of them. Of course you use less water if you sack 9000 teachers and close 300 schools. But the Bracks government thinks there are more gentle ways — —

The PRESIDENT — Order! Minister Lenders should go back to the subject.

Mr LENDERS — Thank you, President. Mrs Peulich is very provocative. Going back to Mr Tee’s question, what happened was — —

Mr P. Davis interjected.

Mr LENDERS — Philip Davis raised the point that I have discussed this issue in the Parliament before. We had an issue with the take-up by schools. Not all schools were taking up the water-saving initiatives, so the Bracks government has gone one more step. That step is that the Department of Education is now providing money for the audits above and beyond the money provided by the Department of Sustainability and Environment so that every school in the state can have an audit and the savings from those audits will come back to the schools. Work done to date shows that schools are averaging more than 15 per cent water savings — that is, we are saving 35 litres per student per day just from the work that has come out of these water audits. That is a significant amount, and more and more schools are taking up this option.

The Bracks government puts its money where its mouth is. It is actually very sincere about school water-efficiency programs.

Mrs Peulich interjected.

Mr LENDERS — I would invite Mrs Peulich to read the brochure; she might learn something. She will learn about the initiatives being undertaken in the schools in this state, and she will find that we are making a difference in our schools.

Mr Finn interjected.

Mr LENDERS — Mr Finn asked how much it will cost. I will say to Mr Finn through you, President, that what this brochure will do will inform people — —

Mr Finn interjected.

Mr LENDERS — Mr Finn talks about spin and PR. Of course that is what his government — the Kennett government — did. This government is putting out a brochure — without a picture of me as a minister on it — which will mean that in the state of Victoria we will save 750 million litres of water. If Mr Finn wants to put a cost on a brochure to inform 1600 schools how to save 750 million litres of water, I know what I would be backing. He is used to governments wasting money on propaganda. The Bracks government is investing in our schools to make Victoria a better place to live, work and raise a family.

Port Phillip Bay: channel deepening

The PRESIDENT — Order! As I call Ms Pennicuik, I inform the house that she is celebrating her birthday. It would be ungentlemanly of me to
Ms PENNICUIK (Southern Metropolitan) — Thank you, President, that was most unexpected.

My question is to the Minister for Planning. Regarding the supplementary environment effects statement for the proposal to deepen the shipping channels in Port Phillip Bay, the minister has just reinforced to the house that the document is 15,000 pages long — in fact it has 18 chapters and 67 appendices, many of which have subappendices — yet the minister has given the public merely 30 days to read, analyse and respond to this huge amount of material. This may be manageable for large organisations, but it is totally inadequate for community organisations and individual members of the public.

This proposal is one of the most significant and controversial in terms of the cost of potential environmental impacts that has ever been put before the Victorian people. It is fundamental that this process be fair and be seen to be fair and that it allow for meaningful public participation. Therefore will the minister use his discretion to extend the public exhibition period from 7 May to at least 30 June, as I have already requested by letter, or to 31 July, as has been requested by some community groups? If not, why not?

Hon. J. M. MADDEN (Minister for Planning) — I thank the member for her question and wish her a happy birthday. I acknowledge her interest in this very significant issue. As she said, the channel deepening project should not be underestimated in terms of the environmental effects of what will or will not happen. As I mentioned in my earlier answer on this issue, this has been comprehensive, and it is intended also that the process be comprehensive in terms of the analysis of the environment effects statement and the submissions that might be made by the relevant parties who support or oppose the project.

On the day of the announcement of the release of the environment effects statement I called on all those in Victoria who felt strongly about the project, one way or the other, to make submissions about their concerns. I still stand by those remarks: if people feel strongly that it should or should not happen, they should make those submissions.

This has been a particularly lengthy process, as has already been mentioned, with the initial environment effects statement going back some years and the supplementary environment effects statement taking some years to conduct. As well as that, the trial dredging project was to make sure the relevant information was appropriate. It has been comprehensive.

I know that no matter how much time is allocated, it would still not be enough time for some parties. I am saddened by the fact that people may not be able to organise themselves in an appropriate time, but it is worth appreciating too that this has been a very lengthy process. If people have not pinpointed or nominated their relevant concerns by now or do not have the specific area of interest identified so that they can go to those reports and pinpoint whether the recommendations are appropriate or inappropriate in terms of their particular interest or expertise, then it is not likely that they are going to be able to communicate those appropriately at any stage.

One of the important things about a report that has 15,000 pages is if people have a particular area of expertise or interest in relation to this project, they can nominate that. It will be nominated within the report, and I would expect that those individuals will be able to find what it is that interests them. Whether they agree or disagree with it, they will be able to find it, analyse it fairly quickly, reflect on it and present on it accordingly.

Appreciating that people will want more time, and appreciating that this has taken a significant amount of time and also given that eminent people will be on the panel and that they will have expert advice available, we have left no stone unturned to make sure that thorough consideration is given to every issue and that opportunity is given to individuals and community groups to nominate their issues of concern on whether they support or do not support the project.

I am confident that sufficient time has been allocated. I am also confident that a significant and thorough analysis has been taken into account in relation to these matters. I also anticipate that those who wish to make a point to the panel, who want to make a presentation to it, will be able to nominate their area of concern and expertise in those matters, and that they can do that accordingly within the time allocated.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) — Given that many people in the community would be interested in all aspects of the supplementary environment effects statement and also would be forced to go to the appendices to find the appropriate detail, is the minister happy to assure the Victorian public that announce which birthday, but she can do so, if she wishes.
30 days for community organisations and members of the public, who cannot devote hours during the day, represents fair and meaningful public participation?

**Hon. J. M. MADDEN** (Minister for Planning) — Again, I acknowledge the member’s concerns in relation to this matter. I also appreciate that people would want to dedicate a significant amount of time to these matters, but the government has dedicated an enormous amount of time, energy and resources in relation to this matter. The Port of Melbourne Authority has invested enormous funds to make sure that every consideration that was represented at the initial panel hearing is considered in relation to these reports. The term ‘comprehensive and thorough’ is an understatement when it comes to a report that it is 15 000 pages long. I know that some people will advocate they do not have sufficient time.

When people want to stall a project it is often the case that saying there is insufficient time is used as a mechanism for doing that. Often it is used by people who do not support the project under any circumstance and regardless of any scientific or other analysis. I say to anybody who is concerned that there is insufficient time that I am happy to hear from those individuals. As yet I have not seen a letter stating that from any group or individual. What I am saying to Ms Pennicuik is that if that is the case, I am happy to receive a letter from her. It may well be in the system, but I have not yet received an individual letter — it may have come through the department, but I do not have a letter before me — to say that someone would like significant amounts of time.

I am confident that the time that has already been allocated and the amount of scientific analysis that has been put into this project are sufficient to allow people to give it thorough consideration and to have the opportunity of presenting to the panel in the way they may need to.

**Disability services: commonwealth state/territory agreement**

**Mr SOMYUREK** (South Eastern Metropolitan) — My question is to the Minister for Community Services. Can the minister please update the house on how negotiations are progressing with the commonwealth around the fourth commonwealth state/territory disability agreement?

**Mr JENNINGS** (Minister for Community Services) — I thank the member for his question and his concern about the wellbeing of Victorians who live with disabilities or those in our community who provide care, support and encouragement to those in our community who have disabilities. There would be nobody in the state of Victoria happier than I would be if I could come back to the chamber and report that the negotiations which took place between the state and territory ministers and the federal minister on 3 April 2007 in Brisbane were successful and that we had a solid foundation to take the fourth round of the agreement forward.

I am very sorry to report to the house that a very poor outcome was derived during the course of the day. It was not a great meeting of minds. In fact the message that I provide to the chamber and to the community is that we are on very rocky ground on whether there will be an ongoing agreement that covers disability across this nation. Indeed when the federal minister finally arrived at the meeting 45 minutes late the very first message he conveyed to us was that he wanted to leave only 2 hours later. When he then took his opportunity to outline — —

**Mr P. Davis** — You are being a bit churlish here, aren’t you?

**Mr JENNINGS** — Mr Davis has suggested that I may be churlish in my making of what was a quite accurate report of the behaviour of the federal minister. I must say that the minister disappointed us greatly, because we were hoping that there would be a meeting of minds.

**Mr P. Davis** — I have no doubt it was reciprocated.

**Mr JENNINGS** — We would hope for that. Mr Davis should keep listening, because I am going to end on that note and actually continue the offer that the Victorian government and other states and territories have made to the commonwealth to try to provide a foundation to take that agreement forward.

The federal minister made it very clear from the moment that he opened his mouth to make his contribution that the commonwealth is ambivalent, if not reluctant, about participating in the fourth round of the agreement across the nation. Indeed his preferred outcome was to negotiate bilateral agreements between states and territories on the basis of what was a very imprecise and most unsatisfactory offer. Despite the fact that the federal minister is in a situation where he is within weeks of the budget — the meeting took place a bit over a month before the federal budget, which is to be announced on 8 May — he was unable to allocate $1 as a specific commitment for the states and territories to match — not $1 was put on the table in terms of the building blocks for this agreement.
The issues that have been discussed in the public domain — —

Mr Finn interjected.

Mr JENNINGS — Mr Finn, have you got something to say on this question?

Mr Finn — There is a fair bit in the GST.

Mr JENNINGS — You are really well informed, Mr Finn. I apologise, President. Before you press the button, may I suggest that I know that trying to elicit ridiculous comments from the other side is actually a self-defeating exercise in relation to the dynamics of the chamber. I will volunteer to you that I will do my best to resist any inane or ridiculous propositions that are put to me. I will stay on message and deliver my response through you, President.

My message to the chamber is that the Victorian government wanted to try to provide for certainty going forward. In fact the position we took to the meeting in Brisbane, which was communicated informally and formally, was that the state of Victoria would try to enter into a sharing arrangement with the commonwealth on the basis of an 80 per cent contribution by the state of Victoria and a 20 per cent contribution by the commonwealth going forward; that we would account for the appropriate growth regime, which the Victorian government estimates to be somewhere in the order of 4 to 5 per cent going forward, to try to meet the needs that will increase within the disability sector across the country; and that we would have the appropriate regime in terms of indexation, when the commonwealth had previously flagged that it was prepared to only index the agreement 1.8 per cent — in fact that offer was not even reiterated at the meeting. It was very disappointing that we could not even get to first base in relation to trying to find the foundation for taking this agreement forward.

Mr Drum interjected.

Mr JENNINGS — I would love to respond to the interjection, but I am actually restrained by my commitment to you, President. I can assure the house that the state of Victoria has no difficulty in applying any appropriate mechanism. If this is the catchery from the other side or from the federal government, we have no difficulty in providing the appropriate scrutiny and transparency of our commitment to the sector, to the field and to people with disabilities. In fact we are very confident that Victoria, in terms of our commitment to fund the ongoing needs of people with a disability, is head and shoulders above any other jurisdiction in the nation. But not for 1 second are we resting on our laurels in relation to that question. We recognise that there are ongoing needs that the state of Victoria has a responsibility to rise up and meet in collaboration with the commonwealth and with the appropriate providers in the state of Victoria.

I would like to do something that I very rarely do in the chamber, which is to read something. It is from an independent third-party source in relation to the lack of agreement in Brisbane. In fact the independent party is a very unlikely source and is certainly not usually a fellow traveller with the Victorian government. I refer to Jean Tops, who is the president of the Gippsland Carers Association. She has done her best in the name of the care needs of her community to stick it into the ribs of the Victorian government time and again. She is certainly not a sycophant of the Victorian government, but I congratulate her for being a powerful advocate for the field.

She responded to a press release that was issued by the federal community services minister in the period following the agreement and damned him for his inappropriate and totally outrageous categorisation of the commonwealth commitment. I quote from a press release of 11 April in which Jean Tops is quoted as claiming that:

… this media statement by Minister Brough is an outrageous fabrication of Howard government expenditure on programs and is grossly misleading.

She is quoted further:

With a mere $2.9 billion of commonwealth funding going to the states over the five years of the current CSTDA —

commonwealth state/territory disability agreement —

for services, this is clearly an appalling neglect of the 687 000 Australians with a severe or profound disability …

Minister Brough has outraged families caring for disabled family members entirely alone and struggling under extreme stress without hope of relief from unrelenting lifelong caring responsibility.

I think they are points well made, and they are points that I totally agree with. The states and territories have an absolutely unswerving commitment to try to reach an agreement with the commonwealth to resolve these matters and to provide some confidence and certainty for members of our community going forward. In fact the states and territories will be having a discussion later this week with the intention of trying to find the mechanism to get Minister Brough to the table and to get a commitment from the commonwealth.
I will conclude in the spirit that I indicated to Mr Davis before by reiterating a comment made by Ms Tops:

The states and commonwealth conduct their blame game every time the CSTDA is due for renewal, and families are fed up with the grandstanding, discrimination, exploitation and neglect.

For my part of the copping of that comment from Ms Tops, I will take it. What I am actually saying to the chamber, to the community and indeed to the commonwealth is: let us step up to our obligations, let us actually meet the expectations of our community and let us have an agreement which we can take forward in terms of sharing the load in the years to come.

QUESTIONS ON NOTICE
Answers
Mr LENDERS (Minister for Education) — I have answers to the following questions on notice: 1–3, 6–8, 36–40, 42, 54, 71–3, 76.

PETITIONS
Buses: Glenroy–Gowrie service
Ms MIKAKOS (Northern Metropolitan) presented petition from certain citizens of Victoria requesting that the route 536 bus service between Glenroy and Gowrie be extended to operate from 6.00 a.m. to 9.00 p.m. on weekdays, 8.00 a.m. to 9.00 p.m. on Saturdays and public holidays and 9.00 a.m. to 9.00 p.m. on Sundays, Christmas Day and Good Friday (211 signatures).
Laid on table.

Police: Lexton
Mr KOCH (Western Victoria) presented petition from certain citizens of Victoria requesting that the government abandon the proposal to relocate the existing Lexton police position to Beaufort thereby only servicing the Lexton community on a needs or availability basis, as it may impact detrimentally on the Lexton community’s security (48 signatures).
Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE
Alert Digest No. 4
Mr EIDEH (Western Metropolitan) presented Alert Digest No. 4 of 2007, including appendices, together with minutes of evidence.
Laid on table.
Ordered that report be printed.

Statute Law Repeals Bill
Mr EIDEH (Western Metropolitan) presented report, including appendices.
Laid on table.
Ordered to be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE
Private investment in public infrastructure
The Clerk, pursuant to the Parliamentary Committees Act, presented government response.

EDUCATION AND TRAINING COMMITTEE
Effects of television and multimedia on education in Victoria
The Clerk, pursuant to the Parliamentary Committees Act, presented government response.

PAPERS
Laid on table by Clerk:


Parliamentary Committees Act 2003 — Whole of Government Response to recommendations in Rural and Regional Services and Development Committee’s Inquiry into Retaining Young People in Rural Towns and Communities.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
Alpine Planning Scheme — Amendment C20.
Bass Coast Planning Scheme — Amendments C35, C52 and C67.
Benalla Planning Scheme — Amendment C20.
Campaspe Planning Scheme — Amendments C36 and C52.
Cardinia Planning Scheme — Amendment C95.
Casey Planning Scheme — Amendment C77 Parts 1 and 2.
Greater Bendigo Planning Scheme — Amendment C82.
Greater Geelong Planning Scheme — Amendment C120.
Greater Shepparton Planning Scheme — Amendment C37.
Hindmarsh Planning Scheme — Amendments C2 and C5.
Horsham Planning Scheme — Amendments C24 and C33.
Kingston Planning Scheme — Amendment C82.
Manningham Planning Scheme — Amendment C62.
Maribyrnong Planning Scheme — Amendment C23.
Melbourne Planning Scheme — Amendments C93 and C117.
Mornington Planning Scheme — Amendments C81, C92 and C93.
Mount Alexander Planning Scheme — Amendment C24.
Murrindindi Planning Scheme — Amendment C13.
Northern Grampians Planning Scheme — Amendment C21.
Port Phillip Planning Scheme — Amendment C54.
Waralimbo Planning Scheme — Amendment C42.
Whittlesea Planning Scheme — Amendment C96.
Wodonga Planning Scheme — Amendment C37 Part 1.
Wyndham Planning Scheme — Amendment C90.
Yarriambiack Planning Scheme — Amendment C9.
Statutory Rules under the following Acts of Parliament:
Electricity Safety Act 1998 — No. 16.
Pipelines Act 2005 — No. 15.
Sex Offenders Registration Act 2004 — No. 18.
Tobacco Act 1987 — No. 17.
Transport Act 1983 — No. 20.
Subordinate Legislation Act 1994 —
Minister’s consultation certificate under section 6A(3) in respect of Statutory Rule No. 20.
Minister’s exception certificate under section 8(4) in respect of Statutory Rule No. 13.
Ministers’ exemption certificates under section 9(6) in respect of Statutory Rule Nos. 14 and 20.
Water Act 1989 — Minister’s Orders of 13 March 2007 declaring water supply protection areas for the King Parrot Creek Catchment and the Yea River Catchment (three papers).
Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the table by the Clerk:

Mr D. Davis — On a point of order, President, I notice that the papers just tabled refer to the Alexandra and District Ambulance Service of Victoria and to the minister’s report of receipt of the 2005–06 report in lieu of that tabled on 13 February 2007. I seek, perhaps from the Leader of the Government, an explanation as to why a new report has been tabled. Clearly some reason or some occurrence has resulted in a second report being tabled.

The PRESIDENT — Order! I am struggling to agree that this is a point of order.

Mr D. Davis — I draw your attention to a similar situation that occurred some years ago in the chamber
when the then Minister for Ports tabled a report and the report was later re-tabled in a similar format to this. There were errors in the report, and I sought to resolve for my own satisfaction and for the satisfaction of the house why the two reports were different and what the differences between the two reports were. We actually have two reports from the one ambulance service that have been tabled in the chamber. I would like to know which one is correct, which one is not and what the differences are.

Honourable members interjecting.

The PRESIDENT — Order! I am trying to ascertain a response for Mr Davis. I have a letter to the Clerk from Ms Pike, the Minister for Health in the other place, relating to this particular issue. It is clear that a letter receipting the annual report was tabled in the Council on 13 February. Subsequently we received a revised report and a request that this letter be receipted in the Legislative Council in lieu of the letter tabled on 13 February. The letter does not go into an explanation as to why. I suggest, if the member wishes, he can direct his inquiry to the minister’s office via the normal method.

Mr D. Davis — President, just by way of a point of clarification, that was not the procedure that was adopted by the chamber on a previous occasion when this occurred. On that occasion the minister — —

The PRESIDENT — Order! I am not going to engage in a debate with Mr Davis on the matter. I have given him the way out, if he likes, or how to find the answer he is pursuing. I cannot do much more than I have already done.

Honourable members interjecting.

Mr D. Davis — The minister made a derogatory reference to me in that exchange, and I seek that he withdraw it.

Honourable members interjecting.

SUSPENSION OF MEMBER

The PRESIDENT — Order! Mr Davis has raised a matter with me which relates to an accusation that a derogatory remark was made to him by the Minister for Industry and State Development, as I understand it. I am informed by others that that was in fact the case. I find myself in a position now where there is no option for me, given previous rulings, other than to ask the minister to remove himself for 30 minutes.

Hon. T. C. Theophanous withdrew from chamber.

NOTICES OF MOTION

Notices of motion given.

Mr RICH-PHILLIPS having given notice of motion:

Mr Viney — On a point of order, President, I draw your attention to the proposal in Mr Rich-Phillips’s notice of motion that any report will not be deemed to conclude the proposed select committee’s deliberations. I can refer you, President, to numerous records in both Odgers and May to show that this is extremely unusual and that select committees always have an end date. I ask you to take into consideration that historical view of select committees, to consider that and to report your view to the house.

The PRESIDENT — Order! That is not a point of order and certainly not a matter for me.

Further notices of motion given.

MEMBERS STATEMENTS

Government: expenditure

Mr O’DONOHUE (Eastern Victoria) — To see first hand as a member of this place the wastefulness of the Bracks government and its disregard for taxpayers dollars has been eye-opening, to say the least. Hardly a day goes by when I do not receive at my electorate office a voluminous report commissioned by this government.

Two recent publications by the Victorian Competition and Efficiency Commission (VCEC), specifically the 500-page report on managing transport congestion and the 400-page report on food regulation, illustrate my point. Leaving aside the merits of the contents of these reports, when the government professes to be worried about greenhouse gas emissions, pollution and traffic congestion, why it printing copies of those reports for members of Parliament, then transporting them by road via the postal system and delivering them to our electorate offices?

Why would the VCEC or the government not email us with a link where we can, if we wish, read the report online? Whilst this may seem a minor point, these two reports alone total 900 pages and their distribution to each and every member of Parliament represents over 100 000 printed pages.
I call on the government to urgently review the way it distributes material to both members of Parliament and the broader community so as to save taxpayer dollars and reduce the environmental impact. Is the Premier’s plan for CO2 reduction and carbon trading nothing more than playing politics to assist the federal opposition leader?

The PRESIDENT — Order! The member’s time has expired.

Latrobe Regional Hospital: funding

Mr HALL (Eastern Victoria) — Because the state budget is to be handed down next month, I wish to make a plea on behalf of Latrobe Regional Hospital for funding for the urgently needed upgrade of the hospital’s emergency department, which was originally designed to accommodate about 10,000 presentations per year. The number of people presenting to the emergency department has now grown to almost 30,000 per year.

The consequence of this increase has been less-than-desirable waiting periods in the emergency department of the hospital. Compounding the issue is the fact that Latrobe Regional Hospital is the only provider of acute mental health services in the Gippsland region. This often leads to an inappropriate mix of medical patients and mental health patients presenting simultaneously to the emergency department. The volume of presentations to this department is leading to the inappropriate use of inpatient beds at the hospital as well.

I call upon the government to provide the hospital with $8 million which is required to fund the urgently needed redevelopment of its emergency department.

Ninth World Congress on Art Deco

Hon. J. M. MADDEN (Minister for Planning) — Last Sunday night I had the great privilege of opening the Ninth World Congress on Art Deco, which includes art deco societies from around the world.

Mr Finn — It must have been a good night!

Hon. J. M. MADDEN — It was a great night, and I wanted to pay tribute to Robin Grow and his partner who, for almost two years, have been organising this world congress at which 200 delegates from around the world will participate. They are enthusiasts for all things art deco. They will spend this week basically taking in the art deco delights of Melbourne, particularly its buildings, because whilst they can follow their pursuits of a range of designs across different areas in their own home towns, one of the attractions in holding this congress in different cities around the world every two years is being able to tour different architectural delights.

Over the next week or so they will attend a number of lectures and have walking tours of the likes of St Kilda and Elwood. They will also visit MacRobertson Girls High School, the Manchester Unity building, Newman College and Burnham Beeches, to name just a few of the buildings which reflect the style of the art deco period.

I would like to compliment the members of the Art Deco Society, of which I am a member. I acknowledge the enormous contribution made by the volunteers who continue to service those members, week in and week out, in their pursuit and enthusiasm for all things art deco.

Scouts Australia: achievements

Mr FINN (Western Metropolitan) — This week is National Youth Week. In the lead-up to this particular week I was approached by members of the Hoadley district of Scouts Australia, Victorian Branch, and presented with a magnificent scarf, complete with woggle. I did give a commitment that I would wear it in this house today, but I am informed that is against the rules, so I offer my apologies to the wonderful young Australians who visited me last week. They are part of an organisation that is the largest youth organisation in the world and here in Australia as well.

Throughout the world there are currently 29 million members of the scouting movement, and that in itself is a tremendous effort, particularly in this day and age when there is so much pressure on families and young people. When there are so many opportunities for young people to be led down the wrong path, the scouting movement offers them an opportunity to prepare them for life.

That is something that we should be supporting. Mr Paluka might not support it, but it is something we should all be supporting because the scouting movement does a wonderful job and has for a very long time — —

The PRESIDENT — Order! On two occasions in the last few weeks I have heard Mr Finn deliberately mispronounce members’ names in this house — and it is deliberate. I remind Mr Finn that it is Mr Pakula and not Mr Paluka, as he well knows. If he does it again, he knows what will happen!
Mr FINN — Thank you, President, for the opportunity for a bit of clairvoyance as well. It is a wonderful organisation and one that we should support, despite the opposition from the Labor Party.

Port Phillip Bay: channel deepening

Ms PENNICUIK (Southern Metropolitan) — The supplementary environment effects statement (EES) for the proposal by the government and the Port of Melbourne Corporation to deepen the shipping channels was released on 22 March, two years after the independent panel that assessed the original EES described it as fundamentally flawed and stated that the proposal that had been put before it was unprecedented in scope and posed the risk of significant and irreversible damage to Port Phillip Bay.

Two years on and the community has another massive report before it with inadequate time to respond. I spent some time reading through the 18 chapters and some of the 67 appendices to the report, concentrating on the cost-benefit analysis and the economic analysis.

Since this proposal was first put before the public several years ago I have questioned the very need for it and the assertions made by the government and the Port of Melbourne Corporation about supposed economic benefits, for which no evidence was provided. When reading through the actual reports it is difficult to discern just where the economic benefit will come from or go to. There is little indication that the people of Victoria will benefit.

Assertions made by the Port of Melbourne Corporation, for example, that the use of larger, more efficient cargo ships will reduce transport costs by a reduction in fuel consumption are contradicted in the report. In appendix 4 at page 23, which is on the cost-benefit analysis, the report states that the decline in fuel costs both at sea and in the port is barely perceptible. As has always been the case, it is virtually impossible to glean a straight answer to just how many ships now or in the short-to-medium term are or will be actually prevented from loading to full capacity.

Parliament: former members

Mr VINEY (Eastern Victoria) — I note the article in today’s Herald Sun that describes a number of former government members of Parliament as ‘losers’. I am interested to know why the Herald Sun did not refer to Mr Stephen McArthur in his taxpayer-funded position with the Leader of the Opposition, but I am particularly interested in the comment at the end of the article from a member of this chamber, Mr Guy, who criticised the Labor government and people like myself for employing former members of Parliament.

I take this opportunity to suggest, through you, President, that it might be appropriate for Mr Guy to publicly state that after his time in this Parliament he will never accept a taxpayer-funded position and he will never accept a taxpayer-funded consultancy. A man who has spent his entire career — apart from a couple of years with the Victorian Farmers Federation — working in taxpayer-funder positions, comes in here and suggests that it is not appropriate for former members of Parliament to continue to contribute to their communities through appropriate positions and to continue to serve the community of Victoria by working for the great Labor government — the Bracks Labor government.

Flight of the Angels

Mr DALLA-RIVA (Eastern Metropolitan) — I wish to raise my support for the annual Flight of the Angels, which the Crime Victims Support Association holds on the steps of Parliament House each year. It was held on Friday, 30 March, and I was pleased to attend with a number of my fellow colleagues from this place and also the members for Kew and Evelyn from the other place. We again took note of the families and loved ones of the victims of murder and of road deaths, some of which resulted from culpable driving.

It is a club that Noel and Bev McNamara say nobody wants to be a part of, yet every year when I attend I note the number grows, as is evidenced by the balloons they release acknowledging each person murdered over that previous year, and indeed over the past decade or so. People can feel that there is an annual event they can attend to pay their respects in front of the peoples’ house. They release doves, which is why they call it the annual Flight of the Angels.

This is one further mechanism for giving victims and families of victims a feeling of connection — that there is support out there. I pay tribute again to Noel and Bev McNamara and to the Crime Victims Support Association for their tireless work for this annual event.

Paraguayan consulate: opening

Mr ELASMAR (Northern Metropolitan) — I rise to speak about the opening of the first Paraguayan consulate in Melbourne, which took place on 19 March 2007. I was pleased to be invited and was delighted to attend the opening, along with my parliamentary colleague the member for Derrimut in the other place, Mr Telmo Languiller, who is a Uruguayan-born
Tuesday, 17 April 2007

MEMBERS STATEMENTS

There were many other consular dignitaries present, including representatives of the United States of America, Spain and Chile. I was very impressed and pleasantly surprised at the large number of business representatives who came from all parts of the Melbourne community to celebrate this momentous occasion for Paraguay. Mr Gonzales gave us an informative overview of his country and the role of the consulate in assisting Paraguayan nationals.

I would like to congratulate the Consul-General for choosing Melbourne as the site for the first Paraguayan consulate, because Victoria was considered the best state to be and the best place to do business in. And who can argue with that?

Volcanoes discovery trail: global geopark

Mr VOGELS (Western Victoria) — The Volcanoes discovery trail (VDT) Committee was formed in 1999 to promote areas of western Victoria and south-eastern Australia with volcanic sites. The committee is funded by a yearly grant from involved local councils, which in my electorate include Glenelg, Moyne, Corangamite, and Southern Grampians.

In its short life the VDT has established a marketing name, logo, regional nodes and touring routes. It has produced a VDT map and brochure and developed a web site. But the most significant activity is the proposal to list western Victoria and south-east Australia as a United Nations Educational Scientific and Cultural Organisation (UNESCO) global geopark. Fifty regions across the world have now achieved global geopark status, which is equivalent to world heritage listing. The area recommended was active in the tertiary geological period, and the lavas cover more than 26,000 square kilometres. There are 374 eruption points dotted across the region, along with many spectacular lakes.

Associated with the geological heritage are the culture — both indigenous and European — the stone walls and the Ramsar lakes. The Volcanoes Discovery Trail Committee has been asked to apply for UNESCO global geopark status for this region, and I am happy to support the application. Already it has the support and assistance of Tourism Victoria, the South Australia Tourism Commission, both state governments and the federal government, universities, the national trust and the Geological Society of Australia.

The application has been forwarded to UNESCO headquarters in Paris for assessment. I congratulate the Volcanoes Discovery Trail Committee and its chair, Joanne McKnight, and wish it every success in putting this region onto the world stage.

Prisoners: women’s integrated support program

Ms MIKAKOS (Northern Metropolitan) — As chair of the Women’s Correctional Services Advisory Committee, on 30 March I was honoured to officially launch the women’s integrated support program (WISP). The program recognises the importance of addressing the practical transitional needs of women prisoners by providing intensive pre and post-release support to assist them to reintegrate into their communities.

WISP adopts a partnership with the community sector approach to supporting women. Melbourne Citymission, the Victorian Association for the Care and Resettlement of Offenders and the Brosnan Centre are working with Corrections Victoria to provide these services. I commend those organisations for their involvement.

WISP is an innovative and important program. It is one of the many initiatives that comprise Corrections Victoria’s Better Pathways strategy, which aims to reduce reoffending by women. It is an approach which recognises that the community benefits and crime rates are reduced when we tackle the causes of crime and effectively reintegrate former offenders into the community. I wish WISP every success.

Financial services industry: government policy

Mr D. DAVIS (Southern Metropolitan) — My matter concerns the Victorian financial services industry. I bring to the attention of the house a speech made in Sydney at the Sydney Institute by the federal Labor shadow Treasurer, Wayne Swan. Mr Swan made a number of points about the financial services sector in Australia, but what he did not do was envisage any financial services sector in Victoria. He did not mention Melbourne or Victoria once in that important speech that laid out Labor’s so-called vision for the financial services sector in Australia.

I would be very, very concerned if a potential Rudd government and Wayne Swan as the alternative Treasurer of Australia could not see a place for Victoria and Melbourne in the financial services sector. Of course Mr Swan would be just following his colleagues in the Victorian government, who have turned their
backs on the financial services sector by downgrading the position in the ministry. There is no longer a minister for the financial services sector in Victoria. The government has clearly made a decision that the sector is not as important to Victoria as other sectors. I disagree with that. It is a very important sector for Victoria and has a strong future. I am concerned that a Rudd Labor government with Mr Swan in Treasury would not give Victoria and Melbourne their due.

Box Hill Institute of TAFE: training initiatives

Mr LEANE (Eastern Metropolitan) — Recently I toured Box Hill TAFE, which is now a world-renowned training institution. We are fortunate to have its main campus located in the eastern suburbs. Box Hill TAFE has over 37 000 student enrolments, including over 1000 international students from 50 countries around the world. It also has campuses in China, Vietnam, Saudi Arabia, Sri Lanka and Papua New Guinea. When students complete their courses at these campuses they are presented with a Box Hill TAFE certificate, which I think is a pretty cool thing.

With funding assistance from the Bracks Labor government the TAFE will start work on a new building which will house a nursing skills centre of excellence that will have state-of-the-art simulated laboratories and patient dummies. The dummies will be hooked up to computers so that students can program symptoms into them and then work out what is wrong. If they are dealt with in a rough way the dummies say ‘Ouch’. The dummies will be interesting to work with and will provide good future training opportunities for nurses at Box Hill. The TAFE has an emphasis on simulated workplaces. It has an operating Brumby’s bakery and an automotive mechanics area that is similar to the garages that most people would work in after completing their courses. It is a great facility.

Australian Defence Force: war service

Mrs KRONBERG (Eastern Metropolitan) — At this time, leading up to Anzac Day and the commemoration services that are held across the nation, we have an opportunity to give thanks to and reflect upon the war service of our heroes across various theatres of war through the 20th century and now. It is also a time for us to give thanks for the heroic efforts of our current servicemen and women. The unbridled debate about the justification for this country’s having a military presence in theatres of war such as Iraq and Afghanistan often means that the simple message of support and appreciation of the travails being endured by those at the front is lost.

I wish to place on record that I revere the brave men and women who serve on a daily basis and put themselves in harm’s way to make this world a safer place on our behalf. We do not want service personnel to return to this country to a climate of hostility or ambivalence, as was the case after the Vietnam War. I wish to pledge my support for their efforts and pray that they return home safely to their loved ones.

Nhill: community facilities

Ms PULFORD (Western Victoria) — I would like to talk about a recent visit to Nhill in the Shire of Hindmarsh in my electorate of Western Victoria Region. It was a great opportunity to again meet with the mayor, Darryl Argall, and the chief executive officer, John Hicks, both of whom I had the good fortune to meet previously when I opened the Nhill train station in January. I also met Cr Joan Bennett and four people from the Department for Victorian Communities: Peter Rademaker, Janine Perry, Margaret Bolton and Sharon Ruyg. We visited the Nhill Bowling Club and the Nhill Sporting Association, a group that includes football, hockey, netball and cricket teams. We met the president of the sporting association, Brian Smith, and heard about the challenges facing his club in maintaining high-standard sporting facilities that can be enjoyed by the entire community.

Cr Bennett and I then enjoyed what can best be described as the ladies tour of Nhill, including the Nhill neighbourhood house learning centre, Nhill Historical Society and the inspirational Lowana Craft Shop. Lowana has raised thousands and thousands of dollars for local charities and community organisations over the years. Later we met with Cr Rob Gersch for a tour of the Nhill Hospital with John Smith and Darren Welsh of West Wimmera Health Service, who demonstrated what an excellent model of state regional health care is enjoyed in Nhill. We also visited the Winiam community hall, which celebrates its 80th birthday this year, and Whimpey Reichert’s Little Desert Nature Lodge.

The PRESIDENT — Order! The member’s time has expired.

Museum Victoria: exhibitions

Mrs COOTE (Southern Metropolitan) — I wish to place on record my praise and admiration for the chief executive officer of Museum Victoria, Patrick Greene, and his staff. I recently visited the museum in Exhibition Street and was struck by the depth and range of the exhibitions. I encourage people in this chamber to go and see this part of our heritage and the excellent
work that is done there. A lot of the work is three-dimensional, tactile and can be worked with. It is really quite a modern approach to exhibiting materials.

As I look around the chamber and note our respective ages, I suggest many members would remember visiting museums in the past and seeing the odd skeleton and stuffed animals exhibited as well as noting the then one-dimensional approach to exhibiting. However, the exhibits that Patrick Greene and his staff have assembled for the Victorian people are excellent. An example is the exhibition of works of excellence from last year’s year 12 students in graphic design, engineering and fashion design right through to the small children’s area with its tactile experience.

There is also the virtual room with creatures from the deep sea, and these exhibitions reflect the research within the museum. I speak of not just the museum’s exhibitions as the now 20 Aboriginal staff at the museum have a continuous professional development program and career structure. Patrick Greene has simply put Victoria’s museum on the map.

PARLIAMENTARY COMMITTEES

Establishment

Mr LENDERS (Minister for Education) — I move:

1. Dispute Resolution Committee —

   (a) Five members be appointed to the Dispute Resolution Committee.

   (b) The committee will consist of two members from the government party nominated by the Leader of the Government, one member from the opposition nominated by the Leader of the Opposition, one member from The Nationals nominated by the Leader of The Nationals and one member from the Australian Greens nominated by the Australian Greens Whip.

2. Standing orders be suspended to the extent necessary to enable —

   (a) Legislation Committee — Seven members to be appointed to the Legislation Committee;

   (b) Privileges Committee — A select committee of seven members to be appointed to inquire into and report on complaints of breach of privilege referred to it by the Council;

   (c) Standing Orders Committee — A select committee of seven members to be appointed on the standing orders of the Council.
opposing the bill, the Liberal Party will propose amendments to give this panel real and sharp teeth to enable it to do its job properly, without restriction, without hindrance and without the minister or his office having the opportunity to look over its findings and reports before they are presented.

Unfortunately for the government, it has failed to register the concern of the community over the need for the absolutely highest level of transparency, probity and accountability when it comes to lotteries and gambling licence procedures. The bill we are debating today will not achieve that aim in its current form.

Before speaking about the Liberal Party’s point of view on this bill and the purpose of our amendments, it is wise to go back to the past when assessing the future, because comments and opinions reported in the past have shaped much of the debate we are having today. I have a copy of the 1999 gaming policy of the Australian Labor Party. Like many of the election policies of the Australian Labor Party it is light on detail, but it makes some salient points about Labor’s attitudes to gaming and what it then believed or what it led Victorians to believe about this important industry.

At the start of this document there is an introduction by the Premier in which he makes a number of points about what he would do in government, such as securing a fair deal for players of electronic gaming machines, freezing the number of gaming machines and of course one point about natural light. The promise about natural light concluded with television screens showing images of the sky being placed in some gaming venues. How ludicrous!

Three points that he made stuck out. Labor said it would ensure enhanced accountability of the gaming industry, particularly to Parliament; it would outlaw inappropriate political involvement with the gambling industry; and further, that it would insist on better disclosure of political donations by owners and operators. Those are exceptionally important points to note, as they frame much of what else appears to be in this policy — or should it be properly called this con?

There is one section that I would very much like to read to this house. In its policy Labor stated:

> In managing and regulating an industry that has the potential for significant impact on the wellbeing of individuals and the wider community, it is essential that there should be maximum openness and accountability by government and the industry. This requires full reporting and accountability to the Parliament of Victoria.

Further it said:

> Labor accepts unreservedly that the gambling industry in general and the casino sector in particular should be more openly accountable to the people of Victoria through the Parliament of Victoria.

I am sure I do not have to jog the memories of members of this chamber and remind them that it was just over a month or so ago that Labor members fought tooth and nail — fought bitterly — against the establishment of what is in fact in their own policy of greater parliamentary accountability of the gaming industry in this state via this Parliament. Members opposite abused and chastised all members of the non-government parties for holding the belief that the establishment of an upper house inquiry was somehow a blight on democracy.

I would like to add that the Liberal Party’s proposed amendments to this bill will be an interesting test. As members can see from the amendments, which have been distributed, they seek to enhance and to beef up the bill — to give the tiger real teeth. The government’s reaction to the amendments will be of major interest and will be a major test of the government’s commitment to an open, honest and accountable gaming industry.

There are more points I would like to raise about what appears in Labor’s policy for government which are of direct relevance to this bill and which feature under the
headings ‘Breaking the political nexus’ and ‘Outlawing of certain political associations’. Under ‘Breaking the political nexus’ Labor stated:

In an area which is subject to strong and detailed regulation it is absolutely essential that clear lines of distinction, both perceived and actual, between gaming outlets and operators and political parties should be established and maintained.

Let us talk about facts and see why it is important for this bill, despite its being the stunt that it is, to be turned into a worthwhile piece of legislation. Fact 1 is that Labor used the phrase ‘perceived and actual’. Labor claimed as its important policy for government breaking the perceived and actual nexus between gaming operators and political parties. Fact 2 is that of the many consultants it engaged after it won government just a few months earlier, Labor’s first mate on the job was none other than the former shadow Minister for Gaming, Mr David White. These are the people who are going to break the political nexus between gaming and government! The most amazing thing is that of all the consultants this government has employed in the seven and a half years it has been in office, and Mr Viney smiles — EMC, Shannon’s Way, CPR; consultants I would never work for if I left this chamber — the first consultant it employed was the former shadow Minister for Gaming, Mr David White.

Mr Viney interjected.

Mr GUY — Fact 3 is that David White was subsequently employed by Tattersall’s to directly lobby the Bracks Labor government regarding gaming licensing in Victoria. Just a year or two after writing a policy stating that clear lines of distinction, both perceived and actual, were absolutely necessary in Victoria, Labor ran off with David White. He was the Bracks government’s no. 1 consultant.

Honourable members interjecting.

Mr GUY — The Premier ran off with David White to talk about the issues consultants talk about.

Mr Viney — On a point of order, Acting President, whilst I am sure that in the member’s mind there are some close relationships between the bill before the house and the select committee issues, I think Mr Guy is crossing very clearly into issues that are before the select committee and should not be canvassed in this debate because they are matters that this house has referred to a select committee for consideration.

Mrs Coote — On the point of order, Acting President, I dispute what Mr Viney has just said on his point of order. This is a matter of public knowledge; it has been well documented in the press. Mr Guy is just developing his argument in this debate. He is our lead speaker on this issue, and I believe there is no point of order.

Mr Viney — Further on the point of order, Acting President, in response to the matter — —

Mrs Peulich — On a point of order, Acting President, the member cannot raise two subsequent points of order without your making a ruling.

The ACTING PRESIDENT (Mr Elasmar) — Order! According to the advice I have, it is Mr Viney.

Mr Viney — In response to the comments made by Mrs Coote in relation to my point of order, as I understand it Mr Guy was going down the path of talking about suggested meetings between the Premier and Mr White. These are clearly matters that have been referred to the select committee, and in my view to cross into those matters would be to breach standing orders — that is, when a matter has been referred to a select committee it cannot be canvassed in a debate on legislation before the chamber.

The ACTING PRESIDENT (Mr Elasmar) — Order! According to the advice I have, Mr Guy cannot divulge details of the deliberations of the committee, but he can speak widely.

Mr GUY — I remind members opposite that anything I have quoted or intend to quote is material obtained by newspapers.

Honourable members interjecting.

Mr GUY — If Mr Pakula and Mr Viney think there is something sinister about reading the Herald Sun, which sells around 1.1 million copies per day, then obviously they have a very different interpretation to mine.

I want to refer again to Labor’s 1999 policy of outlawing certain political associations. I will make a brief comment on the policy, which reads:

Labor will introduce legislation to outlaw senior office-holders of government and associated political parties from holding directorships or senior employment with gaming companies.

Rather than risk the suspicion of Mr Viney or Mr Pakula of the Herald Sun’s reporting, I will leave that comment for people to judge for themselves where the Labor Party is on that matter.

There are many other points of interest to note from what Labor said in the lead-up to its coming to
government and how Labor members have since administered themselves since they have been here. Rather than reel off the entire 1999 policy document, I intend to make some brief comments on another policy document of the Labor Party, the authors of which are still senior members of the government. What I am about to say will give a very good background to the Labor Party bill we are debating today — that is, the thought behind it and the reason for its presentation to this chamber.

Members will know that in 1996, in the last three or four years of the previous government, Labor was savage on gaming in Victoria, as it has claimed it was. Many lines from members opposite, some of whom are still ministers, are certainly worth noting. They relentlessly savaged the government of the day for allowing or supposedly encouraging a gaming industry to operate which produced $700 million worth of revenue. At that time the now Premier and now Treasurer said, ‘That is too high!’ They said that about $700 million of revenue, yet the revenue from gaming is now about $1.2 billion!

One or two interesting points stand out from Labor’s 1996 gaming policy, and I think it would be wise for members to be reminded of them. In 1996 those in the Labor Party promised that if they were elected, they would:

… undertake an independent judicial review of the casino licence bidding process.

That is quite amazing! Ten years later it is amazing that the people who authored that document are the people who feel the parliamentary inquiry talked about — indeed the one we have got today; the amendments too, no doubt — somehow would be an abuse of Parliament. They talked it down. They should be reminded that the person who authored this document — and, I should say, authorised it — is none other than Mr Lenders. He was the state secretary of the Labor Party at the time and is now the Leader of the Government in this chamber.

The hypocrisy of the Labor Party is truly breathtaking. After all, having stated the above and doing comprehensively the opposite is quite an art form in the Labor Party, as is employing its mates in government positions. Members of the Labor Party now come into this Parliament saying — and to come back to the bill, I note that Mr Thornley is not in his seat but interjecting — —

Mr Thornley interjected.

Mr GUY — It is quite breathtaking for members of the Labor Party to walk into this chamber after what has been presented and say, ‘Trust us when it comes to transparency and probity in the gaming industry!’.

Mr Thornley — It is on interest rates. Tell us about that one!

Mr GUY — I will take up Mr Thornley’s interjection. If he would like to talk about the Labor Party’s federal record on interest rates, we will have that debate, but not today.

All members in this chamber will ask why opposition members seek to amend this bill, yet do not oppose it outright. We in the Liberal Party do not oppose transparency or the truth being told. The simple answer is that, from the evidence presented to this house, it is clear Labor cannot be trusted on its word. Labor’s word means nothing, whether it is on gaming, taxes, tolls, health, transport, education or major projects. The word of the Labor Party means nothing.

While I will not speak directly on them at this point, the Liberal Party’s amendments will ensure a number of things take place that strengthen the review panel proposed by this bill, allowing the panel to report on conduct of ministers, their staff, registrants or applicants and their contractors. The Labor Party wants to present a report which sanitises any involvement of the minister and the government of the day, which is typical of this government.

The opposition’s amendments propose to delete proposed section 10.2A.3(4), which quarantines the review panel from examining a regulatory review authorisation and licensing process to the extent that it has led to any publicly announced decision by the minister before the Parliament’s commencement. The opposition will propose a new clause to provide for public meetings other than in special circumstances, and to give the review panel powers to call for documents and witnesses under oath to facilitate its investigation.

This government was elected on its supposed policy of transparency. The opposition’s amendments will require the panel’s report to be tabled in Parliament within 14 days of receipt of the document. Our amendments will require the minister to act on the advice of the Solicitor-General before removing any material from the report that is deemed to be protected information or could be subject to legal or professional privilege. As I said, the gaming industry in Victoria is a multibillion-dollar industry, and the bill before the
house today could be significantly improved to help the probity and proper regulation of that industry.

As I also said, gaming revenue in Victoria now exceeds $1 billion. In fact almost 14 per cent of state government revenue now comes from gaming taxes. The size of the industry in Victoria and New South Wales accounts for more than 60 per cent of national gambling revenue in Australia as a whole. It is very interesting to note that the Labor Party in Victoria and in New South Wales took a very heavy anti-gambling approach when in opposition. We should note their approaches now that they are in government.

In response to community concerns over the integrity and probity of the regulation of this multibillion-dollar industry, Labor has simply come into this Parliament and said, ‘Trust us!’ That is not good enough. Unfortunately the bill as it stands is a joke. It is yet another Bracks Labor government stunt, up there with the smartcard tender and the rail fiascos. There are a lot of questions behind this legislation that the government is seeking simply to wipe away.

The Parliament of Victoria should not allow itself to be treated with contempt, and the government is trying its hardest to get away with doing so. The people who spent a decade vehemently in favour of greater gaming transparency have now become the most secretive, selective and sneaky government in Victoria’s history. While Liberal Party members do not oppose further public scrutiny of the gaming issue, we think this tiger can be given some teeth and made to have a real bite, which is why we seek to have this bill amended.

Mr DRUM (Northern Victoria) — The Nationals will be opposing this legislation. We have had a brief look at the opposition’s amendments that are before the house, and we will be supporting them.

In effect the Gambling Regulation Amendment (Review Panel) Bill 2007 has been put in place as the government’s knee-jerk reaction to a range of criticisms that were put before the people of Victoria through the media in the lead-up to the 2006 election. There is no doubt that the government was happy for the whole range of lotteries licence renewals and the electronic gaming machine (EGM) licensing renewals to be let slide and hopefully avoid further scrutiny from the Victorian public.

The media ran a very strong campaign highlighting a number of deficiencies in the government’s ability to meet the targets it had in fact put in place some six months earlier. The process associated with the licences renewal in both lotteries and EGMs had been clearly stipulated by the then Minister for Gaming in the other place for some two and a half years, and he had had his own deadlines for when the respective steps were going to be taken and when further steps would be implemented.

All the way through the process dates were highlighted as to how they were going to be ticked off, and the respective processes were going to culminate in the awarding of the licences, which was going to happen late last year. We then had the fiasco of the government awarding another extension, which may or may not have been proper.

There was an enormous outcry from the public, intense scrutiny and pressure through the media, and all of a sudden at the last minute the government cobbled together this policy and decided to introduce a new review panel, the members of which are going to go back and look at the processes associated with the handing down of licence renewals. That is what we have before the house at the moment. We have the government putting together this review panel.

It is true that the government struggles to have any credibility at all in the gaming field simply because of its actions, words and statements when it was in opposition. When government members were in opposition they were continually bandying around comments such as saying that the then government was ‘addicted to the gambling revenue’. They spoke continually about the need for a royal commission into gambling. They said that the casino needed to be investigated. The scaremongering from the then Labor opposition was constant and its attacking of the then government and its handling of gambling was extremely heated. We have seen that the Labor government has been quite hypocritical since it has been in government. It has done absolutely nothing to address problem gambling.

I will talk at length about some problem gambling figures I have. The government has done a whole range of incidental things which effectively have had no impact at all on problem gambling, yet they have been trumpeted from pillar to post, suggesting what a tremendous job the government is doing. We need to hold the government accountable when it effectively refuses to act and yet tries to provide spin to the Victorian public in a manner that suggests it is taking action and has the best interests of problem gamblers at heart.

We know that the issue of problem gambling is extremely serious — or most of us do. We have been led to believe by this Labor government that it has
effectively halved problem gambling in the last three years. Anybody who has been working in this sector would be looking at how that could possibly be the case and would be well aware that the industry itself acknowledges that there has been no such decline in the numbers of people addicted to problem gambling. Yet we had a government that on the eve of an election came up with figures saying that the percentage of problem gamblers was down from 2.4 per cent to approximately 1.12 per cent.

Dr James Doughney has put together a report entitled Lies, Damned Lies and ‘Problem Gambling’ Prevalence Rates — The Unsavoury Example of Victoria, Australia. He has used the words ‘the unsavoury example of Victoria’ in the title of his report. He has taken great exception to the fact that this Victorian government has deliberately used flawed research data to actively try to bluff the people of Victoria that the government’s problem gambling measures and procedures are working, and that the figures have halved in the past three years.

The report clearly identifies that when the government of the day hired McMillen and Marshall to do a problem gambling study and report, the authors clearly shows to the government that the modelling they had used revolved around asking problem gamblers to self-assess. To use that type of model and figures was an absolutely flawed process. In effect the authors were putting caveats on their own research and warning the government not to use that type of research if it was serious in trying to get accurate figures on the problem gambling cohort in Victoria.

Dr Doughney directly quoted McMillen and Marshall’s warning to the state government that surveying people about their own problem gambling was flawed. They stated ‘People have a natural reluctance to reveal the facts about such matters’ and ‘Data presented here is merely symptomatic of a much larger problem in the Victorian community’. Dr Doughney said we can be certain that the Labor Party, which drafted the problem-gambling-halved policy and claims, read those warnings. He was 100 per cent certain that the Labor Party, which drafted the problem-gambling-halved policy and claims, read those warnings. He was 100 per cent certain that the government members read the warnings and knew that what they were quoting was untruthful. It is another thing Dr Doughney has levelled at this government.

He concluded by saying that, if we did not expect the Premier and the Minister for Gaming to pass on these warnings:

You cannot get more clear speaking than that from someone as eminent as Dr James Doughney. In effect his report says that to use sample survey methods to estimate the actual prevalence of problem gambling in any meaningful way, you simply cannot use a system where problem gamblers are asked to self-assess.

The Productivity Commission has looked at this issue itself. The chairman of the commission has in effect said in respect of the 1999 survey of self-confessed problem gamblers who were in counselling and who were surveyed whilst they were in counselling that only 29 per cent said that they would have responded to the survey honestly, one-third said that they would have concealed their problems and 24 per cent said they would simply have refused point-blank to answer the questions. So the government knew the figures that it was putting before the Victorian public were effectively one-third of the true problem.

The government would have known that the industry itself in Victoria, made up of Tabcorp, Tattersall’s and so on, has identified that the percentage of problem gamblers in Victoria is more like 5 or 6 per cent of the population — that is, those who are on record as losing in the vicinity of $7500 per annum on gambling each year. That is a problem by anybody’s standards. In effect we have a serious problem. We have a government which, whilst in opposition, was amazingly critical. It used the gambling revenues flowing into the then coalition government coffers as one of its platform planks during the 1999 election campaign. Now that it is in government it is not just simply walking away from the problems but is trying to hoodwink the rest of Victoria by saying there is no problem.

As responsible leaders within the community we want to do something about this. How on earth is any government going to do anything about problem gambling if its main plank is to try to convince the rest of Victoria that there is no problem at all? The government lacks credibility in the whole area of problem gambling when it says things like smoking bans had something to do with fixing up problem gambling. It is all spin, and the government should hang its head in shame because it knows it is wrong. It is trying to bluff Victorians. It says it is trying to do something but ultimately not doing anything at all.

The government is using things such as limiting the amount of money you can get out of an electronic gaming machine to $200, which simply creates a travelling gambler who loads up or who goes from one venue to another. If you are truly serious about trying to combat problem gambling in this state, you would take a leaf out of Crown Casino’s book. It has
interventionists who actually walk around the casino and are actively looking for people who are acting in a stressed and anxious manner. They start up conversations with those individuals and offer them the services that exist for people who may be going through a problem with their gambling and who may have taken their gambling to a level where they can no longer control it.

We really need to be honest when we are talking about this whole issue. Here we have a government which has in effect cobbled together a review panel process at the last minute, due to extreme pressure from the public and the media. It was not going to do this. It had announced it prior to the election but three months later had not done anything at all about it. The Liberal Party put together a select committee from this chamber, and all of a sudden the government swung into action at the last minute. It again professes that it was going to do this all along. We know it is a lie. We know that the government would never have taken this action if it had not been forced to by the opposition parties in this chamber. Mr Lenders knows it is true. We know that the government would never have taken this action if in fact it was not forced to.

We now have a situation where this review has been put together. This is the government that opposed the fact that we were going to have our own select committee. We can see the problems that are going to be associated with this review panel from the way the government is acting with respect to the select committee. We are having enormous trouble in trying to do our job. We have in effect had public statements from the Auditor-General. We have had ministers individually declaring to the media that they would love nothing better than to appear before the select committee so that they can clear their own names, only to have the Labor Party machine nobble those ministers, in effect threatening them about appearing before a select committee. That is the trouble we are going to have.

I do not know how this review committee is going to be able to deal with all the various problems and barriers that are likely to be thrown in front of it. It is going to be difficult for this review panel to access things like commercial in confidence, commercial in cabinet and commercially sensitive documents. We are uncertain about the powers that are going to be afforded this review panel and how it is actually going to do the job it has been set up to do.

We also take issue with the fact that this review panel is going to have a retired Queen’s Counsel as its chair.  

Mr Pakula — A retired judge.

Mr DRUM — Mr Merkel, the retired judge who has been nominated, also happens to be a Queen’s Counsel. He and the panel are going to be investigating various issues, but if those investigations lead them to some points of interest that may have happened in the past, then they are going to be forbidden from going after those points of interest. They are going to be forbidden from investigating any issues that have some retrospective nature. There has to be an effort made on behalf of the government to block these powers simply because they lack what the government continually trumpets — that is, accountability and transparency. The government is simply trying to stop any sense of investigation into what has happened in the past. To disallow this review panel to work retrospectively has issues that The Nationals do not support. We believe that the panel should have the power to uncover any points of interest that it sees as being relevant to it.

We also wish the government had more credibility in relation to EGMs. We know about the tremendous amount of taxes that it takes out. We know about the Community Support Fund. Just today we heard that it is again taking a further $40 million out of the gambling sector for the health sector. In the last 18 months the government doubled taxation on the sector — I think it is up from $45 million to $90 million. It is now taking an additional $40 million, which in effect is coming out of the pockets of the gambling sector.

The government is continuing to go in hard and take the money out of the gambling sector, when it spent all its time in opposition bemoaning the fact that the government at that time was making so much money out of it, that it was in fact addicted to gambling. I think everybody in Victoria is well and truly aware that when you have a government that is wilfully and deliberately telling lies to the people of Victoria about the state of problem gambling, then you have a government that is going to refuse to take any action on problem gambling. When you now have a government that continually lacks credibility when compared to what it said in opposition, how can you trust it? When you have a government that puts together a review panel and a review panel process that does not have the teeth it needs to actually do the job, how can you trust it in that regard?

The way in which this government is handling the whole area of gaming, the gambling sector and the gambling industry lacks credibility, lacks truthfulness and lacks honesty and transparency. The issue deserves to be investigated to the maximum and not in the
slipshod manner which the government is proposing here. We will oppose this bill.

Mr BARBER (Northern Metropolitan) — This panel will be an internal inquiry panel run by the government, inquiring into itself. While it may be headed by a former judge, he will not be given particularly wide-ranging and judicial powers and the scope of what he can examine will be narrow — but good luck to him. The government could have inspired a lot more confidence in this area by throwing itself open to full scrutiny.

The circulated amendments might represent a small improvement, but the inquiry will still be an internal one and it certainly will not canvass the questions that the Select Committee on Gaming Licensing is trying to get answers to. The Greens will consider the amendments as they are moved. They are an heroic attempt by others to improve this bill, but from the Greens point of view we do not consider that as satisfactory, and I do not think anybody else out there in the community would consider this as anything other than that is, the government running an internal inquiry into itself.

The real test of all the various sorts of rhetoric that I have heard thrown around the chamber today and previously in the debate on the special committee — and, I think, in debate on a private members bill introduced by the Liberals in the last Parliament — will be some time down the track, possibly in the life of this Parliament, when we come to amend the Gambling Regulation Act 2003. Then we will see what each party here is willing to offer to the Victorian community by way of a way forward.

There are some other opportunities to scrutinise the regulation of this industry; one of them is the Public Accounts and Estimates Committee and another is the select committee that has been established. Unfortunately most of the other opportunities reside outside the Parliament through the action of citizens, the media and us as individual members representing our constituencies. I certainly agree with Mr Drum that the government is denying the problem because it is refusing to measure it; if you cannot measure it, you are certainly not managing it.

Numbers have been thrown around about the prevalence of problem gambling in Victoria. Now that there is more scrutiny on this issue, I wonder whether the government will continue to fall back on those numbers it has been using or whether it will start to have a more serious dialogue.

What we need here, through, to solve this problem is something that some of us may understand as the public health model. If members are not familiar with a public health model, they should think of the way we have attacked tobacco use or the road toll: you bring in experts to run the response; you look at all aspects of the problem; you do not set in stone any one particular response and say, ‘That is off limits’; and you actually aim to reduce the problem. If we had been addressing the road toll or cigarette smoking for these last 10 years the way we have addressed this issue and we were still sitting here saying, ‘Hang on, we don’t really know whether we have made any inroads or not’, or worse, if we just really had not even bothered to measure them, then people would be saying to those authorities — to the Transport Accident Commission and so forth — ‘What the hell have you been doing?’.

If members want to have a look at the public health model, they should check out the situation in New Zealand where in recent years revenues from gambling and particularly from poker machines have been falling. Not surprisingly, if you address the problems of problem gamblers — who, although being small in number, represent a large part of the actual losses in poker machines — revenues start to fall pretty fast. But we do not ever see from the Treasury in any year a forward-looking estimate of revenues from poker machines that shows them falling rapidly, which indicates quite clearly that it expects the problem to keep getting worse.

What we have here in Victoria is a revenue-collection model, and that is why the authorities running gambling policy are not the experts — the public health authorities — but they are in fact the Treasury and the Department of Justice responsible for tax collection and tax compliance. Of course we have our two duopolists running the industry, and they continue to put money into the pockets of other political parties in this chamber — not the Greens — and to prop up their two duopolists, Liberal and Labor, who, in broad terms across the board, support the industry continuing.

As I say, we will have an opportunity at some time — I hope in the life of this Parliament — to rewrite the Gambling Regulation Act 2003 in the way it has been rewritten in the New Zealand Parliament and has recently continued to be rewritten, with new measures being introduced as that Parliament makes new attempts to solve the problem.

In summary, the Greens will be supporting this bill in the final vote because we do not believe anyone is fooled into believing that this will be anything other than an internal inquiry.
Mr VINEY (Eastern Victoria) — I am pleased to enter this debate in support of the Gambling Regulation Amendment (Review Panel) Bill now before the house. I want to make some fairly considered and serious points in this debate.

I want to respond to a number of things said in the debate so far. I will start with the issue of problem gambling that has been raised by Mr Barber, and by Mr Drum in particular. I think Mr Barber made a comment that problem gambling needs to be tackled in the same way that issues such as the road toll and smoking have been dealt with.

I think the most striking difference between the way this Parliament and the parties have been dealing with problem gambling and the way we have dealt with issues such as the road toll and cigarette smoking is that in those latter instances there has been a genuine bipartisan approach. What we have seen already in the contributions to debate here today is that Mr Drum in particular and Mr Barber to some extent have actually used this debate as a means of making some political points about the issue of problem gambling. What frustrates me is that the points made by Mr Drum and Mr Barber appear to suggest that members on this side of the house do not care about problem gambling, yet nothing could be further from the truth.

Mr Drum — Why would you lie about the figures?

Mr VINEY — No-one on this side has been lying about figures.

Mr Drum — That has clearly been identified by an independent — —

Mr VINEY — Mr Drum is proving my point by making that assertion. The issue of problem gambling is a serious one in this community, and the government has been dealing with it seriously. We might argue whether it is 2.4 per cent or something of that order, or 1.2 per cent. The first figure was achieved by the Productivity Commission appointed by the federal Treasurer — from your own side of politics, Mr Drum — and the second, lower, figure as I understand it derived from exactly the same methodologies, in research undertaken by the Australian National University. So these are not figures established by this government; these are figures established by independent processes of research.

Whether it is 2.4 per cent or 1.2 per cent is beside the point. The issue is: we have people in our community with a gambling problem. I must say it has been that way for a long time. There have been problem gamblers who spend too much at the races; there have been problem gamblers who have spent too much down the road at the illegal gambling shop, there were probably problem gamblers when Jack Wren was running SP bookies out of pubs in Collingwood. I am sure that there have been problem gamblers in our community for a very long time. The question is: what does government do about it?

This government has put in a $132.3 million strategy to tackle problem gambling over five years. It is acknowledged as the most comprehensive package to deal with problem gambling in the history of this nation. This government is doing something about the long history of problem gambling in this nation. I am not here to say that the strategy is adequate or that it is inadequate. I am saying that this is the resource the government has put in, and there ought to be some acknowledgement that the government is actually making an effort to deal with what has been a longstanding historical problem in this community.

I am not a wowser about gambling, and I do not think Mr Drum is either because certainly The Nationals take plenty of campaign donations from Tattersalls and the Australian Hotels Association. To be absolutely serious, given the passion with which Mr Drum spoke about this he ought to be making a submission to his headquarters about The Nationals not taking any more fundraising from people involved in the gaming industry.

I have been to the races I think about six times. I have played the pokies three or four times in my life and probably lost about $30 or $40 cumulatively; I did not play the pokies for very long. I remember losing about $30 at a two-up game in the casino at Alice Springs on one occasion, and that put me off two-up for a good deal of time. The only gambling problem I have is a ticket in Tattslotto every Saturday which I call my get-me-out-of-the-zoo ticket. That is my main contribution to gambling.

I am not a wowser about it, but I am not personally a big fan of gaming and gambling either. However, there are people in our community who want to participate in gambling. Things like lotteries have been around for a long time; buying Tatts tickets has been a long tradition; and going to the races has been a long tradition in this community. The issue is how we regulate it and how we manage the response and the
services to those people who unfortunately are not able to control their interest in gambling.

I think the government has a pretty good record in that. A recent graph I was looking at showed that the growth in electronic gaming machines was quite considerable between 1992 to 1999 — that is, during the period of the previous government, at a time when Mr Guy was proudly working for the then Premier, Mr Kennett. During that time there was an exponential growth in electronic gaming machines, and since 1999 it has clearly plateaued. There has been hardly any growth in electronic gaming machines in this state since this government came into power.

There have also been regional caps put in place, because in our view there was a disproportionate number of electronic gaming machines in working-class areas. They have been a little more evenly distributed across the community. I might have all sorts of personal views about the way these issues can and might be managed, but I think members have to acknowledge that the government has been serious about trying to manage the issue of problem gambling in our community.

My second point is about regulation. The government has put in place a series of measures, including a complete rewrite of the Gambling Regulation Act, to manage and regulate the industry in a reasonable, fair and transparent manner. This is another layer of that process of regulation and management of the sector.

I think Mr Barber referred to the proposal in this bill as being for a review panel to be established as a government internal inquiry run by itself. The review panel members are all drawn from outside the government. The chair, Ron Merkel, who has been a Queen’s Counsel for almost 25 years — —

Mr Guy — How presumptuous! You announce the chair when it hasn’t been announced.

Mr VINEY — He is the proposed chair.

An honourable member — He is a former Federal Court judge.

Mr VINEY — He was a Federal Court judge for 10 years. He is not a person who is a part of government. I think it would be fair to say to Mr Barber that I have yet to see a QC or a former Federal Court judge give up their well-regarded independence. They quite rightly guard their independence and value it fiercely. I am sure that Mr Merkel will do the same.

In this legislation there is also a requirement that none of the members of the review panel are to hold any financial or business interests that are subject to that review panel’s work or to have associations with any members of the gaming or racing industries which are subject to that review panel’s work. This again removes conflicts of interest. The secretary of the department has clear powers to require a member of the panel to divest themselves of any such interests, if they exist.

Finally, far from being an internal committee reviewing itself — as Mr Barber asserted — the legislation provides for the minister to ensure that the review panel reports are published on the departmental website as soon as possible after the minister receives them. It is a public process conducted by independent people with no financial interests in or associations with the part of the gaming industry which they are reviewing. It is chaired by a QC with 25 years experience and 10 years experience as a Federal Court judge. This process takes place following all levels of the accountability and review processes that deal with the granting of — Mr Guy has a particular interest in this — lottery licences.

Whilst I am happy to participate in a debate about problem gambling and what we as a community need to do about it, I would much prefer that we participate in a process that has been the tradition in both houses of this Parliament when dealing with issues such as the road toll and smoking. I absolutely agree with Mr Barber that a good process is one where we thoroughly and properly look at these issues and tackle problem gambling, but I do not believe that the climate being generated by members of the opposition in particular, supported by the Greens, to create political capital and opportunism is the right one to tackle the issue with. Mr Guy is chuckling. He is struggling with the concept of bipartisanship. As was demonstrated in today’s Herald Sun, he will take any opportunity, even at the expense of his own future, to make a political point.

Mr Guy — You never did that in opposition, did you?

Mr VINEY — Mr Drum and Mr Guy made points about the government’s position on gaming when it was in opposition. I do not think there is any serious inconsistency with the views we expressed in opposition and the views we are expressing now that we are in government. We inherited what we inherited. The structure and the system of electronic gaming machines and lotteries was in place when we came into government. There has been no effective increase in the number of electronic gaming machines. To my
knowledge there has been no great change in the lotteries process. The only thing I can think of that has been deregulated a little is football betting. Let us face it, there was a hell of a lot of betting on the footy that was not done through the TAB. There was betting outside the formal system and there was a lot of formal betting through interstate bookmakers. I think that is the only change that this government has put in place in relation to gaming, betting and other gambling in this state.

I think the government’s record in seriously trying to tackle problem gambling is pretty good. Have we done enough to reduce problem gambling? I am not sure. As long as there is a considerable level of problem gambling in this state, maybe it can be said that we have not done enough. We do not say that we have all the answers, but we have put in place the most comprehensive strategy in Australia to deal with problem gambling. We will continue to do that. We are serious about it. That was the point that members of the government, when in opposition, were making, and it is still consistent with what we are doing now; it stands in contrast to what the previous government did.

There was an exponential growth in electronic gaming machines as that government introduced them with no indication that there was going to be capping or that that growth was going to stop, and it moved out of what the general community were expecting of electronic gaming machines — going into footy clubs, social clubs and bowling clubs — into a much more commercial, large-scale operation.

That is what this government inherited, and that is what we manage. There has been no effective growth in it. We have done so with great transparency — considerably more transparency than was demonstrated by the previous government, particularly in the casino tendering process. In this case what we are doing is putting in an additional layer of transparency and accountability, an additional process by which the minister can be confident that the regulation of the gaming industry is meeting the government’s policy objectives through an independent review panel, chaired by a QC, a former Federal Court judge — —

**Mr Guy** — Vetted by the minister!

**Mr VINEY** — I did not hear what Mr Guy said, but I hope Mr Guy was not casting aspersions on the capacity of Mr Merkel to make genuine, independent assessments within his responsibility, because that would be grossly unfair, and it would be taking the political points that he wants to make to an even greater extreme.

This is a piece of legislation that should be supported by all members of the chamber, because it is simply ensuring that there is a good and proper, independent review process over an industry that this government has taken seriously in its responsibility to regulate. I commend the bill to the house.

**Mrs KRONBERG** (Eastern Metropolitan) — I rise to speak on the Gambling Regulation Amendment (Review Panel) Bill, and I would like to respond to Mr Viney’s support of the bill. Whilst I feel that we could categorise it as an erstwhile attempt to support a government in desperate straits to deal with a crisis of confidence in this industry, I think we can say that when we have referred to the perhaps impeccable credentials of the person who has been nominated to chair this panel, the government is placing undue emphasis on those credentials as a way of putting some kind of illusory mantle around what is a fundamentally flawed process and structure.

We have to note that the breadth and scale of the industrial basis comprising public lotteries, gaming and wagering in Victoria is enormous, and many people from all walks of life, cultures and beliefs are touched directly or indirectly by this $1.2 billion colossus — this juggernaut. Some are employed by licensed operators; others are simply participants in an industry, and they want to know that things are being properly supervised by their government.

Most of the time individuals take pride in their chosen occupations. They expect their employers to operate with the highest standards of probity, integrity and transparency. Unfortunately for many, they are working in an environment where the perception — and perception is everything — is that the highest standards and probity do not prevail. And where is the blame to lie? We lay the blame squarely at the feet of the state government. This government’s shortcomings are multitudinous in the area of management or mismanagement of the gaming licensing processes. And the Victorian community is justifiably outraged.

Victorians are concerned that this government has mismanaged an entire industry. The government has no-one to blame but itself for the climate of disillusionment and distrust which necessitated the establishment in this chamber of the Legislative Council’s select committee inquiry into the management of the gaming licences processes.

It was reported in the *Age* of 16 February 2007 that the government is now subject to an exquisite situation of its own making. The Premier was expecting to gain control of the Legislative Council. One might
summarise the situation as the government being caught out or snookered, and it is probably squirming on a pike of its own making. The government’s claims that its aspirations to assuring that the highest standards of probity, transparency and accountability will prevail as the result of the establishment of the review process are a sham.

The bill has been put before Parliament on the basis that it would establish a four-person panel headed by a retired judge. In the words of the Premier of this state on 17 November 2006, in a media release entitled ‘Independent panel to review gaming machine licences’, it would independently and publicly assess the recommendations of the current steering committee licences review team.

Furthermore, how can you have an inquiry that is in secret? We can now see that parameters have been set. The panel cannot inquire into anything that has been publicly announced, and unbelievably, the panel cannot inquire into anything that has already been announced. Where are the provisions to stop the minister making announcements at any time in the future that will further water down what is yet to be examined by the panel? Ironically, this panel and its powers for inquiry are about transparency, yet its inquiries are to be held in secret.

This industry has been run as a duopoly. Therefore the mindset of the participants — namely, that the licence-holders and the government operate in secret — continues for so long because they rest on the need to maintain so-called commercial confidentiality. If we use the test of what a reasonable man would think, what would such a man make of the fact that announcements that Tattersalls had been awarded a one-year extension of its public lottery licence were made on the very last working day before Christmas last year?

As further evidence that the government has deliberately concocted a sham of a review process, we note that the panel does not even have any coercive powers. How can a review panel investigate very sensitive issues without the enabling legislation clauses which would empower the panellists to call witnesses and obtain documents?

The report needs to be tabled in this Parliament, but that will not occur under this legislation. A minister already under siege will be able to seek refuge by keeping the report secret until after decisions on tenders and licensing have already been made. As if this process were not already contaminated beyond belief, the bill provides for massive slabs of the ultimate report to be censored. If one turns to clause 3, proposed section 10.2A.11(3) states:

Before publishing a copy of a report under subsection (2) the Secretary must exclude from the report any information that, in the opinion of the Minister, is —

(a) protected information; or

(b) information that is or could be the subject of legal professional privilege.

This decision may also rest with other parties. We seek leave to have this bill amended so that it will provide a measure of public confidence in this review process.

Mr PAKULA (Western Metropolitan) — I rise to support the bill, and I want to make some relatively brief comments in support of the position put by Mr Viney. This is a bill which is worthy of Parliament’s support. It is a demonstration that the government wants both a gambling licence review process that Victorians can have confidence in and at the same time a tender process that the tendering parties, whether they be local or indeed national or international businesses, can have confidence in as well. Despite the nay-saying of the opposition, the government has in fact committed to the most significant review in Victorian history of both a regulatory structure and associated arrangements for the major forms of gaming and wagering. Even though the probity auditor Pitcher Partners has on three separate occasions confirmed the probity and decision making of the interdepartmental steering committee, the government has nevertheless committed to a further layer of scrutiny in line with the election commitments that were given in November 2006.

Because there has been a lot of commentary about what the review panel cannot do, it is probably worth the house taking note of what the review panel is able to do. The first thing the review panel is charged with doing is considering and reporting to the minister on both the policy development process and the licensing process itself. The review panel has to undertake to report to the minister, firstly, on whether the processes conform with standards of good governance.

There has been a lot of criticism from the opposition, The Nationals and the Greens — who I think have described it as the government reviewing itself — about the terms of the review and that they are not sufficiently far reaching. It is probably worth looking at how wide ranging are the terms of the review for the licence-awarding process, because that seems to be the particular bit that the opposition has its knickers in a twist about.
Going through not all but some of those points, and not exhaustively, the review panel has to review whether all registrants and applicants have been treated equally and impartially, whether they have all been given the same opportunity to access information and advice about the process and whether all protected information has been managed to ensure its security and confidentiality. That, for my part, is an element of the review that I look forward to getting, because I would like to compare the security and confidentiality of the tendering process with the security and confidentiality that we all recall did not occur during the casino licensing process in the early to mid-1990s. It is a bit rich for the opposition, who in government oversaw that fundamentally flawed process, to be now crying crocodile tears about a tendering process. Crucially the review has to look at whether there has been any improper interference with the making of any recommendation or report. To suggest that the review panel cannot look at serious issues is just simply not supported by the facts and by the legislation.

It is also important to look at what the review is not and at what the review will not do. Unlike other inquiries this review has not been set up for the sole purpose of causing political damage to the Victorian state government, like the other travesty of a committee that I am fortunate enough to be a part of. The committee has not been unreasonably and unnecessarily stacked with non-government members far beyond their representation in this house. The committee is not chaired by Mr Rich-Phillips. Sadly this review committee only gets the services of one of Australia’s most distinguished jurists, a Queen’s Counsel, one of Australia’s most distinguished Queen’s Counsel, Ron Merkel.

Mr Guy — And vetted by the minister’s office.

Mr PAKULA — I say to Mr Guy that admittedly Mr Merkel has neither Mr Rich-Phillips’s style nor his breeding, and in fact I am quite sure that when he was a barrister that is was said about Ron Merkel in chambers: ‘He is good, but he is no Gordon Rich-Phillips’. But, all jokes aside, Mr Merkel is indeed, as I am sure even members of the opposition, The Nationals and the Greens would acknowledge, one of Australia’s most respected jurists, a Queen’s Counsel who worked in administrative and corporate law for more than two decades, and a highly regarded Federal Court judge. It gives the lie to the claim that the review is a whitewash or a toothless tiger, because I do not think any reasonable person would believe that a person of Ron Merkel’s experience, credentials, integrity and honour would allow his name to be associated with a whitewash or a toothless tiger. It would go against everything that he has done in public life over more than two decades as a lawyer and judge.

Mr Guy — You will vote for our amendments, then?

Mr PAKULA — Your amendments are not necessary. There is no way that someone of Mr Merkel’s standing would allow his name to be associated with what Mr Guy claims this review panel is. It is really a bit rich for the opposition parties to have either this Parliament or the Victorian community in general believe that we cannot have faith in a review chaired by Ron Merkel, QC, but we can have faith in a select committee chaired by Mr Rich-Phillips, who, despite whatever qualities he may have, is by definition a partisan figure.

The other thing that the review will not do is shatter the confidence of business to deal with government on proper terms, unlike the intrusive activities of the select committee that have been outlined in this house by me, by Mr Viney and by other members of the government. The review panel’s report will not be released publicly until after the tender process is complete and after the lotteries licensing announcement has been made. That is a recognition that the review panel will be viewing market-sensitive information that could, if inappropriately released, have a significant impact on the commercial value of industry participants.

I was planning to confine my remarks to the bill itself, but Mr Guy, in his way, ranged widely, as he ranged widely in the Herald Sun this morning. I find it interesting that under Mr Guy’s standards it is okay to have a taxpayer-funded job before you are an MP but not after you are an MP —

Mr Guy — You are directly employed by your own mates.

Mr PAKULA — Mr Guy has been directly employed by a number of his mates, I understand. But I digress, President, and I am mindful of your ruling earlier today about not digressing too far. Mr Guy ranged widely in his speech, as he is entitled to do. I just wanted to point out a number of statistics about gaming that Mr Guy either conveniently overlooked or perhaps was not aware of. As Mr Viney pointed out in his remarks, the greatest growth in poker machine numbers in this state occurred between 1992 and 1999.

In the years since, that has plateaued to almost no growth whatsoever. The growth between 1992 and 1999 coincided with Victoria’s dark days with respect to gaming probity.
Mr Guy — You’re joking!

Mr Pakula is probably frustrated at not being a federal member of Parliament. It was probably because he froths at the mouth that delegates did not preselect him when it came to knocking off Simon Crean. We know where his agenda lies, and this place is just a forerunner for his greater ambitions to be the Prime Minister of Australia. I say that with a real joke intended, because if he were the Prime Minister of Australia, I would be going somewhere else.

The President — Order! The member might like to come back to the bill.

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The amendments would insert at page 6 a new paragraph (c) in proposed section 10.2A.3(1) that would give greater clarity to the chair of the review panel on what that panel should be doing. The new paragraph states:

(c) to consider, and report to the Minister on, the conduct of any of the following in relation to the regulatory review or the authorisation and licensing process —

(i) a Minister of the Crown;

(ii) a person employed under Division 1 of Part 6 of the Public Administration Act 2004;

(iii) a registrant or an applicant for an authorisation or a licence;

(iv) a person engaged to provide services to a registrant or an applicant for an authorisation or a licence.

We would be establishing a regulatory framework so that Mr Ron Merkel, or whomever it may be, would have had a clear definition of the purpose of the legislation.

We also want to delete proposed section 10.2A.3(1)(4) in clause 3. If it is read in its entirety, it points to a government that is trying to be secretive, that is trying to avoid scrutiny, that has set up a review panel with no teeth and that has appointed a panel with a chairperson who has no authority.

Nothing could be clearer, because the provision in the bill states:

Nothing in this Part requires or authorises the Review Panel to consider or report to the Minister with respect to the regulatory review or the authorisation and licensing process to the extent that the review or process led to any decision publicly announced by the Minister before the commencement of this Part.

We know there were a lot of issues about the gaming process before the commencement of this legislation, which has not yet even been passed. The government has inserted clear parameters for the chair of the review panel so that panel members have no authorisation. That same provision commences with the words:

Nothing in this Part requires or authorises …

The panel cannot even look at the issues the minister may have announced publicly before the commencement of this part. Why not? We want to remove that part and give greater clarity to the legislation.

I will now move on to some other points that concern us. On page 10 of the bill under the heading ‘Division 4 — Procedure of Review Panel’ are the provisions relating to meetings. This government purports to be open, honest and transparent — although we are hearing less and less of those three words now — but what we are proposing is that it should be more transparent. We are proposing with our amendments that a meeting of the review panel must be held in public unless the review panel determines that there are special circumstances requiring that the meeting or part of it should be held in private.

We will move an amendment to insert subsection (6) in proposed section 10.2A.9 to provide that sections 14, 15 and 16 of the Evidence Act apply to and in relation to any proceeding of the review panel. What we are trying to do is get some level of accountability with this government. It has not only nobbled the capacity of the review panel, it has restricted the capacity of the chair to undertake a proper review process. What we are trying to do is make it more open and transparent through an open hearing process in which the evidence taken can be considered. We do not see that in the current legislation before the chamber.

The other point that I would like to note concerns the publication of the review panel reports. These are dealt with under proposed section 10.2A.11 on page 11 of the bill. We are proposing an amendment to proposed subsection (1) to provide that the minister must: (a) give a copy of each report of the review panel to the secretary as soon as practicable after receiving it, and (b) cause a copy of each report to be presented to each house of Parliament within 14 days after receiving it et cetera. What this will do is make it very clear that no internal process will be going on that will exclude open and transparent accountability via the Parliament for the people of Victoria. What this legislation does is exactly that: it restricts openness and the capacity of the Parliament to open these types of reviews to some level of scrutiny.

The other point I would like to make is in respect of subsection (3) of section 10.2A.11 of proposed division 4, which is on page 12 of the bill. It states:

Before publishing a copy of a report under the subsection (2), the Secretary must exclude from the report any information that, in the opinion of the Minister …

What we are saying is that the criterion should not be the opinion of the minister, especially if the minister is the one being criticised as a part of the process. The minister cannot be criticised because the legislation as it stands specifically excludes any capacity for the review panel chairman or the rest of the review panel to investigate it, as it falls within the particular functions and powers of the review panel under proposed section 10.2A.3(4), which we suggest should be deleted. Our amendment provides that the minister may
Mr TEE (Eastern Metropolitan) — I rise to speak in favour of this bill. It is timely because it occurs in an important period for the gaming industry in Victoria. We have an ongoing process for determining who will get the next public lotteries licence, but a number of other licences are coming up. They include the gaming machine licence, the wagering licence, the approved betting competition licence and the Club Keno licence, all of which will come up in 2012. As well as that there is an important review of the regulatory structures that are in place, which Mr Barber mentioned in his contribution.

This bill builds on and strengthens the measures that are already in place to ensure that we will get a process that is transparent and open and will deliver better results. The bill will achieve that outcome in two complementary ways. Firstly, it will ensure that the process for determining these important gaming issues is the best possible process — that is the work of the review panel — and secondly, it will ensure that decisions will be made by following that process. It will ensure the best process and that process will be followed. As I indicated, this important work is being done by a review panel that will always be chaired by a former judge. It is interesting to note in this regard that Mr Ron Merkel, QC, has been announced as the chairman. That has been a source of criticism from those opposite, not necessarily because he is eminently qualified but because the announcement was made prior to the consideration of the bill by this house. It is difficult to take that criticism on face value in view of the complete disregard of process in these matters by Mr Kennett when he was Premier.

The fact that the review panel will be chaired by a former judge will reinforce the independence of the panel. The review panel is independent of the process, it is independent of the parties and it is independent of the government. The panel’s role — and there has been some concern about a lack of detail in terms of the panel’s role — will be to ensure that the parties are treated impartially, that the information provided is protected and that confidentiality is respected. The panel’s role is to ensure that there is no improper interference and that any conflicts of interest have been properly addressed. There is detail in terms of the role of the review panel. The panel’s role will also be to report on whether or not any recommendation or report discloses any bias or apprehension of bias.

So yes, it is a broad-ranging review, but the independence of the panel is such that it ought to have those broad-ranging powers. In short, the panel ensures that the process is squeaky clean, and it ensures that those whose job it is to make these important decisions do so in an environment that is fair and free of any bias or improper interference. The panel can initiate its own investigations, and those reports will be made public.

The bill sets a benchmark for ensuring the highest standards of probity and good governance. But while exclude information if the minister has received advice from the Solicitor-General that the information meets the requirements set out in paragraphs (a) and (b) of proposed section 10.2A.11(3) — that is, it is protected information or information that is or could be the subject of legal professional privilege.

This piece of legislation is flawed. The government has talked a lot about Mr Ron Merkel, QC, and the others who will be appointed to the panel, but they have actually been given nothing to work with. They will be stymied by this legislation. Fancy press releases that purport to say that the bill will do certain things were put out on 7 March. It is a hallmark of this government that it continues to announce changes via the media before they come into the chamber. It no longer has the numbers to pass legislation, so it is a bit foolhardy for it to continue with that type of approach.

In conclusion there are a number of areas of concern that we need to be mindful of. We believe the review panel lacks transparency. It has insufficient power and quarantines the ministers away from any review. The review panel can only consider and report on the processes for the preparation of recommendations, and it reports to the minister and not to the Parliament. No prior decisions of ministers or the processes leading to decisions can be examined. It lacks coercive powers. There is no ability to call witnesses or call for documents and there is no provision for public hearings. It lacks transparency and openness.

The minister has stated that the report will not be published until after a tender decision has been announced. That again reveals significant flaws. I also have a significant concern that the minister will have powers to censor any sensitive information contained in the report. Members will see that they are quite extensive if they read the bill in detail. I look forward to supporting the amendments we are proposing. They are reasonable amendments, and I hope the other parties in the chamber will review them and consider them to be an appropriate way to move forward. We need to have greater clarity for those on the review panel. We need to give the panel teeth so that it can investigate not only the activities of those who are seeking to get a licence but also the minister and what the minister either may have done previously or is doing currently. On that basis I look forward to further debate on the legislation.
ensuring good governance, it also puts in a number of important safeguards. One of those is that the bill is prospective and not retrospective; decisions that have been made and announced are not considered. This is good legislative practice. In any event, for the panel to retrospectively consider decisions that have been announced would cast an unnecessary uncertainty over all that has gone on before. This uncertainty would not be good for those who have acted on the basis of decisions that have been made and announced.

Naturally this bill ensures that information protected under the Gaming Regulation Act is not disclosed by the review panel. It is not, as has been suggested by those opposite, a vetting by the ministerial office; it provides for a requirement to comply with the Gaming Regulation Act currently in place.

The bill protects confidential information which is released as part of a tendering process or as part of an examination of the regulatory framework in a number of ways. It ensures, firstly, that the considerations of the panel are in private; secondly, that publicly released reports do not disclose information protected by the Gaming Regulation Act; and thirdly, that the report will not be made publicly available until after the outcome of the process, the subject of the review. These safeguards are both necessary and common sense. They allow the review panel to rigorously examine the process without compromising the outcome. In doing its job the panel cannot, and should not, compromise the very process it is observing.

As we know, the tender process occurs in a competitive environment. Tenderers needs to be confident that the information they give in confidence remains in confidence. Confidential information that advantages a bidder, or indeed disadvantages their bid relative to that of their competitor, must remain confidential. If companies knew that information they were giving would be disclosed, they would be reluctant to provide that information. They may even be reluctant to tender, and the state of Victoria would be worse off.

You cannot have a rigorous tender process without requiring that tenderers make full and frank disclosures, and you cannot have full and frank disclosures without ensuring that market-sensitive information is protected. Full disclosure can only occur where parties are confident that their disclosures will not be used to undermine them. The tender process will not be effective if it is at the expense of damaging the competitive position of the tenderer.

This bill gets the balance right. It protects the legitimate interests of the bidder while ensuring that the review panel can do its work. The bill ensures that the proper process is followed without intruding on, or indeed distorting, the outcome of the process.

For those reasons I would urge the house to support the bill. I would urge the house not to support amendments that do not add value to the bill, amendments that simply serve to delay the passage of the legislation. The review panel has important work to do, and let us not delay that work. Let us not delay the passage of this important legislation.

Mr ATKINSON (Eastern Metropolitan) — This is quite an extraordinary piece of legislation.

Mr Jennings — Specificity.

Mr ATKINSON — Correct — not my word, but I will use other words that are almost as long in describing a piece of legislation that is quite extraordinary. Welcome to a mechanism that was developed during an election campaign to get the government off the hook for a botched tender process. And let there be no mistake: that is all this legislation is. The former Minister for Gaming in another place, John Pandazopoulos, has already paid the price for the botched process. Now the government is trying to wallpaper over the cracks with this legislation.

This legislation is not about a proper review of the tender process. It is about somebody — former Justice Merkel — producing what for the public will be a set of guidelines or a little template for how tender processes should operate. It will probably be an abridged version, because the way this bill is structured there will not be an opportunity under the legislation for a full, transparent and comprehensive review of the tender process and for public notification of what the government’s processes have been.

They are in question. There are some issues that this house is exploring through the select committee. The government’s own officers have questioned the process. One of the reasons the lotteries licence has not yet been issued is that in effect there was a protest about the processes this government had in place. The fact that one of the tenderers for the lotteries licence, Interscan, which is a Greek-based company, had in fact — —

Mr Drum — It is Intralot.

Mr ATKINSON — Intralot; you told me it was Interscan. Intralot was concerned that in the tender process it had not had the same opportunity that was available to the incumbent company, Tattersall’s. The advice to the government was that there was a case to
Mr Tee suggested that any comments regarding former Justice Merkel are out of court; that in fact it might reflect on his integrity and his capacity were any criticism associated with his chairing of the review panel. I am aware of Mr Merkel’s distinguished legal career. Can I suggest to you, President, that it was a contempt of this Parliament, or at the very least a discourtesy to this Parliament, that Ron Merkel was named the chair of that committee before this Parliament had even passed the legislation. It is a contempt of this Parliament, or at the very least — —

Mr Viney interjected.

Mr ATKINSON — I will come to Mr Viney, because he made some extraordinary statements in his contribution to the debate. The revising of history by this government is extraordinary, and we will come to some of it in just a moment.

There is no reflection on Mr Merkel’s career and integrity; but if I were him, I do not think I would have taken this gig because I think he will come out of it tarnished and diminished. The report he will have to prepare and release to the public will not do credit to his career to this point. Indeed, as I have said, his appointment ahead of this legislation being passed is absolutely outrageous as far as this Parliament is concerned.

I can only believe the reason it was done was because the government was flying on a feather with this bill and realised it was a sham. As other speakers, particularly Mr Barber, mentioned earlier in this debate, this legislation was not seen as having any real credibility. The one way this government thought it could beef it up a little bit was to announce that somebody of the calibre of former Justice Merkel would lead the inquiry.

Can I come back to some of the spin doctoring that has gone on during the debate here? From my point of view it seems there is a very short bridge from spin to delusion amongst some members of the government. I remember — and some other members might also remember — some of the most extraordinary advertising I have ever seen from a government when former Premier Joan Kirner featured in airbrushed commercials. She explained why Victoria was introducing gaming machines, but she did not explain it very well. The reason Victoria introduced them was that the Cain Labor government held the Nieuwenhuysen inquiry and introduced changes to liquor laws.

I agree, as we all would, with many of the changes that were recommended by the Nieuwenhuysen inquiry, but the Labor government rushed those reforms through and introduced them at a time when interest rates were very high and when there was a very serious economic environment for business in this state, and indeed nationally. The result was that the ANZ Bank held more hotel licences in Australia than any other entity. Because they were all in receivership the bank had resumed all of the hotel licences from licensees who had to leave the industry.

What happened was that the Labor government said, ‘We are in trouble with the Australian Hotels Association; we are headed towards an election and we have got all these problems, so we will introduce gaming machines. They can go into hotels, and that will get the AHA off our back, because its members will have a new revenue stream and hopefully this will be a bit of a kick-start for Victoria. We will be seen as moving this state forward’.

It was Joan Kirner who introduced the gaming machines, set down the number of gaming machines allowed in Victoria and laid the framework on how they were to be introduced, which included a considerable share of those poker machines going into the hotel industry rather than into clubs and community organisations across Victoria, but which might well have at least balanced some of the disbenefit of gambling beginning with some community benefit. Joan Kirner introduced them.

answer. Former Minister Pandazopoulos would suggest that there is a case to answer, because he has gone. The fact that there has been no issue of the lotteries licence or a decision made and that a protracted process is still continuing on this — that Tattersalls has had to be granted a temporary extension of the existing licence — all indicate the failure of process. Yet this legislation provides no full and transparent analysis of that process.

It is just as well this house voted in favour of a select committee, because it is the only way that some of the issues and the public concerns that exist in regard to this matter will be addressed. But already, as has been alluded to by other speakers, the government is ducking and weaving and running a spin line saying, ‘Yes, we’d love to appear before the select committee, but we can’t’ and saying it is because of the precedent it might create or because Legislative Assembly ministers do not appear before upper house committees and so forth. All of the spin-doctoring is in place on that select committee. Of course this is the ultimate prop — to say, ‘Anyway, while that panel is there we already have another process in place’.

I can only believe the reason it was done was because the government was flying on a feather with this bill and realised it was a sham. As other speakers, particularly Mr Barber, mentioned earlier in this debate, this legislation was not seen as having any real credibility. The one way this government thought it could beef it up a little bit was to announce that somebody of the calibre of former Justice Merkel would lead the inquiry.

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Mr Viney interjected.

Mr ATKINSON — Mr Viney, or one of the other speakers, claimed that when this Labor government came in under Premier Bracks, it had introduced caps. Not true! The Kennett government introduced the caps on gaming machines, and Labor simply continued the caps that had been introduced by the Kennett government.

If we are going to have debates in this place, then let us leave the spin in the press releases that go out to the public. Let us be serious about the debates in this place and let us get the facts right, because unless we have factual and accurate debates, there is not going to be a proper analysis of serious issues in this state. The reality is that members of the government come in here time after time trying to revise history. They make claims, as Mr Viney did today — and frankly he should know better than most — that are absolute rubbish. They are inaccurate, not factual and do not advance this debate.

There is no doubt that gaming issues are serious in this state and that a great many people are troubled by gambling. We should be looking at supporting those who are addicted to gambling with policy initiatives, not simply with such gimmicks as turning off the clocks, introducing smoking bans, moving ATMs a few feet here or there, or all of the other little gimmicks that are being done and which are being claimed as great initiatives in the reduction of gambling and problem gambling.

We ought to look at serious initiatives that will reduce problem gambling. If you have a look at election policies, you will find that we in the Kennett government had a comprehensive policy on what we would do. That included cutting the number of gaming machines in Victoria, not simply moving them around the state to new locations or by introducing artificial caps.

A number of government members on a government committee in the last Parliament actually looked at the government’s caps policy and concluded that it was useless. They thought placing caps on the number of gaming machines had absolutely no impact on problem gamblers and that, oddly enough, problem gamblers had cars or train tickets and simply got to venues in other areas. The government’s own back bench committee found that that policy was a sham. I think Mr Scheffer might have been on that committee, but I am not sure.

Mr Scheffer — No, I wasn’t.

Mr ATKINSON — It is a great pity, because he would have lent some credibility to this debate. The fact is that the government’s policy on caps has also been a disaster, and it certainly has upset quite a number of local councils in my area — such as Knox, Maroondah and Whitehorse — which are now battling to keep poker machine venues out of their municipalities. They have made planning decisions which have been appealed to the Victorian Civil and Administrative Tribunal and VCAT has simply overruled them.

The government wants those machines in those municipalities because it has to meet its revenue targets and its responsibilities to the gaming machine operators, but of course the government also has caps applying to some other areas. It is the only way it can meet its obligations to the machine operators and also keep up its revenue stream, which, as I think Mr Barber noted today, has been increased by an additional $40 million in tax. Actually it is more than that; the tax on 30 000 poker machines has been increased from $3033 on each machine to $4333, which will total a bit over $40 million, as I understand it.

To meet those revenue targets the government needs those machines in place, so it is quite happy to see them go to places like Maroondah, despite the fact that local communities have decided that they do not want those machines, that they are inappropriate locations, yet the government in its rhetoric says, ‘Yes, you have got a say in it’, but when it comes to the reality of the decision-making processes — of the sham processes of this government — those communities have no say at all.

I have a real concern about this lotteries licence process. My concern is partly about the fact that we have the possibility of Woolworths and Coles being involved in selling lottery tickets. If a second operator — and Intralot is certainly one of the applicants — or another party were to be granted an additional lotteries licence in Victoria, then it would need to find a distribution stream. The easiest way to set up a distribution network is through the supermarkets. They have already had discussions with Coles and Woolworths about setting up that distribution.

There are a lot of small businesses right across the state which have invested in the infrastructure to maintain a network for lotteries in this state with an existing operator. I am concerned that whilst we often think about the impact that a decision may have on a company like Tattersall’s — which in my view is big enough and ugly enough to look after itself — my greater concern is for small businesses which have invested in their businesses and provided a service to
the community. I think they have been very responsible in their management of those lotteries and games.

I do not believe that Coles or Woolworths will be able to provide the same level of responsibility in managing lotteries in the community. Indeed I have seen that when those companies have introduced other similar services, like booking services, dry-cleaning services and so forth, invariably they have failed in the supermarket environment because the people are not properly trained, they are not properly supervised and they do not have the engagement with customers that the small businesses have. If we were to see a significant expansion of lottery games within the community, it is likely we would see more people involved in problem gambling with lotteries than with gaming machines, so I do not support that.

In this process the government is conducting in terms of lotteries, it will make a decision after former Justice Merkel and his panel have prepared a report and provided the basis upon which he has expressed any reservations about the process. He is certain to do so, given existing advice that has been provided to the government by the Department of Justice. The decision will be made by the government without any substantive input by Mr Merkel, because he will be shackled by this legislation and the terms of reference in this legislation. He will be unable to make a full and proper investigation. He will not have coercive powers, he will not have the ability to call witnesses or documents and there is no provision for public hearings.

This process is a sham. It lacks credibility, as Mr Barber and other speakers have said in this debate. The reality is it is simply the government putting in place the mechanism it came up with as a knee-jerk reaction during the election campaign to deal with what was at that time a problem. It has dealt with the problem. It has dumped the minister. It has now got a review panel. The government is attempting to hoodwink the community by saying, ‘We have dealt with this and our processes are clean’. They are anything but.

The minister should never have allowed this process to be tainted as it has been. It has been a protracted process already in regard to lotteries. We have got gaming machines that are also now part of a review process. I do not think this government can come to grips in any effective way with gaming policy. The policy it took to the election was inadequate and insensitive to problem gamblers and to people in the community who are concerned about gambling issues. This government’s administration of its own policies as they exist at the moment, and its attempts now to try to cover up and whitewash the mistakes that were made in the previous government under former Minister Pandazopoulos, stands to discredit it almost as much as its tendency to try to revise history and to hoodwink the members of this Parliament.

The amendment should be passed. I do not think the legislation will advance the cause of Victorians very far at all. The select committee represents a much more vigorous and effective process in determining the shortcomings of the government’s administration of gaming policies in the past and in establishing a framework for the future management of gaming in this state.

This legislation will not be opposed by the opposition, as has been indicated, but I would suggest that government members ought to think very carefully about the amendments because they are crucial to giving some bite and some effectiveness to this legislation.

House divided on motion:

Ayes, 34

Atkinson, Mr
Barber, Mr
Broad, Ms
Coote, Mrs
Dalla-Riva, Mr
Davis, Mr D.
Eideh, Mr
Elasmar, Mr
Finn, Mr
Guy, Mr
Hartland, Ms
Jennings, Mr
Kavanagh, Mr
Kronberg, Mrs
Leane, Mr (Teller)
Lenders, Mr (Teller)
Madden, Mr

Mikakos, Ms
O’Donohue, Mr
Pakula, Mr
Pennicuik, Ms
Petrovich, Mrs
Peulich, Mrs
Pulford, Ms
Rich-Phillips, Mr
Scheffer, Mr
Smith, Mr
Somyurek, Mr
Tee, Mr
Theophanous, Mr
Thornley, Mr
Tie Ney, Ms
Vinay, Mr
Vogels, Mr

Noes, 2

Drum, Mr (Teller)
Hall, Mr (Teller)

Motion agreed to.

Read second time.

Ordered to be committed on Thursday, 19 April.

Sitting suspended 6.21 p.m. until 8.03 p.m.
PRAHRAN MECHANICS’ INSTITUTE AMENDMENT BILL

Second reading

Order of the day read for resumption of debate.

Declared private

The DEPUTY PRESIDENT — Order! The President has had the opportunity of examining this bill and is of the opinion that it is a private bill.

Mr LENDERS (Minister for Education) — I move:

That this bill be dealt with as a public bill.

Motion agreed to.

Debate resumed from 15 March; motion of Mr JENNINGS (Minister for Community Services).

Mrs COOTE (Southern Metropolitan) — I have pleasure in speaking on the Prahran Mechanics’ Institute Amendment Bill 2007 and saying at the outset that the Liberal Party will be supporting this bill. We debate this bill in a climate of multimedia supremacy. We have the internet, we have BlackBerries, we have YouTube and we have a whole range of opportunities, including wireless computers. It would be nice if we had better computers in here, I might add, but the rest of the world enjoys a very sophisticated multimedia environment.

It is within this climate of multimedia choice that we have today in this country and, indeed, worldwide that we debate something that started in the 1850s. It is important to understand the history of the Prahran Mechanics Institute while we are debating this bill, because it has held a very important role within the Prahran community and within the state of Victoria for a significant time.

This bill basically tidies up a lot of anomalies which have been reflected in Prahran Mechanics Institute itself, and it is not before time that these anomalies are being cleared up. It is interesting to take the time to reflect upon the history and importance of the mechanics institute in Prahran. I would like to go through a brief historical reflection on the development of the Prahran Mechanics Institute itself.

First of all, though, I would like to quote from an extensive book called If the Walls Could Speak — A Social History of the Mechanics Institutes in Victoria, which is edited by Pam Baragwanath. I think it is an excellent commentary on mechanics institutes right across this state, and indeed some of the anecdotes in this edition are extremely interesting. I encourage those of you who are here from other constituencies to have a look at this book and see what mechanics institutes are in your areas, because they are snippets of history and a time gone by, but they are a very rich resource within each of our communities.

Historically, in 1854 the Reverend William Moss decided to hold a meeting in Prahran to discuss the propriety of establishing a mechanics institution in Prahran to provide moral and mental improvement. At the time this was in fact a reflection of the mechanics institute movement that had been started in Glasgow and had moved right across the world. They held a meeting and decided that this would be a worthwhile thing for Prahran.

One of the things they decided to institute was in fact a series of lectures, and I would like to read into the record what those lectures were. The lectures were held weekly. The book states:

The lecture topics reveal some of the moral and cultural preoccupations of the founders and members of the institute at the time. Reverend Moss spoke on ‘The Crusaders’ and raised the question, ‘Which has the more evil tendency, novel reading or music?’ (The members decided that music had the greater power over the human mind, the greater power of leading men into evil.) The institute’s first secretary, John Romanis, gave a lecture entitled ‘Has the introduction of machinery been of benefit to the working class?’ (A majority voted yes.) Mr George Rusden gave a talk on ‘Comic characters of Shakespeare’ and ‘Whether the career of Napoleon has been beneficial to mankind’. (After debating for two nights, the members found that it had been injurious.) Cr Crews asked, ‘Has the miser or the spendthrift been more injurious to mankind?’ (The miser won the verdict.) Other topics included ‘Is the use of tobacco injurious or beneficial?’ and ‘Should parents be compelled to educate their children?’.

I think we have some opportunities there for some motions in this Parliament!

These lectures were a great success, and indeed the Prahran Mechanics Institute was starting to become quite a force within the area. In 1856, with a government grant of £1300, the first Prahran Mechanics Institute was opened by Sir Henry Barkly. Things went very well in the intervening years until 1861. In 1861 the Prahran Public Library was established. The Prahran Public Library posed a huge threat to the mechanics institute and forced a series of declines in the institute itself. These were nonetheless also due to bad management by the people in charge of the institute. There were also some huge confrontations with local institutions and organisations. At the end of the day these conflicts caused huge damage and finally ended with a scandal in 1871, which basically had to do with...
ratepayers being refused entry into the mechanics institute.

After a lot of infighting an act of Parliament was passed. It is interesting to look at the times over the past decades — centuries, in fact — in which the Prahran Mechanics Institute has been the subject of a bill within this place. I would like to read once again from Pam Baragwanath’s book:

After two years of fighting to gain control of the properties and management of the institute, town clerk Mr Hinde with the assistance of Sir Frederick Sargood, Mr Gray, MLA, Cr Crews, Mr Rusden and other concerned citizens persuaded the government of Victoria to pass act no. 1617 ‘to provide for the incorporation and government of the Prahran Mechanics Institute, 27 October 1899 … the powers of which were intended to resuscitate the almost dead institute into a living benefit to the citizens’.

We have been discussing the Prahran Mechanics Institute for some years now in this place and hopefully the debate tonight will be a conclusion to a number of the anomalies that have arisen over the centuries in dealing with this particular organisation.

In 1900 the mechanics institute in Prahran was finally revamped with the appointment of new management. The committee decided to look at what the mechanics institute was providing and it laid a foundation stone, which is at 259 Chapel Street, Prahran, if anyone would like to have a look at it. In 1900 there were 10 members and 100 books. Three months later the Prahran institute was on the move and doing much better. It had 100 members, 1079 books, 654 magazines and 438 weekly newspapers. This was the sort of service the institute was providing to the people within the Prahran electorate.

Land is the issue of this bill before us tonight. Information provided to me says that the Prahran Mechanics’ Institute Act 1899 was passed to incorporate the Prahran Mechanics Institute and circulating library and to transfer the ownership of the assets and liabilities of the original trustees of the institution to a corporate body.

In 2005 the government through legislation reorganised committee membership to reflect changes made 10 years earlier and to validate decisions made by the corporate body. Now the new legislation gives powers to the corporate body to include the right to buy and sell land, including the land in High Street, Prahran, which was purchased in 1913, and to validate its power to lease land held or purchased by it, including the building currently leased to Swinburne University.

There is a story in this lease and in the land itself. When it was first decided in the 1850s to set up this mechanics institute, the local publican, whose name was George Mason, decided to give to the Prahran Mechanics Institute some land adjacent to his hotel, which was on the corner of Greville Street and Chapel Street in Prahran. This was the very first location of the Prahran Mechanics Institute.

As I have already explained, the Prahran Mechanics Institute was opened by Sir Henry Barkly in 1856. A commemorative stone was put in place in the 1900s. There are some interesting aspects in this book about what actually happened. In 1915 there was a big push for a new building, which was finally established at the High Street site where it is presently located. It was opened by the then education minister, Sir Andrew Peacock. The book says:

Use of the building was offered to the education department for a rental of 20 shillings per year for 33 years in return for funding and equipment.

Sir Andrew Peacock said at the time that this was quite an extraordinary exchange. He also felt it was a very generous offer by the Prahran Mechanics Institute. That arrangement has continued until the present day.

Page 232 of the book says:

Institute representatives remained active on the Prahran Technical School Council for many decades.

…

The building, the present institute library at 140 High St Prahran, was opened by the Minister for Education on 24 February 1915 … This was, according to the Minister for Education, Sir Andrew Peacock, ‘the most generous offer ever made to the department’.

…

The institute’s building is now worth more than $2 million which it leases to the education department for a shilling per year payable on demand until the year 2046.

That is, indeed, a peppercorn rent. It is very interesting to see what has happened and how the Prahran Mechanics Institute has developed. The text also says:


The Prahran Mechanics Institute had to look at itself and how it was going to add value for the people of Prahran. It decided at the time to develop a Victorian and local history collection and concentrate on genealogy — this is what it did and what it still does. The mechanics institute has in fact provided some
valuable information — not just written information, letters and the like — such as photographs and other memorabilia from this era and from the history of Prahran. It is quite an invaluable collection. The book also says:

In 1992 the college merged with Deakin University.

That is the situation at the moment. I suggest that members have a look at this book; it contains extremely interesting history.

This bill does what it says it will do by clearing up anomalies: it makes perfectly clear where areas of responsibility lie and it succinctly clarifies what is going to happen to the leased land. It clears up a number of these anomalies regarding land that is to be purchased and held by the Prahran Mechanics Institute. By way of explanation, Deakin University and the Swinburne University of Technology joined together to take over from the Prahran College of Advanced Education. The college is now a part of the Swinburne University of Technology. It continues to do excellent work.

I commend the bill. I also commend this book. It is an interesting snapshot of our history. I recommend it to all members. The Liberal Party is very pleased to support the Prahran Mechanics’ Institute Amendment Bill 2007.

Mr HALL (Eastern Victoria) — I am pleased to indicate to members of the house tonight that The Nationals will also support this bill. I commend Mrs Coote for her extensive research of the history of the Prahran Mechanics Institute. I have to admit that I have not done the same level of research that she has done, and I found her contribution extremely interesting.

I know that the Prahran Mechanics Institute was established in 1854. It is now a library that is run and owned by the community which specialises in the history of Victoria. I understand from the information on its website that the institute has a collection of some 10 000 books for loan, and it offers a professional information service to its members. As I said, the institute specialises in the history of Victoria, and it has information about places within Victoria. Because of this, the Prahran Mechanics Institute serves a very worthwhile purpose both for the local residents of the Prahran area and more broadly, the people of Victoria.

I have never visited the Prahran Mechanics Institute, but I am aware that it is located at 140 High St, Prahran. As I said, it provides a whole range of functions including the ability for people to borrow books which are predominantly about the history of Victoria. It also organises educational activities relating to the history of Victoria. When Mrs Coote outlined to members of the house part of the history of the Prahran Mechanics Institute, she mentioned that the institute was established in 1899 by an act of Parliament. That act established the institute as an incorporated body, thereby giving it certain powers.

Parliament deemed that the act needed to be revised. That occurred in 1912, and the 1912 act gave the Prahran Mechanics Institute certain powers to buy and sell property. However, it is a shame that our forbears in 1912 did not do their job properly — or perhaps parliamentary counsel at that time did not do their jobs properly — because this amendment bill before us tonight amends some confusion which arises from the acts of 1899 and 1912.

As the minister said in his second-reading speech, this bill recognises the validity of the purchase of land in High Street, Prahran in 1913. There is also a clarification of the institute’s power to lease land vested in or held by it. We are also clarifying the power of the Prahran Mechanics Institute to enter into leases, licences and permits in relation to such land. This is a fairly simple bill which clarifies the institute’s powers and validates actions it took around 94 years ago.

I will not elaborate any further on this bill. The Prahran Mechanics Institute was the subject of — —

Mr Finn — What about the Reverend Moss?

Mr HALL — No, I will not comment on the Reverend Moss either; I do not know much about the Reverend Moss.

I am aware that this bill was debated in Parliament in February of last year, and my former colleague the Honourable Barry Bishop spoke on behalf of The Nationals at that time. The purpose of that bill was to reconstitute the board of the Prahran Mechanics Institute to reflect the local government changes at that time. It is a shame that this provision was not picked up in that legislation. However, it is picked up in the legislation before us tonight. The Nationals are happy to support the bill in the knowledge that the Prahran Mechanics Institute will continue its worthwhile functions and will go on serving the people of Victoria.

Ms PENNICUIK (Southern Metropolitan) — I do not intend to take up the time of the house by repeating the purpose of the bill, which was so well outlined by Mr Hall or by repeating the history of the Prahran Mechanics Institute, which was also very well and interestingly outlined by Mrs Coote. I just wish to say...
that the Greens will be supporting the bill. The Prahran Mechanics Institute is in my electorate and is also in my local area. Like all mechanics institutes it serves a wonderful function for the community, and we are pleased to support the bill to clarify the arrangements for the Prahran Mechanics Institute.

Mr THORNLEY (Southern Metropolitan) — I rise to speak in support of the bill as well. I have to say that this was a very seriously contested and controversial piece of legislation. It was all I could do to manage not to call for a conscience vote on it in caucus! However, the Labor Party will be presenting a united front on this bill.

The great thing about the Prahran Mechanics Institute is that in its current form it really provides a service to amateur historians and community groups that wish to learn more about their own community and their own history. Indeed it is ironic in one sense that we are discussing the very same thing. Mrs Coote read at length from the same book that I must confess I read. She stole most of my thunder in recounting some of the history, as we can all now do as amateur historians. The book pays tribute to the very enjoyable and interesting opportunities that exist at the institute.

The purpose of the bill itself has been outlined. It really is about guaranteeing legal coverage for the provision of flexibility in the use of the land, but I think there are a couple of elements to the history that deserve greater retelling. Mrs Coote has done an excellent job of summarising, but she took a little of the colour out, so I will add a couple of direct quotes from the book by Pam Baragwanath entitled If the Walls Could Speak — A Social History of the Mechanics Institutes of Victoria. During the period Mrs Coote referred to — the declining period after 1861 — there were a couple of particularly interesting sections. I enjoyed this:

One secretary resigned and another was dismissed for misconduct but refused to vacate the residence until the committee had the roof removed.

I would have thought that was a very sensible approach. But it is not one that would work any more because it does not actually rain in the city of Melbourne. The book goes on to refer to conflicts that arose with another community organisation. It says:

The committee seized a piano from the Prahran and South Yarra Musical Society in default of rent in 1865.

It also says that two years later a decision was made that the hall:

… be not let to the temperance society and Band of Hope in any circumstance.

A commitment to alcoholic consumption must have lurked somewhere on the committee at that time.

Some of the colourful aspects of the history — and there are many more in this wonderful book and no doubt many others at the institute itself — have been lost, but in preparing to speak on the bill I also had cause to reflect on some of the wider principles that are at stake in this particular illustration. The first of those that is important is about the use of educational land and ensuring that we continue to hold on to parcels of land and the land elements of the balance sheet that are there for educational use. This is what has been so disappointing about the massive program of sales of schools that we have had to deal with historically in the last 15 years, particularly under the previous Liberal government.

It is absolutely critical at a time when land shortages are increasing that you have the opportunity to hold on to the most valuable resource — the place where people can gather and learn together, can build their human and social capital together. Sometimes it may make sense to offload one piece of land, but the proceeds of that in my view should always be put into acquiring another one, preferably in a site consolidation. This is what allows you to create greater and greater areas of common good where those educational facilities, be they schools, TAFES or even these sorts of community facilities, can play a greater role as a community hub. This is a topic on which we will speak regularly and frequently in this place.

The same principle is behind what the government has been doing increasingly now in co-locating children’s centres with kindergartens and primary schools. It is about the notion in this case of the school as the community hub and similarly in other cases about any other form of educational institution as the community hub. The important opportunity of consolidating sites when that arises should not be lost. What I am pleased about with this bill and what is happening here is that we are having part of the educational balance sheet about with this bill and what is happening here is that we are having part of the educational balance sheet used for another educational institution. Rather than being sold off or thrown away it is being repurposed, if you like, as another educational facility. Then over time as human and social capital needs change it can then be repurposed again. That cannot happen if those assets have been sold and the proceeds used to prop up the following year’s budget. That really has been the problem with these sorts of asset sales — people are propping up their profit and loss situations by raiding their balance sheets. That is not the practice of this government and it never will be. I commend the bill to the house.
The DEPUTY PRESIDENT — Order! It would assist if, out of courtesy to the Chair and to help the proceedings of the house, members did not move into the line of sight between the Chair and the speaker in a debate.

Mr O’DONOHUE (Eastern Victoria) — I also commend previous speakers for their excellent contributions and for their outlining of the history of the Prahran Mechanics Institute. I do not propose to repeat that history, chapter and verse, but I will make a few brief comments. As has been stated, the Prahran Mechanics Institute was established in 1854. Unlike most mechanics institutes it was subject to its own piece of legislation — the Prahran Mechanics’ Institute Act of 1899, an act which was reviewed in 1912. It is worth reflecting for a moment on the role of mechanics institutes in general and of this one in Prahran in particular. It is a credit to those institutions and to the way they have evolved that as the community’s expectations and needs have changed they too have changed. In particular this institute in Prahran has changed and has become a real leader in the history of Victoria and a real resource for historians and others who want to research their own communities.

The purpose of the bill before us is to tidy up one or two residual issues that relate primarily to the ability of the institute to buy and sell land and specifically to retrospectively validate the purchase of land in High Street, as has previously been mentioned by other speakers. Unfortunately more generally many mechanics institutes have not fared as well as the Prahran Mechanics Institute. They have not stood the test of time. Another institute that comes to mind is the Warburton Mechanics Institute, which was built in 1886, with additions being made in 1912 and 1987. Sadly it closed in the early 1990s due to safety concerns. However, before the institute had closed a group of dedicated members of the Warburton community rallied around and planned to reopen it. People such as Ms Julie Gason and Ms Sue Mann were instrumental in organising the committee that eventually got the mechanics institute reopened.

However, the road to reopening the institute was not easy for the group. In July 2003 the Shire of Yarra Ranges asked that the state government transfer the institute building to the council. Unfortunately the government refused to do so and offered to sell the buildings to the shire for $87 000. Ultimately the government reduced its asking price to $40 000 — a mean-spirited decision, if I may say so. Of course by this time the building was in a terrible state, and because of its age the refurbishment costs were significant. Fortunately the community remained committed to saving the building as a community asset and lobbied the three tiers of government for assistance. After further delays construction on the project began early last year and finished in late November. There was a gala reopening of the institute in December last year.

Credit must be given to the Shire of Yarra Ranges which, despite some opposition, contributed several hundred thousand dollars to the refurbishment, and to the federal member for McEwen, the Honourable Fran Bailey, who was able to secure $242 000 through the Regional Partnerships program. Without their help I doubt it would be here today. The Warburton Mechanics Institute, now a part of the Upper Yarra Arts Centre, is again at the centre of community life in Warburton. I take this opportunity to congratulate all those involved. This will add to what is already a wonderful community in Warburton.

Again I congratulate the members of the Prahran Mechanics Institute for their work and for their ability to adapt, change and progress with a community that has adapted and changed significantly over the years. I commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

STATUTE LAW REVISION BILL

Statement of compatibility

For Mr LENDERS (Minister for Education), Hon. J. M. Madden tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Statute Law Revision Bill 2006.

In my opinion, the Statute Law Revision Bill 2006, as introduced in the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill makes statute law revisions to acts of Parliament to correct spelling and grammatical errors. The bill makes any other amendments that should have been made as consequential amendments when legislation was first passed, but were overlooked.
The bill also amends legislation to make it consistent with changes that have been made indirectly to the legislation through administrative arrangements orders (AAOs), to ensure the acts correctly reflect the changes made by those AAOs.

**Human rights issues**

1. **Human rights protected by the charter that are relevant to the bill**

This bill does not raise any human rights issues.

2. **Consideration of reasonable limitations — section 7(2)**

As the bill does not raise any human rights issues, it does not limit any human rights and, therefore, it is not necessary to consider section 7(2) of the charter.

**Conclusion**

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise any human rights issues.

HON. JOHN LENDERS, MP
Minister for Education

*Second reading*

Hon. J. M. MADDEN (Minister for Planning) — I move:

That the bill be now read a second time.

The bill before the house, the Statute Law Revision Bill 2006, is a regular mechanism for reviewing statute law in this state. The bill is vital to the orderly management of the state’s statutes, so that the laws remain clear, relevant and accurate.

The bill corrects a number of ambiguities, minor omissions and errors found in statutes to ensure the meaning of acts is clear and reflects the intention of Parliament.

The bill corrects spelling and grammatical errors in acts.

The bill makes any amendments that should have been made as consequential amendments when legislation was first passed, but were overlooked.

The bill repeals redundant transitional provisions of acts which are no longer required because of the passage of time and subsequent legislative enactments. The bill also repeals substantive provisions of acts which had fulfilled their purpose of amending or repealing other acts. These provisions are no longer required because they have amended or repealed the relevant provisions in other acts. These provisions include provisions in the Dairy Act 2000, Southern and Eastern Integrated Transport Authority Act 2003 and Veterans Act 2005.

Any residual effect of these transitional and substantive provisions will be saved by section 14 of the Interpretation of Legislation Act 1984.

The bill also amends statutes to make them consistent with changes that have been made through administrative arrangements orders under the Administrative Arrangements Act 1983. Administrative arrangements orders are made by the Governor in Council to amend references in acts to ministers, departments and secretaries to align with machinery of government changes to ministerial and departmental responsibilities. The bill amends references in acts such as the Building Act 1993 and the Child Wellbeing and Safety Act 2005.

The bill should be seen as part of the Victorian Parliament’s regular housekeeping arrangements.

The bill will make technical improvements to the state’s statutes, rather than substantive amendments. The technical corrections effected by this bill will make it easier for the state’s statutes to be administered, interpreted and applied.

The bill will repeal redundant provisions of acts which have no further function and should be repealed from the Victorian statute book to ensure that Victorian statutes are updated and maintained in a regular and orderly manner to ensure they remain relevant to the Victorian community.

I commend the bill to the house.

**Debate adjourned on motion of Mr RICH-PHILLIPS (South Eastern Metropolitan).**

**Debate adjourned until Tuesday, 24 April.**

*Referral to committee*

Hon. J. M. MADDEN (Minister for Planning) — By leave, I move:

That the proposals contained in the Statute Law Revision Bill be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report.

**Motion agreed to.**
VICTIMS OF CRIME ASSISTANCE AMENDMENT BILL

Second reading

Debate resumed from 15 March; motion of Hon. J. M. MADDEN (Minister for Planning).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this evening to speak on this piece of legislation before the house. Victorians are entitled to ask: what is this government’s third-term agenda? During the election campaign we saw the government deride a policy announced by the Leader of the Opposition, that being a desalination plant for Victoria, only to adopt it as its own following the election. We have seen pointless references made by this government to parliamentary committees. I point to a reference from the other place to the Public Accounts and Estimates Committee for it to inquire into and report on the wearing of wigs and gowns by table officers in parliamentary proceedings. We have seen a paucity of legislation come forward from this government over the course of the 56th Parliament.

This bill is the third introduced by the Attorney-General in the other place to come before the 56th Parliament. Like the other two, it is largely a simple machinery bill — there is no substance to it, no agenda and no wide reform that the Attorney-General is pushing — of five clauses, which I will come to shortly.

In the five clauses are the separate purpose and commencement clauses, one operative clause, one clause with provisions; the final clause is the repeal of this act in 12 months time. This basic bill relates to the Victims of Crime Assistance Act. In 1996 the Labor Party was critical of the Liberal Party at the time when it reformed the victims of crime regime.

Ms Mikakos — Slashed it.

Mr RICH-PHILLIPS — I am happy to record Ms Mikakos’s interjection that the then government slashed it, because I want to talk about the government’s subsequent actions, if indeed she says the regime was slashed. It is true that that system was reformed in that it allowed the Crimes Compensation Tribunal to make awards to victims of crime for pain and suffering, or for special financial assistance as it is now known, was $7500.

The scheme surrounding the concept of pain and suffering was changed because the previous government had received advice from the Auditor-General that if that system continued to operate as it was operating, by 2000 the cost to taxpayers of that scheme would be $160 million per annum, which is why the decision was taken in 1996 to reform that existing compensation scheme for victims of crime.

At the time that was done by the previous government the Labor Party said, ‘If we are elected, we will restore it, we will put all those provisions back’. That was the position the Labor Party took to the election in 1999. Following the 1999 election did we see a restoration of all those provisions, the ones that Ms Mikakos said a moment ago were slashed? Did the Labor Party restore those? No, it did not.

The Labor Party inserted a new provision in the Victims of Crime Assistance Act, which allowed the Victims of Crime Assistance Tribunal, which is made up of the chief magistrate and the other magistrates on the bench in Victoria, to make awards for what was called special financial assistance, which was roughly equivalent to the old notion of pain and suffering. But rather than the ability to make open-ended awards for pain and suffering, under the provisions put in place by the current government there were restrictions. The maximum amount that could be awarded for pain and suffering, or for special financial assistance as it is now known, was $7500.

The government set up the mechanism for assistance into four categories — A to D — for various levels of crime suffered by a victim and with a level of compensation payable against each category. I want to touch briefly on the differences between categories, which are not contained within the act but contained within the Victims of Crime Assistance (Special Financial Assistance) Regulations 2000, which are subordinate to the principal act.

Category A offences include sexual penetration of a person or attempted murder; a category B offence includes any attempted category A offence as well as indecent assault, armed robbery, aggravated burglary or the deprivation of liberty for the purpose of sexual penetration; category C covers the attempt of a category B offence, as well as the threat of death, conduct endangering life, inflicting serious injury or robbery; and a category D offence is the attempt of a category C offence plus crimes such as threat of injury, assault against a person, attempted assault and deprivation of liberty, excluding a category B offence.

That gives members of the chamber an idea of the types of offences that were picked up under the four categories. The level of compensation that was payable for each category under the amendments that were introduced by the government was for a category A offence, which was attempted murder, special financial
assistance ranging from $3500 up to $7500; for a category B act of violence the range was $1000 up to $2500; for a category C offence it was $500 up to $1000; and for a category D offence it was $100 up to $500.

Far from restoring the provisions that Ms Mikakos says were slashed, the government put in place a mechanism that allowed an award of up to $500 if you were the victim of a category D offence. It was far from restoring those entitlements Ms Mikakos said were slashed, for the simple reason that they were not affordable. They were removed in the first place on the recommendation of the Auditor-General, given they were estimated to cost, by 2000, $160 million a year. That is the reason this government did not reinstate them, despite its rhetoric.

The bill makes only one change — that is, to remove the existing table in section 8 of the principal act and insert a new table, which simply lifts those limits of special financial assistance that are payable under each category of violence perpetrated on a victim. For category A the levels of special financial assistance available will range from $4667 up to $10 000; for category B, from $1300 up to $3250; for category C, from $650 up to $1300; and for category D, from $130 up to $650. Again this bill does not deliver on the government’s commitment of 1999 to restore those previous entitlements. In fact, the entitlement for pain and suffering — special financial assistance, as it is now known — for a victim of a category D crime of an act of violence is to be capped at $650.

The government has not delivered on its commitment in 1999, which vindicates the position taken by the Liberal Party in 1996 in response to the Auditor-General’s estimate of the cost of the scheme on an ongoing basis.

The Liberal Party will support this legislation, which increases the level of assistance available under this scheme, but notes that the government has not delivered on its commitment of 1999, which vindicates the position taken by the Liberal Party in 1996.

Ms HARTLAND (Western Metropolitan) — The Victims of Crime Assistance Amendment Bill 2007 seeks to increase payments made to people who have themselves been victims of crime. These payments and access to services are an important acknowledgement of the pain and suffering of the victim and can be seen as part of the healing process.

Having discussed the bill with other members, party members and members of the community who have been victims of crime, the Greens will be voting for the bill as we believe it is of community benefit.

Ms MIKAKOS (Northern Metropolitan) — It is with great pleasure that I rise to speak in support of the bill which seeks to implement a commitment that was given in the government’s Access to Justice policy, which, I am sure, the lead opposition speaker is familiar with, although he did say he was not familiar with the government’s election policies. I can certainly provide him with a copy of that, if he so wishes.

This bill fulfils an important commitment made by the government. Since it came to office in 1999 this government has implemented a vast array of reforms to support victims of crime, and I will try to cover some of them in my brief contribution.

It is important to acknowledge at the outset that no amount of money can compensate victims or their families and loved ones for the suffering they have experienced as victims of crime. The fact that the community offers financial compensation is a symbolic gesture to acknowledge the pain and suffering experienced by the victims and to try to relieve that suffering to some degree. But it is important to say that no amount of money can take away the harm that those people have experienced.

I do not accept the premise of the lead opposition speaker that this legislation in some way vindicates the heartless position that was taken by the Kennett government in 1996 when it abolished pain and suffering compensation for victims. I am convinced that that was an unnecessary and heartless act that sent a message to the community, particularly victims of crime, that that government did not care about them.

It is very telling that one of the first things this government did when it came to office in 2000, after the Parliament had been sitting for only a short period of time, was move to reintroduce pain and suffering compensation for victims. I am convinced that that was an unnecessary and heartless act that sent a message to the community, particularly victims of crime, that that government did not care about them.

As members would be aware, the legislative framework that enables financial compensation to be provided to victims includes the Victims of Crime Assistance Act. The act authorises the Victims of Crime Assistance Tribunal, or VOCAT as it is known to members of the community, to pay financial assistance, including special financial assistance, to victims of crime if VOCAT is satisfied that an act of violence was
committed against the person and that the person has suffered a significant adverse effect as a direct result of that act of violence.

It is important to note that it is not necessary that a conviction be recorded against an offender in order for the victim of crime to access that compensation. What is required is that eligible victims apply for assistance within two years of the occurrence of the act of violence and demonstrate to VOCAT that the relevant criteria and test have been satisfied. VOCAT must be satisfied that an act of violence was committed against the person, that the person experienced or suffered a significant adverse effect as a direct result of that violence and that the act of violence is a category A, B, C or D offence, as was explained, for the purposes of the legislation.

As an aside, it is important that members become familiar with VOCAT and the various rights and entitlements of victims. New members of Parliament will find that constituents will come to them and seek assistance in order to access that compensation, and it is very important that MPs and their staff familiarise themselves with that compensation system so they can provide useful advice to the community.

It is important to stress that people can access compensation, not only for pain and suffering but also for things like loss of earnings and any medical expenses incurred. In relation to relatives of homicide victims and people who are injured when they witness a crime, it is possible for people to receive compensation of up to $50 000, and that is outside of the provisions that we are talking about with respect to this bill. I wanted to mention that fact because it is important that people understand this is part of a broader legislative framework that includes other provisions as well. Members should be aware that victims can also receive up to $60 000 for counselling, medical expenses and other expenses.

As I said at the outset, what we are seeing with this particular bill is the implementation of an election commitment given by the government to increase the special financial assistance provided under the Victims of Crime Assistance Act by approximately 30 per cent — in the case of category A offences, by 33 per cent to be precise. In the case of the top category, the increase is $7500, to a maximum of $10 000. This is a significant increase. As I said, it is part of the government’s commitment to supporting victims of crime and their families.

I state strongly that I do not think this increase or the position the government has taken gets the previous Kennett government off the hook. I was surprised that the lead speaker for the opposition sought to preface his remarks on that basis. As I said by way of interjection earlier, he is certainly young enough to not have to come in here and defend the legacy of the Kennett government. I know he was not around at that time, and I do not hold him personally responsible for the legacy of the Kennett government.

If we are going to have debates about these issues, it would perhaps be more constructive for members of the opposition to come here and articulate for the community what their vision is for supporting victims of crime and what their policies are rather than putting forward a defence of the appalling act by the Kennett government in taking away people’s rights in that callous fashion.

As I said, this is an important initiative that forms part of a very long and proud track record of the government in supporting victims of crime. Last year I was very proud to be able to stand in his house and debate the introduction of the victims charter, which was a first for Victoria. It has for the first time effectively enshrined victims’ rights in one document, which spells out clearly for all government agencies and organisations, including the Director of Public Prosecutions and Victoria Police, what their obligations to support victims are, so as to make sure that all agencies treat victims with the respect they deserve and that they are provided with the information and support they need.

In last year’s budget the government committed $3.3 million to support the implementation of the victims charter to ensure that the community, particularly the victims, find out about the victims charter and their rights. In addition to that, a great number of practical measures have been implemented, such as streamlining access to the counselling and financial assistance available to victims of crime; the establishment of the Victims Support Agency, the statewide network of local victims services in 2004, and the victims of crime helpline to provide information and referrals to appropriate support services for victims; and many other reforms that support victims.

In particular in last year’s budget there was a very large package of reforms relating to victims of sexual assault. The $34.2 million package was about changing the way the justice system treats victims of sex offences, particularly by being sympathetic to the particular needs and circumstances of children who are victims of sex offences, and about changing court practices to ensure that victims do not get revictimised through the court process itself.
Mr Finn — That would be a very good thing.

Ms MIKAKOS — I certainly agree — it is a very important thing to ensure that particularly victims of sex offences do not have to again experience the trauma by virtue of giving evidence in the court. That is why we have implemented measures such as ensuring that those victims can give evidence through closed-circuit television mechanisms so that they do not need to be physically in the courtroom and be confronted by the offender.

We have also introduced a range of measures in relation to victims of family violence. In the 2005–06 budget the government gave a very significant commitment of over $35 million to deliver a new approach to dealing with family violence. I want to particularly commend the Chief Commissioner of Police, whom I know is a favourite person of Mr Finn’s. The Chief Commissioner of Police is one of Mr Finn’s favourite people.

I commend the chief commissioner on her leadership in addressing the issue of family violence. She has made it a very high priority of Victoria Police. She has put procedures in place in the police manual to ensure that these offences are treated with the seriousness they deserve. The chief commissioner recognised that there needed to be a culture change in how these offences were dealt with by the police and ensured that took place. That has been supported by other changes the government has put in place, such as the pilot of the dedicated Family Violence Court that is running at the moment. One is operating in my electorate at the Heidelberg Magistrates Court and the other is in Ballarat. It is about ensuring that victims of family violence are treated appropriately in the court process and that a specialty is developed amongst the magistracy to deal with these types of issues.

There have been many other reforms. For example, the government has ensured that victims have a voice by their having a say in sentencing reforms through the Sentencing Advisory Council. We have already put through a number of reforms that were recommended by the Victorian Law Reform Commission in Defences to Homicide — Final Report. We have abolished the archaic defence of provocation and have clarified the law of self-defence to ensure the defence can apply in appropriate cases in the future. We have also asked the Law Reform Commission to look at our family violence laws, and I am certain there will be further reforms in this area in the future. To date we have already put in place amendments to the family violence legislation to protect children who are witnesses of family violence.

The government has put in place many other measures to support victims of crime and their families, but I will not go into those in any further detail. Can I say that while this is a short bill, it is a very important bill. It is important that we have these kinds of provisions in a stand-alone piece of legislation. It highlights to the community the importance that we as a government place on this issue and the support that we feel victims of crime deserve. All members of Parliament should feel very proud of this bill and of being able to participate in this debate to support this legislation and to continue to send the message to victims of crime that we care about them, that we want to support them as a community and that we are very interested in their needs and concerns.

Mr FINN (Western Metropolitan) — This government is a miserable government. It is a government that has put forward in this bill a number of increases in compensation for victims of crime that can best be described as pathetic. Here we have a government that is rolling in money, that is bringing in GST alone of $40 million a day. Every morning when Steve Bracks wakes up he has got $40 million extra in his back pocket — and that is — —

Mr D. Davis — Burning a hole.

Mr FINN — Burning a hole indeed, Mr Davis, and that is not counting the pokies tax, the land tax, and God knows every other tax that this government imposes upon the people of Victoria. Millions and millions of dollars come into the pockets of this government every day, yet what can it come up with for victims of crime? I draw attention to category D. The minimum amount is $130 or the higher prescribed amount that is applicable in prescribed circumstances. The maximum amount is a massive $650 or the higher prescribed amount that is applicable in prescribed circumstances. How stingy is it to have an amount of $130? How mean and miserable is this government that all it can come up with is a miserable $130 when it has so much money at its disposal and is rolling in the moolah. That says a lot about this government. I know that the victims of crime know they do not have a friend in the Bracks government — and this merely confirms it. When one considers the amount paid out to the lunatics down at the World Trade Centre and around the casino, the S11 protesters — the hundreds of thousands of dollars that went into their pockets and into the pockets of their accomplices, Slater and Gordon — one says, ‘God help us all’ — —

Mr D. Davis — Labor lawyers.
Mr FINN — Yes, Labor lawyers indeed. Consider the hundreds of thousands of taxpayers dollars that went into their pockets and then compare that to the miserable $130 prescribed for victims of crime. Does that not say it all? You do not have to say too much; I think people can draw their own conclusions very quickly indeed.

Ms Mikakos — and I note it is in the second-reading speech — made some reference to the abolition of a former compensation scheme by the previous government. Sometimes I sit in this house and think to myself, ‘Maybe the world only began in 1992’, because according to government members the world fell apart and the sky fell in in 1992 when the Kennett government was elected. My memory goes back a little bit further than that. I ask members to remember why there were the cutbacks during the Kennett years. I was a member of the Kennett government, and I remember why we had to do what we did. I remember the pain that was inflicted on us personally. It was not an easy time. We were forced to do things that we did not want to do. But we had to do it, because on 3 October 1992, when the Kirner government was defeated, thankfully, we inherited a state that was an economic basket case. If the state of Victoria had been a private company, the liquidators would have been called in and the board of directors would have been sent to jail. That is how bad things were, and that is why — —

Mr Guy interjected.

Mr FINN — Former Premier Kirner’s chief of staff may well like to help us out on that one and explain how we got into that situation. But the government of the day had to make the hard decisions — I can assure members they were very, very difficult decisions — and it got this state back into a situation where Victoria was the pride of Australia and was the leading state once again.

We were proud to go interstate and say, ‘We are Victorians’. No longer were there such jokes as: What is the capital of Victoria? — $1.50! No more were those jokes told about Victorians, but I would ask members opposite — and indeed members everywhere — to always remember why, when they talk about the cutbacks of the Kennett years, those cutbacks were necessary. They were necessary because of the decade of darkness which had preceded that government — the Cain-Kirner years — and which had ripped the guts from Victoria, had destroyed our economy, had put people out of work, had brought businesses down and had left us a financial basket case. I ask members opposite to remember that. They should remember what their government did to the people of Victoria before getting up and pontificating in this house about the difficult decisions the Kennett government had to make. Of course the decision on the issue of crime compensation made by the Kennett government was a very difficult decision, but it was one that had to be made. Unfortunately at that time it was necessary.

Of course come 1999 there was a change of government — some of us remember it better than others. The incoming government inherited a surplus of around $1.8 billion, which members of the first Bracks government blew in about its first six weeks. Members of the Bracks government have been spending money like drunken sailors ever since. I have never seen a government that is so wasteful and does not have its priorities in order. I have never seen a government that can go through dollars on frivolous matters and leave victims of crime, for example, with $130! These are the priorities of the Bracks government as we come into 2007. I think it is worth remembering — and I say this to all members of this house and indeed to the general public — that this government is mean and miserable, and that is shown in no small way by this legislation.

I am also pleased that Ms Mikakos made reference to the fact that this is not just a monetary issue. It is far more than that, because there is one thing that victims of crime want, need and crave more than monetary compensation. More than dollars in their pockets, they want justice, which is increasingly hard to find in this state. Victims want a police force that will protect them and put the law, victims and the potential victims as its no. 1 priority. Unfortunately under the leadership — and I use that term extremely loosely — of the current Chief Commissioner of Police that is just not happening. I know that victims of crime will join me in once again calling for the removal of the Chief Commissioner of Police from her position for the sake of all Victorians, in particular victims of crime.

Once we have the police force sorted out we can move on to the legal system. What we need in this state is not so much a legal system as a criminal justice system. We have got to put justice back into the legal system. The Attorney-General in the other place sits in his office stacking the judiciary with his mates, whoever they might be on this particular day of the week. He stacks the judiciary with his mates — with like-minded people who, it would seem, have a very low opinion of the law.

We see criminals, some of whom have committed appalling crimes, walking free on bail, getting slapped on the hand and being told, ‘You are a naughty boy or girl. Do not do it again!’ That is not good enough.
What message does that send to victims of crime? The message that sends to victims is that the legal system — the judiciary and the government of this state — does not care about them and the circumstances they find themselves in. It tells victims that the system does not care about the crime that has been committed against them and does not care about justice in this state. That is the message that victims get loud and clear, and unfortunately it is becoming more common right throughout the legal system in this state.

To a certain extent I agree with Ms Mikakos that this is far more than a monetary issue, but I ask members — and Ms Mikakos may care to take this matter to the caucus — to raise the issues that I have raised tonight with the Attorney-General, with the Minister for Police and Emergency Services in the other place and with the Premier so that victims of crime may well think they are getting a half-decent go from this government, because quite frankly at the moment they are coming a very distant last, which is not good enough for them, not good enough for me and not good enough for anybody.

We need to take a good look at the judges and magistrates in this state and to put them back on the straight and narrow — indeed to put some of them back on the straight and narrow for perhaps the first time in their lives.

Ms Hartland — On a point of order, Deputy President, I know I am very new to this process, but I really would like a ruling on the issue of relevance. This is a very straightforward bill, and we have now suffered 11 minutes of Mr Finn not being able to add one point of relevance to the debate on this bill.

The DEPUTY PRESIDENT — Order! Mr Finn, without assistance.

Mr Finn — This must make victims of crime reel with disgust. It must turn their stomachs when they consider how this government treats them.

Mr Leane interjected.

The DEPUTY PRESIDENT — Order! Mr Leane will have an opportunity to speak in a moment.

Mr Finn — Whilst the opposition will not be voting against this bill, I can assure you, Deputy President, that speaking from a personal point of view it falls far short of the mark, and I can only hope that the government will give it a better go next time.

Ms Mikakos — On a point of order, Deputy President, I note that during the course of his contribution the member made a number of offensive comments about the judiciary as a whole. I draw your attention to standing order 12.19, and ask the member to apologise to the judiciary for the offensive nature of his comments.

The DEPUTY PRESIDENT — Order! I thank Ms Mikakos for her point of order. It would be my view on the portion of the debate that I actually heard that in fact Mr Finn was referring collectively and in a debating style to the judiciary. I do not think he reflected on any individuals. I think there is an opportunity in the course of this debate for other members perhaps to comment on his remarks if they believe there are issues raised by his contribution. I thank the member for the point of order, but I will not uphold it on this occasion.

Mr Hall (Eastern Victoria) — I am pleased to have the opportunity tonight to express the view of The Nationals on the Victims of Crime Assistance Amendment Bill 2007. I indicate at the outset that we are happy to support this bill. I think it has been described by previous speakers as implementing some modest changes, which is the best description one could apply to the provisions in this bill. But at least they go in the right direction, so in that regard we are happy to support them.
On the general issue of victims of crime I am sure we all feel extremely sympathetic towards those in our society who are the victims of crime. It is bad enough to be the victim of a crime at the lower level, perhaps to be the owner of property that has been damaged or stolen, but I think it must be horrific to be the victim of a serious crime of a personal nature. In that regard I am sure we all feel very sympathetic towards those people.

The state has some legal and moral responsibilities to address those cases of particularly serious crimes. First of all, I think there is a legal responsibility for the state to make every effort to apprehend the perpetrator of those crimes and see that justice is administered. Secondly, I think it is also legally a responsibility of the state to make every effort to see that if those who are charged with the crime are able to, if they have the means, they recompense society for the crime they have committed.

Thirdly, I think the state has at least a moral responsibility — and in fact this act gives it a legal responsibility — to support the victims of crime in overcoming the trauma caused to them by the crime. As I said, if it is not a legal responsibility, it is certainly a moral responsibility of the state. To this end, the Victims of Crime Assistance Act 1996 sets out various means by which victims of crime may be assisted in overcoming the trauma of the crime inflicted upon them.

There are provisions within the principal act that enable, for example, special financial assistance to be made available to the victims of the most serious types of crimes. I am sure the categories of the most serious types of crimes have already been expanded on by previous speakers. This special financial assistance reflects what was termed by the minister in the second-reading speech to be reflective of pain and suffering as a result of crime. There are certainly other provisions within the Victims of Crime Assistance Act that go to compensating people for such things as medical expenses incurred, loss of income and the like.

This legislation addresses one particular issue — that is, the special financial assistance made to address what is termed ‘pain and suffering’. That is the only area of compensation that this very narrow bill addresses. It is only for the serious crimes, as I said, and the maximum increase imposed by this modest piece of legislation is 33 per cent for the most serious category of crime and 30 per cent for other areas of crime, so that for this particular area of special financial assistance the maximum that can be paid for the most serious crimes is now up to $10 000. As I said, it is a very modest change that I hope will assist with some but certainly will not address all the aspects of concern to victims of crime.

I want to say this in conclusion: for many, no amount of money will ever erase the trauma of crime. I think we need to acknowledge and recognise that assisting victims of crime is not all about handing out money. While the modest changes in this bill are welcomed, I hope that the efforts of government and society are focused on prevention of crime rather than just addressing the consequences of such actions. I think we all have a collective responsibility to promote security, to promote tolerance and to promote cohesion within the world in which we live. Only then with our collective effort might we hope to reduce the incidence of crime in the world.

Mr LEANE (Eastern Metropolitan) — I strongly support the Victims of Crime Assistance Amendment Bill which increases the amount of pain and suffering compensation that may be awarded to victims of crime. I agree with the previous speaker, Mr Hall, in saying I am sure no amount of money could compensate someone who has personally been a victim of crime or has had a loved one who has been a victim of a violent crime. But in saying that, in building on the support that has been made available for victims of crime by the Bracks government in reintroducing compensation for victims of crime, it is not the amount of money that is important; it is the acknowledgement from the broader community to victims of crime that they have been through a lot of pain and anguish. The 30 per cent increase proposed by this bill reinforces that principle.

The opposition will say that the government should recruit more police so as to reduce the crime rate, but this could not have been its policy when it was in power, because since 1999 the Bracks Labor government has made up for the Liberals’ apathy about crime prevention. It has introduced 1600 police officers in Victoria and has allocated the largest budget — $1.6 billion — Victoria Police has ever had.

We would all be fooling ourselves if we thought we could get to the point where there would never be victims of crime. We cannot have a member of the police force at every petrol station, in every pub and club, or of course in everyone’s home 24 hours a day, 7 days a week. Even if we reached that point we would still have victims of crime in the community.

Unfortunately we have to accept that we live in a society where people will be victims of crime. We have to acknowledge the situation they have had to endure and assist them in the way this bill proposes. What these people have had to go through is real pain and
suffering, unlike the pain and suffering that Mr Finn in his address on this bill said that he went through when he was a member of Parliament and actually voted out compensation for victims of crime. Rather than concentrate on rebuilding what the opposition took out while in government, he seems to be stuck on attacking the Chief Commissioner of Police. I think he has to get into this century and realise it is okay for a woman to hold a high office of power. Mr Finn needs to get over it and grow up.

One of my favourite movies the kids used to watch when they were young was called the Little Rascals. In the movie there was a club called the He-man Woman Haters Club. I can just imagine Mr Finn sitting between — —

The PRESIDENT — Order! I remind Mr Leane his contribution should be relevant and ask him to return to the bill.

Mr LEANE — Maybe he could wear his scout toge there. I support the action the Bracks government has taken and is continuing to take to repair the damage caused by the Kennett government with regard to victims of crime. In actually acknowledging there are victims of crime, Mr Finn brought out a table from this legislation and complained about the amount in each category. When he voted, he voted for those categories to have zero dollars. He can complain about the amounts, but he voted that each and every one of those categories have nothing. Opposition members cannot shy away from the fact that they sacked police. We have increased the number of police to stop crime. We have brought back the compensation for victims of crime that was taken away by them.

Mr ATKINSON (Eastern Metropolitan) — I obviously support this legislation in the context that it is an improvement to the compensation payable to victims of crime. However, I share the concerns of a number of members that the compensation to people who suffer in some cases quite horrendous experiences at the hands of other people is inadequate. Whilst members more recently in this debate have referred to previous governments and to different attitudes over a period of time, I think that it is important to recognise where we are today. It is often easy to judge past governments with 20/20 vision and say they ought to have done more in a particular circumstance, but the reality is that government is very much about balancing priorities.

In certain circumstances governments deal with a complex, diverse and wide-ranging agenda. It is not always possible for governments to address adequately all of the issues before them that are of concern to a community. Therefore there is some relevance in judging these matters in a contemporary sense. We should be mindful of previous administrations where it is perceived that there has been some insensitivity or some lack of support to victims of crime — and I do not suggest that was the case with the Kennett government. We should see that there are opportunities in a more contemporary sense to judge these matters and to recognise that community attitudes also move on. The treatment of legal proceedings by courts, the experience of people going through investigations and through the court process and the penalties for those perpetrators of crime are all issues that have actually moved on as a matter of course in the context of the society in which we live.

To that extent, as I said, it is important for us to judge this legislation on its merits. It is fair enough to have a debate that canvasses previous times, but one would have to say that now, with the resources that are available to governments, with our understanding of the impact of crime on many people — and particularly some of the more horrendous crimes that we are aware of in the community and which cause all of us deep distress and concern — it is important to look at the legislation on its merits and as it stands today.

In that context many of us would say that this is to some extent legislation which provides a token compensation for people. In many ways and for many people that might be enough. For many victims of crime there is an issue of closure. There is an issue of justice, as was mentioned previously by Mr Finn, but I do not extrapolate his arguments on the importance of that justice factor for people. There is an issue of grieving where people have been victims of crime, and in that context people are looking for closure concerning some events.

In some respects and for some people a token amount might well represent part of that closure. In that context this legislation is relevant. But the amount of money provided as compensation under the separate categories in this legislation would appear, on any sensible measurement, to be inadequate for the suffering of many people.

I look from time to time at the statistics on crime that come to my office, and I have to say I am alarmed at both the compilation of and the trends in some of those statistics. I notice for instance that in the city of Whitehorse crimes against people have in fact increased quite markedly in the latest period, and that is a matter of real concern to me. I am particularly concerned, as I have indicated to this house before, about the drug culture that seems to permeate some sections of our
community. I accept that drugs are not confined to any particular postcode or any particular profession or status in life, but it certainly seems to me that in terms of some of the nightclub activity and so forth there is a very high degree of experimentation with drugs by many young people.

What is of great concern to me is that many of the drugs that are part of that experimentation are manufactured drugs with variable impacts on people’s personalities and behaviours, which often result in violent behaviours that are obviously unacceptable to the community but which also result in people being injured, assaulted and murdered. In the context of the severity and the increasing incidence of some of those behaviours in our community, I am not sure that this legislation in fact addresses what are the very real impacts on, and the very real trauma for, some people who are victims of crime.

I think this legislation is a step in the right direction and a continuation of a commitment that has been suggested by the government’s previous actions, which I think it would be true to say have had the support of the Parliament as a whole, but I think we have a long way to go. I think we also need to be very cognisant of the fact that some of our addressing of crime statistics and managing of crime in our community needs to be a lot less about spin and trying to make figures look good and people look good and a lot more about achieving safer, more secure and happier communities. I hope that is the endeavour of all members of Parliament rather than, as I said, the spin and public relations activity that seems to accompany too many of the statistical releases that come before this Parliament and before members of Parliament and the community generally.

As I said, I believe this legislation is deserving of support because it is a step in the right direction. It is part of a continuation of a process that recognises that people who are victims of crime have a right to be compensated and that the community in many cases needs to support those people. Indeed, as has been mentioned by other members of Parliament, that support obviously needs to be not just in terms of financial compensation but also very much in terms of support services. For instance, there is quite a range of services that need to kick in to support people who are victims of domestic violence — that is, people who are in situations where they have been abused by people who are known to them, people whom they have loved, people whom they have lived with and people whom they are very close to.

We need to be mindful that the services to victims need to extend a lot further than the financial compensation outlined in this bill. I hope the government shows a continuing and expanded support for those services and indeed that this legislation is reviewed again in the not-too-distant future to try to have a more contemporary view of what compensation levels ought to be appropriate for people who are victims of crime.

Ms PULFORD (Western Victoria) — I have been very interested in listening to members of the Liberal Party trying to justify their comments and their concerns about this bill with such expressions as ‘too much compensation’ or ‘not enough compensation’. The question in my mind is: if they had won the election in 1999, would pain and suffering compensation for victims of crime have been reinstated? I do not think it would have been.

The record is pretty clear. There has been a lot of discussion about history in Victoria, but the last time the Liberal Party was in government it abolished pain-and-suffering payments to victims of crime. It has a long history of trampling on the rights of the most vulnerable members of our society. In one of its very first actions the Bracks government restored pain-and-suffering compensation to victims of serious violent crimes through the introduction of special financial assistance awards, so this government has a strong record in standing up for victims.

The debate has been wide ranging, and I would like to make a couple of comments. Since the election of this government, crime has come down by more than 20 per cent, and I think it is timely to remind members opposite of the effect their government has had on the police force in terms of numbers and morale. During last year’s state election the government said that if re-elected, it would build on its record in this area, firstly, by increasing the amounts payable to victims of crime by 30 per cent and, secondly, by legislating to ensure that a judge in sentencing can consider compensating the victim of a crime as part of the sentencing process, removing the need for victims to apply separately.

Mr Finn raised the matter of the judiciary. He insinuated that any members of the judiciary who had been appointed during the life of this government had not been appointed on their merits. I wonder if that is because this government has had an excellent record in appointing women to the judiciary, as Mr Finn certainly seems to have some problems with women in positions of authority and responsibility. In Victoria, no doubt to Mr Finn’s disappointment, we have a woman in the most senior role in the police force, we have women on the judiciary and — shock and horror! — we have women in the Parliament as well.
The Victims of Crime Assistance Tribunal, or VOCAT, provides financial assistance to victims of crime to meet costs arising from the crime, including medical expenses and loss of income. Special financial assistance awards, which are what this bill deals with and which were introduced in 2000, are made in circumstances where an act of violence is committed against a person who has experienced or suffered a significant adverse effect as a direct result of that act of violence. We are talking about pain-and-suffering compensation, which is distinct and separate from compensation for loss of earnings and compensation for medical and other expenses.

These acts of violence include serious sexual offences, attempted murder, indecent assault, armed robbery, threats of death, conduct endangering life, offences involving a threat of injury, assault, and attempted assault. This bill will increase payment amounts by 30 per cent, and the new maximum payment will be $10 000.

This type of compensation does not restore a victim’s confidence or make an injury go away, but I hope it expresses some formal recognition of the suffering endured by victims of the types of horrific violent crimes that we have spoken about in this debate. I spent many years prior to coming to this place dealing with matters of compensation for victims not of violent crime but of workplace injury. I imagine there are some similarities between the impact on a person of a sudden injury and the impact on a victim of crime.

The long-term impacts of an injury — physical, psychological or both — arising from an incident that is often severe and sudden in its effect are the same as the long-term impacts of a violent crime. In my experience recognition of the wrong, even if not a total recovery of costs or if not comparable to damages perhaps payable at common law, is a really important part of recovery. Pain-and-suffering compensation gives legitimacy to the anxiety, suffering and fear experienced by victims in many circumstances. Recognition of this is very important. I am pleased that with this bill the government will improve the amount of this compensation by 30 per cent. I commend the bill to the house.

Mr DALLA-RIVA (Eastern Metropolitan) — I rise to offer my support and the Liberal Party’s support for the Victims of Crime Assistance Amendment Bill. I welcome Ms Pulford’s 3 minutes and 31 seconds of contribution to the debate on legislation that covers four pages, the last page of which is blank. It just demonstrates again that this government brings in pieces of legislation that are so minute and irrelevant that it makes you wonder about its parliamentary agenda. It does not know what on earth it is doing. It brings in pieces of legislation which we support but which are really a waste of time in the sense that they could be put together in an omnibus bill and dealt with together with other particular issues.

But putting that aside, we are pleased to see that the government actually supports legislation that was introduced by the Kennett government in 1996. We see that it is actually supportive of the Kennett government’s approach to reform for victims of crime. We heard Ms Pulford’s contribution. She can only make contributions about the union movement. She came from the National Union of Workers, and if you look at the union’s website, you see it says ‘National Union of Workers: organising for power’. So its main interest is in power, not support for victims. What we heard about before was not about the victims but about how great the union was.

What this legislation before the chamber is about is victims of crime. What Ms Pulford should remember and what the members on the other side of the chamber should remember is that this is a piece of legislation that was brought in by the Kennett government. They are making amendments to the Kennett government’s legislation. If they thought it was so bad, they would bring in their own legislation and call it Victims of Crime Legislation 2007 under the current Bracks government, but they are not doing that. They are happy with the legislation that we brought in under the previous regime. What they are trying to do is tinker around the edges by bringing in a three-page amendment, which really in my view just wastes the Parliament’s time, because we are finding time and again that this government has no agenda. It has no vision, it has no focus; it does not know what it is doing. All it wants to do is look after its factional union mates in planning their transition into the roles we see on the other side now.

What we should be doing is debating serious legislation. What we have before us is a moderate increase in the compensation payable to the victims of crime. If you were serious about victims of crime, you would have been down there on 13 March at the Flight of the Angels held by the Crime Victims Support Association. I did not see any Labor members there.

Mr Leane interjected.

Mr DALLA-RIVA — I don’t want to make a political point about it, but the fact of the matter is that government members talk here with a forked tongue
and do not even appreciate it. They are laughing over there, President.

The PRESIDENT — Order! Mr Leane!

Mr DALLA-RIVA — Mr Leane is indeed laughing. He is laughing about the victims of crime. I think it is a disgrace that we have a member of Parliament laughing about the victims of crime when we have a serious piece of legislation before the chamber. You can laugh about them. You have no idea. The only victims of crime you are worried about — —

The PRESIDENT — Order! Mr Dalla-Riva will speak through the Chair.

Mr DALLA-RIVA — All they are worried about is their union mates. What this legislation is about is ensuring the victims of crime are rewarded accordingly. Again all I can say is that the Labor Party only brings in legislation through which it gains a political advantage. It does not really care about what its members are talking about. We have heard the government speakers. They read off what has been given to them by their masters. They read it, and when they cannot find any further details they go to their factional mates in the union movement. But having said that, I am very supportive of the Victims of Crime Assistance Amendment Bill. I wish it a speedy passage.

Honourable members interjecting.

Mr DALLA-RIVA — You might indicate, Mr Pakula, your dismay about this legislation. I know you wanted Mr Crean’s position. Bad luck, you didn’t get it and you will have to sit here until the next preselection for the federal election.

The PRESIDENT — Order! Mr Dalla-Riva!

Mrs KRONBERG (Eastern Metropolitan) — In rising to speak in support of the Victims of Crime Assistance Amendment Bill 2007, I must point out that this government has again brought in legislation that is merely a bandaid measure for a far-reaching societal problem. You could also call it lick-and-promise legislation which falls far short of what is required. This legislation comes into this place as the government’s response to a tsunami of public protest resulting from the rise in violent crime, lenient sentencing, inadequate police resources and the perpetrators of crime seeming to get better deals than their victims.

To be generous, perhaps this legislation is this government’s inept attempt to provide some form of relief to those members of the public who assembled here in this Parliament on 15 October 2006, just before the state election. Perhaps this amending bill is the government’s frugal and chastened response to rising crime rates. One can point to abundant examples of alarming trends in crime rates particularly in the areas cited in this place relating to the ascending rate of recorded sexual assault. Perhaps the government’s forecasters worry that this trend of rising crime rates will make the future provision of compensation difficult.

We all recognise that victims of crime carry an enormous burden. Not only are they often dealing with grief and pain, but they are reeling from the hurt inflicted by the injustice of a system that affords more consideration to those who carry out a crime than those who remain brutalised, mutilated and traumatised, and those who watch their loved ones and try to eke out an existence — cheated of the opportunity of a full life. In our system the deviant perpetrator is remembered while the victims are forgotten.

This bill increases by 33 per cent the minimum and maximum amounts of special financial assistance for victims of crime for category A acts of violence. The new maximum amount of compensation for the crimes of sexual penetration and murder is $10 000. Let us pause for a moment to hear an example of such a crime. The people who provide great support to the Victorian community are victims of crimes themselves. I point to Bev and Noel McNamara, who provide support through their agency, the Crime Victims Support Association. They have given as testimony their account of the murder of their daughter. These are some of the things that victims of crime have to hear and have in their dreams and thoughts every day for the rest of their lives:

On 2 March, Tracey had dinner at home with her family, then went to Meyers flat.

At approximately 10:45 on that night, neighbours heard sounds of running, scuffling and screaming, and male voice say, ‘I am going to fix you, and fix you good’. Then they heard a thump-thump-thump, and that was he bashing her head on the floor.

The doctors told us she would die, but we hung on for two days hoping for a miracle.

One journalist described Tracey, 29, as being killed in one of Australia’s most brutal murders.

Tracey died according to an autopsy by Victoria’s head of forensic medicine, Professor Stephen Cordner, because her brain base was snapped from a number of blunt impacts to the head, hair pulled from Tracey’s head the likes he had never seen before.

Hair pulled from her head scalp was found on the floor under her head, on a light switch, the back door and other rooms in Meyers flat.
There is also an increase of 30 per cent in the minimum and maximum amounts of special financial assistance for category B acts of violence, such as indecent assault, armed robbery, aggravated burglary and kidnapping. The lower category of compensation levels have been nominal in the past and unfortunately remain so. The Victims of Crime Assistance (Special Financial Assistance) Regulations 2000 framed these levels when they introduced financial assistance for counselling, medical expenses and, mercifully, the loss of earnings.

However, what is yet to be resolved and remains problematic for victims of crime is the speed of access to counselling and other support services, assistance with and consideration of their involvement in court proceedings, adequate sentencing of offenders and importantly— I do not think this has been stressed in the debate thus far — protection against the risk of revenge attacks by offenders.

**Motion**

agreed **to**.

**Read second time.**

**Third reading**

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — By leave, I move:

That the bill be now read a third time.

In doing so I want to thank all members for their contributions to the second-reading debate.

**Motion agreed to.**

**Read third time.**

**Remaining stages**

**Passed remaining stages.**

**Business interrupted pursuant to standing orders.**

**ADJOURNMENT**

The PRESIDENT — Order! The question is:

That the house do now adjourn.

**Princes Pier: restoration**

Mrs COOTE (Southern Metropolitan) — The matter I wish to raise tonight is addressed to the Minister for Major Projects. Ever since the Bracks government came to power it has promised action to restore the iconic Princes Pier in Port Melbourne. For millions of Victorian migrants, Princes Pier was the place of first entry into Victoria and Australia. It is a pier that has suffered significant damage by vandals and fire, and that presents a whole range of issues. The pier is iconic to the foreshores of St Kilda and Port Melbourne.

To give a brief potted history, the former Minister for Planning in the other place, John Thwaites, had come in with such promise. The pier is within his electorate, and when he was the Minister for Planning there were high hopes that he would raise it as a major issue and that something would be done with it.

I am aware it would be extremely costly — in the vicinity of $30 million — to restore Princes Pier to its original glory. I also understand it would be costly to demolish it. It would seem that the promise made by the Bracks government is in fact to partially restore Princes Pier, but Ms Delahunty neglected it when she was the Minister for Planning and another former planning minister, Mr Hulls, has it on the backburner. Nothing is actually happening.

The people of Port Melbourne are tired of the numerous reviews, consultations and broken promises that relate to Princes Pier. It really is an important major project for Victoria. I have great faith in the Minister for Major Projects, who is the minister at the table, getting things done. I am sure he also understands it is something that needs to be done as a matter of urgency. I ask the minister if he will act to commence the renovations to Princes Pier as a matter of urgency and complete them within the next two years.

**School buses: Tubbut Primary School**

Mr HALL (Eastern Victoria) — Tonight I wish to raise a matter for the Minister for Skills, Education Services and Employment in the other place regarding school bus services at Tubbut Primary School, which is perhaps the most remote primary school in the state. I dare say few members of this chamber would have visited Tubbut, but if you want to get there, you can go via Buchan. About an hour’s drive north you go through places like Gelantipy and McKillops Bridge and on to Tubbut. Or if you go via Orbost, you go via Goongerah and Bendoc and then onto Tubbut, which is again about an hour’s drive north of Orbost, so it is a very remote part of the state.

The number of students attending the school has fluctuated fairly significantly in recent years. Whereas two or three years ago there were just over 20 students attending the Tubbut Primary School, this year the number of enrolments has decreased to 6, and of the 6 students attending the year, 3 are eligible bus
travellers — that means they live more than 4.8 kilometres from the school. Two of those 6 students would also use the bus when they are deemed to be ineligible, living within 4.8 kilometres of the school.

Up until last year the transport department funded a school bus service for students attending Tubbut Primary School, but because the numbers have now decreased and it no longer has the minimum number to retain the school bus service — by the guidelines that minimum number is seven — the department has ceased to fund that school bus service. At my plea the regional office of the Department of Education funded the service for the first six weeks of this term, but for the last few weeks of the term the school bus service was funded by the school itself.

If it is that that school bus service is permanently terminated, then there is no doubt that in the long run the school will close, given that the only option available to parents in that remote community is having to take their kids to school each day. That will not last long, and ultimately parents will opt for distance education, home-education or, if they are able to access it, the secondary school bus which goes to Bombala in New South Wales.

Obviously, and I am sure the government would agree with me, we would like to keep that remote school open and maintain educational opportunities for students who live in that area. The school council considers the provision of a bus service important, so much so it had an extraordinary meeting on 6 March of this year and decided to purchase its own 12-seater bus. The school has accumulated the funds to purchase that bus.

It is now seeking to have the government provide some recurrent funding for the operation of that bus. My plea to the minister tonight is to make available some recurrent funding to help the school operate that school bus. It was looking at an annual contribution of something like $25 000. It is the least the government can do to support this rural community that gets precious little in the way of other government services.

**Ballarat sports complex: feasibility study**

Ms PULFORD (Western Victoria) — My adjournment matter is directed to the Minister for Sport, Recreation and Youth Affairs in the other place. I would like to ask the minister to assist with the funding of a feasibility study into the construction of an elite sport and community-based sporting complex in south-west Victoria, specifically in Ballarat.

At present there are no pitches available to play competition football in Ballarat due to the drought. Players have to play out of town in places such as Warrnambool and Learmonth. This affects around 1000 registered players, and it also affects the largest female-only competition in the Southern Hemisphere. The elite Ballarat state league team — the Red Devils — has to travel to Melbourne for the first four to six weeks of its 18-game season. The problems that arise from that include fixture congestion, lost revenue-raising opportunities and travel expenses which have been weighted at the start of the season.

The drought has seen a level of cooperation evolve between the Ballarat football stakeholders — the Ballarat and District Soccer Association, the Ballarat Soccer and Sports Club and the Ballarat Academy of Soccer. That has not previously occurred. They want a regional facility so that players, not only from the Ballarat area but from the western region, do not have to either constantly travel to and from Melbourne or even move to Melbourne to continue their football development. Such a facility would create a complex of football pitches in Ballarat rather than having them around the city and the region, allowing for easier maintenance and reliable playing areas.

The Ballarat Soccer Community Planning Committee proposes that six artificial pitches be built in a complex that serves the game in Ballarat and the western region. The vision is also to allow other suitable codes and local school communities to use the complex. It is also an opportunity to build a complex that is equipped to host major regional and state tournaments like the Total Girl Soccer Tournament, which had 1100 participants in Ballarat last month. Not only could this provide a great benefit to the sporting community, as part of the soccer community’s vision the complex would also incorporate a water run-off which could be used as an additional water resource for the area.

For this vision, which is shared by this community, to become a possibility and for the opportunity for western Victoria to develop into a prosperous area for football, there needs to be a feasibility study conducted to establish the long-term viability of such a centre for sporting excellence. It is in that spirit that I ask the Minister for Sport, Recreation and Youth Affairs to assist with the funding of a feasibility study into the construction of the Football Federation of South West Victoria’s vision for the proposed elite and community-based sporting complex.
Gas: Warburton supply

Mr O’DONOHUE (Eastern Victoria) — My issue this evening is for the Minister for Rural and Regional Development in the other place. Diversification in the types and sources of our energy is important for the economic, social and environmental wellbeing of Australia. Victorians and Australians are now importing more and more of their oil requirements from overseas. We are therefore looking to alternative energy sources; wind, solar and clean coal will all play an important part in our energy future.

Natural gas is and will continue to be an important player in this mix. Natural gas has many benefits. It is not only cost competitive with other energy sources, it is environmentally friendly when compared with oil or brown coal. We have an abundance of natural gas here in Australia.

Unfortunately, despite these advantages, the Bracks government has let down many communities by not connecting them or giving them access to natural gas. One of those communities is the beautiful town of Warburton. As some members would know, Warburton sits at the end of the Warburton Highway at the foot of Mount Donna Buang in the upper Yarra, approximately 80 kilometres from Melbourne.

Warburton, because of its altitude and proximity to the mountains, can be very cold in winter. It also has a significant number of people on low incomes as well as a vibrant and growing tourism and services industry. Access to inexpensive energy is therefore critically important to protect those with limited resources as well as to allow the businesses of Warburton to grow. The Liberal Party recognised this at the last election and promised, if elected, to extend the gas pipeline to Warburton. Unfortunately the government has refused to match our promise.

I ask therefore that the minister recognise the importance of delivering natural gas to the people of Warburton and committing to extending the natural gas pipeline to Warburton as a matter of urgency.

Housing: affordability

Mr DRUM (Northern Victoria) — My adjournment matter is for the Minister for Housing in the other place, Mr Wynne. As The Nationals spokesman on housing I have become aware that the Bracks government may be failing in its attempts to make home ownership more affordable for first home buyers. This week we had Treasurer Brumby bragging about how he had handed out more than 100 000 first home bonuses and making the odd claim that because they had gone to houses costing less than half a million dollars somehow they had gone to those who most needed it. Nearly half a billion dollars has been dished out since 2004, but one must ask the question: are homes any more affordable today than they were back then? The answer clearly is no.

The truth is that the Bracks government has in a way missed the mark with the first home owner grants. Research by the Victorian Council of Social Service shows that 8.8 per cent of first home owner grants have gone to families in the lower half of the household income range; therefore 91.2 per cent of first home owner grants have gone to the wealthier families. Whilst I commend the government for making a solid investment in young home owners, the sad truth is that much of this help has gone to those who least need it. The investment is needed now more than ever. We call on the government to assist young families who need that help most.

The Housing Industry Association recently warned the government of a crisis in home affordability and urged it to slash its state fees and charges on housing. The Bracks government continues to enjoy massive windfalls from stamp duty, with skyrocketing home prices in recent years creating more revenue than ever before. I was therefore horrified to see a recent statement by the Property Council of Australia that Australia is now ranked amongst nations in the world with the least affordable home ownership. Failure to act now will leave future generations of young Australians with a dismal legacy of housing stress in a country which by any other assessment should boast the highest standards of home ownership and affordability.

I call on the Minister for Housing to put in place a policy that is strategically directed at that portion of the community which is most in need of assistance when attempting to purchase a first home. It must also be acknowledged that the $70 million that has been handed out through the state’s housing associations has also missed the mark because it is largely going to the higher end of the low-income social housing or public housing market. My belief is that up to 70 per cent of that $70 million is going to the highest bracket of those people who are eligible for public housing. The dishing out of money through housing associations and the first home owner grant are attempts by this government to improve the lot of people who need assistance to purchase their first home, but both are largely missing the mark. I call for a strategic policy to make sure that the people at the lower end of the market are given the assistance they need.
Telstra Dome: pass outs

Mr PAKULA (Western Metropolitan) — My adjournment matter is directed to the Minister for Consumer Affairs in the other place. Last month I raised a matter for the Minister for Sport, Recreation and Youth Affairs in the other place about the pass-out policy at Telstra Dome. Since then I have met and spoken at length with Mr Nick Sautner, general manager, operations, at Telstra Dome, and with Mr Collins, the chief executive officer. Most of the rationale used by Mr Collins in the media in the last week was put to me by Mr Sautner when I met with him. The sorts of reasons raised were that people were buying drinks at Nando’s and bringing them in, that people were pinching pass outs, the possibility of lawsuits because of flying footballs, the cost of putting staff on at half-time to issue the pass outs and the possibility of a terrorist threat because there were no bag checks at half-time.

I say now what I said to Mr Collins and Mr Sautner then. I said that none of those reasons seemed compelling enough to justify such a fundamental change to the way people enjoy the footy, that it was a bad idea and that Telstra Dome was going to cop a lot of heat. That has proven to be so. It is not as if ground staff have not confiscated footballs from the concourse in the past; I know they have. It is not as if patrons do not buy alcohol inside the ground. It is not as if kids have not been pinching pass outs since Adam was a pup — and I conceded in my conversation with Mr Sautner that when I was a kid I might have pinched the odd pass out — but it is a question of balance. It is about not using a sledgehammer to crack a peanut.

To be fair, Mr Collins conceded that commercial relationships were a part of the stadium’s decision, but in his public comments since, he has gone further. He has been quoted as saying:

We want people when they come to the venue to stay in the venue and to use the facilities in the venue … We are a privately funded company. We have to maximise … returns …

He has been quoted as also saying that Telstra Dome wanted to be able to run its business as it saw fit, without interference.

As MPs we have a responsibility to the community, to the, on average, 6000 patrons per match who leave the venue at half-time, many of whom are my constituents, Mr Finn’s constituents or Mr Eideh’s constituents. We have an obligation, and we are entitled to have a view about the scenes of fans being herded into cages at half-time. We have an obligation to consumers, and we are entitled to the view that a day at the footy is a way of life. It is about more than Telstra Dome’s bottom line, which I am sure will survive the reinstatement of pass outs. I have no doubt that Mr Collins would understand that better than most. My request to the Minister for Consumer Affairs is that he investigate whether the actions of Telstra Dome represent a contravention of any consumer protection laws.

Werribee Open Range Zoo: public transport

Mr FINN (Western Metropolitan) — I wish to draw a matter to the attention of the Minister for Public Transport in the other place. I am aware that there is every chance the minister may not be interested in this, as she does not appear to be interested in too much at all at the moment, but it concerns the lack of public transport on Sundays to what is a tourism icon in Melbourne — that is, the Werribee Open Range Zoo. At a recent meeting there with management and a tourism representative from the western Melbourne region I was astounded to find out that this wonderful example of what Victoria has to offer cannot actually be reached on a Sunday by public transport. This is obviously a place for families. I have been there myself with my family. It is a great place for kids. It is a place where you can go to see wild animals in their natural habitat — apart from what we see on the other side of the house!

It is a wonderful place for Victorians and a great place for the people of Werribee and the west of Melbourne. It absolutely astounds me that there is no public transport on a Sunday to this icon of Victorian tourism. It would seem to me that the minister has some responsibility to ensure that public transport is provided. The zoo is serviced by a bus service during the week, and it would seem to me more than reasonable that that service should also be available on Sundays. It is a wonderful place to visit. I invite members, including you, President, to go down and visit the zoo.

At my recent meeting there I met the management in the Meerkat Cafe, and halfway through the meeting we were joined by a meerkat staring at us through the window. It was ever so slightly off-putting, but it is the sort of place where anyone would have a very enjoyable day. It has won many tourism awards and is something that we as Victorians can be very proud of. The only problem is that many families, particularly in the west of Melbourne, rely on public transport. There is no way they can get there on a Sunday. It is many kilometres from the Werribee railway station. There is no way that the average family could walk there. If you
are a keen hiker, you might be in with half a chance but anybody else would not have a hope.

I direct my request to the Minister for Public Transport, perhaps more in hope than anything else, and ask that she act now to provide public transport to the Werribee open range zoo on each and every Sunday.

Drought: infrastructure projects

Ms TIERNEY (Western Victoria) — The matter I wish to raise relates to drought relief, and I direct my adjournment matter to the Minister for Agriculture in the other place.

On Thursday, 5 April 2006, a significant number of new drought infrastructure projects for south-western Victoria were announced — 3 projects in Corangamite shire, 6 in Glenelg shire, 1 very large project in the Colac-Otway shire, 4 in the Greater Geelong council area, 16 in the Moyne shire, 5 in the Southern Grampians shire, 2 in the Surf Coast shire, and 6 in the Warrnambool council area — amounting in value to a total of $2.4 million.

The projects are being funded up to 100 per cent, with priority given to projects that are labour-intensive and which use local labour. I congratulate the government for making this announcement as it is yet another solid example of the Bracks government’s commitment to rural and regional Victoria and its genuine understanding of the hardship and difficulties and challenges faced by ordinary Victorians.

Could the minister advise what mechanisms will be put in place to monitor the use of local labour, to highlight the work that is undertaken by locals affected by the drought in western Victoria?

Planning: St Helena development

Mr GUY (Northern Metropolitan) — I raise an issue for action by the Minister for Planning, who I note is absent from the chamber. Last December I spoke about a development at Evelyn Way, St Helena. Under Labor’s Melbourne 2030 policy a high-density development was to be built right in the middle of low-density St Helena, a suburb just north of Greensborough. As anyone would understand, the locals in St Helena were furious that 51 units are to be approved under the Melbourne 2030 plan and built right in the middle of an area that was zoned for no more than a few homes. This kind of development is well outside an activities area, has very limited public transport access and, as I said, has no support of the local residents in the area.

In reply to my raising this issue I note that the Minister for Planning sent me a letter laced with smart alecry and one that did not befit the position of a minister. I thought it rather beffited the position of a Bankstown councillor or something, but it certainly was not the kind of letter that one would expect to receive. I will be happy to distribute the response he has given me to the residents of Evelyn Way, as I did with the original reply from Minister Lenders to the concerns I raised regarding this important planning issue in the marginal seat of Eltham.

Turning to tonight’s issue: down the road from Evelyn Way, St Helena, is Carnon Street, Greenhills. There is a vacant block in Carnon Street of around an acre. A proposal has been put forward to build 16 units on this acre right in the middle of low-density Greenhills. The buildings may be as high as 9 metres in a designated semi-bush precinct originally planned for two or three lots.

Hon. T. C. Theophanous — On a point of order, President, the member has started his question to me in relation to a development and went on for quite a bit in relation to a St Helena development about which he had received a response from the Minister for Planning. I was of the view that he was going to ask me a question in relation to that development. It certainly seemed to me that was the subject of his question.

Standing orders provide in respect of the adjournment debate that only one question may be asked of a minister. Mr Guy now seems to be going on to ask me about a completely separate or different development from the St Helena development, after spending 2 minutes informing the house of his complaint about the response he received from the Minister for Planning.

I would suggest, President, that he should be asked to conclude his matter and to ask the question in relation to the St Helena development, because that is really what he spent his time on.

Mr Atkinson — On the point of order, President, the context of the remarks that have been made by my colleague have been to the effect that he does not want a response from the minister to the matter he now brings before Parliament in the adjournment debate which is similar to the one he received on another matter. He would like a genuine response to a concern that has been raised with him in regard to a new development. I would suggest members have an opportunity to provide a preamble on an adjournment matter.
The PRESIDENT — Order! There is no way the member can debate this point of order.

Mr Atkinson — That is right.

The PRESIDENT — Order! Mr Atkinson is trying to, but he knows he cannot; therefore I am ruling the point of order out of order.

Mr GUY — On a point of order, President, for the minister’s information, I have not asked a question of the Minister for Planning. I have been providing a preamble for 2 minutes. If the minister allows me to ask my question, and I still have 1 minute left, I will certainly do so.

The PRESIDENT — Order! It seems to me that Mr Guy is developing his question. I am of the view that he is in order. However, I remind the member that he may only raise a matter of consideration for a single minister. Up to date he is complying with that, and I suggest he not stray from that. We will see how it develops.

Mr GUY — In conclusion, I ask the minister to explain to the residents of Carnon Street, Greenhills, indeed to all the residents in this area who will have his reply and the previous one distributed to them for their information, why their quiet suburban street, not near a central activities area, should be the target for high-density development, to advise why the Bracks Labor government thinks it is fine to place high-density developments well away from an activities area and right in the middle of low-density suburbs, and further to advise the residents of Carnon Street, Greenhills, whether they will be the target of high-density development at any time in the future.

Schools: Go for Your Life campaign

Ms DARVENIZA (Northern Victoria) — I wish to raise an adjournment matter for John Lenders, the Minister for Education. The matter I wish to raise concerns the ban on junk food in school canteens. We have many small schools there, and I would like to know how they are faring in the lead-up to this ban.

National Water Sports Centre: funding

Mrs PEULICH (South Eastern Metropolitan) — The matter I wish to raise is for the attention of the Honourable John Thwaites, the Minister for Water, Environment and Climate Change in another place. It concerns the state of the National Water Sports Centre, which is located in Bangholme on the periphery of the city of Greater Dandenong, close to the border between the councils of Kingston and Frankston. It is in sort of a no-man’s-land.

Some members would know that the National Water Sports Centre was intended to be an international-standard rowing course as part of the Melbourne 1988 Olympics bid; however, it has never really been finished. Part of the course is the Patterson River. There is still some quite active use of the facility for many sports such as waterskiing, jet skiing, canoeing, kayaking, course angling, radio-controlled yachts and triathlons. I was surprised to learn that it is managed by Parks Victoria and that for this fairly large facility only approximately $14 000 was set aside for its maintenance.

Upon being invited by one of the committee members, Mr Joe Romer, to visit it with the shadow minister for youth and sport in another place, the member for Bulleen, I was able to witness the state of disrepair of this facility and saw the need to address two areas fairly quickly: the boat launching area and the potholes in the road leading into the facility.

The stakeholders, including Sport and Recreation Victoria, Parks Victoria as well as the councils — both
those responsible and those abutting — need to be brought in to develop some sort of a master plan for the future use of this facility.

The boat launching area is a health hazard. The boats are carried down a hill from the boat sheds, there is a step of about half a metre that must be negotiated before the boats can be launched, and a lot of the bank has been eroded as a result of motor sport. Many schoolchildren use that particular area as do many people with disabilities, and people are required to carry boats weighing between 40 kilograms to 100 kilograms, which makes the launching of the boats quite hazardous for them.

This area needs some action as a matter of urgency. As I said, there also needs to be the fixing of the road and some general maintenance. In addition to that I would hope the government, supported by local members of Parliament and the local government authorities, work together to develop some sort of future vision for this very important facility, which is functioning significantly below its potential. I look forward to hearing from the minister about what his plans may be, over and above the meagre $14 000 that is set aside for its maintenance.

WorkCover: transport company claim

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Finance, WorkCover and the Transport Accident Commission in the other place. It is a matter relating to WorkCover which has been brought to my attention by Mr David Knight of D. J. Transport Pty Ltd. It relates to an incident involving an employee truck driver of D. J. Transport becoming involved in a head-on collision with another truck on the South Australian side of the South Australia–Victoria border in 1998.

At the time the employee of D. J. Transport was charged by the South Australian police with negligent driving and was subsequently convicted. On that basis the claim against D. J. Transport was treated as a WorkCover claim rather than a Transport Accident Commission (TAC) claim. Subsequently the conviction in South Australia was appealed by the employee and overturned by the chief magistrate in South Australia. Indeed the employee of D. J. Transport was even awarded costs. The chief magistrate noted in his finding that the other vehicle was responsible for the accident and suggested that charges could be laid against the other driver.

Since that time Mr Knight has petitioned the Victorian WorkCover Authority (VWA) to have the claim dealt with as a TAC claim rather than as a WorkCover claim. Obviously having the matter dealt with as a TAC claim will have a significant impact on the company’s claims history with repercussions for premiums. This has been an ongoing issue since the incident occurred in 1998, and I understand the conviction was overturned around 2003. It has been four or five years since this matter has been dealt with by the VWA, and Mr Knight has attempted to have the VWA claim struck out and replaced with a TAC claim, which, based on the findings of the South Australian Magistrates Court, would be the more appropriate way of handling it.
This matter was raised by the Deputy President with the former Minister for WorkCover and the Transport Accident Commission last year. It subsequently lapsed because of the election, so I raise it now for the attention of the Minister for Finance, WorkCover and the Transport Accident Commission. I seek his intervention in this matter with the Victorian WorkCover Authority to ensure that it is properly dealt with and is handled as a Transport Accident Commission claim rather than a WorkCover claim and that the matter of Mr Knight, which has been outstanding now for some seven years, receives the appropriate handling.

Responses

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I have received a number of queries on the adjournment debate. Andrea Coote asked me, as Minister for Major Projects, a question in relation to the Princes Pier development. This is a project which is being developed under the major projects portfolio and is receiving attention from me. The intention of the government is to proceed with the development. Members would be aware of the recent fire on the pier as well, which set back the program a little bit.

I have sought a report in relation to the project. There were some heritage issues that had to be dealt with as well. I am now in a position to be able to inform the member that we will be proceeding shortly with the refurbishment, and I am confident that we will be able to complete this project by the end of 2009.

I refer to the question from Peter Hall for the Minister for Skills, Education Services and Employment in the other place in relation to the Tubbut Primary School which had purchased its own 12-seater bus. There are six students at the school, so they have allowed for expansion, which is good. Mr Hall has asked for the minister to look at recurrent funding. I will pass that on to the minister for a response.

Ms Pulford asked a question for the Minister for Sport, Recreation and Youth Affairs in the other place in relation to sporting and football arrangements for Ballarat and is seeking a feasibility study. I will pass that on for response.

Mr O'Donohue asked a question for the Minister for Regional and Rural Development in the other place in relation to natural gas extensions. As he would be aware, the Bracks government did bring in a $70 million gas extension program, which delivered gas to many parts of rural and regional Victoria. He should not come in here as a new member and criticise this government, when the previous Kennett government did not do very much in this area at all. However, I will pass his request on to the relevant minister for consideration.

Mr Drum asked a question for the Minister for Housing in the other place in relation to first home buyers. I understand the point he is making. Trying to create affordable housing is a difficult and complex issue, and it is important that young families get access to houses in our state. I am certainly happy to pass on his request for a fuller answer from the Minister for Housing.

Mr Pakula asked a question for the Minister for Consumer Affairs in the other place in relation to the Telstra Dome and constraints on people being able to get exit passes and get back in. I will pass that request on to the relevant minister.

Bernie Finn asked a question for the Minister for Public Transport in the other place in relation to providing public transport to the Werribee Zoo on a Sunday. I am certainly happy to pass that request on to the minister for consideration.

Mrs Peulich — An open-top bus.

Hon. T. C. THEOPHANOUS — An open-top bus. Perhaps Mr Finn might want to be the guide; that might attract a few more people.

Mr Finn — If the money’s right, I’ll give it a shot.

Hon. T. C. THEOPHANOUS — Ms Tierney asked a question for the Minister for Agriculture in the other place in relation to using local labour for work during the drought in country Victoria. I will pass that on for response.

Mr Guy asked a question for the Minister for Planning — or at least I thought it was one question. He asked about both the St Helena development and the Carnon Street, Greenhills, development. He was not happy with the letter of response he received from the minister.

Mr Guy interjected.

Hon. T. C. THEOPHANOUS — Ministers are required to respond, they are not required to give members letters that they like. I will pass that on.

Ms Darveniza asked a question for the Minister for Education in relation to the important issue of obesity. I will pass that on for response.
Mrs Peulich asked a question for the Minister for Water, Environment and Climate Change in the other place requesting that Parks Victoria act in relation to a boat launch area. I will pass that on for response.

Donna Petrovich asked a question for the Minister for Agriculture in the other place in relation to an unfortunate incident involving a number of horses starving to death, which we would all abhor. I will pass that request for action on to the relevant minister.

Gordon Rich-Phillips asked a question for the Minister for Finance, WorkCover and the Transport Accident Commission in the other place seemingly in relation to a dispute which goes back many years. I will pass that request on to the relevant minister for response.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.42 p.m.
Wednesday, 18 April 2007

The PRESIDENT (Hon. R. F. Smith) took the chair at 9.32 a.m. and read the prayer.

The PRESIDENT — Order! This is an opportune time for me to remind the house about mobile phones. This is the third time in two days that a phone has gone off. You all have vibration mode; I suggest you use it.

PAPER

Laid on table by Clerk:

Ombudsman — Investigation into a disclosure about WorkSafe’s and Victoria Police’s handling of a bullying and harassment complaint, April 2007.

MEMBERS STATEMENTS

Mr Koch (Western Victoria): health

Mr Davis (Eastern Victoria) — I wish to make a statement in relation to our colleague, David Koch, who was taken unwell yesterday afternoon. This morning I have had the opportunity to speak with his wife, Jan. David has stabilised, is in good spirits and is in excellent care at St Vincent’s Hospital.

I would like to thank all members of the house and staff of the Council who assisted with what was a very difficult situation for the house to handle yesterday afternoon. It was with the expeditious assistance of both staff and members that David was able to be taken to good care.

I am hopeful that David will soon be able to return to his duties in both the house and his electorate. I am sure we will give him all the time he requires to make a full and complete recovery. In that respect I have spoken with the Leader of the Government and anticipate that a house division pair arrangement will be provided for as long as is required to enable that to happen.

Rail: Sydenham and Werribee lines

Ms Hartland (Western Metropolitan) — I have spoken before in the house about my adventures using public transport to come into Parliament on the Sydenham and Werribee train lines. There are days when I am not able to get on the trains between 7.30 a.m. and 8.30 a.m., because the carriages are so crowded.

When I have rung the Connex feedback line I have been told they will ring back in one to seven days, but I am still waiting for those calls. Having written to a number of local newspapers asking people who use public transport to contact me, I have received a flood of letters. Obviously people are not getting the satisfaction they need from Connex, and their telephone calls are not being replied to.

I will continue to use public transport, as will my fellow Greens. I am not sure how many other MPs use public transport, but I am sure they would like to get updates on a weekly basis of how well the trains are not running!

Tallygaroopna Football and Netball Club: change rooms

Ms Darveniza (Northern Victoria) — I take this opportunity to say how pleased I was to have the opportunity to officially open the new change room facility at the Tallygaroopna Football and Netball Club on the weekend. I was pleased to be able to do that with my parliamentary colleagues Wendy Lovell and the member for Shepparton in the other place.

This is a fantastic facility, and I take this opportunity to congratulate those who were involved in making this new facility happen. I thank Mr Glenn Scott, the chief executive officer of the Victorian Country Football League, and Mr Dennis Patterson, president of the Tallygaroopna Football and Netball Club.

I thank the Greater Shepparton City Council for making a significant contribution to the upgrading of the Tallygaroopna recreation reserve change rooms. I also congratulate the Tallygaroopna Football and Netball Club on managing to raise $40 000 towards these new change rooms, which is a significant contribution from a small community. It is a great new facility, and I am sure it will contribute to the Tallygaroopna Football and Netball Club succeeding in the future.

Hazardous waste: Lyndhurst

Mrs Peulich (South Eastern Metropolitan) — Recently I had the opportunity of attending a breakfast meeting which was kindly organised for local members of Parliament by the City of Greater Dandenong. It was a meeting that I sought in order to be briefed on key issues facing that electorate. The issues, contained in an excellent briefing paper, were well presented.

The PRESIDENT — Order! I do not know what is going on in here with mobile phones, but it is unacceptable, particularly from Hansard.

Mrs Peulich — The meeting was attended by the mayor and councillors Memeti, Kelly and Brown,
the council’s chief executive officer, John Bennie, and some of the senior directors as well as my colleague Gordon Rich-Phillips and the member for Dandenong in the other place. During that meeting, and in language that was sedate and soft, possibly due to the close relationship between some Labor members of Parliament and some of those on the council, they expressed concern and regret that the Minister for Water, Environment and Climate Change in the other house had not seen fit to meet with them to place on the record their concerns in relation to the Lyndhurst landfill facility.

I seek an immediate response from the minister about an opportunity for these elected representatives to lay on the table their strategy for the facility to be audited independently and how any concerns that arise from that can be addressed in order to satisfy the constituency they have been elected to represent, as we have been. I would urge the minister to acquiesce to that request as soon as possible.

Polish Seniors Day

Ms TIERNEY (Western Victoria) — On 29 March this year I had the honour of attending and speaking at the Polish Seniors Day. The event was hosted by the Geelong Polish Club at White Eagle House and was attended by over 700 Polish people from all over Victoria. The day was a procession of cultural performances from various Polish seniors groups. It is an extremely talented and committed community that understands the importance of keeping a culture alive through language, dance, poetry, song, recipes and unique Polish humour.

The Polish seniors community members must also be applauded for reaching out and searching for new intellectual and artistic rigours, regardless of their age. This is symbolised by the annual poetry competition. They understand that their intellectual nourishment will sustain future generations. The community also recognises the importance of social welfare policy and has the finely tuned advocacy skills and nous for pursuing the provision of services for its own members.

I would like to thank the Polish senior citizens community for the role it continues to play in making this country more mature, more worldly, more respectful and more appreciative of what all people bring to the community table.

Mildura Brewery: non-toxic beer

Ms LOVELL (Northern Victoria) — On a recent visit up to the magnificent Sunraysia district with my parliamentary colleague Mrs Petrovich I was shouted to a sample of the new Mildura Brewery non-toxic mid-strength beer by Mr Don Carrazza, the owner of the Mildura Brewery. The flyer for the new beer encourages the community to ‘Buy a six-pack and celebrate’. It goes on to say:

It was declared in January 2007 that a toxic waste dump would not proceed in the Sunraysia region. After enormous community effort and a dogged fight this outcome was reason for celebration.

To mark this splendid victory the Mildura Brewery has produced a mid-strength beer with the finest local and organic ingredients including wheat, dried fruit and citrus: the very products that could have been jeopardised had the dump gone ahead. Enjoy your non-toxic beer in natural surroundings.

I certainly congratulate the Mildura community on the campaign it waged against the Bracks government’s plan to put a toxic waste dump in the Sunraysia region. It would have put at risk the produce that we produce in and our exports from the region. The community did a wonderful job and it is now celebrating with its own non-toxic mid-strength Mildura Brewery beer.

Schools: Western Metropolitan Region

Mr EIDEH (Western Metropolitan) — I rise to pay due regard to the great schools within my electorate of Western Metropolitan Region for their excellence in delivering exemplary on-the-job teacher training, an area critical to ensuring quality education for the children of our great state. I further wish to congratulate them for creating a strong culture of continuous improvement, something which we would all agree is one of the finest examples of education. Ascot Vale Primary School, Deer Park Primary School, Essendon Keilor College, Calder Rise Primary School, Keilor Downs Secondary College and Roxburgh Rise Primary School have all met the high standards set by the Bracks Labor government for education in our state.

The Bracks government’s performance and development culture initiative recognises schools that meet the accreditation standard for five key elements. These include induction programs for new teachers, who are critical to the future of education, feedback to individual teachers on their effectiveness and customised plans for professional learning and development.

The Bracks government is totally committed to supporting teachers through a range of initiatives, including teacher professional leave, induction and mentoring programs and ongoing professional development. The schools that have been recognised have displayed the very best standards in all areas,
leading to enhanced benefits for their students through quality education. Each and every school that has attained such an accreditation should be proud of its staff and of their achievements. As their member I express my own pride in their dedication to education and their students.

Housing: affordability

Mr GUY (Northern Metropolitan) — Unlike many people in this Parliament there is no doubt that the Minister for Planning — who I note is not here — thinks the Property Council of Australia is a smart, decent body that is indeed a voice for leadership in the planning and property communities in Australia, so I was surprised and pleased to receive a letter from Mr Ross Elliott, the director of the property council’s Residential Development Council together with a copy of its Boulevard of Broken Dreams document, as I understand a lot of other members of Parliament did.

The letter and document also came with an attached squishy, stress-eating banana. The seriousness of the message from the property council comes in the following pages from the letter, and if I have got enough time I would like to read it and hopefully gain the attention of the planning minister — who I note again is not here. Mr Elliott’s letter states:

Listen to a gaggle of bank economists and planning officials in this country and you’d be forgiven for thinking that house prices were only influenced by demand-side factors: jobs growth, wages, interest rates. But you will recall that the most fundamental element of economics is not called ‘the law of demand’, but ‘the law of supply and demand’.

Cyclone Larry wiped out three-quarters of Australia’s banana crops last year. That reduction in supply saw banana prices rise …

…

Prices rose not because everyone wanted to suddenly eat more bananas, but because there weren’t enough bananas to go around. Supply and demand — two factors working together.

The letter further goes on about land supply. It states:

Supply has been artificially restrained due to unrealistic policy settings, leading to rapid price rises for developable land. New supply is now heavily taxed through a variety of infrastructure charges …

I could not have said any of this better myself. The planning minister has his head in the sand when it comes to home affordability — or maybe his head is in a banana tree!

The PRESIDENT — Order! I remind the house that yesterday I allowed a little leeway for one member to use a bandana, but I did not accept his request to wear it. The very reason I did that was because members are not to wear anything that has advertising on it and are not to use props in the chamber. Of course what we are seeing now is that as soon as you give a little leeway, such props come out of the woodwork. For the information of Mr Guy and the rest of the house, that is the last time anyone will use a prop in the chamber.

Liberal Party: federal candidate for Holt

Mr PAKULA (Western Metropolitan) — One of my favourite television segments is ‘Tip of the hat/wag of the finger’ on the Colbert Report. As homage to Mr Colbert, I give a tip of the hat to the Liberal Party for revoking the preselection of Ken Aldred for the federal seat of Holt, but I also give it a wag of the finger for endorsing him in the first place.

It appears that a particular wag of the finger is due to Mrs Peulich, who, if reports are to be believed, played an instrumental role in supporting his preselection. And why? Was it because Mrs Peulich believed he still had a major contribution to make to the federal Parliament? I doubt it very much.

Mrs Peulich — On a point of order, President, Mr Pakula is reflecting on a member, and I would like to categorically repudiate any suggestion or inference that I influenced a single vote — —

The PRESIDENT — Order! There is no point of order — and Mrs Peulich will resume her seat.

Mr PAKULA — Was it because Mrs Peulich endorses Mr Aldred’s crackpot conspiracy theories? I seriously doubt that, and I seriously hope not. Why, then? It appears it was to make a point to her colleagues — namely, ‘Stay out of the south-east and stop messing with my preselection’.

I have seen my share of political infighting, but I think there are cats in Kilkenny who are sitting around and saying, ‘Get a load of these guys’!’. So bad has it got that Anthony Byrne almost had to add his name to the ranks of Julian Beale and Joan Child as a slayer of this LaRouchite crank — and all because Mrs Peulich had to fire a shot across her colleagues’ bows.

Slavery: abolition

Mr SCHEFFER (Eastern Victoria) — This year marks the 200th anniversary of the abolition in 1807 of the slave trade in the British colonies that made it illegal to carry slaves in British ships. It took another 26 years before the Abolition of Slavery Act abolished slavery
itself in 1833. The transatlantic slave trade began in 1502, when the first Africans were captured and shipped to the Americas. The trade was highly profitable. By 1607 the colony of Virginia was founded and became one of the main areas for the arrival of enslaved Africans. About 20 million Africans were taken as slaves. The slave trade profoundly changed human history and remains today a deeply sensitive and contested issue. It is important that the abolition of the slave trade in 1807 be acknowledged in this house.

Increasingly contemporary Britons are recognising how deeply slavery shaped their nation. Britain had some 11,000 slave ships, and its economy thrived on supplying the goods traded for slaves. Few heeded the call of the Quakers that morality should override profit, preferring to accept that the slave trade was the source of their economic prosperity. The grandeur of Britain’s historical legacy is a permanent reminder of the wealth generated from slavery.

But throughout the world slavery lives on in contemporary forms such as people trafficking, child labour, bonded labour, serfdom, chattel slavery, servile marriages, sex slavery and the exploitation of domestic and migrant labour. Modern slavery is clandestine, and while it is hard to work out how many people are involved, there is increasing evidence that slavery-like practices are vast and widespread.

United States of America: Virginia Tech shootings

Ms PULFORD (Western Victoria) — I wish to reflect on the tragic shooting that occurred yesterday at Virginia Tech University in the United States that claimed the lives of 32 innocent people and the shooter himself. First of all I would like to give my condolences to the families of the victims who had their loved ones senselessly taken away. It is important not only to feel sorrow for what has happened but to reflect on how these things occur and how they can be prevented in the future. Unfortunately in the US this kind of event is becoming a regular news item rather than a once-in-a-generation disaster.

In 1996, 35 people were murdered at Port Arthur in Tasmania. Unlike the US, though, Australian society — and to its credit the Australian government — realised our gun laws were not tough enough, and Port Arthur was the catalyst for an extensive gun buyback scheme which has made Australia safer.

For all the strengths of the Constitution of the United States, the wide interpretation of the second amendment giving citizens the right to own a gun is outdated and is a reason for the thousands and thousands of gun-related deaths in the US each year. For the White House to respond to this tragedy straight after such a shooting with the comment that President Bush believes it is ‘still every American’s right to bear arms’ is disgraceful. Mass killings like this will continue to occur unless this stubborn and dangerous attitude by the US government and its people changes.

Parliament: conscience vote

Mr SOMYUREK (South Eastern Metropolitan) — I rise to congratulate the parliamentary leadership of the political parties in this Parliament and the federal Parliament in allowing a conscience vote for the respective bills that deal with somatic cell nuclear transfer.

I followed with interest the debate in the commonwealth Parliament last year and again in the lower house of this Parliament yesterday. I was impressed with the high standard of debate and the profound thought that went into each speech. During this debate, instead of listening to smart people delivering dumb lines we had the pleasure of listening to smart people delivering speeches of intellectual substance. Though rare, free debates such as this do much to diminish the cynicism in the electorate about politics and politicians. With the exception of inaugural speeches, it is very rare for any MP in Australian parliaments to have the opportunity to articulate his or her views or philosophy without the fear of breaching party discipline or being off-message.

In terms of party discipline, the Australian political culture is the most stringent of any country that operates under the Westminster system of parliamentary democracy. Even in the UK, the country from which we inherited our Westminster tradition, MPs are given much more latitude. The media often complain about MPs following the party line and the consequent executive dominance usurping the power of Parliament, yet paradoxically it is the same media that run headlines of rebellion and revolt as soon as an MP exercises any level of independent thought.

Once again I congratulate the respective leadership of the parties that made the decision to allow their MPs a conscience vote. The debate that followed has done our parliamentary democracy proud. With more free debate the electorate may re-evaluate its views of politics and politicians.
SELECT COMMITTEE ON DESALINATION

Proposed establishment

Mr P. DAVIS (Eastern Victoria) — I move:

1. A select committee of seven members be appointed to inquire into and report on desalination as augmentation of Melbourne’s water supply.

2. The committee will consist of two members from the government party nominated by the Leader of the Government, two members from the opposition nominated by the Leader of the Opposition, one member from The Nationals nominated by the Leader of The Nationals, one member from the Australian Greens nominated by the Australian Greens Whip, and Mr Peter Kavanagh, MLC, from the Democratic Labor Party.

3. The members will be appointed by lodgement of the names with the President by the persons referred to in paragraph 2 no later than 4.00 p.m. on Friday, 20 April 2007.

4. The first meeting of the committee must be held no later than 4.00 p.m. on Monday, 30 April 2007.

5. The committee may proceed to the dispatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.

6. Four members of the committee will constitute a quorum of the committee.

7. The chair of the committee will be a non-government member and the deputy chair will be a government member.

8. The committee will advertise its terms of reference and call for submissions and all such submissions received by the committee will be treated as public documents unless the committee otherwise orders.

9. The committee may commission persons to investigate and report to the committee on any aspects of its inquiry.

10. The committee will present its final report to the Council no later than 31 December 2007.

11. The presentation of a report or interim report of the committee will not be deemed to terminate the committee’s appointment, powers or functions.

12. The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders and sessional orders or practices of the Council, will have effect notwithstanding anything contained in the standing or sessional orders or practices of the Council.

In moving the motion before the house to establish a select committee to inquire into and report on desalination as augmentation of Melbourne’s water supply, I make this preliminary observation: while such an inquiry is clearly directed at dealing with an option for necessary additions to Melbourne’s potable water supply, the inquiry obviously would have scope to compare that option against others. Interestingly and coincidently a report was released this week by the Australian Conservation Foundation, the Nature Conservation Council of New South Wales and Environment Victoria. They had commissioned Marsden Jacob Associates, a very reputable consultancy in the area of natural resource and water management, to prepare a report entitled The Economics of Rainwater Tanks and Alternative Water Supply Options.

I will refer further to the substance of the report during the debate because, notwithstanding the pre-empting of the findings of the report as reported in some media, it is my observation from a detailed examination of the report that it is very instructive and a useful resource for all members in understanding the range of costs of alternative water supplies. Clearly the findings in this report are that the lowest cost option for generating additional water supplies is catchment thinning, a device that is involved in a long-term trial in Western Australia. It has been reported on variously in Victoria over a period of time and is a significant potential source of additional water. The most expensive option is long-distance pipelines. That gives us all a great deal of food for thought, given the commitment by the current government in Victoria to long-distance pipelines and the resistance to the concept of catchment thinning.

Overlaying all of this is the range of estimated costs of the installation of rainwater tanks across the board. It was found there is a significant degree of variability but that prospectively the costs would be well in excess of the cost range of other available options. The other options include catchment thinning, purchasing irrigation water, demand management, stormwater reuse, indirect potable reuse, dams and surface water, seawater desalination, building sustainability index, non-potable water recycling and long-distance pipelines. The findings in this report are significant in this debate because quite clearly it found that compared to most other options desalination is a viable solution. I will come back to the substance of that later.

What I want to do before getting to the detail of desalination is talk briefly about why we need to talk about water issues in this place. It goes without saying that all of us are aware of the vastly changed circumstances in our community with respect to access to appropriate water supplies and the progressive introduction of various levels of restrictions on the consumptive use of water. The community has been well and truly educated about the crisis we have as a
consequence of inaction on the part of government over a long period of time in respect of the augmentation of the Melbourne water supply.

For example, a decision was made in the mid-1970s by the Hamer government to build the Thomson Dam, and it was not commissioned until 1984. It was the last significant major investment in the augmentation of Melbourne’s water supply — and the decision was made more than 30 years ago. Since that time there has been complete inertia on the part of policy-makers with regard to dealing with the expanding population of Melbourne, the requirement for additional water for consumptive use and the security-of-supply needs of a sophisticated contemporary society.

To put the Thomson Dam in perspective, what is interesting of course is that it supplies approximately 60 per cent of Melbourne’s water storage requirements but at the present time it is running at 18.2 per cent of its storage capacity in the context of Melbourne’s water storages now being at 30.9 per cent — that is, more simply expressed they are 70 per cent empty. It is no wonder we are facing further and severe restrictions on water when one looks at the water capture and storage over the last decade.

Aside from the high-rainfall year of 1998, when there were in fact floods which many of us can remember, since 1997 the Melbourne water storage system has been in virtually perpetual decline. We have had a decade of declining water availability, and yet in that time no decision has been made by government to protect the future of Melbourne’s water resources for the community. We are coming very late, I suggest, to the place where we need to be, which is to have government take decisive action.

Melbourne’s population has grown over time, placing additional demands on our water resources. Indeed, on current projections at the high end, by 2050 Melbourne’s current population of 3.68 million will have grown to 5.12 million — a very significant growth in population. Whether you use a high or low forecast figure, the net prospect is that Melbourne will have a population in excess of 1 million more people than it has today.

While some people would argue that this sort of growth is essentially unsustainable, what I would argue is that population growth is inevitable. What we have to do as governments and parliaments to do is consider how to provide the necessary resources that are required to satisfy the needs of a civil society, and the most basic element of any contemporary society is a safe, secure and reliable water supply.

There are a number of different options to consider in respect of water, and they include a focus on improved management of our water systems. In terms of the delivery of water, that may involve reducing losses by reducing the leakage and evaporation from water delivery systems. There are options associated with improving the water efficiency of consumers, whether they be industrial, commercial or residential, by dealing with demand management techniques.

There are certainly behavioural changes that can be developed in the community by way of education and regulation, which we have seen more recently, including a change in the attitude of the community to the use of water outdoors, in particular the choice of gardens that community members wish to maintain. It is clear that some plants have a lower requirement for water than others and that native gardens have a much lower water demand than most gardens that are dominated by introduced species.

I make the point that not many years ago Victoria proudly boasted of itself as the garden state, and many of us will recall fondly the registration plates on our motor vehicles which had this proud boast. It is in my view frankly an embarrassment that here we are in 2007 and we are unable to sustain the aesthetic environment not just in our domestic garden environment but indeed even in the gardens of the Parliament, which are to say the least looking the worse for wear as a result of the failure to be able to maintain water flow. Changes in behaviour are required, but there is also a need for change in behaviour on the part of government in ensuring there is an adequate supply of potable water to the community.

It is important to note that there are many opportunities to improve access to water by reconnecting resources like the Tarago Reservoir. The opportunity for dealing with new sources of water — for example, the supplementation of our water resources through recycling arrangements — is important. Even if there is a community conservatism about the use of recycled water for human consumption, that recycled water can be used to displace potable water in other environments — for example, by replacing water required for parks and gardens with recycled water and using recycled water in industrial circumstances where there is no effect on the quality of production. We need to improve our efficiency in the utilisation of stormwater, and clearly there is a range of additional water conservation techniques that can be applied within any domestic and industrial environment.

I suppose the reason that desalination is on the radar is because it is, in Australian terms, the last untapped
major potential source of water. In practical terms it is untapped because it is only in the last couple of years that there has been a move towards desalination as a serious option. We now have decisions made by governments in Western Australia, South Australia, New South Wales and Queensland to proceed, at various stages, with desalination plants, and of course the Western Australian government has already commissioned a desalination plant which is producing potable water as we speak.

There is a temptation, I suppose, for governments, knowing full well that any such project will take many years to implement, or can be made to take many years to implement, to take the view that there is a low risk to that individual government which may not be in office at the time that the consequences of either a failure to deliver or the delivery of that project will be seen in the community.

I hasten to say that is a cynical view. There is a potential for political pressure to cause governments to look for panaceas, and it is simply the case that in our current environment it is clear that the majority of opportunities that have existed for high-yield resources to be harvested have been pursued. There are some options which need to be further explored, and they are those particularly relating to reuse and conservation systems.

However, from a Victorian perspective we need to understand the potential for optimising our water availability by using desalination, as it is a very real option, which has been around, in a technological sense, and been in practical use since the 1920s. The first desalination plants were constructed before the Second World War, and increasingly, certainly in the Middle East, desalinisation has been business as usual.

I would not wish the house to presume that I have a pre-emptive view about what such an inquiry as we are proposing will find, but I believe it is important that the inquiry test the validity of the propositions that are put in respect to the impact both economically and environmentally of a desalination option.

Because the government now acknowledges that desalination is a viable option in Victoria and has charged Melbourne Water with the conduct of a serious investigation, there seems to be some bipartisan agreement in the parliamentary process. The Liberal Party took to the November election a policy commitment to construct the first major desalination plant in Victoria. Notwithstanding that, the government seized the opportunity to make political points at the time. I was a little nonplussed by the Premier’s comments that this was not a good idea. In reaction to an announcement of the Liberal Party’s policy, the Premier is reported as saying in the Herald Sun of 13 November 2006:

The energy generation is enormous, the intrusion on the community is enormous and, of course, it’s extraordinarily expensive.

I found the Premier’s remarks extraordinary at the time. No less extraordinary is the fact that it was necessary for the Deputy Premier in the other place, Mr Thwaites, to say, as reported in the Herald Sun of 15 November 2006, two days later:

The government yesterday strenuously denied claims that it had ditched its own desalination plans after pillorying as unfeasible a state Liberal Party promise to introduce a $400 million desalination plant.

We need to return to the fundamentals. Is desalination a panacea? No, it is not. Will the desalination of seawater replace all of the potable water supplies from other sources? It will not. Will desalination solve Melbourne’s long-term water challenge? On its own, it will not. Desalination is potentially an augmentation of a supply of water at a time of very stressed circumstances in terms of rainfall behaviour.

As I demonstrated earlier, the harvesting and storage of Melbourne potable water has declined in the long term because of environmental factors. I do not intend that this debate should be about global warming, climate change or carbon emissions. However, regardless of how this issue is defined, we are clearly undergoing a period of drought compared to the relative experience of rainfall upon which our forecasts for water harvesting have been based previously. It is clear that desalination is a project which stands against the alternatives which are basically about doing nothing. I strongly argue that desalination needs to be seen in that light — it is an option, but not a panacea.

In 1975 desalination was seen to be an option when a report was prepared for the then Premier, Dick Hamer. That report found that desalination was not an economic option at the time and that there was no point looking at it further until technology substantially changed. Technology has now substantially changed. The membrane reverse osmosis technology, which is available today, is a much more efficient process than what was available in that era, which was in effect distillation. Today we have new technologies which have a much lower energy requirement: consequently they have a lower impact on carbon emissions.
Therefore this is one of the factors that should be considered in terms of any investigation by a committee.

Desalination involves the process of removing salt from sea water to provide a new source of drinking water. To recap, the Liberal Party made a commitment to establish a desalination plant. The proposal was for 145 million litres of fresh drinking water a day to be produced, which would equate to one-tenth of Melbourne’s consumption when the plant was completed. The cost estimate was based on $400 million for construction and $20 million a year to operate, which was based on the experience in Western Australia. The Premier tried to slap that policy down, and the Deputy Premier had to correct the record to indicate that the government was looking at it. But subsequently, in January, the Deputy Premier referred to his position in November when he was queried on ABC radio and noted that the position of the government was that it would continue to proceed to undertake its own investigation.

The Labor Party had indicated previously that there would be an investigation completed by 2006, but in fact that has not occurred. As we now know, the investigation by the government is proceeding as we speak. It is not a matter of debate between the government and the opposition about whether or not we should be looking at desalination. The fact is that the government is looking at it, and the Liberal Party had a policy at the last election of proceeding with it.

The issues today are more about the house coming to an informed view based on evidence which will be led to a select committee to advise the house of the opinion of the select committee in respect to such a process and what the issues are that need to be taken into consideration before final approval is given. They would include issues like greenhouse gas abatement: what action should be taken in regard to the additional energy requirement, what would include issues like greenhouse gas abatement: what action should be taken in regard to the additional energy requirement, what would include issues like greenhouse gas abatement: what action should be taken in regard to the additional energy requirement, what would include issues like greenhouse gas abatement: what action should be taken in regard to the additional energy requirement be and therefore what would be the level of greenhouse gas abatement required to deal with any environmental impact? But that should not be a blockage to the proposition that this issue should be properly examined.

It is important for us to note that while Victoria is in a sense dithering on this issue, other states are moving ahead. South Australia has two small plants at Marion Bay and Penneshaw and has announced a large-scale plant in conjunction with BHP in the upper Spencer Gulf; Queensland has a small plant at Dalby and is building another one on the Gold Coast; the New South Wales government has recently announced that it is to proceed; and Western Australia has already commissioned a desalination plant.

I want to turn briefly to the report that I flagged at the outset — that is, the Marsden Jacob report — and quote from page 13, for those who might have a copy of the in the house and want to follow it:

As indicated by the chart above, the cost of water sources varies significantly according to the specific circumstances of each city. The cost of some options, such as demand management, can be negligible in some cases, while the costs for options such as desalination, dams and recycling can potentially be as high as $3 per kilolitre or more. The highest cost options include plans to pipe water significant distances for consumption by our major cities. By comparison, the unit cost of rainwater tanks that are plumbed into the house can range from $2.15 per kilolitre to $12.30 per kilolitre. At the lower end of the range (typically reflecting the unit cost of properties with large roof collection areas), the cost of rainwater tanks is comparable to, or lower than, the cost of many of water source options being examined around the country. At the higher end of the range, the cost of rainwater tanks could be as high as $12.30 per kilolitre, significantly above the cost of most alternative water supplies.

There are no simplistic solutions to this. As somebody who has lived off water from rainwater tanks most of his life —

Mrs Coote — Is that the reason?

Mr P. DAVIS — Yes, that is the reason; it explains everything! I have to say that I have never had any difficulty with the concept of being self-contained and providing my own potable water. However, the circumstances of communities at large require a more detailed examination, which this report provides. It looked at both the individual costs and the cost to the community of a range of options and found that, contrary to what may be a natural assumption, rainwater tanks are not as inexpensive as is proposed.

I come now to a further issue concerning all of the options that exist. Desalination clearly has a higher energy cost than any other option and therefore one has necessarily to consider greenhouse gas abatement when considering that alternative. The report states at page 21:

While the impact on rainwater tanks is the lowest of all options, in no cases do the relative levellised costs change due to carbon abatement.

That summaries the position taken by that report. The relative differentials in cost between the various solutions to providing augmentation are clearly set out on a simple economic model that I alluded to earlier. If you factor in the cost of greenhouse gas abatement in addition to the other economic costs, it does not change the relative values. This means there is no question that...
desalination as an alternative solution to the augmentation of Melbourne’s water supply must be examined in comprehensive detail.

I do not think it is possible for the Parliament to wash its hands of such an examination, because for any project to proceed expeditiously following the examination the government is undertaking at the present time through Melbourne Water, parliamentary approval will necessarily be required. It is vital that approval be given in light of the range of parameters which would affect community concerns: the impact on government of cost, the impact on consumers of water in relation of the cost directly borne by them, and, importantly, the impact on the environment. There is a range of environmental issues, not the least of which is the discharge of brine from the desalination process back into the ocean. We need to have these matters come into play and coincide with the government’s progress on this issue.

Importantly the establishment of a select committee will put additional pressure on the government to act. It is incomprehensible to me that after 10 years of declining water availability we have come to a crisis point where it would seem that the government’s sole strategy is to continue to restrict water use by progressively putting in more severe restrictions and that in its eight years in office it has not proposed any alternative measure to improve the security of the water supply for Melbourne. Without further ado I urge the house to support the motion before the Chair. The motion explicitly gives the house the opportunity to establish a select committee to inquire into the range of issues which need to be addressed so that parliamentary approval can be given for a desalination project to proceed.

Ms DARVENIZA (Northern Victoria) — I will get to that.

Mr P. Davis — Does’t it have anything else to do?

Ms DARVENIZA — It does have other things to do, but it would have the capacity to look more broadly at the matter rather than the narrow issue of desalination, which is the reason given for setting up a select committee. It would have the ability to look at a range of options for meeting Melbourne’s future water needs, and that is what the opposition is saying this government is doing nothing about. In his submission to the chamber Mr Davis gave as one of the reasons — if not the primary reason — for needing such a select committee the Victorian government’s failure to address the water needs of Melbourne, both currently and into the future, particularly if this drought continues.

That is simply not the case, and setting up some special upper house committee to look at this matter would not fully address the problem. In fact the problem of how we address Melbourne’s water shortage is being addressed by the government. If the Parliament felt there was a need for a reference, then that is where the reference should go.

The government is already undertaking a full feasibility study into desalination, as the Leader of the Opposition clearly knows. Melbourne Water is leading the desalination feasibility study, which is scheduled to be completed by the end of 2007. To put in place an upper house committee to look just at the issue of desalination when the government is undertaking a full feasibility study on desalination, with a reporting time at the end of this year, would simply cut across that work and pre-empt the outcomes of that feasibility study.

We are very committed to this feasibility study. It was in October 2006, as part of the central regional sustainability water strategy, that we put this feasibility study in place.

Mr P. Davis — Why wasn’t it completed, though, according to the time line? This is the problem. The government is dragging its feet and not getting onto it.

Ms DARVENIZA — The government is certainly not dragging its feet and it is getting on with it.

Mr P. Davis — It was supposed to be complete by last year.

Ms DARVENIZA — No, it was announced in 2006. The feasibility study was announced in 2006, and it will be completed by the end of 2007.
Mr P. Davis interjected.

The ACTING PRESIDENT (Mr Leane) — Order! Mr Davis has had his chance to make his contribution.

Ms DARVENIZA — The government has committed $18.5 million in funding, which is a significant amount of money, for the undertaking of this desalination feasibility study, along with the feasibility study into larger scale stormwater harvesting and a full business case on the eastern water recycling proposal. These are very important areas that need to be looked at and investigated.

Mr D. Davis interjected.

Ms DARVENIZA — You are not in your place!

It is ridiculous to simply put before this chamber a motion that says the only thing we are going to look at is desalination and we will set up a committee just to look at desalination. The government is doing everything it can to look at all options that will bring out the best way to recycle and utilise our valuable water resource by looking at the water that ends up in our stormwater drains and also at recycling proposals.

Desalination is a highly technical issue. It is costly and it is environmentally sensitive, so it is important that we have the very best minds and the technical expertise to look at this important issue and give it the attention it deserves. I doubt very much that the most appropriate way of doing that would be by setting up an upper house select committee to investigate an issue, as the committee requires highly technical expertise.

I believe the best way to do it is the way that the government is doing it at the moment. We have allocated significant funding. We are looking at a range of options. We believe this is a very important issue and of great concern. It is a priority for the government to make the most of our water resources and ensure that the city of Melbourne has an adequate supply of water now and into the future. We are investigating how we can best utilise that water resource in terms of the desalination proposal, the use of stormwater and of course recycling proposals.

The government has committed the funds and is ensuring that the best technical minds and the best experts looking at this important issue. I do not agree with the opposition leader that the best way to look at this is by setting up a select committee. If you accept that it needs to be looked at by a committee, then the best committee to look at it is the joint parliamentary committee that is already set up to look at environmental issues — and this would fall squarely within the brief of an environment committee.

Furthermore, the government is looking to compare desalination with other options. We want to look at the best way of reusing water to ensure that it is not wasted and running down our stormwater drains and out into the bay. We are looking at comparing the different options and the impacts they have on the amount of water that can be captured and put into our system. We will also look at the impact any of these options might have on the environment, whether it is desalination, recycling or the issue of stormwater catchments. We want to minimise the impact on the environment and ensure that any measures we put in place to capture water for the use of the city have a minimal impact on our environment now and in the long term for future generations.

This motion shows how little the opposition understands the complexities in water issues. The Victorian Liberal Party, and of course The Nationals, have sold out Victorian farmers in favour of their federal Liberal Party mates for political mileage. The state opposition and its leader have continued to display an absolute ignorance of the water debate. It was disappointing to see The Nationals, who were opposed to the proposals put by the federal government in its Murray–Darling Basin plan, for political reasons simply sell out Victorian farmers and hitch up their little red cart to their federal mates.

Mr Lenders — They are taking their orders from Mr McGauran.

Ms DARVENIZA — The minister is right — they are taking their orders. Peter McGauran, other Liberal Party and Nationals members are wandering around the state trying to sell this deal to farmers. They are not being consistent in what they are saying to various groups around rural and regional Victoria. We have a lot to lose if we do not get that Murray–Darling Basin plan right. In Victoria that Murray–Darling Basin plan has a huge impact on our farming community and irrigators, and an enormous impact on the communities that rely on the Murray and Darling rivers along the top of Victoria.

The irrigators up their do not want the plan, and the Victorian Farmers Federation (VFF), which represents and speaks for the farming community in Victoria, does not want it either. We know that this plan that has been put forward by the Prime Minister was dreamt up by him very quickly. We believe it was written on the back of an envelope without consultation, and certainly with no consultation with the Treasury department that
criticised the plan. There were real issues about the costing and how that funding should be allocated in the plan that was being put forward by the Prime Minister.

As a state government we are prepared to enter into discussions and negotiate with the federal government, which we do all the time together with other state governments, but we do not believe the plan being put forward is in the interests of our farming community that makes an enormous contribution not only to the wealth and economy of this state but also to Australia’s wealth and economy.

We are not prepared to hand over unfettered powers to Canberra. We are not prepared to see that impact on regional economies. A full constitutional reference of powers would effectively give the commonwealth unfettered power over a waterway that we as a community and a state rely and depend on. We are not prepared simply to hand it over.

The VFF has grave concerns about it as well. The Nationals have said that they now support it, and say, ‘We have got enough answers and we are happy with the response we have got from Canberra’. While the farming community, and irrigators in particular, in the northern region may not be happy about it because they are worried about where the water that will end up in South Australia will come from and who will bear the cost of that water, both in terms of the crops that are able to be produced and the money that will be made from those farms. They have real concerns about that.

The VFF is not satisfied with what The Nationals have been prepared to accept. The Nationals have been prepared to accept it for political reasons because in this election year they are in a coalition with the Liberal Party nationally. They know what side their bread is buttered on when it comes to reaping the rewards for local markets and exports, leading to the economic stability and wealth of not only those communities but the state and the country as well.

It is disappointing that The Nationals should join the Liberal Party in supporting a motion like this one, particularly given that Mr Drum was part of the joint party Environment and Natural Resources Committee during the last Parliament. As I said earlier, if you were going to have a reference around water and you were genuine about looking at all aspects of it, the ENRC is where it more rightly belongs, not in a committee that is set up with only upper house members.

I want to talk a little about some other areas. I want to again refer to the Murray–Darling Basin, because it is a huge waterway; it is one that we all need and depend on. The plans that have been put forward by the Prime Minister are not acceptable to the Victorian government, they are not acceptable to the farming community, particularly the irrigators, and they are not acceptable to many environmentalists.

The Victorian Farmers Federation has raised a number of issues about which it has real concerns that have not been addressed. In an article the VFF said that changes to legislation can only be achieved with consent of all states in the Murray–Darling Basin area. It raised this issue with the federal government, and the federal government has failed to address it. Another issue it has raised is that farmers be provided with some sort of compensations if bulk entitlements are adjusted. This issue has also not been addressed by the federal government.

Mr Hall interjected.

Ms DARVENIZA — You know I am right, Mr Hall. You interject because you know that what I am saying is correct. You were hurt, your party was hurt and your members were hurt. You paid for it politically, and that is why The Nationals have not entered into a coalition with the Liberal Party. Nationally The Nationals want to stay in coalition and are toeing the line. You do not have the answers the farmers want, and the VFF know that The Nationals do not have the satisfactory answers.

The PRESIDENT — Order! Ms Darveniza should be relevant.

Ms DARVENIZA — The relevance is the Murray–Darling Basin, water and the need for water in what has been one of the longest droughts, if not the longest drought, in history, about the impact and the effect that that has on all of our communities, not only our city communities in providing water for city water users but also the importance of being able to ensure there are adequate supplies of irrigation water for our farming communities particularly in northern Victoria where there are so many irrigators and so much of our state’s wealth and agricultural produce is produced both for local markets and exports, leading to the economic stability and wealth of not only those communities but the state and the country as well.
The VFF has also raised the issue that farmers be appointed to any bulk entitlement review panel. The VFF wants to see farmers be part of any review panel process. The Nationals are happy to accept that no farmers be involved in that but the VFF is not. We can see that the VFF is not happy about that. Another issue is that the risk of climate change be shared with the environment. That issue has also not been addressed. The VFF says that the trading scheme should take into account the social and economic impacts of water transfers. That also has not been addressed. Another issue is that overallocation buyback be managed so as not to distort the water market or provide an unfair advantage for one water user over another. That is not supported by the federal government.

The list goes on and on with examples of where the VFF has failed to be satisfied that the interests of Victorian farmers will be met by the proposal that has been put up by the federal government. Yet The Nationals are prepared to accept that the proposals put up by the federal government are satisfactory, that they meet the needs of farmers, and then they come in here today and move a motion to set up another upper house committee which would only be looking at this issue.

I want to talk a little about some of the other measures this government has been taking to ensure that we do our utmost to conserve and recycle water right across our state, particularly in our rural and regional areas that are suffering from the drought. The effects of the drought are being felt very keenly, particularly in the north-west of the state; of course the irrigators around the north-east are also being affected by it. Individual farmers have certainly been impacted by it. The drought has had spillover effects and a big impact on the whole community.

You only have to travel up into regional Victoria to see some of those effects. In towns it affects the businesses — and they are often small businesses; it has an impact on the schools, on the churches and on the clubs and the social fabric of the communities. Tackling the drought problem is a priority for our government.

You just have to look at the sorts of drought relief packages we have put in place that deal not only with farmers but also with community issues and schools, and with counselling, including financial counselling and counselling by the Department of Primary Industries — which is something that farmers ask for — around how to best manage their farms and their businesses in light of the drought.

This government has certainly been addressing the issue of water shortages. The Goldfields super-pipe will provide water security to Ballarat and Bendigo, after the government made a $101 million contribution to that huge $260 million project. The major Ballarat and Bendigo recycling project is under way, there are major industry recycling projects through the Gippsland Water Factory, and the government is to provide around $9 million for the Geelong Shell water recycling project. They are some very big ticket items that are addressing the need of regional cities for water.

In terms of farming and irrigation, the $52 million Eildon Dam upgrade has been completed, and the $23 million allocated to the Goulburn-Broken irrigation efficiency is saving 18 billion litres of water. These are very significant infrastructure upgrades and programs that are about the government addressing water shortages and ensuring that the infrastructure is upgraded and kept in order to minimise the loss of water.

The Wimmera–Mallee pipeline, for which the Victorian government allocated $167 million, is saving over 100 billion litres of water. Other projects include the joint state-federal government Macalister irrigation district efficiency program, the $20 million Sunraysia irrigation project that is underway up in that district, the $32 million funding for a range of pipelines throughout Victoria, legislation to fast-track vital water projects — and we have seen that legislation pass through Parliament — and the $146 million drought package, including relief for irrigators on their water bills.

The government is not just aiming to provide assistance to individual farmers but is also looking after infrastructure projects to ensure that we do not have leakage and wastage through the systems. There is more to be done, and the government is certainly committed to doing more.

I refer to the state of Victoria’s rivers. The government has not forgotten about the need for environmental flows and the need to keep our rivers as healthy as possible during a time when so little water is flowing through them. Apart from our rivers being necessary for irrigation and agricultural pursuits, a lot of tourists are drawn for recreational purposes to northern areas along the Murray and Goulburn-Broken rivers and other rivers in that region that make up our waterways. We want to keep those rivers as healthy as possible and as attractive as we possibly can so that people continue to come up and enjoy their time in Victoria’s rural and regional areas.

We have certainly been making sure that our rivers are kept as healthy as possible. We have committed an additional $100 million over four years for river health. There is funding of $115 million for the Murray River...
developed. In June 2006 the upper house in New South Wales held an inquiry into a then very live proposal for desalination. That inquiry was chaired by Greens MLC Ian Cohen. I am going to draw on that to talk about some of its findings and why at this time we think that desalination does not really need to go any further than this discussion.

A while ago the debate was all about dams. People who thought they had the magic solution were talking about new dams, but obviously now with all of our dams being largely empty that particular push has died away. What would be the point of building new dams when the dams would be empty? I was up at Lake Eppalock the other day. It is like a giant skate bowl with a little puddle of water at the bottom. Clearly the issue up there is not capacity, any more than the solution to my lack of income would be to get a bigger limit on my credit card. People are now talking about grabbing access to new streams — putting pipelines here there and everywhere and attaching them to the existing system. We need to be clear in our heads: are we simply talking about grabbing water from more places or are we talking about creating water by saving water? It is what I call the negalitre question: how many negalitres of water can we create through conservation to meet our current shortage?

It is quite clear that over a long period of drought — up to seven years in some parts of Victoria — water consumption has not fallen to match the levels of water flowing into the system. The result is that it is just like living outside your means in terms of your personal income. The only question is how much money you had in the bank to start with. The formulators of the metropolitan water plan for Sydney — and let us examine what I will call the expensive technological options — looked at industrial reuse, recycling, stormwater capture and treatment and desalination. The founder of Clean Up Australia, Ian Kiernan, who was appointed chair of that committee, said that desalination was the least-favoured and least-acceptable option, and it was only really included in the study because it was an option.

The upper house inquiry in New South Wales looked at the government’s proposal for a desalination plant and determined that for a plant with a capacity of between 125 and 500 megalitres a day of production of water the greenhouse gas emissions would be between 240 000 and 950 000 tonnes. Before anybody even starts going down the line of desalination perhaps they can explain to me how Victoria can afford close to an extra million tonnes of greenhouse gas emissions. Current emissions are around 164 million tonnes — and we all know that they have to be reduced by 80 per cent by 2050 and 100 per cent by some time afterwards. We all also

Those initiatives are in rural and regional Victoria and I have not dealt with the many savings that have been made following initiatives that have been put in place in Melbourne by the government. For opposition members to come in here and say that the government is doing nothing and not addressing the issues of water shortage and water for our future is wrong. I cannot support the establishment of a special upper house committee simply to look at this issue, because, as I said earlier, as a government we have committed money to ensuring that all areas of possible water savings are properly investigated. The money is being made available to ensure that we have the best people possible with the right technical expertise looking at the issue, making assessments and giving advice to the government on the best ways of saving water, whether it be through desalination, recycling or capturing water that would otherwise head down our stormwater drains. I do not support the motion, and I urge others in the house to also not support it.

Mr BARBER (Northern Metropolitan) — The Greens will not be supporting this motion, predominantly for the reason that we do not support desalination as a measure and do not want to be part of this kind of ongoing strategy to boost it. The Greens think there is a vast range of opportunities for reducing the consumption of water which are either yet to be explored or which, where they have been explored through pilot programs, have not been rolled out across the economy as a whole.

I know part of the motivation for this motion is that somewhere the Australian Labor Party is working on a secret plan for desalination. The only thing I would say to the government about that is that it has it in its hands to run a process that trumps any select committee that we could set up on this or any other matter. It is really open to the ALP to run an independent and totally open process on any particular proposal it is considering or, for that matter, on any live proposal that is being developed. In June 2006 the upper house in New South
know that we need some short-term targets. The worst thing you could be doing would be adding another million tonnes to Victoria’s emissions profile in an attempt to give us water security.

As happens so much in these debates, politicians leap for the quick-fix, high-cost, high-risk, high-tech magic bullet — where they get to write a cheque and get a whole series of photo opportunities out the other end. There are not quite so many photo opportunities in the boring stuff, such as fixing a lot of leaky water mains underground, but we already know from previous studies that such measures are there to be implemented and that it is simply a case of rolling them out.

Turning to Melbourne’s water conservation record, despite the government constantly trumpeting its achievements in this area, by my measure there have not been major reductions in our water consumption over the last five years, and those that have occurred have been simply explainable as due to water restrictions. I will explain what I mean. Week in, week out we use a fairly consistent amount of water in Melbourne.

You can see what this base load or base demand, if you like, consists of. For the last five years our water use in midwinter, when the majority of water would be used indoors — we are not watering gardens and ovals and so forth — has been around 8000 megalitres a week, with very small variations. Of course in the summer period there is a peak consumption of water, and that has been quite variable depending on what water restrictions have been in place. The introduction of water restrictions in various summers of differing levels of severity has knocked the peaks off and brought us down to our baseline of largely indoor and obviously industrial and commercial water use.

But that baseline has not been reduced by any significant amount in the last five years, as I was able to plot using data on Melbourne Water’s website. From that you can see that in terms of addressing indoor water use, despite talk about shower heads, water tanks and a whole range of other things, there have not been major achievements. If there have then they have not been enough to cancel out the effects of population growth.

You can imagine why as an emergency measure we are going to go for water restrictions. They are the only water restrictions you can really police, short of having toilet police running around making sure people press the right button. So that is what the government has gone for. Most of the other attempts to reduce year in and year out demand, indoor use and industrial use have been pilot programs, and they have not gone very far.

In regard to desalination the Greens think the Libs are playing to a certain constituency — the person out there who says, ‘Why don’t they just do something? I do not really care what it is, provided it is big and bold and it happens fast’. But the Greens look for the softer, lower risk solutions that lead to better water conservation and less stress on the rivers that we depend on over the longer term.

Labor tries to triangulate — or whatever the word is. My head ends up spinning when I listen to these debates about who first thought it up, then who took credit for it, then whose idea it was and who opposed it. Then after the election we hear that the Liberals are still pushing for it and that Labor is working for it but does not want to admit it; it is doing it secretly. It is like clean coal. There is a bidding war going on at the moment about how much money the federal Liberal and Liberal parties want to throw at the coal industry. I cannot keep up with the debate, but by my count Labor is actually winning. ‘Clean coal’ of course is a term meaning to reduce brown coal to being about as dirty as black coal. I do not know why you would want to participate in one of those debates.

The Greens are looking for the government to set clear targets for water conservation, to break them down by sector — the household sector, certain types of industries and obviously major users — and to have those sectors sitting around the table and working out how they are going to do it. It is an eminently reducible problem.

The question of population growth was also raised. That is a problem if we are to continue expanding. Even good conservation targets may not be able to keep up with population growth. The estimates for population growth in Melbourne 2030 — as is the way with many of these strategies — have gone from an estimate to what inevitably is going to happen, to a target to actually be achieved. There was never any sense that we could actually influence it. Water is very clearly tied into that debate, because there is a hard limit on the amount of water that actually exists in rivers and streams.

On the subject of alternatives, the Australian Conservation Foundation, the Nature Conservation Council (NSW) and Environment Victoria produced a very timely report a couple of days ago called The Economics of Rainwater Tanks and Alternative Water Supply Options. They asked Marsden Jacob Associates,
financial and economic consultants, to do the work for them — hardly a Friends of the Earth collective.

Marsden Jacob Associates came up with some estimates suggesting that a program of water tank rollouts along the lines that have been suggested for Sydney — about 5 per cent of households per annum — could compete in terms of quantity and cost with desalination, although my putting a tank in my own home does not make a lot of sense. I could spend several thousands of dollars to put in a water tank and have $1.50 worth of water sitting in it.

This report points out that just the water savings made by my own household do not look like a very good economic case for me to invest in a water tank. The problem is that I cannot deal with the marginal costs. I cannot deal with the big step up. As an individual householder there is no price signal to me saying, ‘You had better conserve water now or else the government will have to spend $1 billion on whatever it is, which will then flow back up your water bill or onto your taxes’. They looked at a program — and this is the classic argument for why we need some good regulations and good, old-fashioned centralised planning for essential services like this. The argument is that if the government, in funding a rainwater tank program which rolls out over a period of years can thereby avoid a much more expensive big hit thereby augmenting of supply, then the costs could be quite comparable.

Let us look at Melbourne. The report said if there was a 72 per cent take-up of rainwater tanks, in addition to what is there now, the total annual yield would be between 24 and 88 gigalitres. The full cost of that, which is called the levelised cost, would be between $2.67 and $10.92 per kilolitre — the upper estimate is so high because Marsden Jacob Associates did not have a live proposal for the cost of a desalination plant — versus the example in Sydney, where the levelised cost for desalination was between $2.70 and $3.50. Water tanks at the bottom range of the estimate are even lower than the bottom range of the per-kilolitre cost in the case of a desalination plant. Those sorts of options need to be put on the table and examined. Melbourne Water and other water authorities could do a much better job of being transparent about the different options.

The Leader of the Opposition also brought up the issue of logging in water catchments or thinning in water catchments. We know that the ultimate source of supply of our water in Melbourne is from mountain forests. All the way up there behind Healesville is the highest rainfall zone in the area. There are fast-growing trees up there. That is the reason the woodchippers want it. It is also the reason it produces so much water that is so valuable to us. A succession of governments from Hamer to Cain protected large areas of old growth forests up there as a result of studies done and information given to them by the former Melbourne and Metropolitan Board of Works in the 1960s. They said it was an open and shut case — that the water is worth more than the timber and the government should just protect those catchments. The fact that there has been no further action on that from the governments of Kennett and Bracks just goes to show how blind governments can be to the most cost-effective ways of producing more water and how enamoured they can be of quick-fix, high-tech solutions.

Mr Davis mentioned the option of thinning in Perth’s water catchments — that is, thinning out of young trees to increase the water yield. I caution him to look very carefully at that option as it applies to different forest types in different rainfall zones. Surprisingly we still do not know much about the water balance of forests. We know how much comes in and we know how much goes out; we do not know what goes on in between. Rates of transpiration and evapo-transpiration vary widely between forests of different ages, forests in different rainfall zones and different forest types.

What we do know is that a hectare of old growth forest in a high rainfall zone like the Central Highlands produces enough water for 100 homes. We know that logging that forest initially leads to more water yield because the land is bare. Within a few years there is a catastrophic drop in water yield as those young trees start soaking up a lot of the water in their growth stage. It is only when those forests become close to a century old that the water yield from them recovers to something like its prelogging level. The simplest and fastest thing we could do would be to stop logging forests and let them get older. Every year they get older there would be more water yield coming out of the catchments. Melbourne has beautiful water for the very reason that we protect much of our forested catchment area.

By the way, ceasing logging in those areas would also lead to a big reduction in our greenhouse gas emissions. It is clear from the data produced by the Australian Greenhouse Office (AGO) that past logging regrowth — of which there is a great deal when you look at clear felling going back to the 1960s — is sucking up a huge amount of CO₂. It is actually quite a significant number in our overall carbon accounts. Those regrowth forests are paying back to the carbon bank what was taken when those areas were logged and burnt.
However, new logging is releasing a similar amount — that is, about 10 million tonnes in Victoria. It is pretty clear from the AGO’s carbon accounts that commercial logging operations around Australia are releasing about 30 million tonnes. If that were to stop, which we clearly can do with most of our wood needs now available to be met from plantations, we would get an immediate and very rapid reduction in CO₂ in real terms. At one end of the spectrum you have the Greens plan, which is to stop catchment logging, increase water yield and reduce CO₂ emissions; at the other end you have the Liberal plan, which is to put in a dirty big desalination plant which will make new water from the ocean, if you like, but have a huge CO₂ cost that no-one has yet come up with a plan to meet, at least for the state of Victoria.

The government will be bringing forth the bill, I gather, on the greenhouse reduction goal. Perhaps the government will introduce it just in time for the next election and get a double credit because it promised it twice, but we will see. Thank you, President, for the opportunity to speak on this motion. As I say, a bad speech can be forgiven but a long speech, never. My speech has been one of the shortest so far, but I think I got to make all the points that the Greens see as important in this debate.

Mr DRUM (Northern Victoria) — I too had in place a rather short speech this morning until Ms Darveniza got to her feet and started proving to the house how little she knows about the whole water debate. Certainly we will all think about the effectiveness of her contribution for quite some time, because in effect all she got around to doing was having a go at The Nationals signing up to a national water plan worth possibly $10 billion. I need to be very clear that when the Prime Minister’s $10 billion plan initially hit the public domain The Nationals were very sceptical and had to look carefully at all of the detail. When the full detail The Nationals required was not there, we held out offering our support and endorsement of that plan and encouraged the state Labor government to do the same. Then The Nationals went to work led by our water spokesperson, Peter Walsh. He negotiated with the federal government in relation to ways that the various securities and guarantees we were looking for could be delivered as part of the $10 billion plan.

Ms Darveniza comes in here and tries to let people think she represents the best interests of the Goulburn Valley and northern Victoria. She wants people to think that she is there representing that group of Victorians, yet at the same time she is orchestrating plans to take that wealth production resource out of that region. She wants to take water from the Goulburn Valley and send it back to Melbourne to try and quench Melbourne’s undying thirst for more water. While Ms Darveniza and her party have that as their prime goal in relation of all of the water negotiations —

Mr Viney interjected.

Mr DRUM — Mr Viney, I sat there with gritted teeth while Ms Darveniza rolled out her diatribe; I would appreciate it if you gave me the same courtesy.

We have a situation where Ms Darveniza’s government refuses to acknowledge that it has a plan to take water out of the farming sector and take it back to Melbourne. If that is not in the planning of the state Labor government, then it has no need to fear what is now being proposed by the Prime Minister’s $10 billion plan.

The Nationals went in hard for three weeks to try to make sure we were able to get some guarantees that were going to give our constituents some comfort. We were able to achieve a 4 per cent cap on the trading of water outside the existing systems, and that is something the current state Labor government has refused to put in place. The water minister in Victoria has refused to acknowledge that he is going to reinstate that cap. As of, I think, 30 June this year that cap is going to be abolished and it will be a free-for-all. We actually have a written authority from the federal water minister that that 4 per cent cap on trading is going to be reintroduced.

We have, for the first time ever, got an assurance that the environment is going to pay its way for water so that we do not just have X amount of water being allocated to the environment without a charge, without a cost and without the environment paying its way. If everybody else associated with the water debate, the water market and all the other stakeholders are forced to pay for the true cost of water, then it is only right that somebody has to pay for the environment getting its water. That is another achievement that The Nationals have been able to hang their hats on.

As we move forward in the whole issue of water planning and water management of this state, we have now achieved a guarantee that the environment is going to have to pay for the water that is allocated to it. That is something we are very proud of, because by improving water management we are sticking up for and improving the lot of all our constituents who actually use water to create their financial existence.

One of the other things we have done is make sure there is a guarantee of the ongoing participation of The Nationals in future planning and policy direction. We will not just be participating up to the situation we have
now and then be left out of it so that what we have now will be what we are going to get forever. We have been guaranteed that we are going to be continually put forward and that we will be working through the future policy directions in relation to this plan.

Irrigators rights throughout Victoria are going to be protected until 2019 as part of the negotiations that The Nationals have been able to conduct with the federal government. It is an enormous comfort to the irrigators of Victoria, and specifically those in northern Victoria, to know they are not going to have their rights taken away from them willy-nilly by some government at some future time and that there will not be any review until 2019. That was locked in by the written guarantees and written assurances from the federal minister before The Nationals were able to endorse this plan.

We had many fears originally when the Prime Minister’s plan was put forward, but we have been able to negotiate through all these respective areas. The no. 1 reason The Nationals were arguing that we needed to have greater security in the management of our water resource was the fact that we were seriously concerned that the Victorian Labor government would only ever look at spending money in regional Victoria to fix up the infrastructure if it could then take the ongoing savings produced out of that expenditure and out of that capital investment and take those savings back to Melbourne. Again The Nationals have been at the forefront of ensuring that that does not happen.

People who understand the water debate — obviously Ms Darveniza has no idea — know what water can do to their area. Water creates industry, industry creates employment, and employment creates productivity and prosperity. What we are facing at the moment is not being able to have this Victorian government commit enough money to the water projects that currently exist in the northern Victorian irrigation area. This Victorian Labor government is happy to go into the market and simply buy the cheapest water it can find from the most desperate farmer. That is the way the government is achieving water for its urban centres — by going to the most desperate farmer and buying the cheapest water it possibly can.

All the way through The Nationals have been saying there is a better way to achieve the same volume of water. It may cost more, but it actually has better social, environmental and economic outcomes for the respective regions. This government has simply turned its back on those communities and said, ‘We don’t care about the social impact. We don’t care about the environmental impacts. All we care about is getting water as cheaply as we possibly can’. That has certainly been something that the people of northern Victoria are starting to wake up to.

They are starting to wake up to people like Ms Darveniza, who puts on a Collingwood jumper for the first half and then takes it off and runs out in the second half in a Carlton jumper, because she is representing two different teams! She tries to bluff the people of Shepparton one day, and then she comes down to Melbourne and tells them she is playing for the other team now. That is absolutely ridiculous, and eventually she is going to get found out. You cannot keep representing two different groups in the same debate; people will find you out.

Certainly it is our job to point out that Ms Darveniza cannot come to Melbourne and start talking about taking water from the Goulburn Valley and sending it to Melbourne, and then suddenly go to Shepparton and start criticising The Nationals for ensuring Goulburn Valley irrigators are having their rights protected, which is something that The Nationals have put at the forefront of the negotiations that have been going on just recently.

Prior to this debate I was uncertain as to the best way to investigate desalination, because effectively I am of the belief that desalination, along with so many other aspects of water management, is an area that needs to be investigated. Is the best way to investigate the cost benefits and the social and environmental implications of desalination to refer it to a select committee from the upper house or is it best to refer it to the Environment and Natural Resources Committee, which is an all-party committee within this Parliament? They are options that I was quite prepared to listen to in the course of this debate, to make my mind up on that issue.

It is worth noting, however, that I have just spent four years on the Environment and Natural Resources Committee, as Ms Darveniza said. Mrs Coote, who is in the chamber, was also a member of that committee. At various stages throughout that committee’s life we put up the possibility of doing some studies on issues such as groundwater and of going back and doing a review of previous studies that have been done into salinity around northern Victoria.

In the last government and in the last Parliament all of these issues were seen as too contentious. We were not allowed to go anywhere near an investigation into water because it was seen to be too contentious and because we may have come up with a recommendation that was not to the government’s liking. We were continually steered away from anything to do with some of these
To ensure that that sort of behaviour does not occur again, given all of the numbers the government has at its disposal at the environment committee, I am now tending to lean towards the view that the setting up of this select committee in the upper house with its numbers more evenly spread across the respective parties may in fact be a better way to unearth all the truths associated with the cost benefits and the economic and social benefits of desalination.

The Nationals have always said there is no silver bullet or no magic bullet associated with water and the horrendous crisis that we face at the minute. Mr Barber made the same point, and we reiterate that philosophy. We believe we have enormous inefficiencies in our water management system. We have continually said that. It is not good enough for any urban authority or any rural authority to say, ‘We only lose 4 per cent. It’s not too bad. We only lose 4 per cent through leakages, through taps and washers that aren’t turned off correctly and through a few leaking hoses’.

In the current position we are in have to acknowledge that 4 per cent is too great a margin for just wastages and leakages. We also understand that there are seepages and evaporation. Where are we going with the technology that enables us to minimise evaporation in our storages? We should be further down the track than we are at the moment.

We have continually said that we have to do more with our recycled water. How can we stand here and say we are doing all that we can? Ms Darveniza, on behalf of the government, rolled out the list of the government’s projects. If members really listened closely to her, they would realise they are minimalistic projects and represent absolute tokenism. What we need is somebody who has got some real will and a real desire to actually put their neck on the line and go in there and somebody who has got some real will and a real desire to actually put their neck on the line and go in there and acknowledge that 4 per cent is too great a margin for just wastages and leakages. Where are we going with the technology that enables us to minimise evaporation in our storages? We should be further down the track than we are at the moment.

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In terms of recycled water, over 300 000 megalitres is being emptied at both the Werribee and Gunnamatta outlets on an annual basis. What is happening at Werribee is a disgrace, not only because of the recycled water, which is obviously causing some concerns in the Werribee South area and Port Phillip Bay, but also in terms of the harvesting of stormwater.

Back in June 2005 this government made some claims that it was going to investigate the harvesting of stormwater. Yet nearly two years later we still have the same situation. We have a government that is still struggling to think about and do something in relation to catching stormwater. We all know that some 12 months ago when I produced a plan to harvest stormwater in the Bendigo region, from this government I received nothing but stonewalling and belittlement. This government looked at every possible way and sent its attack dogs out to go after an opposition member who had a viable plan to create new water for the city of Bendigo.

That is the way this government acts. If it is not its idea, it does not want to know about it. If it is not its plan, it is going to look at every way to belittle and discredit that plan. I had opposition coming from the government and its authorities in every possible way, shape and form. It is something about which this government needs to hang its head in shame. Government members cannot stand up and talk about all these great projects that the government is undertaking when we know the truth is that on the ground the government is working against these same projects that it is supposedly espousing as part of its everyday water management.

Today, in middle to late April of 2007, for the first time ever in this Parliament I heard Ms Darveniza start to talk about stormwater harvesting. She is now saying we need to do more. She spoke about plans that are coming through. She mentioned it five, six or seven times. I will be very keen to go back through Hansard and check what in fact she is saying now about stormwater harvesting. I want members to remember the date — mid to late April in 2007 — when Ms Darveniza started talking about stormwater harvesting for the first time ever — apart from the $5 million spent at the zoo to capture 9 megalitres and the millions of dollars spent to catch stormwater at the MCG. But we are not talking about those smaller projects; we are talking about catching it on a larger scale.

What is the government’s plan for catching stormwater out of the Werribee River? Effectively what we have in the Werribee, Hoppers Crossing and Wyndham Vale regions are tiled, tin-roofed, bitumen road environments which create enormous run-off; and when it rains — and it will rain again — that water is going to find its way very quickly to the Werribee River and very quickly out to sea at Werribee South. We have these new satellite cities popping up all around Melbourne. Do we have the ability to catch the water before it runs into the ocean? Do we have the ability to create some wetlands?

Last week we were over in South Australia, checking out what it is doing in the Salisbury region where there are about 20 small catchment lagoons for the
stormwater. The water finds its way into these man-made wetlands and then tends to settle and cleanse itself. It is then caught at the cleanest part of these wetlands and is pumped into the underground aquifers. It is stored in the underground aquifers at one-seventh of the cost of storing that water on the surface. This is an example of an innovative project. At a high-demand time of the year that water from the recharged aquifers is then taken and is mixed with recycled water from the Bolivar plant and is then sent off to Mawsons Lakes to in effect create a brand new, drought-proofed suburb, a suburb the residents have fallen in love with, where they are paying a $30 000 premium to live, because it is a drought-proofed area in relation to the gardens and the flushing of the toilets.

Those are some of the projects that are already running in South Australia, including Adelaide. The Victorian government has been dramatically left behind on such projects. As I have said, this government can write all the nice glossy brochures it likes. We know those promises were made in June 2005, yet nearly two years later nothing has been done in any of those areas. It is quite staggering. In this chamber today Mr Darveniza spoke for the first time about capturing stormwater. It takes a bit of control to sit in this place and hear the government talk in that manner.

The Nationals believe there is an ability to create water savings by going into irrigation areas and improving the ability to catch water by recharging aquifers and through infrastructure. Those savings can then be used to create further wealth in those areas. We can fix up our rivers and put some of the water that we save back into the environment. The Nationals say this needs to be done. We should not take water away from these areas, because when you do that you take industry away from those areas. If that happens, employment declines in regional Victoria and that takes away its ability to grow and prosper. There is no doubt about this: we must understand the true connection between water and prosperity. You cannot suddenly think that regional Victoria is going to continue to prosper if you take away its most valuable resource. If the Labor Party signs onto the philosophy of not taking water away from irrigation areas, then I am sure that political parties will work more closely together when dealing with our respective water management policies.

When considering water management matters there is also the issue of cloud seeding. Two weeks ago the federal government debated cloud seeding. The debate is no longer about an impractical, non-feasible, dreamtime myth. Cloud seeding has started to gain credibility. It is being investigated. I do not know whether cloud seeding is a credible alternative, but it is certainly worth having a debate on it.

There is also the issue of desalination. There is an ability for members, as leaders in the community, to have a debate about desalination. We need to understand the costs involved with greenhouse gases. Mr Barber made members realise that a desalination plant in Victoria would emit 100 000 tonnes of greenhouse gas. We know that the government of Western Australia has spent some $350 million on a desalination plant that deals with 45 gigalitres of water annually. We know that the New South Wales government is going to spend $1.9 billion on a desalination plant and that substantial amounts of power will be used. Typically it takes about a 3 kilowatts of electricity per hour to generate 1 kilolitre of water. Some people say that Australia will need to rival some of the overseas desalination plants, particularly those in the Middle East. There are extremely large desalination plants in Saudi Arabia. Water from the desalination plants in the Middle East accounts for about 24 per cent of all desalinated water on the planet.

In Australia there has obviously always been a question about energy and the cost of the energy required to run a desalination plant. There has not been so much discussion about the capital outlay required to build the plants, but there has been discussion about various ways to remove salt that include reverse osmosis and forcing salt water through membranes to recover salt particles. The process of reverse osmosis will be used in Sydney, but it has its problems. One problem is how to dispose of the salt. For every megalitre of clean water that is produced from sea water, we are obviously left with another megalitre of salty by-product. How we get rid of the by-product is of critical importance to the whole debate.

The ability to have inland desalination plants is limited. Donald in central western Victoria has an enormous amount of water underneath it. For $1 million a desalination plant could be built at Donald. This would produce all the water, including drinking and domestic water, that Donald would need. But what would be done with the leftover salty by-product? The innovative use of that by-product, possibly by new industries, will enable that project to proceed. In the coastal areas of Victoria, in Melbourne and in Geelong there is an ability to pump that salty by-product out to sea and not have overriding problems.

When The Nationals visited South Australia recently we saw what was being done in the lower reaches of the Murray River. A lot of the water that flows into the

SELECT COMMITTEE ON DESALINATION

Wednesday, 18 April 2007

COUNCIL

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Murray River is extremely salty. The large amount of water in underground aquifers that flows into the Murray is laden with salt. Some of the water management practices in South Australia revolve around salt extraction plants. There are 20 to 30 salt extraction plants along the lower reaches of the Murray River. In the region of Loxton and Berri we saw pipelines which pump this salty water — the by-product of cleansed water that flows back into the Murray River — 30 kilometres to a joint evaporation farm. There are some small industries operating there that use salt evaporation ponds.

The salty water is not unique just to the lower reaches of the groundwater around the Murray. Even recycled water which has been cleaned and is ready to be used is still high in salt content. Salt is a by-product of the human body. It passes through the body and the water that ends up being recycled is very high in salt. We also have the issue of whether it should go through a desalination process, a reverse osmosis process, or be forced through a salty membrane. That is also needed in the recycling process that each of our cities has at their disposal at the moment.

There has been some discussion about various desalination plants around the country at the moment. In Australia we have one at Rottnest Island, a very sensitive and fragile island 20 kilometres off the Western Australian coast, and one at Green Island off the central Queensland coast, which we were able to see last year as part of a conference of parliamentary environment and natural resources committees. It is a very fragile island whose owners are heavily into tourism; they are using desalination processes to create water for all purposes, with the exception of drinking. On Rottnest Island they drink the recycled water.

Unlike the Loxton example, which shows the benefits of salt extraction, in the Katanning region of Western Australia, about 300 kilometres inland from Perth, enormous damage has been caused in lost production and damage to the road system by the salt coming up through the land. It has cost some $7 million over the last two years. The salt has eaten away the road system and the infrastructure.

We have to act on salt extraction and look at desalination plants for reasons other than to give us the drinking and other water we need. Some companies overseas are looking at using solar power to run desalination plants, and that is something we might look at as well. It has been suggested that to get a plant running on solar power to generate 1 megalitre of water a day you would need about one and a half football fields of solar panels. If we were trying to generate something like 9 or 10 megalitres a day, imagine how big the panels would need to be in these types of energy guzzling desalination plants run by solar power, wind power or whatever. They are heavy users of power, and that is even more reason why we need to have the power system fully investigated into the future.

We believe this sort of thing has to be fully investigated. I believe this government has yet to prove it is taking these issues seriously enough for us to enable them to do it without the full scrutiny of a select committee. As I said earlier, we are concerned about the best way to investigate desalination because Victoria has a government that in 2005 said it was going to be looking into demand management and how we were going to minimise usage in households, that in 2005 said it was going to move towards investigating desalination, that in 2005 said it was going to look at putting water into aquifer storages, that in 2005 said it was going to do stormwater harvesting projects, and that in 2005 said it was going to be moving on its recycled water projects.

We have a government that has been doing nothing other than offering tokenism — doing small projects so it can say it is doing something when the reality is that this government has been found wanting in all these major areas.

On balance The Nationals have decided that we will support this motion, and we look forward to this committee going about investigating all the benefits and problems associated with having a desalination plant augment Melbourne’s water supplies into the future.

Mr VINEY (Eastern Victoria) — I am pleased to participate in yet another debate on a critical issue facing our community — water. I guess it will be no surprise that I intend to vote against the motion to establish a select committee for a wide range of reasons. Initially, though, I need to make some comments in response to Mr Drum’s fairly vitriolic attack on my colleague Ms Darveniza. I do so noting that the essential point Ms Darveniza was making was that in relation to the Murray–Darling Basin proposal by the federal government The Nationals appear to have sold out on the position they had previously taken in support of the Victorian government’s position.

Mr Drum, in his comments at one point, said that Ms Darveniza wears a Collingwood jumper in the first half and then she wears a Carlton jumper. As a Collingwood supporter I would find that very hard to believe, but he was essentially suggesting that Ms Darveniza was taking a political position on this.
I have in front of me the *Shepparton News* of yesterday, 17 April. Under the headline on page 3 ‘Nationals sell out’ is the by-line ‘By vacating their seat at the negotiating table The Nationals have simply underscored their irrelevance’. The article states, in part:

Other than succumbing to pressure from their federal mates, The Nationals’ breathtaking sell-out of northern Victoria’s irrigators defies explanation.

It is very consistent with some of the points that Ms Darveniza was making. The article in the *Shepparton News* makes the point that following the state election there was an opportunity for The Nationals in this house to work in partnership with the Bracks Labor government for the benefit of irrigators in northern Victoria. As the paper says, it was a plan that was deeply flawed from a Victorian perspective, and that The Nationals stance against the plan showed a glimmer of backbone — just a glimmer! We know how quickly they sold out to the Liberals in 1992 for the white cars of office! The article goes on to say:

So, while at once betraying their rural supporters and bizarrely giving away something for nothing, the Victorian Nationals apparently assumed the irrigators would mindlessly fall in behind them.

Well, so far they haven’t.

Mr Drum took a great deal of offence at the point Ms Darveniza made — that The Nationals sold out to their federal mates on this deal. Mr Drum was offended by that, but it is absolutely consistent with the view outlined on page 3 of the *Shepparton News* of only yesterday.

We have before us a proposal to establish a select committee inquiry into a desalination plant. I have to say that our experience of select committees in this place is that they are highly political exercises that certainly in the time of the Bracks Labor government have almost always been established by members on the other side in an to attempt to score political points against the government or to somehow extract what they think is going to be some sort of political embarrassment. There have been three or four of them, and all of them have been that way inclined. I do not believe this one is any different. It is purely a political exercise to push forward an agenda on a desalination plant.

The thing is that the government has already announced $18.5 million in funding for a suite of investigations: a study into desalination and a possible desalination plant; a feasibility study into large-scale stormwater harvesting, which Mr Drum was critical of; and a full business case on the eastern water recycling proposal. What is interesting about the government’s approach and the way it contrasts with the position taken by the opposition on this is that the government is taking a holistic approach to the issue of water; it is taking a complete approach to that issue. The opposition has been putting forward populist proposals: a desalination plant and a new dam. But as Mr Barber pointed out, there is not much point in building a new dam when the ones we already have are only half full. There is simply not enough rain.

It is extraordinary that the people on the other side, who have been the deep climate sceptics in our community and have been denying climate change for years, are now suddenly thinking, ‘We had better get onto the water issue because there are some votes in it’. The most stunning example of this occurred either late last week or early this week when the Prime Minister was interviewed on the Neil Mitchell program. Mitchell asked him, ‘Do you shower with a bucket?’ The Prime Minister laughed and said, ‘Ho, ho, I think that is going a bit far’.

Clearly he does not know what the rest of us in the community are doing — for example, putting buckets in showers for the excess water and using it on our gardens. It was incomprehensible to the Prime Minister. He thought Neil Mitchell was asking him whether he used the bucket to pour water over his head! It showed how out of touch the Prime Minister is on the issue and what the rest of us are facing. We are putting restrictors on our showers, we are putting buckets in our showers, we are recycling where we can. It is a simple thing to understand, and it ought to be simple for the opposition.

The way to deal with the water problem in this state is — —

Mr O’Donohue — Use a bucket!

The PRESIDENT — Order! Mr O’Donohue is warned.

Mr VINEY — The way to deal with the water problem in this state is to reuse more water and use less water. There is a range of other solutions, but they are essentially linked to the policy of reuse and use less. There are things being done by the government — fixing leaks, making improvements to our water catchment systems and the Wimmera–Mallee pipeline, which this government was talking about — if not in 1999 — in 2000, but the federal government refused to come to the party on that. It only came to the party about five years after the government announced what it wanted to do. This government has been talking
about water and dealing with the water issue for a considerable time.

In terms of using less water, the conservation of our water has already achieved great success in Melbourne, with 22 per cent less water use compared to the 1990s. Interestingly, industry has also saved 24 per cent more water since 1999–2000. The government’s strategies in this area are achieving results. We have more to do, and we are continuing to do these things. In terms of solutions, which involves using less water and reusing more water, the government’s strategies are working.

In recycling the government has spent $160 million on the upgrade of the western treatment plant, and we are now on track to recycle 20 per cent of the water in that region by 2010. There is the $19 million Werribee recycling scheme, which is delivering 6000 megalitres to Werribee irrigators. We also have the eastern irrigation scheme; the third pipe recycling system operating in Cranbourne; the $18 million business case for the eastern water recycling project; the feasibility study for desalination and stormwater, as I mentioned; and the $300 million upgrade of the eastern treatment plant. In terms of recycling, the government is putting investment into those areas.

Desalination is worthy of consideration, and the government has acknowledged that, but I do not think it is sensible for this Parliament to be arguing that a select committee of this house has the technical capacity to seriously investigate a desalination proposal, given the millions of dollars being spent by the government on a technical and comprehensive feasibility study into a desalination plant.

I doubt that many members of this Parliament would have the technical skill to undertake that work, and the resources of the Parliament do not run into the millions of dollars, which is what the government is spending on its feasibility study. So I do not see how a select committee of members of this house could deal with the desalination proposal with the level of detail needed for its consideration. We are all capable of looking at it broadly and saying, ‘Yes, desalination appears to be one solution and needs to be looked at in detail’, and that is what is happening, but it also has to be looked at in the context of the entire suite of issues relating to water facing us in this state, particularly the national issue.

We have to deal with improved conservation, we have to deal with improved recycling and we have to deal with the issues of improving leaks and making irrigation more efficient. We also have to deal with the comprehensive issues associated with environmental flows into rivers. We have to ensure that there is a rational system of water management for irrigators.

Mr Drum said he thought the government should give guarantees to irrigators that they will get their entitlements. Given that it has not been raining it would seem fairly foolish for anyone to give absolute guarantees that people will be able to have their water entitlements forever and a day. I do not think that 10 years ago people would have predicted quite the level of water crisis we now have. Certainly 20, 30 or 40 years ago, when irrigation allocations were being handed out, no-one would have foreseen the level of water crisis in this state; and 20 years ago people were only in the very early stages of talking about climate change, which is the fundamental cause of what we are dealing with today.

If there were to be any kind of investigation of desalination it would have to be in the context of a whole suite of issues around water that are facing us in this state. In addition it may well be appropriate in this Parliament for a joint investigatory committee — the Natural Resources and Environment Committee or another appropriate committee — to have a look at the issue of water, including recycling, reuse, and desalination. But it is not appropriate for this house to establish a select committee to investigate one element of it.

Mr P. Davis — You’re opposed to every select committee, are you, Matt?

Mr Viney — No, I am actually not opposed to every select committee. I am opposed to the way that you use — —

Mr D. Davis interjected.

Mr Viney — I am opposed to the way the opposition uses select committees. It has demonstrated — —

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Mr Viney — I am happy to respond to one interjection from Mr Davis, but I am not happy to respond to continual interjections when I am still trying to answer the first one. We do not believe that select committees are being appropriately used by the opposition. Select committees can have a significant role to play, but this Parliament has had an incredible and very successful record with joint investigatory committees. I have mentioned on the record a number of times the committee that the Victorian Parliament should be most proud of — the Road Safety Committee. If there were to be any kind of investigation of desalination it would have to be in the context of a whole suite of issues around water that are facing us in this state. In addition it may well be appropriate in this Parliament for a joint investigatory committee — the Natural Resources and Environment Committee or another appropriate committee — to have a look at the issue of water, including recycling, reuse, and desalination. But it is not appropriate for this house to establish a select committee to investigate one element of it.

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Mr D. Davis — The Scrutiny of Acts and Regulations Committee.

Mr VINEY — SARC has worked well too. A lot have worked well, but I am highlighting one that would be internationally recognised as highly successful. Select committees in this place have been used politically, and that is the intention of the opposition in this further proposal for a select committee. It wants to use it as a political means to leverage up its fairly simple-minded approach to the water issue, which is to build a dam — if it does not rain it will not be filled — and to build a desalination plant. The government is happy to look at the latter as part of a whole raft of issues facing this state. For those reasons I intend to vote against the motion before the house today.

Mr D. DAVIS (Southern Metropolitan) — I am pleased to make a contribution to this fine motion put before the chamber today by the Leader of the Opposition. In so doing I indicate that this is something the chamber should support for a number of reasons. This motion proposes the setting up of a select committee, as has been discussed. It is not my intention to talk about the mechanics of the motion, which by now this chamber well understands and which I think are now non-controversial. What I intend to make my contribution about is the substance of the motion, which is to inquire into and report on desalination as an augmentation of Melbourne’s water supply and to make the point that Melbourne is in a very serious position with water.

I do not think it is necessary to repeat the daily readings that we are provided with in respect of Melbourne’s water supply, but there is clearly a massive issue. Many in the chamber have referred to the water-saving measures that have been undertaken, and most of those measures are strongly supported by the opposition. But it is my contention that the government has not managed well these water supply issues for metropolitan Melbourne. Reading its central water strategy, which was released last year, it is pretty clear that the government did not come to grips with many of the issues prior to the election in either its first or second term.

The government has been caught napping on water supply issues for Victoria, and the issue of climate change has been discussed. Climate change issues are not new. They have been well understood over a lengthy period. The information has become more robust as time has gone on, but the principles of what has been occurring, in my view and certainly in the view of the overwhelming bulk of reputable scientists, are in essence non-controversial. What this government has not done is put in place the plans and the preparation that would put Melbourne’s water supply in a stronger position.

There are two sides to the issue — the demand side and the supply side — and this government has failed on both. It could have achieved far more on the demand side — and I think the demand side is implicitly included in this motion. I interpret talking about the augmentation of Melbourne’s water supply to clearly mean both additions to the supply side and the effective addition of greater capacity by the better use and better management of resources on the demand side. I see those issues as a significant part of the deliberations a committee such as the one we are discussing today would undertake.

On the supply side this government has equally fundamentally failed to make proper provision for metropolitan Melbourne. It has failed in ensuring there is an interlinking of our regional cities with the water supply of the so-called central region. It has also failed on basic overall supply issues. It has not honestly and fairly investigated the issue of additional water supply capacity through dams. This government should have been prepared to look honestly and openly at getting a greater supply of water through dams and augmenting Melbourne’s water supply in that way. I take no fixed position on some aspects of that, but I think that this government has failed to look at it in a non-ideological, thoughtful and constructive way. That is a serious mistake that has worked to Melbourne’s detriment.

Equally this government has failed to look at the option of desalination in a proper, open and transparent way. In the lead-up to the last election, when the opposition released a policy on the desalination of water, the government was highly critical of the policy that we released. Desalination was criticised as an expensive option that is energy heavy and is regarded as difficult in terms of siting. Those are all aspects of desalination that a proper program would take account of.

The way to deal with those issues is through a constructive process that is open and transparent and that actually finds solutions. The Liberal Party would have done that in the lead-up to the election and beyond. If we had been in government we would have moved swiftly to find solutions to those issues. There are solutions with energy, such as using wind power in a constructive way. As to siting, the salinity aspects may well be able to be overcome through technical and
siting mechanisms. Those issues can be worked through in a constructive way.

On the supply side we have the issue of recycled water. The state government has failed to tackle that issue sensibly, constructively or comprehensively. In 2002, in the lead-up to the state election, the government promised to upgrade the eastern treatment plant. Years later, in the midst of a very challenging water position for Melbourne, this state government has failed to get off the ground large-scale recycling at the eastern treatment plant. A feasibility study on the movement of recycled water between the eastern treatment plant and the Latrobe Valley power stations was promised in the lead-up to the 2002 election and again in the lead-up to the 2006 election.

What has the government done with that feasibility study? It has kept it secret and in-house — and it will not release the basis for or the conclusions of that study. It is no wonder people do not have confidence in this government’s management of water, it is no wonder people think that the government is secretive and it is no wonder people feel the need to have parliamentary committees get to the bottom of what is going on with water management in this state by looking at these key issues — feasibility studies into desalination and feasibility studies being undertaken into the movement of recycled water to the Latrobe Valley for use in power stations. This government keeps all of that information under wraps; it keeps everything secret. It is not taking the community into its confidence at a time of crisis, which is why this chamber has every right — indeed a responsibility in my view — to be looking at these matters.

Using recycled water is in many respects the most obvious step that should have been taken by this government, but that has not been done on any sufficient scale. I was staggered in the lead-up to the state election when the government laughed at opposition suggestions on mandating third-pipe technologies on larger estates. The Premier ridiculed the proposal for third-pipe technologies to be used to push recycled water back into estates for the purposes of garden and toilet use.

Why did the Premier do that? He was ill-informed and arrogant, as are many government ministers. The opposition released its policies on recycled water through third-pipe technologies in the lead-up to the state election on 8 October. On 12 October City West Water wrote to large developers on the western side of the city, under a heading ‘Introduction of new mandatory requirements for dual-pipe water systems’.

That letter was generously leaked to me. It states, in part:

To whom it may concern:

I am writing to advise you of two key new developments in state government legislation related to dual-pipe water systems in new estates.

It goes on to say:

… it is now mandatory for:

developers to install dual-pipe water systems in new residential developments where required by the relevant water authority;

customers to connect to dual-pipe systems where provided when seeking connection to a water supply.

…

The new connection requirements will come into effect on 1 December 2006.

That was conveniently a week after the state election and more than seven years after the government was elected. This government should have been making proper provision for hundreds of thousands of houses built on the fringe of the city in the west, the south-east in particular and in the north. What has the government done to deal with water supply to those areas, to put dual-pipe water systems to pump recycled water into those estates, to drought proof the estates and to look at use of water for toilets and gardens? On 1 December 2006 it mandated the very policy it ridiculed in the state campaign, the very policy that it should have begun implementing systematically and thoughtfully years ago.

This is a government that has failed to make provision and has failed to do the right thing. It is a government that has failed Victorians. This committee offers an opportunity not only to look at desalination but to look at the augmentation of Melbourne’s water supply through a series of different mechanisms. Implicit in this motion is a critical part of the committee’s work — that is, to examine the augmentation of supply by demand-side management through the sensible use of water and the more efficient use of water alternatives on that site, including rainwater tanks and the full list of other alternatives, and on the other side looking at the augmentation of supply through the use of recycled water and desalination — and the advantages and disadvantages of each of these should be looked at.

This is a motion that would give this chamber an opportunity to do great service to the people of Victoria, and to the people of Melbourne in particular. We cannot look at Melbourne’s water supply in total
isolation. The government currently has a plan to pump water over the hills from the Goulburn–Murray system, stripping water out of that system in a way that is not only energy intense but also fails to understand that we need to look close to home and to look at ways that enable us to use water more wisely. We need to look at ways that provide new sources of supply that can be done in cost-effective ways, environmentally sensitive ways and ways that will work with industry.

I commend the motion to the house. It is a balanced and sensible motion, and the select committee, through looking at the augmentation of Melbourne’s water supply and the benefits and disbenefits of many of these alternatives as a measure or comparison to how desalination would fit into that picture, can do great service for the people of Victoria.

Mr HALL (Eastern Victoria) — I welcome the opportunity to make some comments on this motion moved by Philip Davis and also make some general comments about Melbourne’s water supply, which is the topic of this debate.

I have listened to most of the contributions from members, and apart from government members attempting to distract the Parliament from the issue at hand by making continued reference to reform of the Murray–Darling Basin, most of the rest of the debate has been constructive and addressed the issues. Water, as has been said by every speaker, is an absolute critical issue. It is worthy that the Parliament of Victoria sits down as often as it can to discuss this critical issue and do what is proposed by this motion, which is to spend some of the Parliament’s time outside of the chambers discussing critical issues, such as this one related to water.

Apart from Mr Barber, it is obvious the government, the opposition and The Nationals believe there is further merit in exploring options for desalination to augment not only Melbourne’s water supply but there may be cases where you can augment local community’s water supplies in areas of country Victoria as well. I heard Mr Drum comment that Donald is one such area which has excessive levels of salt in underground water; it could be the subject of desalination at a local level to augment local water supplies as well.

Desalination is used in many countries around the world as a means of obtaining or supplementing water supplies, and it happens here in Australia. We have heard members speak about desalination plants in New South Wales and Western Australia.

When I approached this debate today I thought the issues were twofold: I thought the idea of discussing the option of desalination was a worthy one and I did not think there would be much discussion about whether we should be doing it, given the fact that the Liberal Party has a clearly enunciated policy and that since the election the Labor government has announced it is commissioning a study to explore the merits of desalination. It is something The Nationals also supported as one of many measures that should be considered to ensure we have adequate water supplies for both rural and urban needs into the future.

The issues for me today when I looked at this notice of motion were twofold: firstly, whether a select committee of the upper house was the most appropriate forum to conduct such an inquiry; and secondly, whether the motion is sufficiently broad enough to canvass the issues that it should. There is some debate about both of those points. I am not sure whether a select committee of the upper house is the appropriate and best forum to look at desalination, and whether it can be broad enough in the terms of reference contained in the wording of this motion; nevertheless, it is better than nothing.

Had the government come in here and proposed some other form of committee or produced evidence that it is doing sufficient work to fully explore all these issues, perhaps we would not have had to have the motion this morning. But it has not, and that is why Mr Drum has indicated that The Nationals will be supporting this motion, although, as I said, I have some hesitations about whether the upper house committee is the appropriate forum in which to explore all aspects of such an inquiry.

Mr Viney argues that a select committee does not have the expertise to look into a matter like this. In response I say to Mr Viney that the same argument could be applied to any all-party parliamentary committee of the Parliament. As individuals we do not possess expertise on every single subject area that we are asked to look at from time to time. To overcome that we employ the resources of people with more expertise than we have. We seek the opinions and views of others, we seek submissions from others, and the select committee that would be formed if this motion is passed would do exactly the same. It would call upon interest groups to canvass the issues that it should. There is some debate whether the motion is sufficiently broad enough to do both of those points. I am not sure whether a select committee of the upper house is the most appropriate forum in which to explore all aspects of such an inquiry.
circumstances in which we are asked to participate as MPs.

If the government had been more cooperative and looked at other means of including the Parliament in a discussion on these matters, it may have been more productive. I can recall that some years ago, when the Bracks government was first elected, it looked at establishing a committee of MPs to look at potential sites for future toxic waste dumps. At that time The Nationals were happy to participate, so long as there was a bipartisan approach to that particular issue. I was a nominee who attended a meeting or two of that committee. But it fell apart because the government of the day wanted to play politics and was more interested in making political gain out of the fact that some political parties were on that committee and some chose not to be than in sitting down and constructively discussing issues with those who were willing to be part of it.

If the government has got, as it claims today, a reference group of experts looking at the merits of desalination, maybe it should incorporate an advisory group of experts looking at the potential for future toxic waste dumps. At that time The Nationals were happy to participate, so long as there was a bipartisan approach to that particular issue. I was a nominee who attended a meeting or two of that committee. But it fell apart because the government of the day wanted to play politics and was more interested in making political gain out of the fact that some political parties were on that committee and some chose not to be than in sitting down and constructively discussing issues with those who were willing to be part of it.

The other issue in my mind with respect to the inquiry is whether it will be able to canvass all the issues that I think it should canvas. To start with I refer back to a government media release of 22 June 2005 issued by the then Minister for Water, Mr Thwaites. He announced a new reservoir connection and that the Tarago Reservoir would be reconnected by 2011 to help protect Melbourne’s water supplies. He talked about taking from Tarago 21 000 megalitres of drinking water to Melbourne each year, adding 3.7 per cent to Melbourne’s capacity. The press release also outlines a number of other measures the government was looking at, including demand management. It refers to a further investigation into desalination plants and that the government was going to undertake a study to look at the potential for desalination in Victoria. This was at 22 June 2005, and precious little has happened since then.

The government also said it would look at aquifer storage and at stormwater harvesting. It first mentioned the eastern water recycling proposal and outlined in brief what it proposed in regard to that. Excuse the pun, but precious little water has flowed down the river since the time the government spoke about all those measures in June 2005.

I for one would agree with some comments by members of the opposition parties that the government has been extremely tardy in putting in place adequate measures to ensure adequate water supplies, both in Melbourne and in urban centres throughout country Victoria, into the future. With our current water restrictions we are now paying the price for the government’s tardiness on a whole range of these matters. If this motion at least makes sure that the government hurries up and does a proper job, it will serve some worthwhile benefit.

As Mr Drum, the lead speaker for The Nationals in this debate, has already indicated, we see there is no single solution; desalination is simply part of that solution. A lot of issues need to be canvassed in this whole debate. I am encouraged by the comments of Philip Davis and David Davis that the scope of this committee will to some extent include being able to look at means of augmenting Melbourne’s water supply other than simply by desalination. I hope that proves to be the case.

Despite some hesitation as to whether I think the upper house select committee is the most appropriate forum in which to look at these matters, in the absence of other propositions from the government we believe this is certainly an option worth exploring. As Mr Drum has indicated, The Nationals will be supporting this motion.

Mr LEANE (Eastern Metropolitan) — I am pleased to have the opportunity to speak against Philip Davis’s motion. I will go to point 1 of the motion, that the committee be set up to inquire into and report on desalination as augmentation of Melbourne’s water supply. I am sure Mr Davis will forgive me but my year 11 English did not cover the word ‘augmentation’, so I looked it up in the dictionary. Augmentation means to increase or to be an extension of — in this case — the water supply. I am saying that a big part of the inquiry would be devoted to finding out whether, if we built a desalination plant, it would increase the water supply. That is a big part of the inquiry now done. But of course we have issues with these plants in that they use a lot of power, which raises a further environmental issue. There are also the environmental issues of the saltwater, or the brine, that is produced being sent back into the sea.

These two issues have been examined by experts in the field. Mr Thwaites has had access to and has spoken to a number of experts on a number of water initiatives. I know that people in the plumbing industry have been...
working closely with him and also with Mr Madden, the Minister for Planning, on a number of measures that will save water. They are in the pipeline now.

Along with reducing the consumption of water — and according to Australian Bureau of Statistics figures Melbourne has been the most successful state in water conservation in Australia, with Melburnians saving 22 per cent of water when compared with the 1990s — there have been a number of initiatives, and there will be more. I am sure this government will look and is looking at any initiative that will not be bad for the environment but will be good for Melbourne and the rest of Victoria as far as saving water is concerned.

I would have thought this issue could be a reference for the environment committee. It is being looked at in other places, so the setting up of this select committee would be a waste of time. I know the Liberals are wedded to their desalination policy and that they were out beating the drum — and good on them — but you would think they had actually invented desalination. There are 7500 desalination plants across the country, so maybe there is a possibility that members of the select committee will get the chance of another junket in going to look at one of them. I am not too sure about that. We are still saying it is an absolute waste of time.

I refer to point 2 of the motion, that the committee will consist of two members of the government, two members of the opposition, a member from The Nationals, a member from the Greens and a member from the Democratic Labor Party (DLP). I have always believed that when you are representing people it is very important to actually get out to see them and listen to them; to get out as much as you can and meet the interest groups and listen to what people have to say. That is the best way that we can come in here and represent them.

I do not how Mr Kavanagh feels, but he is the only member of the Democratic Labor Party in here. I do not know how he will ever get out to fly the DLP flag; he is their pin-up boy, but he will not be able to get out and fly the DLP flag if he is involved in every one of Mr Davis’s inane inquiries. If he is involved in every one, he will never see his electorate, and he will never be able to beat the DLP drum.

I can understand that the opposition parties must be frustrated. They are looking for a strategy to slow the government down and tie us up in all these inquiries. That is the new strategy. You can understand their frustration. The Liberals are acting like a party that got smashed two elections ago — an ugly smashing — and did not fare too much better last November. I would have to admit — and I think we would all have to admit — that the opposition must be even more frustrated because you have to admit that their leader, the member for Hawthorn in the other place, Ted Baillieu, had a huge crack at it during the election campaign. He had his own bus — the Ted bus. He got out of the Ted bus —

Honourable members interjecting.

Mr LEANE — The relevance is opposition members’ frustration in trying to set up these inquiries. Mr Baillieu got out of the Ted bus, put on the big collar with the rhinestones and did an Elvis impersonation. He was so desperate he was chasing the Elvis impersonator vote! Then he got back in the bus and stopped when he saw a street sign, and what did he do? He hung himself off that street sign sideways. I am not too sure which interest group he was trying to attract by hanging sideways off a signpost. I am not too sure if he thought people would open up the Herald Sun, see his picture hanging off a signpost sideways and say, ‘That is exactly what this state needs in a leader: someone who can hang off a signpost sideways’.

Then the crème de la crème moment was when he emerged from the ocean in his Speedos, ready to announce policy. I am sure that policy might have been the desalination one, because his advisers might have said to him, ‘Please, Ted, distract everyone from this ordinary policy: get in your Speedos!’ I have to say that that was the one time his advisers actually gave him good advice, because it was a great distraction. None of us here could say that during the election campaign Ted Baillieu did not have a huge crack.

Having said that, I do not support this motion. We do not need all these inquiries to tie up our time. I want to get out into the electorate during the times when Parliament is not sitting; I want to listen to interest groups, then be able to come in here and reflect their opinions.

Mr VOGELS (Western Victoria) — I cannot rebut any of that, because nothing much was said about the actual motion we are debating.

I support the general business motion now before the house — that is, that we appoint seven members to inquire into desalination so as to augment Melbourne’s water supply. It never ceases to amaze me — and it has been mentioned a couple of times — that government members have opposed every select committee we have ever put up. They are against select committees because they do not want open and accountable government. Members opposite keep telling us they are
open, accountable and transparent, but they definitely are not.

Opposition members are not saying that the desalination plant is the best way to go. We are saying, ‘Let us have an inquiry to see if desalination of water is a good and cost-effective way of augmenting Melbourne’s water supply’. What really annoys me as a country member of Parliament is that the water always has to come from country Victoria. We now know that we are going to have a so-called super-pipe coming over the hills from the Goulburn Valley, and we will be pumping water to Ballarat and Geelong.

We hear the government continually saying that there is no point in putting in another dam because dams do not make it rain, but putting in pipelines from one empty dam to another does not create water either, so obviously that argument is flawed.

We need to do something different. Yes, we have had 7 years — or 8, 9 or 10 years, depending on to whom you talk — of below-average rainfall, but this has happened on many occasions in the past. I recently went to Lake Bolac in Western Victoria Region, where an environmental group was meeting to look at the issues involving the lake, but I could name many other lakes in the Western District — for example, Corangamite and Gnarput — most of which are basically empty. It is interesting to go down to these lakes and see that they have fences going right through them. Obviously they have been empty while white men have lived in Australia. Obviously at one stage they were paddocks which people were using to graze stock.

I was talking to Dr Michelle Casanova, who told me that this is a normal part of Australia’s history. Most of the lakes in the Western District are about 2 metres deep. They were formed maybe 1000 years ago — maybe 10 000 or 100 000 years ago — when there was a depression in the landscape. Water stayed there in wet years, and as it dried out in dry years the dust blew out and the depressions in the land have slowly got deeper. Most of them are about 2 metres deep, and if you drive from Camperdown, through Foxhow and between Lake Gnarp and Lake Corangamite, it is like going through the Sahara Desert. There is about a metre of sand built up on both sides of the road and across it. You just about need to turn on your car lights, because the lakes are drying out and all the dust is blowing out over the countryside.

When it does rain again — and it will! — instead of being 2.4 metres deep the lake will probably be 2.41 metres deep, until the next dry period comes.

There is no doubt that we will have an economic disaster if rain does not fall shortly. I think climate change is happening, but it has happened many times before.

In my short contribution I want to mention that we in country Victoria are sick of augmenting Melbourne’s water supplies. The people in Melbourne who I know say, ‘Yes, we are on water restrictions’, but do they waste water? They sure do! We talk about showering with a friend and carrying the water out in buckets, but at the end of the day most people I know use approximately 200 litres of water on every day of the week. If a household has four people, that totals 800 litres. The water is still being used.

I saw in the news only last night that Melbourne’s water supplies are down to less than a third. I am a farmer and when my dams are down to less than a third full and another winter is coming up I am very concerned about the future of my farm and farms in south-west Victoria that rely on dams. Most of them are empty. Farmers are spending thousands of dollars a month on carting water. If we do not get a good run and a wet winter this year, the dairy industry in places such as the Heytesbury settlement area, for example, — which is worth about $1 billion a year to the Western District’s economy — will be non-existent.

I find it hard to understand why we would not be having an inquiry into desalination. The government seems to think it is a good idea to have a look at it, as do members of the opposition. What have we got to hide? As Mr Hall said, we are not experts, but all parliamentary committees that I know of bring in experts in from outside to explain and run through the issues, so I do not think that would be too hard.

I will finish by saying that I would love Melbourne to start augmenting some of its own water supply rather than keep pinching it from across the Great Divide, from Gippsland or from what it seems will eventually the next source — the Otways. I would have thought a desalination plant would be sensible. Maybe the figures will not stack up, but let us have an open and accountable look at the figures and see what happens. I support the motion before the house.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to speak on the notice of motion in the name of the Leader of the Opposition, Philip Davis. I would like to have a look at where we are at at the moment. We have a water crisis in Victoria and, as the water minister mentioned recently during debate on a bill that was before the other house, Victoria has been suffering from drought for 10 years and we should do something about
it. Here we have an eminently reasonable and positive suggestion from the Leader of the Opposition to look into desalination. Desalination is a way to augment Melbourne’s water supply without having to rely on rain. As we all agree, the rainfall patterns are unpredictable and may become more unpredictable in the future.

Let us consider what members of the government had to say about this issue. Ms Darveniza talked at length about what the federal government was doing and what The Nationals had done — some sort of alleged deal with some other party. She criticised the federal government for its water plan for the Murray–Darling Basin. We should remember the reason we have a government for its water plan for the Murray–Darling Basin. We should consider what members of the government had done — some sort of alleged deal with some other party. She criticised the federal government for its water plan for the Murray–Darling Basin. We should remember the reason we have a government for its water plan for the Murray–Darling Basin. We should consider what members of the government had done — some sort of alleged deal with some other party. She criticised the federal government for its water plan for the Murray–Darling Basin.

That takes me to the points made by Mr Viney, who also took great pleasure in criticising The Nationals. But what was his answer to this water crisis? He talked about $18 million investigation projects to look into the water problem — to look into it! Here we are 10 years into a drought and 8 years into the Bracks government, and what is it going to do? It says it will spend another $18 million to look into it. But Mr Viney has foreseen the answer to this crisis. The Labor government is going to change its policy from showering with someone else to showering with a bucket. Let us shower with a bucket because that will solve this water crisis. That is what Mr Viney had to say in his contribution, which was rather verbose and extensive but had limited content.

Mr Leane then also contributed to the debate. I think if he checks the *Hansard* he will find that he said Australia has 7500 desalination plants. I think Mr Leane may be incorrect, but it does raise an interesting point. Other Labor governments in Australia have seen fit to commission desalination. This is not an ideological position where the Liberal Party is trying to push some agenda or someone else’s agenda. We want to augment Melbourne’s water supply because we have a crisis. All Mr Leane could do was criticise the Leader of the Opposition for what he was doing during the campaign, and he talked about wanting to get to the electorate.

We all know that the Labor government does not like sitting in Parliament. We seem to sit fewer and fewer days under this Labor government, and we sit for shorter and shorter periods. I think that is a product of this government’s inability to plan for the future, its inability to set an agenda and its inability to initiate reform. The water crisis we have is but one example of the government’s inability to plan for the future. Here we are nearly six months into this Parliament, and what is the government’s agenda on water? There is none. What is the government’s agenda on public transport? There is none. What is the government’s agenda on the environment? It does not have one. What bills have we considered that are of significance to the state of Victoria? I would suggest there are very few.

If you listen to the contributions from the Labor members, you hear their criticisms of the federal government. They talk about matters that have happened overseas and interstate, and they criticise local government. Why are they not talking about their record of eight years in government? Why are they not talking about what they are planning? Why are they not talking about what they are doing? The fact is they have done nothing, and they have no plan for the future. This is a reactionary government that had no plan and has no third-term agenda. It should hang its head in shame for the way it has approached this water debate.

Again I commend the Leader of the Opposition for this motion to set up a select committee on desalination, because as he, Mr Vogels and members of The Nationals said, we need to look at a suite of answers to this water crisis. Desalination is potentially but one part of the answer.

A few weeks ago I stood at the Gunnamatta outfall. I have said this before in the house, but to watch millions of litres of water spew out into the ocean is an absolute indictment on this government’s inability to plan for the future, its inability to develop infrastructure and to address the core issues at the heart of this problem.

Ms Darveniza spoke about some of the small projects the government has initiated on water recycling. That is terrific. The government reaps hundreds of millions of dollars in dividends from the water authorities and hands back a couple of measly million to the same authorities to develop minor pieces of infrastructure.

In summary, I support this motion because it is a positive way to address the crisis. What will the government do if there is no rain this winter? What if it does not rain for the balance of the autumn, this winter or during spring? We will run out of water. If that happens it will be an indictment on the state government.
I commend the motion before the house. I congratulate the Leader of the Opposition for bringing it to the house’s attention. I look forward to moving forward and contributing to the debate to address the water crisis facing Melbourne and Victoria.

Mr P. DAVIS (Eastern Victoria) — I will sum up briefly. It seems to me that the positions of the government members in this place are reflected in the comments made by Ms Darveniza, Mr Viney and Mr Leane on behalf of the government. In effect they have said that they do not agree with a select committee process. They have endorsed the position of the government, which is that unless the government establishes a committee and controls the numbers on that committee, then it does not have effective control of the outcome of any discussion. They therefore will oppose any such establishment.

Mr Viney interjected.

Mr P. DAVIS — I take up Mr Viney’s interjection. The fact is that he has voted against every proposal for an upper house inquiry presented to him while he has been a member of this place. He will today vote against this proposal, which deals with the most pressing issue for Victorians — that is, the security of their water supply. Mr Viney makes the case that because the government is not setting up the inquiry and will not control the outcome, it does not want to have it.

Mr Leane, I might say, made a contribution to the debate today. It beggars belief that a member could come into this place and make such an inane contribution. Mr Leane said this was an inane inquiry. I have to say that if he went out and talked to Victorians, including Melburnians, about the fact that great-grandmothers who are 80 or 90 years old are injuring themselves carrying buckets from their shower to the garden, they would not think his comments were very mature. The government’s approach to water management in Melbourne and Victoria is a disgrace. The fact that we have elderly citizens doing themselves physical harm because of the policies of the government is a disgrace.

I turn now to the Greens. I have great respect for the view that the Greens have put out today, which is that they have reservations about desalination. I thought that in my contribution leading into the debate I made the point that there are some serious environmental issues to be addressed. But for the benefit of the Greens, if they do not understand it, the fact is that the government is proceeding with a proposal for desalination. The Parliament is going to have to address the issue. It would seem to me that to deal with the issues expeditiously it would be useful for this place to have a view. That view would be best informed by the upper house running an objective inquiry to enable parties like the Greens and people who have views such as have been expressed by Mr Barber to lead those issues in an inquiry and to have them thoroughly exposed.

It is a head-in-the-sand approach to reject the notion of an inquiry into a matter with which you may have a difficulty. I will be disappointed if this is to be a consistent approach to the operations of the upper house in this Parliament in the future. Irrespective of the different positions from which we come, the bottom line here is that we have a sacred trust given to us by the community. I believe it is an abrogation of the responsibility of members of this place to say that they have a personal difficulty with a public policy issue and therefore they will not consider it. The fact that the Greens have said that today gives me no faith at all in what it is they think they are here to represent.

In regard to the government’s position on the matter, I summarise my position in this way: the government has a proposal which it is looking at secretly. It is not prepared to disclose to the Parliament what the details of that are. The policy position of the government is clear: it is taking on board the opposition’s commitment to desalination as a serious augmentation opportunity and is prepared to look at it behind closed doors. I do not think that is satisfactory for the Victorian community.

I thank The Nationals for their support. I have to say that the contributions by Mr Hall and Mr Drum were well informed and well measured. They compared very favourably against those by government members. To the other Liberal speakers in the debate, Mr Davis, Mr Vogels and Mr O’Donohue all made very useful contributions. The minister should ask government members to read those contributions to learn how to make a contribution to a serious public policy debate.

House divided on motion:

Ayes, 17

Atkinson, Mr
Coote, Mrs
Dalla-Riva, Mr
Davis, Mr D.
Davis, Mr P.
Drum, Mr
Finn, Mr
Guy, Mr (Teller)
Hall, Mr
Kavanagh, Mr
Kronberg, Mrs (Teller)
Lovell, Ms
O’Donohue, Mr
Petrovich, Mrs
Peulich, Mrs
Rich-Phillips, Mr
Vogels, Mr
QUESTIONS WITHOUT NOTICE

Wednesday, 18 April 2007 COUNCIL 807

Noes, 21

Barber, Mr (Teller) Pennicuik, Ms
Broad, Ms Pulford, Ms
Darveniza, Ms Scheffer, Mr
Eideh, Mr Smith, Mr
Elasmar, Mr Somyurek, Mr
Hartland, Ms Tee, Mr
Jennings, Mr Theophanous, Mr
Leane, Mr Thomley, Mr
Madden, Mr (Teller) Tierney, Ms
Mikakos, Ms Viney, Mr
Pakula, Mr

Pair

Koch, Mr Lenders, Mr

Motion negatived.

Sitting suspended 12.58 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Schools: drug-deal reporting

Mr P. DAVIS (Eastern Victoria) — My question without notice is to the Minister for Education. Will the government amend its schools drug policy so as to require all Victorian schools to report to the police drug dealing on school grounds?

Mr LENDERS (Minister for Education) — I thank the Leader of the Opposition for his question and for the new-found interest of the Liberal Party in education.

Honourable members interjecting.

Mr LENDERS — Yes, Mr Theophanous, the new-found interest of the Liberal Party in education. After closing 300 schools, sacking 9000 teachers and being asleep at the wheel for seven years, it is now paying attention. Hopefully Philip Davis will have a far greater interest in education than his federal minister. The federal Liberal Party’s interest in education has gone to new and absurd depths. The federal education minister’s latest whacky idea is that every school child in grade 5 should be weighed and their weight recorded, but her Prime Minister said that was just a tad whacky and has overruled her.

Mr Davis’s question was about whether drug dealing was being reported and the government’s policies in this area. Clearly any criminal offence in this state needs to be reported to the police. The Department of Education will continue to provide advice to our 1594 autonomous schools on best codes of practice and ways they should conduct themselves in difficult situations. But the answer in relation to any criminal activities is they should certainly be reported to the police.

Supplementary question

Mr P. DAVIS (Eastern Victoria) — In relation to the minister’s answer I ask: what is the minister doing to curb the alarming increase in substance abuse in Victorian schools — it rose by 160 per cent between 2000 and 2004 — along with the 317 per cent increase in physical threats, the 123 per cent increase in sexual assaults, the 219 per cent increase in physical assaults, the 76 per cent increase in assaults with a weapon across the same period, and the 16 549 serious incidents of bullying, violence against teachers and racial discrimination that occurred in 2005?

Mr LENDERS (Minister for Education) — The Leader of the Opposition has rolled out gruesome statistics. As we know, every statistic that a person refers to is a person, and when anyone in a school is bullied or is treated with contempt by another human being we need to treat that as a problem and address it. I say to the Leader of the Opposition that there are not a lot of simplistic solutions in parliamentary chambers to deal with statistics. We know on the issue of drugs that during the years of the Kennett government this Parliament — I will put my hand to my heart and give Jeff Kennett some praise in this place — actually held a drug summit in this place that was chaired by Professor Penington. People like the Leader of the Opposition and some other members of this chamber went to the summit, which was before my time in this Parliament, to try to find some community consensus on ways to deal with an eternal problem.

Drug abuse, bullying and sexual offences are problems which have been scourges in our society for a long time. As a community we need to look at ways of addressing those problems. One of the things the Bracks government has done, following a commitment at the last election, is provide a lot more student welfare officers in our schools to start addressing some of these issues at a local level. These problems require a sophisticated multilevel approach. Whether it be through the police and law enforcement or through welfare officers in schools dealing in individual cases with students and families, that is how we address those problems. I do not refute or accept the statistics Mr Davis used; I do not go one way or the other. Statistics are statistics. What concerns me more is that each of those statistics is an individual case. More welfare officers, good guidance from the department, good practice, good teaching staff and support from families are the ways we address those problems. That
is what this government is doing. That is what the
department is doing. I am confident that those activities
will bring down the level of instances that Mr Davis
referred to, which will be a good thing for all of us.

Planning: coastal development

Mr SCHEFFER (Eastern Victoria) — My question
is to the Minister for Planning. Sun, sand and surf have
become synonymous with being an Australian.
Victorians in particular are proud of Victoria’s coastline
and recognise the need to protect some of our best
loved holiday places and tourist attractions. Can the
minister advise the house how the coastal councils will
be helped to implement their coastal settlement
boundaries and landscape assessments?

Hon. J. M. MADDEN (Minister for Planning) — I
welcome Mr Scheffer’s question and his interest in all
things regarding surfing. I know that Mr Scheffer has a
particular interest in this issue because his electorate is
very involved in many such issues.

Our coastline is precious. The Bracks government is
committed to protecting the coastline and to making
sure that it is well maintained for future generations.
Managing growth and development is a key to the
future enjoyment of our coast. As a part of this, last
year we launched the framework that identified
settlements that were capable of sustaining future
growth, as well as settlements that have a limited
capacity to accommodate growth. That gave clarity to
what needed to be done in our coastal regions. Because
of this we provided $2 million in funding to coastal
councils to help them develop their coastal settlement
framework plans. This issue is about how those local
councils can manage that growth in their particular
regions.

Of course there is sea change. Many people want to live
in coastal regions. That is great for growth and jobs,
but, as I have mentioned before in this chamber, we do
not want to love the coast to death. We have a number
of groups of councils that are working collaboratively
and cooperatively to make sure they do what needs to
be done in relation to many initiatives. For example —
I know Mr Scheffer will appreciate this — Gippsland
councils are involved in a regional initiative in regard to
these matters. They have a common strategic approach.
Their framework has been adopted by the East
Gippsland Shire Council and Bass Coast Shire Council.
It is nice to know that not only are we talking about
cooperation, we are also seeing it in action. Local
councils are working together to make sure they are
implementing strategic plans for the future of their own
regions and in line with broader state policy. As well as
that, the Greater Geelong City Council, the Borough of
Queenscliffe and the Surf Coast Shire Council have
done significant work to develop framework plans.

It is worth bearing in mind some of the statistics on
these matters. In the order of 19 per cent of towns have
coastal settlement boundaries in their planning
schemes. A further 58 per cent of towns have
framework or structure plans completed. Only 15 per
cent of towns have plans still in development, and
unfortunately 8 per cent have not yet started. There are
some challenges to make sure we have local authorities
implementing these proposals at a local level.

It is important that the government accelerate this work.
We are doing that by making sure we facilitate the
process with local government. As a part of that we will
target our remaining funding to make sure these local
councils can fulfil their commitments to not only their
local communities but also to state policy more broadly.
The government is doing this by assisting many of
those councils that are doing their coastal spaces
landscape assessment.

‘Coastal spaces landscape assessment’ is a wordy title.
It is about particular local councils identifying
significant landscapes in and around their coastal
communities. It is about allowing them to do strategic
work when identifying those landscapes so that they
can manage the growth of their communities where that
is possible. It is about preventing the fragmentation of
the non-urban coastal landscape. These studies are now
referenced in the state policy planning framework,
which means that the Victorian Civil and
Administrative Tribunal has clarity in relation to
directions on these matters. No doubt VCAT will take
the framework into account when planning decisions
are made on coastal land and all of the aspects of the
planning scheme.

I recently announced $115 000 funding for the Surf
Coast, Colac Otway and Moyne shires to support the
implementation of recommendations like these in the
planning scheme. This funding forms part of the
$600 000 that has been allocated to implementing the
funding of coastal spaces landscape studies. Basically
we are making the investment, and we are working
collaboratively with local councils to ensure they do the
work with their communities so we can ensure that
future generations can enjoy, appreciate, celebrate and
continue to grow in those regions along the coast.

I know we have a number of members in this chamber
who have coastal communities they work with or
alongside, and no doubt they would appreciate the
demands and pressures those local councils are under.
We are supporting those local councils and working collaboratively with them to make not only Victoria but those coastal regions in particular great places to live, work and raise a family.

**Planning: native vegetation**

Mr BARBER (Northern Metropolitan) — My question without notice is to the Minister for Planning. It is in relation to the illegal clearing of red gums at 150 Epping Road, Epping, and the subsequent Victorian Civil and Administrative Tribunal case that was run to enforce the planning scheme. The City of Whittlesea has written to the minister requesting that a native vegetation offset be made mandatory in the case of illegal clearing and that fines for the removal of significant vegetation be increased. To its horror the council found in the enforcement order that a developer seeking to remove the 15 trees under a planning permit would require a substantial and proper offset but that an enforcement order seeking rectification for the same removal could not provide for that outcome. I ask: will the minister amend the Planning and Environment Act and the policy relating to native vegetation to ensure this happens?

Hon. J. M. MADDEN (Minister for Planning) — I appreciate the member’s interest in this matter. When anybody illegally removes native vegetation in any form where there is an overlay of any significance in relation to native vegetation, heritage or any other constraints in the planning scheme — where those activities are engaged in in a manner that breaches the expectation within the established overlays — of course it is important that people are held to account for those actions. Whilst I have not been informed from within the department of the specific details of this matter — I am not aware of it — I am happy to have a good look at that matter and to seek advice on these matters given time. I am happy to seek advice on these matters and take technical advice from the department — —

Mr Jennings — It is a science-led response.

Hon. J. M. MADDEN — That is right. I will take technical advice from the department in relation to any of these specific matters.

**Planning: Great Ocean Road**

Ms PULFORD (Western Victoria) — My question is to the Minister for Planning. The minister has spoken broadly about actions taken by the Bracks government that are designed to protect our coasts and assist councils in implementing their coastal settlement boundaries. I ask the minister to advise the house of what specific actions have been taken to protect one of Victoria’s most loved icons, the Great Ocean Road?

Mr Drum — Don’t love it to death; right? Get that in a few times.

Hon. J. M. MADDEN (Minister for Planning) — I welcome the question. I also welcome Mr Drum’s interjection about not loving it to death. I can guarantee Mr Drum that there is no chance we will love him to death.

I welcome Ms Pulford’s question in relation to this matter. One of the great icons of Victoria, the Great Ocean Road, is 75 years old. There is a difference between us and Sydney. Sydney is celebrating the anniversary of the Sydney Harbour Bridge, which is 75 years old. The Great Ocean Road is also 75 years old. We do not have to throw a party for the Great Ocean Road because we know how good it is. The difference is that people use the road every day, and on every day that people use it they enjoy it no end. Whether they are local or international visitors, they enjoy it immensely.
The difference is that we are investing dollars into the region. We are investing money into the Great Ocean Road region to make sure that we enhance the opportunities and the enjoyment so that people across Victoria and international visitors can share in what is going on with the initiatives that we have committed to to enhance the Great Ocean Road. The strategy that we released in 2004 was supported by five municipal councils. That is another example of the government working collaboratively and cooperatively with local government.

The Surf Coast, Colac Otway, Corangamite and Moyne shires and the City of Warrnambool, as well as a number of other stakeholders in the region — the Western Coastal Board, Corangamite and Glenelg-Hopkins catchment management authorities, Geelong Otway Tourism, Shipwreck Coast Tourism, Wathaurong Aboriginal Co-operative, Framlingham Aboriginal Trust and multiple state departments and agencies — have all been working to see the implementation of the Great Ocean Road strategy. What we have seen is more than $13 million allocated for the establishment and management of the new and expanded Otways parks and reserves system, over $2.5 million allocated to the management and mapping of the habitat of the region’s marine national parks and sanctuaries and in excess of $31 million allocated for road funding and safety improvements associated with the strategy. But there is more — —

Mr O’Donohue interjected.

The PRESIDENT — Order! If I hear Mr O’Donohue ask one more time if someone is reading, I will warn him. That is enough.

Hon. J. M. MADDEN — There are so many statistics here that I have to refer to my list, because the list is a very lengthy one. I will continue to refer to my list on this particular occasion. There will be $7 million allocated over four years to boost employment, tourism and recreation opportunities in the Otways and in hinterland communities. The 154 actions outlined in the strategy are the targets of the strategy. I released a report card showing that 95 per cent of those actions have been undertaken — and I understand that since the release of that report all the recommendations are now under way. This is great reinforcement of the work that is happening in the local community.

To assist councils manage their local settlements, as I mentioned previously, $2 million in funding has been provided for the development of new coastal town structure plans and additional funding of $600 000 is being channelled into helping councils to implement the findings of the coastal spaces landscape assessment study. I would like to congratulate those local councils that have shown such an enormous commitment to doing justice to their communities and to other Victorians who share in the Great Ocean Road.

That is one of the greatest compliments for local government. What we are seeing is that councils not only account for their own local communities but they also acknowledge and appreciate that it is a great attraction that is of great benefit to the state. On the 75th anniversary of the Great Ocean Road I look forward to continuing to work with those councils and the rest of the community to ensure that the Great Ocean Road is not only a great place to visit but is also a pride and joy for all the state.

Building industry: occupational health and safety

Mr D. DAVIS (Southern Metropolitan) — My question is to the Minister for Industry and State Development, who is also the Minister for Small Business. What steps has the minister taken to minimise the negative impact on the residential building industry of the government’s proposed new occupational health and safety regime?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I will try to answer the member’s question, but the Occupational Health and Safety Act is not an act which I administer. It is not an act which I am responsible for; there is a minister in another place who is responsible for that. His representative in this place is not even me; his representative is the Minister for Education, Mr Lenders. If the member had wanted to ask a question in relation to occupational health and safety, he could have directed the question to Minister Lenders to answer not in his capacity as the minister responsible but in his capacity as the minister in this house representing the minister responsible. It shows that the member opposite continues to use the forms of the house to ask questions which are not to the point and not relevant to the portfolio responsibilities of ministers.

In this instance what I can do is perhaps give a more generalised answer to the honourable member. I know he loves to hear statistics about how well the Victorian economy is running. Behind his question was the suggestion that the Victorian economy was somehow affected as a result of the application of the occupational health and safety regime and, through that, the WorkCover arrangements as well.
Can I say first of all that it was a Labor government which for a very small period of time — two weeks in this house during the Cain government, after 150 years of not controlling this house — —

Mr D. Davis — On a point of order, President, ministers are entitled to answer questions in any way they see fit but the answers have to be responsive to the question. The minister is clearly not responding to the question. The impact of this — —

The PRESIDENT — Order! The minister is responding to the member’s question. He has gone to some lengths to explain that he may not be the best person to answer the question, although he is doing his best. I believe he is on song at this time.

Hon. T. C. THEOPHANOUS — I was going to point out to the honourable member that virtually the first thing the Labor Party did in the two-week period after it first got control of this house after 150-odd years was introduce legislation to protect workers through the occupational health and safety legislation. President, I know you in another role were very interested in the passing of that particular legislation in order to protect workers.

It is a bit rich for the member to come in here and ask questions in relation to worker protection. Let me say this to the honourable member: the fact of the matter is that we have put in place worker protections because we have a basic principle — it might not be Mr Davis’s principle, but it is our principle — that we believe when a worker goes to work that same worker should come home at night to his family and he should not be injured in the workplace. That is why we have occupational health and safety regulations and that is why we enforce them. Mr Davis might be prepared to compromise them. Not only have we put them in place but we have also been able to reduce the costs of the WorkCover system that protects injured workers with a series of reductions — —

Mr Lenders — By 30 per cent.

Hon. T. C. THEOPHANOUS — By 30 per cent — there have been three 10 per cent reductions in WorkCover premiums since we came to power. That is an indication of good management. We are managing the system so that businesses are able to reduce their costs while not compromising on safety. We are not compromising on the fact that we want and expect every worker who goes to work to be able to come home at night.

Whether you want to look at an issue like that or whether you want to look at the fact, as I have said before in the house, that our strategy is actually working, the fact is we are producing an increasing number of jobs for Victorians. We are happy to stand on our record in relation to the number of jobs. I want to reiterate that since the Bracks government was elected, 380 900 jobs have been created. It is the equivalent of about 1000 jobs being created every single week of the Bracks government. That is our record, and it is a far, far better record than that of the previous Kennett government, which during its seven years did not create anything like that number of jobs. Let me give you the figure, President: it was not 380 900, it was 113 181. Our record compared to the record of the Liberals is three times better for job creation.

Supplementary question

Mr D. Davis (Southern Metropolitan) — It appears the minister is unaware of many of the changes to the occupational health and safety regime proposed by his government for the residential building industry. The Masters Builders Association of Victoria has estimated that the new occupational health and safety rules, which are modelled on New South Wales, will add more than $30 000 to the cost of each new home. Therefore I ask: given that the New South Wales occupational health and safety model has delivered inferior work safety, will the minister intervene with his colleagues to ensure this devastating effect on housing affordability and safety is avoided?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — Again this member comes in and asks a question without doing any research. He has not looked at any statistics. He has not gone to have a look to see whether the building industry in Victoria is performing or is not performing. He has not had a look at any statistics. He has just rushed in and asked his question. The question was not even directed to the right minister. He then tried to make some capital out of a supplementary question. He has asked a supplementary question in relation to the residential building industry and wants to compare what is happening in New South Wales to what is happening in Victoria. Let me give him the figures.

Last year Victoria had the highest value of building approvals of any state.

Mr D. Davis interjected.

Hon. T. C. THEOPHANOUS — Wait for the figure! There was $17.07 billion worth of housing approvals. That is our record: $17 billion. You might
say that we are not the biggest state by population — we are the second-biggest state — but what did New South Wales get? New South Wales, which is the biggest state and which David Davis wants to compare us to, got $15.71 billion worth of approvals. It just goes to show that David Davis never does any research and there is no credibility in the questions he asks in this house.

**Schools: retention rates**

Ms DARVENIZA (Northern Victoria) — My question is to Minister Lenders, the Minister for Education. I ask: can the minister outline the state government’s initiatives to ensure that students in rural and regional schools stay at school longer?

Mr LENDERS (Minister for Education) — I welcome Ms Darveniza’s question and her ongoing interest in schooling in rural and regional areas on what is a particularly auspicious day. An a graduate of the Beaufort Secondary College, my colleague Mr Jennings, turns 50 today. So the Labor Party is keeping up with the Greens and also having a 50th birthday in Parliament this week.

Mr Jennings — Thanks for creating the opportunity to say that.

Mr LENDERS — It’s an opportunity, brother! Ms Darveniza asked what we are doing about retention rates in those areas. It is very topical for this question to be asked, because there is some mischief in the *Weekly Times* and other places, with Victoria being talked down by some others on the subject of retention rates in our rural and regional schools.

Mr P. Davis interjected.

Mr LENDERS — Philip Davis asks, by interjection, ‘Who by?’ Shall I say the acolyte of Peter McGauran, the federal Minister for Agriculture, Fisheries and Forestry. This person was reported in the *Weekly Times* as actually talking down Victoria’s rural retention rate.

It is quite interesting that since the election of the Bracks government the statewide retention rate in our secondary schools in years 7 to 12 has gone up by 4 percentage points and the retention rate in rural and regional schools has increased by almost 3 percentage points. Over the seven years of the Bracks government the retention rate in rural and regional schools in Victoria has gone up by 3 per cent.

One can contrast that to another historical period — the seven years before the election of the Bracks government, when the Leader of The Nationals in another place, Mr Ryan — that acolyte of Mr McGauran — was a member of the Kennett government. At that time the retention rate in rural schools went down by 5 percentage points, from 72 per cent to 67 per cent.

This increase did not just happen because of a change of government: it happened because of the actions of the Bracks government to improve the retention rates in rural and regional Victoria. There were programs such as the Victorian certificate of applied learning and the vocational education and training program and other specific initiatives to encourage students to stay in schools. The programs — whether it be the youth transition workers, the local learning and employment networks or the middle years of schooling — were designed to encourage retention in schools and were initiatives of the Bracks government that applied to both metropolitan and regional schools.

New initiatives such as the Ultranet, which is the responsibility of my colleague Jacinta Allan, the Minister for Skills, Education Services and Employment in the other place, and which was an election promise, are being rolled out to every school, to make schools state of the art across Victoria. That initiative will utilise the broadband access that was overseen by the Bracks government. In addition, measures such as our four new technical education centres being built by the Bracks government outside Melbourne — one in Ballarat and one in Wangaratta — will boost the retention rates in rural and regional schools.

What we are seeing is that the overall participation rate of rural students in education and training is very high in regional Victoria. It is 92.3 per cent, which is higher than in Melbourne. In rural and regional Victoria we have seen a turnaround from the decline in retention rates under the Kennett-McNamara government to an increase under the stewardship of the Bracks government. It is not surprising that Ms Darveniza asked this question because it is a topical area, particularly given the misinformation that was published in the *Weekly Times*.

It is interesting to reflect on the fact that the previous government described Victoria as a place where Melbourne was a beating heart and country Victoria was the toenails.

Mr P. Davis — You cannot hang that on the government.
Mr LENDERS — Premier Kennett said that. I invite every member of the house to do what the Leader of the Opposition in this place did yesterday — to come into my office and see the artwork I have hanging on my wall. There are toenails pasted onto a piece of canvas in memory of that Kennett government and the statement by Premier Kennett that Melbourne was the beating heart of Victoria and country Victoria was the toenails. This government inherited that.

It is a bit rich that the acolyte of Peter McGauran, the member for Gippsland South in the other place, Peter Ryan, should be talking down participation rates in regional Victoria in the *Weekly Times*, when this government has a proud record. We are addressing these issues. There is a lot more work to be done, and we will do it with our schools rebuilding program. We value every student in this state, no matter which school they go to or what part of the state they are from. By doing so we are giving our children an opportunity, and we are making Victoria a better place to live, work and raise a family.

**Growth Areas Authority: independence**

Mr GUY (Northern Metropolitan) — My question is to the Minister for Planning. Can the minister advise the house whether the $20 million Growth Areas Authority operates as an independent statutory authority?

Hon. J. M. MADDEN (Minister for Planning) — One of the great things about the Growth Areas Authority is that it is working collaboratively with local governments. As I have mentioned before, we have a unique circumstance in this state where basically we are well ahead of the other states competitively in terms of land supply, and we have a significant commitment to ensuring that we provide not only in the order of 25 years of land supply within the urban growth boundary but also, importantly, that we also have somewhere in the order of 15 years of zoned land supply.

Because of that our housing affordability is better than that of Perth or of any other capital city along the eastern seaboard. So what we have is a Growth Areas Authority that works collaboratively with local governments to facilitate the release of land, in particular zoned land, to ensure we get it onto the market, thereby ensuring that we can maintain and retain our competitiveness when it comes to housing affordability with other comparable cities across the country.

Supplementary question

Mr GUY (Northern Metropolitan) — I refer the minister to a letter signed by the supposedly independent Growth Areas Authority’s Mike Scrafton, which says that he is seeking advice from the minister on the urban growth boundary and further that the GAA cannot consider growth boundary alterations until it has first spoken to the government, and I ask: can the minister name just one positive independent achievement of the GAA since its inception, or has the authority spent its time and $20 million budget employing more bureaucrats?

Hon. J. M. MADDEN (Minister for Planning) — I know the member opposite has very little policy to work with on his side of the chamber. When you have very little policy, where do you establish — —

Mr Guy — Explain yourself!

The PRESIDENT — Order! Mr Guy has asked his question and his supplementary question, and he might do the minister the courtesy of listening to the answer.

Hon. J. M. MADDEN — When you have very little policy, as the Liberal opposition does, where do you base your case against the government? If you do not have a policy, you do not have any case against the government, so you have to search for vehicles to do that.

I know the federal government wants to ensure that housing affordability is an issue for debate going into the federal election. I know Mr Guy has very close links to the federal Treasurer, Mr Costello, so I can understand why he might be his mouthpiece. But as I have said before in this chamber, it is interesting that the federal government wants to claim its role in increasing household personal wealth when the asset base goes up because of the price of houses and the price of land, but it does not want to accept any responsibility when it comes to housing affordability.

Everyone has a role to play in ensuring housing affordability. We are doing what we need to do. As I mentioned before, we are better placed than any other capital city on the eastern seaboard in terms of housing affordability because we have the Growth Areas Authority working on the government’s behalf to make sure that land supply is provided in the way that we want. If Mr Guy has any concerns about it, he should see where it fits in the legislation. Of course the authority is going to react to government policy and implement government policy, which is to make sure we have not only a sufficient land supply but also a zoned land supply.
When it comes to Mr Guy, what is new about any of that? He does not have any policy when it comes to these initiatives. The Liberal Party policy is to let the market determine where the development will occur, to let it happen right across the state — anywhere, any landscape, any coastal landscape. It is to just let development occur wherever it likes — to just let it rip, get the bulldozers out, turn the key, start up the motor and there you go.

We are managing demand to make sure we accommodate affordability. We are doing our bit, but I say to Mr Guy and his colleagues, in association with the federal government: what about the federal government doing its bit when it comes to housing affordability? What about it making the investments and policy settings it needs to make? Maybe the federal government might influence its colleagues in the state Liberal Party to come up with policies on housing affordability rather than letting the bulldozers loose and letting the broadacre development happen wherever they want.

I am happy for Mr Guy to continue to come in here and ask questions about affordability as much as he wants, but he would probably be better off spending that time and energy in getting out there, not in a bulldozer but in a car, driving around the suburbs and coming back with a policy that related to housing affordability.

Alpine School: Snowy River campus

Mr VINEY (Eastern Victoria) — My question is to the Minister for Education. Can the minister advise the house of any Bracks government initiative that expands statewide residential leadership programs for year 9 students?

Mr LENDERS (Minister for Education) — I thank Mr Viney for his question and his ongoing interest in education, particularly on how we get those year 9 students more engaged at what can be a difficult time in their school career.

Mr Viney asked what we are doing in those areas. I am delighted to share with him, and with the house, news about the opening of the new Snowy River centre in Marlo, near Orbost, which I had the great joy of opening about a month or so ago. I was there with the local member, the member for Gippsland East in the other place, Mr Ingram, for the opening of the school. For a bit of bipartisanship, Mr Phil Gude, a former education minister, was also there, so we had the spectrum well and truly covered.

The Snowy River rural learning campus is very innovative in that 40 year 9 students who have been chosen as future leaders stay there essentially for a term. Five students from each of eight separate schools attend the campus. They come along for this extraordinary experience away from home.

Mr P. Davis interjected.

Mr LENDERS — Perhaps Philip Davis could have the next Liberal love-in at the campus at Marlo. Perhaps it might be a little more civilised than the love-in they had up at Graeme Stoney’s place at Mansfield. Perhaps they could go to Marlo, where the students have a worm farm and can see things decompose — in this case, Liberal policy. They have all sorts of things. They have water tanks for recycling, which arguably would cover Liberal policy, and I could go on.

The centre is fantastic. The students attend there for nine weeks. I am assured it is modelled very much on the alpine one in north-eastern Victoria, where the students who come from the alpine area have gone forward from year 9 to almost inevitably become school leaders in year 12. We see a great deal of confidence among the students who come out of the campus. They learn extraordinary skills — they learn independence, they learn bushcraft, they learn about environmental areas, they have general schooling and they meet new people. It is a fantastic program. The government hopes to roll out a third campus of this kind at Glenormiston in the next couple of years so that more students in the state system can have the experience that often has been limited to students at the more elite private schools.

It interesting to contrast this with some of the educational policies that the federal minister, Julie Bishop, comes up with. I mentioned before her latest proposal to weigh every year 5 student in Australia.

Mr Jennings — Simultaneously?

Mr LENDERS — Perhaps simultaneously, and then record them. The Prime Minister fortunately had the sense to call Mrs Bishop back and say, ‘You are not going to weigh every student’.

The other day I met an educator from the private system who actually described Mrs Bishop’s regime as Moscow on the Molonglo. What you have is a Moscow-style regulatory regime that weighs every student on the Molonglo River in Canberra in a way that would make the former secretary to the Communist Party of the Soviet Union blush. Mrs Bishop is more extreme than the Marxists of Moscow. We are not here
to talk about Moscow on the Molonglo, we are here to talk about Marlo and about Victorian schools. We have a great school in place.

Mr Jennings — This is in the index under M, isn’t it!

Mr Lenders — It is inspirational, but the most exciting thing about the Marlo school, and ones like it, is that it is giving year 9 students in Victoria a fantastic opportunity to participate in leadership programs and to go out into their communities. The young people I saw there were an inspiration. I am pleased that I am 48 and that by the time those students get to 18 and want to get into this Parliament I will be gone, because they are the future leaders of the state. The more of that we cultivate in our education system the better. There is a great group of Victorians out there, and I look forward to them being in government because they will make Victoria an even better place to live, work and raise a family.

Aboriginals: heritage regulations

Mrs Coote (Southern Metropolitan) — My question is to the Minister for Aboriginal Affairs. I refer to the proposed introduction of the Aboriginal heritage regulations, which, in typical Bracks government style, are shrouded in mystery and confusion. Will the minister assure the house that no Victorian farmer will be burdened by red tape and expense in complying with the pending Aboriginal heritage regulations?

Mr Jennings (Minister for Aboriginal Affairs) — I thank the member for her combination of interest and concern — and in this case concern for the wellbeing of Victorian farmers. Indeed this is an issue that has been the subject of public commentary of late. Despite the alarm and the agitation that may have been generated in some public commentary, I can say to the house and the Victorian community that no farmer, in fact no developer, in the state of Victoria should be unduly alarmed about the introduction of regulations that are appended to the Aboriginal Heritage Act that was passed by this Parliament almost a year ago and has been subject to implementation and transfers of responsibility from the commonwealth jurisdiction to the state of Victoria.

The good news for all people who want to go about business in Victoria is that the scope of the legislation, and the scope consequently of the regulations is almost identical to the scope of the existing commonwealth legislation with the overlay of the planning regime in Victoria. We have spent a lot of time harmonising the effect of the commonwealth act with the new Victorian act and integrating it with the planning scheme approval processes within the state. Whether it be through authorisations and planning permits that may be subject to the planning scheme under the Planning Act or whether it be through approvals that may currently exist under the Catchment and Land Protection Act, there will be harmonisation of this regulatory regime.

It will provide for greater certainty not only for Aboriginal people in terms of their knowing that cultural heritage matters will be assessed prior to planning approvals being issued and that there will be provision for the appropriate management of cultural heritage but very importantly also for developers who want to go about their business and who have been subject to uncertainty previously about whether cultural heritage applied or not. They will now have a greater degree of confidence when they go into their local planning office to see whether cultural heritage assessment is required. That will be very clearly articulated and clear for all to know.

The legislation and the regulations have been well received by the development industry. It recognises that it provides greater certainty for it going forward. Indeed the farming community, through the Victorian Farmers Federation (VFF) and other stakeholders, has been involved in the development of the regulatory regime. There had been some premature speculation about what the scope of those matters might be and how they would be enforced. When they drew public concern in the Weekly Times recently I took the opportunity to immediately resume our relationship with the VFF.

I personally met with the leadership of the VFF to discuss these matters. I gave them an undertaking at that time that they would be fully consulted and involved in the consideration and consultation about the regulations. As a result of that meeting I believe we have ensured that we have an appropriate constructive and collaborative approach to this and that there will be opportunities for the Victorian community to have a look at the regulations over the course of the coming weeks. We will be associated with the publication of a regulatory impact statement so that there will not be any surprises. We will have the opportunity to embed those regulations appropriately to augment the scope of the act.

Supplementary question

Mrs Coote (Southern Metropolitan) — Were members of the minister’s staff correct in stating that farming activities, like establishing orchards, irrigated cropping systems and even ripping rabbit warrens, will
all be impacted by the dead hand burdening these regulations?

Mr JENNINGS (Minister for Aboriginal Affairs) — I think the member and the farming community will be reassured to know that people should not be jumping at shadows in relation to the application of these regulations. As I indicated to the house a few minutes ago in my substantive answer, we have been trying to ensure that the regulations dovetail with the scope of the current cultural heritage act that applies in the commonwealth, that it integrates with various planning regimes within the state of Victoria and that it is consistent with requirements of legislation such as the Catchment and Land Protection Act.

Under those circumstances some of the activities that the member describes may be covered by existing planning approvals and approvals under those various acts. In fact I think it is appropriate, when the regulations are released shortly, for people to scrutinise the impact of them and to have a realistic assessment about whether there is an additional regulatory burden or whether there is harmonisation of the regulatory regime. My contention is that it is a harmonisation of the regulatory regime and that people who go about their daily business in productive agricultural activity in Victoria have nothing to fear from the impact of these regulations. In fact many farmers throughout the state of Victoria actually see the value of protecting cultural heritage on their properties. They see it as an asset which they can be proud of and share, secure in the knowledge that these cultural heritage values have been protected.

I reject the fundamental premise that this is all a downside situation for farmers. Many farmers throughout Victoria recognise the value of protecting cultural heritage while being able to get on with their business in the years to come with certainty, confidence and respect for cultural heritage.

Wind energy: Dollar

Mr HALL (Eastern Victoria) — My question without notice is directed to the Minister for Planning, the Honourable Justin Madden. I draw the minister’s attention to the Dollar wind farm project in South Gippsland, which was the subject of a planning panel consideration in early 2005. Given that the panel completed public hearings on 6 May 2005, and despite the fact that the planning application was suspended at the request of the developers on 30 October 2006, one presumes the planning panel completed and submitted its report to the minister in that intervening 18-month period. Will the minister confirm that either he or his predecessor received a report from the planning panel, and will he make publicly available that report and its recommendations?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Hall’s question in relation to the Dollar wind farm proposal. The proponent, Dollar Wind Farm Pty Ltd, lodged a planning permit application for a 79.2 megawatt energy facility totalling 48 turbines. The former Minister for Planning determined that an environment effects statement was not required for the proposal and that the planning permit process would investigate environmental issues. As the member mentioned, the planning permit applications for the wind energy facility and for the removal of native vegetation have been subject to public exhibition, and in the process 1500 submissions were received. Submissions lodged with respect to the planning permit applications were considered by an independent panel, which met at Foster.

The project’s new owner, the Australian Gas Light Company (AGL), has requested that consideration of this proposal be suspended. This request was agreed in mid-October 2006. This means that neither planning permit applications will progress further until such time as AGL requests that the consideration of those applications recommences.

Supplementary question

Mr HALL (Eastern Victoria) — The minister has responded but in no way has he answered the question in which I asked for a release of the report, so I need to frame a supplementary question in this manner. Because the planning process has been suspended, does that prevent the minister from releasing the planning panel’s report or are those 1500 people who made submissions and presented at the hearing, including me, to be left in the dark by this open and accountable government?

Hon. J. M. MADDEN (Minister for Planning) — I advise Mr Hall that, as the proposal has been suspended, there currently is no proposal in the real sense. If it were reactivated, then consideration would be given.

Mr Hall — If a report is made, will it be released?

Hon. J. M. MADDEN — If Mr Hall would like me to try to assist him by answering the question, rather than his interrupting me: as I said before, the proposal has been suspended. If that were to be reactivated or sought to be reactivated in any shape or form by the current proponent, AGL, or the person who retains that proposition, then I would give consideration or seek
advice from my department in relation to the matter. At this present time there is no project, as I understand it, to go ahead. It has been suspended. So there is no point in people, in a sense, consuming their energy.

Mr Hall interjected.

The PRESIDENT — Order! Mr Hall has asked his question; I would like to hear the answer, even if he would not.

Hon. J. M. MADDEN — As I mentioned, President, I am trying to assist Mr Hall by giving him a fair answer, as fair as I can give him, and I am trying to do that in this chamber. When a member asks a question I give them as fair an answer as they might seek. I understood that to be a fair question, so I am trying to give a fair answer.

Mr Finn interjected.

Hon. J. M. MADDEN — I hear the interjection from Mr Finn, and of course members would appreciate the way in which I sometimes answer Mr Finn’s questions.

This proposal has been suspended. When it is reactivated, if it is reactivated, I would seek advice from the department in relation to this matter. If the department recommended that the panel’s recommendations be fulfilled in any way, whatever those recommendations may or may not be, then I would be happy to make them publicly available and to release them. But at this point in time there is no point in scaremongering, because the project has been suspended.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Education) — I have answers to the following questions on notice: 123, 149–68, 191–207.

Mr BARBER (Northern Metropolitan) — In accordance with the standing orders I have contacted some ministers whose answers to questions from me are outstanding. I ask for the assistance of the Leader of the Government to chase up the following ministers in another place: the Minister for Energy and Resources, the Minister for Public Transport, the Premier and the Minister for Water, Environment and Climate Change. I will give him a list of question numbers, if that assists him.

The PRESIDENT — Order! I would appreciate the numbers of those questions being on the record.

Mr BARBER — They are 50, 52, 55 to 59 and 132 to 134, if they have not been covered by the ones just released.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Meetings

Mr LENDERS (Minister for Education) — I move:

That the Public Accounts and Estimates Committee have leave to meet and take evidence for the purposes of the 2007–08 budget estimates inquiry during the sitting of the Council on Thursday, 3 May 2007.

Motion agreed to.

LIVESTOCK DISEASE CONTROL AMENDMENT BILL

Second reading

Debate resumed from 15 March; motion of Hon. T. C. THEOPHANOUS (Minister for Industry and State Development).

Mr VOGELS (Western Victoria) — I rise to speak on the Livestock Disease Control Amendment Bill. The main components of the bill deal with Victoria’s ability to respond to an exotic disease outbreak and ensuring we have adequate powers to respond in the event of a disease outbreak affecting livestock.

The commonwealth Department of Agriculture, Fisheries and Forests carried out an evaluation of Australia’s capability to manage zoonotic emergency animal outbreaks on the heels of the avian influenza scare a few years ago. The word ‘zoonotic’ means a disease which is capable of spreading to humans, so obviously we are very much concerned about those sorts of diseases. The exercise demonstrated that Australia’s response arrangements are robust, but there were are a number of shortcomings in the Livestock Disease Control Act, hence the need for this legislation.

Members of the opposition believed that there were still some shortcomings in the act, and that was borne out in the debate in the lower house. I am very pleased to say that the government has decided to move an amendment to strengthen the powers of inspectors to deal with the confiscation and destruction of items.
I would like to congratulate the Minister for Agriculture in another place, Joe Helper, and his staff for bringing forth this amendment, which we all talked about over a couple of weeks and which we all agree is a good amendment. We will be supporting it.

The bill will also allow Victoria to implement a nationally agreed approach to compensation for tuberculosis (TB) in cattle. Once this legislation becomes law the state will no longer be required to fund up to 40 per cent of the cost of compensation for cattle identified with TB. If needed, this money will come from the Cattle Compensation Fund, all of which comes from levies on the industry itself.

I believe that originally the state funded up to 40 per cent through the Department of Human Services, because TB is transmitted to humans mainly through cow’s milk, and the only way to defeat this disease in humans is to get rid of TB-infected dairy cows. I clearly remember when this program was first started in the 1960s. My family were sharefarmers down in the Western District. The eradication program was started, and 60 per cent of my family’s herd of 110 cows were found to be infected with TB. There is no doubt that other farms in the district had similar numbers of infected cows. It was devastating for a lot of the farmers in those days to lose up to 60 per cent of their herd to TB.

I can still remember dad waiting for each cow to be tested for TB. He said, ‘There goes another one of those good 3-gallon cows. We will never be able to replace her’. Three gallons is about 13½ litres. We are drying them off now, and they are probably doing about 30 or 40 litres, so things have changed on that level as well.

The program was very successful. I do not think any TB has been identified in cows or cattle for at least the last 15 years, so it was an excellent program.

This bill will also clarify which milk products can be fed to pigs by amending the exemption to the prohibition of swill feeding of pigs under the act. This change will make it clear that any milk from any source can be fed to pigs. I believe we need to act with caution, because it has been proven that the last outbreak of foot-and-mouth disease in England came from a piggery. The outbreak finished up costing England and Great Britain billions of pounds in lost livestock and whatever, so we need to be very careful about what we feed to our pigs.

I return to the guts of the bill — that is, to make sure we have control measures in place to deal with an exotic disease outbreak if it were to find its way to our shores. Due to our isolation and where we are situated in the world scene, I believe we are very lucky in not having any, or very few, of those exotic diseases. One reason is because we are so isolated, but that does not detract from the wonderful work Australia’s quarantine inspection and customs officers do in making sure we keep our clean-and-green image abroad.

According to the Productivity Commission, the potential cost of a foot-and-mouth outbreak in Victoria would have a total impact on gross domestic product of between $8 billion and $13 billion in the first year, so you can imagine how devastating that would be.

This bill deals mainly with avian influenza, an infectious disease of birds caused by the type-A strains of the influenza virus. I downloaded some information from a website, which says:

Avian influenza (AI) is an infectious disease of birds caused by type A strains of the influenza virus.

There are 16 subtypes of AI virus, some of which cause severe mortalities in birds. The disease occurs worldwide but, at present, a particular strain of AI called H5N1 is causing great concern as it is spreading globally. This strain was first discovered in Hong Kong in 1997 and has now spread further in Asia (nine countries have reported outbreaks) and to Europe and Africa, resulting in death or destruction of over 150 million birds. As well, there have been over 240 human cases —

as I said before, avian influenza is a zoonotic disease, which means it can spread to humans —

with over 120 deaths …

Obviously, if you get this bird flu, you are 50 per cent likely not to be around for long, so we can see how deadly this virus is. The article continues:

In poultry A1 viruses cause two distinctly different forms of disease — one common and mild, the other rare but with high mortality.

…

Wild waterbirds —

which are the most likely to bring AI into Australia —

can be an important vector for the international spread of AI viruses.

…

Another route for the introduction of the virus could be via smuggled birds or poultry products.

As I said before:

Humans are an ‘accidental’ host for the AI virus. Although the consequences of a human pandemic should not be underestimated.
All state governments have signed up to the Australian veterinary emergency plan (AUSVETPLAN), and I have had a good look at that plan.

Turning to the bill, clause 3 inserts new paragraph (d) in section 3(1) of the Livestock Disease Control Act 1994, under the heading ‘Definition of fittings’. To the definition of fittings the clause adds:

(d) equipment or other articles —

(i) which are normally used in connection with livestock and which have been brought into contact with any livestock product; or

(ii) which are used in the processing or manufacture of livestock products and which have been brought into contact with any livestock product.

The issue in the debate was about what is normally used in connection with outbreaks of disease — that is, the equipment and other articles. During the debate in the other house there was some concern about whether equipment that is not normally used would be able to be confiscated or destroyed.

As I said, the Liberal Party will be supporting the bill and the amendments to be proposed during the committee stage. The bill proposes a number of amendments to the Livestock Disease Control Act 1994, including an amendment to broaden the definition of fittings in the act. The definition of fittings currently captures things associated with livestock. The bill proposes to broaden the definition to include certain things brought into contact with livestock products. This is because things which have been in contact with diseased livestock products could then spread the disease to livestock.

As I said, the bill refers to equipment and other articles. During the second-reading debate in the Legislative Assembly opposition members raised a concern that the new broader definition of fittings will not include some items on which an inspector may need to take action to prevent the spread of disease. An example was provided of someone going into a freezer of frozen meat which is potentially diseased wearing a watch. The expanded definition of fittings included in the bill would also include things which could not reasonably be included in a definition of fittings.

It is proposed to maintain the definition of fittings as drafted. However, to ensure that the power to deal with other articles such as watches, clothing or basically anything else is available if needed for disease control purposes, it is proposed to amend the bill as set out in the house amendments. The house amendments provide for an amendment to the powers of an inspector to require disinfection or disposal of fittings so they apply to other articles which the inspector reasonably suspects or believes have come into contact with diseased livestock products or are within an infected vehicle, premises or place. It basically covers everything. I am pleased to see that amendment.

The poultry industry, which is basically what this bill is intended for, is a very important industry in Victoria. The industry was worth about $362 million in 2002-03 — the latest figures I could find — which was about 28 per cent of Australia’s total production. Victorian eggs were worth about $70.5 million and constituted 25 per cent of the value of Australian total production. Chicken production dominates the sector; however, turkey, duck, quail, and game birds are also an important part of our poultry industry. We need to make sure that we put in place protection in case an avian influenza should arrive in Australia. I got some independent advice which strengthens my concern that the bill in the form passed in the Assembly is not strong enough. It states:

Equipment or other articles that are capable of transmitting diseases are known as fomites (= an inanimate object or material on which disease-producing agents may be conveyed).

The ability of fomites to play a role in the transmission of disease depends on the individual disease but also on other factors such as climactic conditions, degree of exposure to the disease et cetera.

AUSVETPLAN —

which as I said before basically all the states have signed up to —

is a series of technical response plans (there are 30 different ones dealing with different diseases) that describe the proposed Australian approach to an exotic disease incursion compiled by Animal Health Australia using the latest scientific information. AUSVETPLAN plan could be considered the disease-control bible for the states to follow (they are obliged to follow them). The documents provide guidance based on sound analysis, linking policy, strategies, implementation, coordination and emergency management plans. They are available at www.animalhealthaustralia.com.au. There is a manual for each of the exotic diseases. All of the states have agreed to the manuals.
The key issue that I picked up from reading the AUSVETPLAN is clearly that items that are not normally used in connection with livestock are capable of playing a role in disease transmission for both foot-and-mouth disease and avian influenza, two of the most highly contagious and devastating diseases known to man. The opposition is very pleased that the government has decided to amend the bill, and we will be supporting that amendment.

Mr HALL (Eastern Victoria) — When the Parliament is required to debate a piece of legislation like the Livestock Disease Control Amendment Bill we are indeed extremely fortunate to have the presence and the services of two resident veterinarians in the Parliament. Dr Denis Napthine and Dr Bill Sykes, the members for South-West Coast and Benalla in another place, can lend their expertise to provide a thorough analysis of not only this amendment bill but also the general topic of livestock disease control. If you want to know anything about the subject at all, you need only go to the Hansard report of the Assembly debate and read the excellent contributions of Dr Napthine and Dr Sykes, who outlined their extensive backgrounds in this area. In particular Dr Sykes of The Nationals was involved in disease outbreak control programs in the United Kingdom when it had major foot-and-mouth outbreak controls. He was an Australian vet who went there to assist the British authorities to control that outbreak. Consequently the debate in the Assembly included a very thorough analysis by Dr Napthine and Dr Sykes. Indeed if this piece of legislation has their imprimatur as members of opposition parties, then I think we all should accept their advice.

It was the contributions of Dr Napthine and Dr Sykes that pointed out some potential deficiencies in the legislation. I think the government was grateful for their views on that subject. It is pleasing to see that the government was able to come to some agreement with both the Liberals and The Nationals on the preparation of some house amendments to address a particular deficiency in relation to the term ‘fittings’ in this bill. I will mention that briefly in a minute. Mr Vogels read out the description of the amendments that are being proposed during the course of the debate this afternoon, and my colleague Dr Sykes believes that they are appropriate amendments and will address the deficiency that was identified during the course of the debate in the Assembly. The Nationals are happy to support those amendments. We will be supporting the bill, as was indicated by Dr Sykes in the debate in the Assembly.

I wish to say a couple of words in general about livestock disease and livestock disease control in Australia. We have an enviable record from the point of view of both preventing disease and controlling outbreaks when they occur. We are the envy of many countries around the world for the measures that we have in place. It is not as if we as a country are immune from livestock disease. Probably most members would be aware that not long ago we had an outbreak of anthrax in northern Victoria, which was quickly addressed by the various authorities in an appropriate way. There have been such outbreaks from time to time, but there has never been an outbreak of a serious nature due to the rapid response from the various authorities.

I am also aware that it was not so long ago that we had a major outbreak of ovine Johne’s disease in Victoria. That was particularly prevalent in Gippsland in parts of my electorate. Again, the response was good but it was not without hardship for many of those who held sheep stock right throughout Victoria when flocks of sheep were totally destroyed in some instances. We know that they are drastic measures that cause significant hardship to the owners of those stock, but they are necessary if we are going to control livestock disease in this country. I praise the various authorities for the work they have done and also the responsible attitude demonstrated by livestock owners when there is an outbreak of livestock disease. I think generally they realise the importance of taking such drastic measures.

The legislative framework in responding to livestock disease is set out in the Livestock Disease Control Act 1994, which is the act to which this amendment bill is directed this afternoon. Although it is only a short bill, there are amendments in what I have grouped as three different categories. First of all, clauses 3 and 4 and also clause 9 of this bill go to the issue of improving legislative powers regarding the ability to require disinfection and destruction of fittings which have been in contact with livestock products and also vehicles, premises or places where livestock or livestock products are kept. Now that these additional powers are available to inspectors, they can actually destroy, dispose of or disinfect products in all areas where they may have come into contact with livestock disease. It is these areas where there is seen to be some deficiency in the bill itself to which the amendments, which I am sure will be agreed to during the course of debate this afternoon, are directed.

Clause 5 of the bill allows for milk from any source and not just from a licensed milk manufacturer to be fed to pigs. Again, experience has shown that a greater variety of products can be safely used as feed in the pig industry in Victoria. The third grouping of amendments is contained in clauses 6, 7 and 8, which relate to the
LIVESTOCK DISEASE CONTROL AMENDMENT BILL

Wednesday, 18 April 2007

COUNCIL

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TIERNEY (Western Victoria) — I rise to speak on the Livestock Disease Control Amendment Bill as well. Firstly, can I say that I do not have a veterinary science or a medical background, but I did have the honour of working for the Australian Public Service Association. It was through the portfolios of the federal Department of Primary Industry and Energy and the quarantine services that I became quite familiar with the work that our members undertook. It is in that context that I first wish to acknowledge the hard work and commitment of the men and women who have provided this country with disease control regimes that are second to none compared with those of other countries. Whilst our geographic location as a nation protects us somewhat from disease having easy access to our borders, we have not been complacent. We have been vigorous and proactive to ensure that our country is protected from disease.

Many of us have actually grown up in a culture where quarantine processes and procedures were discussed and reinforced. At primary school, protecting primary industry was drilled into our collective consciousness and remains there today, I would argue. Hence the continued support for organisations such as the CSIRO and the state and federal departments of primary industries. So it is in this light that we can continue to be vigilant. We know what is at stake. In the blink of an eyelid the meat industry, the poultry industry, the dairy industry — those very industries that are prominent in western Victoria — could be brought to their knees by a lack of procedure, a lack of education or just sheer carelessness.

Cattle Compensation Fund. Essentially there are three points to those amendments. The bill will now allow contributions to the Cattle Compensation Fund from national livestock industry bodies. It will also allow for reimbursement of industry bodies and remove the requirement for the minister to contribute 40 per cent of compensation payments for tuberculosis. I have been assured that the industry supports these changes. That has been reported to me by Dr Sykes, so we are happy to support those as well.

As I said, a detailed and thorough response to the issues raised in the bill was provided by our official spokesperson in this area, Dr Sykes, in the Assembly debate. I certainly do not pretend to have the knowledge or the ability to cover the subject as well he did, but I am assured about and take his advice that this is good legislation that will improve the way in which we react and respond to outbreaks of livestock disease in Australia. With those words, I advise that The Nationals are happy to support the bill.

Ms TIERNEY (Western Victoria) — I rise to speak on the Livestock Disease Control Amendment Bill as well. Firstly, can I say that I do not have a veterinary science or a medical background, but I did have the honour of working for the Australian Public Service Association. It was through the portfolios of the federal Department of Primary Industry and Energy and the quarantine services that I became quite familiar with the work that our members undertook. It is in that context that I first wish to acknowledge the hard work and commitment of the men and women who have provided this country with disease control regimes that are second to none compared with those of other countries. Whilst our geographic location as a nation protects us somewhat from disease having easy access to our borders, we have not been complacent. We have been vigorous and proactive to ensure that our country is protected from disease.

Many of us have actually grown up in a culture where quarantine processes and procedures were discussed and reinforced. At primary school, protecting primary industry was drilled into our collective consciousness and remains there today, I would argue. Hence the continued support for organisations such as the CSIRO and the state and federal departments of primary industries. So it is in this light that we can continue to be vigilant. We know what is at stake. In the blink of an eyelid the meat industry, the poultry industry, the dairy industry — those very industries that are prominent in western Victoria — could be brought to their knees by a lack of procedure, a lack of education or just sheer carelessness.

Clearly animals can be affected by the spread of disease, which is what the Livestock Disease Control Amendment Bill attempts to deal with, but there are also primary producers, farmers, process workers, inspectors, supervisors and saleyard workers who are in the front line and who can be seriously affected by the spread of disease. Overnight our export contracts can collapse and securing future markets can become much more difficult, all of which can have a significant impact on the Victorian and the nation’s economy that we will feel the effect of in years to come.

The amendments before us arose from an exercise that Mr Vogels mentioned. It was conducted in 2005 and was based on a hypothetical outbreak of avian influenza in Victoria. It was to test that our disease response systems were reliable and to ensure that we were prepared in the advent of a real situation such as that. The participants in the exercise from the Australian government were the Department of Agriculture, Fisheries and Forestry; the Department of Health and Ageing; the Department of Prime Minister and Cabinet; the Department of Foreign Affairs and Trade; the Department of Environment and Heritage; the Department of Transport and Regional Services; Food Safety Australia and New Zealand; Emergency Management Australia; and the Australian Animal Health Laboratory.

Participants from the states and territory governments were the Department of Primary Industry; state and territory departments of health; first ministers; Emergency Management Australia; and the Environment Protection Authority. Industry organisations that played an important role were the Australian Chicken Meat Federation; the Australian Egg Corporation; Free Range Egg and Poultry Australia; Game Bird Australia; and the Australian Poultry Industries Association. Other participants included Animal Health Australia, the Australian Poultry Cooperative Research Centre and the Australian Biosecurity Cooperative Research Centre. All in all there were about 1000 people who participated directly in the exercise.

The exercise identified some shortcomings in the act, which the bill provides for as follows: expanding the definition of fittings to include implements and items which have been in contact with livestock products; providing an inspector with the power to dispose of or destroy fittings and fodder when he or she suspects contamination; enabling the inspector to issue a disinfection notice when he or she believes that a vehicle, premises or place where livestock products are kept is infected with disease; and providing greater...
clarification on the source of milk that can be fed to pigs.

The bill also includes amendments to the compensation arrangements for tuberculosis in cattle, which was also mentioned by Mr Vogels. It also provides a vehicle for the national agreement to allow contributions to be made to the Cattle Compensation Fund by industry bodies and to require the minister to contribute to payments. This provision will come into effect when the relevant agreement is signed.

The amendments provide greater definition and clarification, they provide additional authority to inspectors and, I would argue, they streamline the compensation arrangements. I think there is general concurrence that these initiatives are important and worth while and will contribute to the control of livestock disease in this country. Industry supports the amendments to the act, and appropriate consultation has occurred.

I would also like to take this opportunity to raise another aspect, which is mentioned in section 2.5 of the evaluation report. It states that during the exercise international observers indicated that Australia may consider working with international bodies to further explore the capacity for developing countries to undertake similar exercises to test their procedures for controlling and/or eradicating disease. We all know that disease does not recognise geographical boundaries and working more closely with our neighbouring countries can only assist in controlling disease and prioritising and protecting our primary industries. The industry and the agricultural and health sectors at all levels of government need to be congratulated not just for participating in the exercise itself but for raising consciousness of the issue, for raising the bar on controlling disease, and for reinforcing the need for ongoing exercises and the need to update our response mechanisms to disease. I commend the amendments to the house and look forward to seeing ongoing work between industry and government into the future.

Mr O’DONOHUE (Eastern Victoria) — I am pleased to rise to speak on the Livestock Disease Control Amendment Bill 2007. Like Ms Tierney, I do not profess to be an agricultural scientist, although I am a veterinarian, but I am pleased to say that my father is an agricultural scientist and consequently has reinforced to me over many years the importance of disease control. Indeed I may just say at the outset that disease control in livestock industries is critically important — in eastern Victoria the livestock industry is the backbone of many, many communities — but at a broader level disease or the perception of disease is used as a new form of protectionism. As trade barriers are reduced around the world, the fear of disease is used as a new form of protectionism. Mr Vogels in his contribution to the debate appropriately referred to outbreaks of disease in Asia and England — and just the mere perception that there may be a risk is reason enough for countries to put up barriers. As an exporting country, we have to be extremely vigilant to make sure that we are disease free.

As a result of Japan and South Korea being concerned that mad cow disease may potentially exist in the United States, Australia has been the beneficiary of the exporting to those countries of livestock and of beef and meat products in particular. Countries use these strategies as a way to protect their own domestic industries or to give access to preferred countries for trade. As an export-orientated country, we must be extremely vigilant. I congratulate the quarantine service and others involved in ensuring that livestock disease does not get into Australia. As more and more products are traded globally, it gets more and more difficult to keep Australia disease free. We are very lucky that the Commonwealth quarantine service does such a fantastic job.

Moving on to the bill before us, the amendment bill arose following an exercise into a hypothetical outbreak of avian influenza, or bird flu, in Victoria in 2005. Hypothetical exercises take place from time to time and are important in improving processes. These amendments arise as a result of such a hypothetical exercise. The bill does three main things. First of all it expands the definitions of fittings which may be destroyed or disposed of which are normally used in connection with diseased livestock or products when an outbreak of disease occurs. Again we have been lucky that the contributions to the debate on this bill made by the members of the non-government parties in the other place, together with advocacy from the shadow Minister for Agriculture, have resulted in the amendments which I believe will come before the house shortly. Those amendments will close a potential loophole through the removal of the word ‘normally’. Again, Mr Vogels has outlined that issue in some detail, so I will not repeat it.

Secondly, the bill amends the provisions regarding swill feeding of pigs. As many members would know, the most common cause of foot-and-mouth disease is the swill feeding of pigs. The amendment allows the feeding of different forms of milk and milk products and does not pose any threat of an increased likelihood of disease.
Thirdly, clauses 6, 7 and 8 of the bill relate to tuberculosis (TB) compensation. We are fortunate there has not been an outbreak of TB in Victoria for 15 years. Those clauses will allow for future compensation for TB in cattle to be paid by the cattle industry rather than the state. I understand the industry supports this proposal, and we in the Liberal Party therefore support it.

In summary, we support this amendment bill, noting that the reservations regarding the word ‘normally’ have now been addressed through the proposed amendments that I hope will be tabled shortly. I also take this opportunity to congratulate the Minister for Community Services on the statement of compatibility with the Charter of Human Rights and Responsibilities on this bill. In the statement of compatibility the minister went into some detail to explain what potential human rights may be infringed as a result of the bill. I think he came to the correct conclusion that there is actually no breach of the Charter of Human Rights and Responsibilities. I ask the minister to give some training to his colleague the Minister for Health in the other place, Bronwyn Pike, on how to complete a statement of compatibility properly. I commend the bill to the house.

Mr BARBER (Northern Metropolitan) — The Greens will support this bill with the foreshadowed amendments. We appreciate the efforts of the Labor and Liberal parties in sorting out those matters and bringing forward some amendments for us.

Mr SCHEFFER (Eastern Victoria) — The overriding purpose of the Livestock Disease Control Act is to manage, contain and eliminate diseases that threaten livestock. The other objective of the act is to protect people against disease that can be picked up from infected animals. Some of the amendments contained in the present bill arise out of an evaluation of Australia’s capability across industry and government to deal with an outbreak in diseases that can cross between human beings and animals. The evaluation identified some shortcomings in the act, and the bill now under consideration forms the basis of some of the resulting amendments. The evaluation report and key findings were released by the commonwealth Department of Agriculture, Fisheries and Forestry. They contained a detailed description of the national emergency zoonosis exercise. I confess I had to resort to the dictionary to discover that zoonosis refers to animal diseases that can be transferred to humans.

The evaluation took the form of a simulation, named Exercise Eleusis — another reference to Hellenic culture, which seems to have preoccupied the organisers of these studies, relating of course to Eleusis, a site sacred to the Ancient Greek earth goddess Demeter. This exercise involved a three-day activity that simulated a very serious outbreak of avian influenza. The simulation was conducted after a year of preparation and consultation with the full range of organisations and individuals that would be expected to play a role in managing and containing such an infectious outbreak. Over 1000 people were involved in the exercise.

The evaluation report says that the activity was very successful, that it fully tested the system and was able to identify its flaws. It also found that Australia’s response arrangements are in very good shape and that the country’s systems are well able to deal with disease outbreaks involving animals. The evaluation found that Australia’s preparedness to manage emergency animal diseases has to date been successful and valuable. It found that a national approach is the key to the country’s success in this area, that there is a high knowledge level amongst policy-makers and a recognition of the need to continue to place a big emphasis on skilling up personnel working in this important area.

The evaluation report is positive, and it inspires considerable confidence in the capacity of the commonwealth and state governments and the industry to deal with emergencies arising out of potentially devastating disease outbreaks. But there were some areas of the Livestock Disease Control Act that the evaluation simulation exercise identified as needing some improvement.

It found, for example — and this has already been mentioned by previous speakers — that definitions of fittings should include items that have been in contact with livestock products rather than only when the items have been in contact with the animals themselves. The evaluation exercise also found that inspectors who suspect that fittings and fodder have been in contact with diseased animals should be permitted to have the fittings and fodder disposed of. As well the evaluation report recommended that an inspector should be able to issue a disinfection notice for places where animal products are stored as well as for places used to sell, exhibit or process these products. This gives the inspector more legal backup if he or she suspects that there is infection in these places.

Some other improvements to the Livestock Disease Control Act have come to the government’s attention, and they have been included in this bill because they will benefit the industry. Clause 5 of the bill amends...
section 41(2). This is an extremely important clarification relating to the feeding of milk products to pigs. Members will know that the feeding of swill — food waste that contains meat or meat by-products — is banned in Australia because it is a dangerous practice that can cause the outbreak of serious disease. The exception is Australian milk by-products from a factory or milk processing premise licensed under the Dairy Industry Act. Feeding swill to pigs can expose them to disease and that could lead to an outbreak that would damage the industry and the economy.

As a result of the amendment in this bill, the act will make it clear that milk from any source, not just a licensed milk manufacturer, can be fed to pigs and that milk products from a licensed manufacturer can also be fed to pigs. The change is important because the swill feeding of pigs, if carelessly managed, can lead to enormous devastation, as previous speakers have indicated. The contributions of the members for South-West Coast and Benalla in another place have been extremely informative, both of them being vets. I have learnt a considerable amount from reading their contributions.

The final matter dealt with in the bill concerns cattle compensation arrangements for tuberculosis. Tuberculosis is a significant cattle disease, and the states and the commonwealth have, since the 1920s, mounted a succession of campaigns to achieve its eradication. There have been no cases of bovine tuberculosis for well over a decade. The significance of that achievement should be acknowledged here. The commonwealth and state governments have over time also developed a number of structures through which to fund the campaigns that finally eradicated bovine tuberculosis.

Under the amendments, the way in which contributions are made to the Cattle Compensation Fund is changed. Under the current arrangements, the government contributes 40 per cent, and the fund contributes the balance. Under the new arrangements in the bill the fund will pay the full amount. All in all this is good and important legislation. I commend it to the house.

Mrs PETROVICH (Northern Victoria) — I rise to speak in support of the Livestock Disease Control Amendment Bill 2007. This bill comes before this house at a time when avian influenza has been of great international concern. The impact of that influenza on economies and communities across Europe has been tragic.

Such an outbreak in Australia is feared. It could have a devastating effect on our poultry industry, which is not solely our chicken market as my region has a large industry of producers of duck, turkey and other fowl, especially game birds. An avian influenza outbreak would be a tragedy both from an economic position and a position of community health and wellbeing. It seems that this particular influenza is transferable to human beings, which is extraordinarily frightening.

The Livestock Disease Control Act is the principal legislation for ensuring that livestock disease is minimised and controlled. Therefore it is important to note that the legislation has flaws, which will hopefully be addressed by this amendment bill. This bill assists in the maintenance and eradication of exotic livestock diseases; this is significant for rural and regional Victoria. The bill has strong implications for our agricultural production and export markets which generate billions of dollars for our economy, both domestically and internationally.

The bill also has significant implications for the control of disease in animal stock in industries like the equine industry. When we talk about agriculture and disease prevention the equine industry may not be an industry that comes to mind immediately. I am concerned that there is currently no registration of ownership of horses or, in fact, any real understanding of how many horses there are in Victoria, where they live and who looks after them. I am not talking about bloodstock and animals of a particular worth.

My concern arises because of instances of neglect, which I have recently witnessed first-hand on properties in central Victoria. It is clear that some individuals do not have the ability, capacity or values to look after animals or horses, or to even provide basic care such as food and water to animals. In the case of the starving horses in Kyneton, the unchecked breeding and the lack of horse-handling experience meant that the execution and control of a disease outbreak would have been very difficult to deal with, particularly because there is little knowledge of how many animals are in Victoria, where they are located and what condition they are kept in.

An instance of an outbreak of equine influenza would be absolutely devastating to our racing, thoroughbred and standardbred industries. If the influenza was allowed to spread because of a lack of knowledge about the location of animals, how they are kept and the present standard of husbandry being provided by backyard breeders, it would be quite devastating and be worth billions of dollars to the more sophisticated thoroughbred and racing industries.

The proposed amendments will make significant changes and markedly improve the situation. Currently
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if an inspector has knowledge or reasonably suspects that fittings and fodder have been in contact with diseased livestock, they have the ability to dispose of or destroy fittings and fodder or order their disposal or destruction. Currently a disinfection notice is limited to vehicles, premises or places where livestock or livestock products are commonly exposed for sale, exhibition or to be processed. The proposed amendments will provide power for the inspector to issue a disinfection notice at the place where the livestock and livestock products are kept and over the vehicles which carry disease from one place to another.

One shortcoming of the original act relates to the swill feeding of pigs. It is clear that the wording of the act has caused some confusion about which milk and milk products can be fed to pigs. The bill will now make it clear that milk and milk products from any source, not just a milk manufacturer, can be fed to pigs.

It is important to note that the shortcomings of the act were identified through the Eleusis exercise that was conducted in 2005 and which was based on a hypothetical outbreak of avian influenza. One of the things members need to acknowledge today about the reality of such large-scale outbreaks of livestock disease is the devastation it actually causes people who have to deal with the euthanasia of livestock and the disposal of carcasses. Not only does this cause great economic hardship and psychological distress, but generational breeding programs are lost and cannot be replaced. Prevention and control is the answer. I trust that this bill will assist in the prevention of this type of hardship in our agricultural sector.

This amending bill is extraordinarily important to rural activities and animal husbandry in rural and regional Victoria and the many primary producers in Northern Victoria Region, of which I am lucky enough to be one of its representatives. In the case of an outbreak of contagious animal disease, it is important that we have the sorts of steps available to our officers to make sure that these contagions are not easily spread.

One other thing that is very important to note today is that a national approach has been adopted regarding the Cattle Compensation Fund, which will provide compensation for tuberculosis in cattle. It has already been mentioned today that we have not had an outbreak of tuberculosis for over 15 years, and I hope that remains the case. The act will now be amended to facilitate this national approach which will give some surety of compensation to affected farmers. On that basis, I will close my contribution. I commend the bill and the suggestions about the proposed amendments to the house.

Ms BROAD (Northern Victoria) — I also wish to speak in support of the Livestock Disease Control Amendment Bill. The amendments contained in this bill represent further improvements to the Livestock Disease Control Act in the interests of ensuring that livestock disease is minimised and controlled, that exotic livestock disease is monitored and eradicated and that public health is secured from diseases that can be transmitted from livestock to humans. The amendments contained in this bill also implement a national agreement that has been reached by all stakeholders that in future compensation for tuberculosis in cattle will be paid by the cattle industry, which is quite an achievement.

As a result of past efforts it has not been necessary to pay any compensation for tuberculosis in cattle for some years. However, past experience is a very salutary reminder of the need to continually improve our efforts in controlling livestock disease. A more recent reminder is the outbreak of anthrax in cattle in the Tatura-Stanhope area, an outbreak that required the vaccination of around 33 000 head of cattle, which was quite an undertaking. Anyone who has any experience in raising and caring for livestock will understand the distress that comes from dealing with the effects on livestock of injury and disease, particularly when there is no option but to put stock down. When you are very young it is particularly hard to understand. That is just on a human level, before the need to protect public health, such as in relation to avian flu, and the economic imperatives for confronting livestock disease — for example, in relation to the dairy industry, which creates some 50 000 jobs in Victoria alone — are taken into account.

I would like to acknowledge and congratulate the long list of stakeholders who have participated in preparing these amendments to improve the Livestock Disease Control Act, and I think it is worth placing on the record all the stakeholders who have very generously participated in this process over a period of time. They include the Victorian Farmers Federation, the Livestock Saleyards Association of Victoria, the Australian Livestock and Property Agents Association, the United Dairyfarmers of Victoria, PrimeSafe, the Livestock Transports Association of Victoria, Dairy Food Safety Victoria, the Australian Veterinary Association and the Australian Meat Industry Council. That is a long list of organisations and people who have participated in achieving the result that we have before us today.

I would also like to acknowledge all those people across Australia — around 1000 in total — who participated in the national exercise held almost
18 months ago to evaluate the capacity of industry and government to manage outbreaks of livestock disease. Through that exercise they have also assisted in updating and improving response strategies. I wish the bill a speedy passage.

Ms DARVENIZA (Northern Victoria)—I am very pleased to rise to make a short contribution to the Livestock Disease Control Amendment Bill. I speak in support of the bill.

Government amendments circulated for Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) by Ms Darveniza pursuant to standing orders.

Ms DARVENIZA—Previous government speakers have already outlined in some detail what is in the bill. This bill certainly will ensure that the state of Victoria has adequate powers to respond in the event of a disease outbreak that affects our livestock. The amendments will also ensure that we here in Victoria have the powers required to adequately respond if there is an outbreak of disease.

The bill will address a small number of shortcomings that have been identified in the act. They were identified during a simulated outbreak of avian flu that was conducted back in 2005. The shortcomings identified during that exercise have been addressed in this bill, and I know previous government speakers have spoken at some length about that.

The bill will also allow Victoria to implement a nationally agreed approach to compensation for tuberculosis in cattle — —

Mr Dalla-Riva—Acting President, I draw your attention to the state of the house.

Quorum formed.

Ms DARVENIZA—As I was saying, the bill also allows Victoria to implement a nationally agreed approach for compensation for tuberculosis (TB) in cattle. This is quite an achievement. It has taken an absolutely massive effort on behalf of the government, government departments and farmers to eradicate both brucellosis and tuberculosis in cattle. That occurred during the 1970s and 1980s. I want to take this opportunity while dealing with this bill to pay tribute to the role of the Department of Primary Industries and the former Department of Agriculture, especially the Office of the Chief Veterinary Officer and his predecessors, and also, as I said earlier, to the farmers for their fantastic effort in being able to eradicate the two diseases, brucellosis and tuberculosis, which had a very big impact on our cattle.

The industry-supported national TB agreement will also have a massive impact on our exposure to compensation. It will reduce the exposure to compensation, which the government had to find in the past, from 40 per cent to nil. I congratulate all those involved in that effort.

The bill will also ensure that livestock disease is minimised. That is what we will see as a result of this bill. Diseases will be minimised and better controlled. This bill will also provide for the monitoring and eradication of exotic livestock diseases. At the same time it is going to ensure that the general public is kept healthy; that our public health is of a good standard and protected against diseases which can be transmitted from livestock to humans.

I would also like to join with my parliamentary colleague Ms Broad to also thank the many organisations which have not only supported the amendments that have been made to this piece of legislation but have also been consulted on the drafting. They include a range of peak bodies, including the Victorian Farmers Federation, the Livestock Saleyards Association of Victoria, the Australian Livestock and Property Agents Association Ltd, the United Dairymen’s Association of Victoria, PrimeSafe, the Victorian Livestock Transporters Association, Dairy Food Safety Victoria and the Australian Veterinary Association as well as the Australian Meat Industry Council.

This is a good bill. It is about controlling diseases in our livestock and eradicating diseases. It is also about protecting the public against diseases that could be transmitted from livestock to humans. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed. Committee

Clause 1

Mr VOGELS (Western Victoria)—The Liberal Party fully supports the amendments. It is a great outcome. It shows that if we work as a team in this house, we get better legislation. The legislation is important. We believed there were a couple of things that could have been and should have been strengthened. Following discussions with Chris Devers
with the help of Joe, no doubt — sorry, the Minister for Agriculture in the other place — —

The DEPUTY PRESIDENT — Order! If Mr Vogels mentions members by their names, I ask that he use their surnames rather than their first names.

Mr VOGELS — Following discussions with Chris Devers and the Minister for Agriculture, the Honourable Joe Helper, I think we have achieved a better outcome. We are very happy to support this bill. We need to make sure that our poultry industry is protected, and we need to make sure that the inspectors out there have the powers to deal with disease if there is ever an outbreak. We fully support the amendments and the bill.

The DEPUTY PRESIDENT — Order! I remind the house that we are in effect dealing with clause 1, which is the purposes of the bill. I understand Mr Vogel’s remarks refer to all the amendments, and they are on the record.

Clause 1 agreed to; clauses 2 and 3 agreed to.

Clause 4

Mr LENDERS (Minister for Education) — I move:

1. Clause 4, lines 25 to 27, omit all words and expressions on these lines and insert—

'( ) For section 15(1)(b) of the Livestock Disease Control Act 1994 substitute—

“(b) any livestock, livestock product, fodder, fitting or any other article has been in contact with diseased livestock or a diseased livestock product—.”.

2. Clause 4, line 31, omit “fitting or fodder” and insert “fodder, fitting or article”.

3. Clause 4, page 3, line 6, omit “fitting or fodder” and insert “fodder, fitting or any other article”.

4. Clause 4, page 3, line 7, after “livestock” insert “or a diseased livestock product”.

5. Clause 4, page 3, line 9, omit “fitting or fodder” and insert “fodder, fitting or article”.

6. Clause 4, page 3, line 12, omit “fitting or fodder” and insert “fodder, fitting or article”.

7. Clause 4, page 3, lines 15 and 16, omit “fitting or fodder” and insert “fodder, fitting or article”.

Amendments agreed to; amended clause agreed to; clauses 5 to 8 agreed to.

Clause 9

Mr LENDERS (Minister for Education) — I move:

8. Clause 9, line 15, before “After” insert “(1)”.

9. Clause 9, after line 18 insert—

‘(2) In section 113(1)(c) of the Livestock Disease Control Act 1994, for “or fitting” substitute “, fitting or any other article”.’.

Amendments agreed to; amended clause agreed to; clause 10 agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Mr LENDERS (Minister for Education) — I move:

That the bill be now read a third time.

In so doing I would like to thank all members of the house for their cooperation and, as Mr Vogels so eloquently put it, their cross-party cooperation on fixing an error. I wish the bill a speedy passage through its remaining stages.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

NUCLEAR ACTIVITIES (PROHIBITIONS) AMENDMENT (PLEBISCTE) BILL

Second reading

Debate resumed from 15 March; motion of Hon. T. C. THEOPHANOUS (Minister for Industry and State Development).

Mr VOGELS (Western Victoria) — There must be an election in the wind because if ever I saw a bill that reeks of political spin, the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill is it. I was just saying earlier that we can work together for the betterment of Victoria, but this just reeks of political spin. It requires the Minister for Energy and Resources to initiate a plebiscite of Victorian electors if the minister believes or perhaps even thinks that the commonwealth government has taken or is likely to
The bill empowers the minister to determine the question to be asked at the plebiscite. It requires the minister to conduct the plebiscite at the time the minister considers most advantageous — and no doubt this will be in the lead-up probably to a federal election — to the health, safety and welfare of the people of Victoria. It will apply the Electoral Act 2002 provisions on constitutional amendment referenda with various modifications. The minister will approve the distribution of a 2000-word argument against the proposal and a 2000-word argument in favour of the proposal after consultation with the commonwealth minister. The bill will also authorise the minister to decide that voting will be by postal voting, in which case the Local Government (Electoral) Regulations 2005 will apply with various modifications. It will also allow the officers of registered political parties to appoint scrutineers.

As I said before, this bill is a political stunt which, if enacted, will cost millions of dollars to carry out an exercise on a hypothetical question set by the government for party political purposes. I do not trust the Bracks government to frame the for and against arguments so that the voters have a clear and open question. We all understand and have seen on many occasions when people are polling or trying to find out how people will think or vote, that somehow the questions are framed so that you know what sort of answers you will get. I remember the old one that asks, ‘Have you stopped beating your wife?’. There is no answer you can give that will not land you in trouble. Everything depends on how you frame the question.

The opposition and I do not believe that complete control over the calling, timing, method and wording of the plebiscite and over the wording of both the for and against cases should rest with the Minister for Energy and Resources. It is not democratic. I can just see Peter Batchelor and Bracksy sitting down over a glass of red wine and saying, ‘Listen, I think Ruddy is in a bit of trouble. We had better have a plebiscite to stir things up a bit and see if we can get a bit of scaremongering into the campaign. You had better get in there and start writing the for and against arguments. Then we will stir up as much angst as we can in the community by doing that’. I find it interesting that when those opposite call for a plebiscite it may not need to be based on the federal government’s stated policy position on a nuclear power facility but may be based simply on a media release about a nuclear power station in Victoria — that is probably strong enough under this legislation for the minister to go ahead and have a plebiscite.

The hypocrisy of this lot is that they will all go to the ALP federal conference next week and will sit there and vote for more uranium mining in Australia. We know that their federal leader, Kevin Rudd, wants to ditch the three-mines policy and have more uranium mines so they can sell yellow cake overseas to other countries in the world that are using nuclear power to generate electricity, yet they can sit here and say with a straight face, ‘But not for Victoria. Happy enough to send it everywhere else in the world, but we cannot have it here in Victoria’.

I would like to quote from an article by Katharine Murphy published in the *Age* on 4 April 2007. It states:

> At the 2007 party conference in three weeks time, Kevin Rudd will move a resolution scrapping the ALP’s ban on new mines.

> But Mr Rudd has won the support from a majority of the right and has pockets of support from the left to push the motion through.

> I do not know who on that side of the house is on the left, who is on the right and who is in the middle, but I have no doubt that this policy will be adopted at the Labor Party conference, and the hypocrisy is showing through clearly there already.

I understand that what the Prime Minister is trying to do is have a debate to see whether we should have nuclear power stations in Australia. I have never been afraid of a debate. A debate is all about having the for and against arguments put and letting people discuss the issues. There is nothing wrong with having a debate. But the way I read this bill, if it goes through and the Honourable Peter Batchelor, the Minister for Energy and Resources in the other place, has a dream one night that there might be a nuclear power facility in Victoria at some stage, he can start putting together his 2000-word plebiscite and write the arguments both for and against the proposal. I do not think that is democratic; in fact it is an outrageous proposition.

As I said before, this is just a political distraction to try to beat up an issue before the federal election. The former Minister for Energy and Resources, who is in the house, supports the measure. We should spend much more of our money getting cleaner coal and cleaner energy. We all want solar power, but I believe in the end tidal power is probably the cleanest energy we could ever get.

I agree with the use of solar power, but I do not support wind farms because they are an abomination across country Victoria. I know the city people love them but...
they do not have to look at them or live near them. Wind power is not the answer. Wind power in country Victoria has divided communities, divided families, pitched father against son, and so on, which is a shame.

Wind power is not economic. We should be spending more of our taxpayer dollars on carbon sequestration as well as solar power, but tidal power at some stage should be looked at.

In the Western District there is a $30 million trial at Nirranda to work out carbon geosequestration, which is basically putting carbon back into the ground. An article in the Warrnambool Standard of 9 April states:

Nirranda’s $30 million role in the fight against global warming has been unveiled to the world in Paris. There, 20 countries agreed to list it as a project of international significance.

The geosequestration project will remove harmful carbon dioxide, a greenhouse gas, from raw gas, compress it and inject it deep underground to be stored in an empty gas field.

The state and federal governments hope to use the pilot project to hone technology that would clean up the energy sector and industries that emit excessive carbon dioxide.

…

The CO2CRC’s Otway project in south-western Victoria joins Canada’s Weyburn project, the Texas Frio project and several other leading international projects researching, developing and deploying geosequestration technology.

That is an excellent project that should be supported. They are the issues the government should be looking at rather than scaremongering about having a plebiscite if the Prime Minister one day calls for a debate.

If the plebiscite said it supported nuclear power in Victoria, would the government then say, ‘Sorry, you cannot have it anyway’. The Warrnambool Standard a couple of weeks ago held a referendum on whether the people around Warrnambool would support nuclear power; the results were 48 per cent in favour and 52 per cent against, so the result was close.

Mr Pakula — Do you respect the majority?

Mr VOGELS — I respect the majority, but the result if the referendum was pretty close. I would be interested to see the results of the plebiscite the government is talking about, because if the result was that 51 per cent of Victorian supported nuclear power as an alternative source of energy, would the Bracks government then say, ‘We will not take action on this plebiscite because that is not the outcome we wanted’. The government has not explained or outlined whether it would take action on the results of the plebiscite.

Mr Hall — It is not binding on anyone.

Mr VOGELS — It is not binding anyway, I know that. It would cost millions of dollars to conduct a plebiscite across Victoria, if it were to be done properly. If no notice is to be taken of the outcome, why have it in the first place? Why have the debate?

I remember a few years ago in this house the Labor Party was dead against privatisation of water and introduced bills so that water could never be privatised, yet about 12 months ago the government tried to flog off the Snowy Hydro scheme to put more dollars in its coffers. I know the money would have been spent on education had the scheme been sold, but at the end of the day legislation was passed that water would not be privatised. We know that Snowy Hydro stands for water.

The bill is nothing more than political grandstanding by the Bracks government. The Liberal Party does not support the bill. I believe amendments will be moved by the Greens, and I will be interested to see what those amendments amount to. At this stage we do not support the bill.

Mr HALL (Eastern Victoria) — The bill amends the Nuclear Activities (Prohibitions) Act 1983. None of us was around in 1983, so a worthwhile starting point for this debate is to go through some of the provisions of the 1983 act and understand exactly what that act says and therefore try to work out a reason why we should be amending it in the way it is proposed.

The Nuclear Activities (Prohibitions) Act 1983 is not a very big act; it has only about 15 sections. The essential part of the act which looks at those activities that are prohibited are contained in part II. Without reading through all those parts I shall go to a couple of headings and inform members of the chamber what is prohibited in Victoria according to the provisions in the act. Part II is headed:

Prohibition of certain nuclear activities

If one goes back to the definitions in section 2 to see what the term ‘nuclear activities’ is defined as, it means:

… any procedure or operation involved in the mining, milling, conversion, enrichment, fabrication, use, reprocessing or disposal of nuclear material.

Section 5 of the act is headed:

Prohibition against exploration etc. for uranium or thorium
In particular, section 5(1) states:

… notwithstanding the terms of any mining title, a person shall not explore, mine or quarry for uranium or thorium.

Section 6 refers to what happens when you find uranium in the course of mining for other minerals within Victoria. It says basically that you are not allowed to mine for it unless the maximum amount of uranium is 0.02 per cent of that product which is mined; or in the case of thorium, 0.05 per cent of the product that is actually mined. If somebody were undertaking a mining activity and came across greater volumes than those stipulated maximum amounts, then they would have a real problem. It would go back to the mining department, I presume, for it to work out where they would go from there.

Section 8 is headed ‘Prohibition against constructing or operating certain facilities’. It says:

(1) A person shall not construct or operate —
    (a) a mill for the production of uranium or thorium …
    (b) a facility for conversion or enrichment of any nuclear material;
    (c) a facility for the fabrication of fuels for use in nuclear reactors;
    (d) a nuclear reactor or a nuclear power reactor;
    (e) a facility for reprocessing spent fuel; or
    (f) a facility for the storage or disposal of any nuclear materials.

Finally, section 9 is headed ‘Prohibitions against possessing etc. nuclear material’. It states:

(1) A person shall not —
    (a) have in his possession;
    (b) use;
    (c) sell;
    (d) transport;
    (e) store; or
    (f) dispose of by any means —
    any nuclear material …

I would have thought those provisions in the Nuclear Activities (Prohibitions) Act make it clear that we are not going to stand for any nuclear activity at all in Victoria, unless the Victorian Parliament at some stage wishes to amend those provisions in the act.

It then begs the question: why is the act being amended to include a plebiscite provision within the act itself. I say there is no reason why there should be an amendment. There is no point in having a plebiscite when all of those activities are prohibited anyway. As I said by way of interjection when Mr Vogels was making his contribution, by the sheer provisions of this amending bill, there are no binding powers on the outcome of any plebiscite that is conducted, whether it is directed and no matter how the question is framed.

If it is a plebiscite — that is, a referendum question directed to the Victorian government — it does not bind the Victorian government in any way. If it is a question that tries to seek some commitments from the federal government, then there is no binding power on the federal government anyway. It is purely — I think these words are what were used by the minister in the second-reading speech — an expression of view of the people of Victoria.

If we are to have a plebiscite, then at least give it some teeth and make it binding on the government on behalf of those to whom the plebiscite question is actually directed.

It is meaningless; it is an absolute nonsense. If you look at the second-reading speech, you see that it is all hypothetical because the speech says very clearly:

… a plebiscite of Victorian voters if the commonwealth government takes action to support or allow construction of a nuclear facility in this state.

If they are going to do it, first of all they will have to find a constitutional power to override the provisions of the Nuclear Activities Prohibition Act, which I have just quoted to the house. What do members think would happen if the commonwealth government tried to find a constitutional power to override that? I am sure the Victorian government here would play Larry Dooley with any such proposal by the federal government and would make great play of that. I do not think the federal government would attempt to try to do that.

The house should look at the proposed Murray–Darling Basin reform: the federal government is not trying to override the state’s powers; it is seeking some consensus and agreement.

Mr Pakula — Not yet.

Mr HALL — ‘Not yet’, Mr Pakula says. I do not think the intention has ever been to override the state’s constitutional powers in this; it is seeking agreement. For anything related to a nuclear activity I think any commonwealth government — whether it be a Labor,
Liberal, National or coalition government — would be stupid to try to find a constitutional power to override a state law, such as that in respect of the matter as it stands at the moment. As I said, what makes these provisions even more futile is the fact that they are not binding on any federal government anyway.

My advice from the people who briefed me on this is that there is also commonwealth law that would have to be amended for any nuclear activity in Victoria to be undertaken. Before any nuclear activity could ever take place in Victoria, first of all the commonwealth would have to change its own law, and it would have to find a constitutional reason to override the constitutional power of the state in respect to this matter. So it simply will not happen without great controversy in the community — controversy which, I might add, would have far more impact than any non-binding plebiscite provision, as is proposed by this bill. I think this whole piece of legislation is an absolute nonsense and does not achieve any worthwhile purpose at all.

Further to my claim that this is nonsense, some of the provisions of this amending bill talk about the details of establishing a plebiscite. The Victorian minister is the person who solely frames the question to be posed to the Victorian public at any such plebiscite. The minister for energy and resources of the day can frame the question in any way he or she chooses. You and I, Acting President, know that you can ask a question in a whole number of different ways if you want different outcomes, and no organisation, body or Parliament has any overriding powers over how the minister wants to ask the question.

Indeed, the Victorian minister also determines the arguments that will be put to the Victorian people, listing all the reasons in favour of or against any plebiscite question. In its provisions the bill says that the Victorian minister must confer with the federal minister, but it clearly says that the Victorian minister has the final say on the presentation of arguments for and against a question within a plebiscite. You can slant your arguments and questions any way you like to construe an outcome that you are trying to achieve. I think the way in which the plebiscite is proposed to be constructed has no balance, has no partisanship and makes the whole bill a nonsense.

Beyond all of that, I ask the house to consider: why is this government proposing to hold a plebiscite just on nuclear activities when there are a great many other worthwhile subjects, which, if you were of a mind to hold plebisicites in Victoria, you might challenge and ask a plebiscite question about?

Foremost in my mind is the issue of therapeutic cloning, which is currently before the Parliament of Victoria. All members will be given a conscience vote on that legislation, but why are the people of Victoria not being given a conscience vote? Why can that subject not become the subject of a referendum here in Victoria? I thought that would have been a far more appropriate subject because it is a matter that is here and now, and something that is actually being dealt with.

Having a nuclear activity plant in Victoria is all hypothetical. It is the if factor: the word used in the second-reading speech is ‘if’ in relation to the federal government having a mind to. Therapeutic cloning is an example of an activity that is now proposed to be undertaken in Victoria. I would have thought that would be a more appropriate subject for a plebiscite than the one proposed in this bill.

I toyed with the idea, when I first saw this legislation, of moving a reasoned amendment because if we are talking about power generation, I know there are a large number of people in certain parts of my electorate and other parts of Victoria who have strong views on, for example, wind energy as opposed to nuclear energy, which we are talking about with this bill.

If it is good enough to ask the people of Victoria a question about whether they want nuclear energy produced in Victoria, equally why not ask people in, say, South Gippsland whether they want wind energy produced in the area where they live? Why could that not apply to a whole number of subjects right around Victoria? What about the Murray–Darling Basin reform? Why do we not have a plebiscite of the people of Victoria on whether they think the federal government’s idea about a Murray–Darling Basin reform is or is not a good one?

The point I am trying to make is that if you are of a mind to introduce plebisicites into Victoria on certain activities, why limit that to nuclear activities when there are far more pertinent, relevant and topical questions on subjects which could equally be asked. I am not advocating that we move in that direction, but I am saying that if we were honest and open about this, and if we did not have the political agenda behind this amending bill before us today, we would be far more broad minded and willing to look at a much broader range of subjects on which we could hold a plebiscite.

I want to comment about some amendments that I understand are proposed to be moved by the Greens. I pay credit to and thank the Greens for sharing those amendments with me before seeking to introduce them.
into Parliament. I will not explain the amendments — that is the prerogative of those who will move them — but will indicate that The Nationals will not be supporting those amendments, despite the fact that we can understand the sentiment behind them and the intent of the Greens party to try to at least make this bodgie process a better process.

I say, ‘Well done for trying to do that’, but we do not want to be any part of this ridiculous, stupid, politically motivated legislation which serves no worthwhile purpose. We do not want to be tainted in future as having tried to make better what is a discredited process which has no worthwhile purpose. It is a stunt, it is purely part of the Labor Party’s political agenda in a federal election year, and it should be resisted with the strongest powers available to every one of us in this chamber. From The Nationals point of view, we will resist it as strongly as we possibly can.

Mr BARBER (Northern Metropolitan) — I will start with a quote from the 1982 debate on the original legislation. It is from a second-reading speech, apparently when a Mr D. White was the minister for energy. The speech states:

Reactors have been proved to be very expensive, difficult to locate in the face of public opposition, and there is the unresolved matter of waste disposal and attendant problems. In addition, there is the problem that the growth in the number of reactors has increased the risk of nuclear weapons proliferation through the wider spread of nuclear technology and the risk of nuclear materials being diverted for weapons purposes.

I put it to the house that the ALP no longer seriously holds those concerns, which go to the core of the Greens concerns about moving further down the nuclear cycle. It has abandoned any pretence of seriously carrying those concerns.

I would like to know — I have been trying to find out, but I have not managed to — how many ALP members of this chamber will be delegates at the ALP national conference in 10 days time. If I knew that, I would love to know what their positions would be on the ALP’s no-new-mines policy. I know for a fact that the Premier has an automatic right as a delegate, so he will be there. I would put it to the Premier and Labor members of this chamber that the really important vote is not the one we are having here tonight; the important vote is the one they will have in 10 days time up in Darling Harbour.

Let us start by taking out this phoney argument, this phoney war, over nuclear power between Labor and Liberal. Even Senator Nick Minchin said it made no sense for his party to associate itself with a cause so politically unpopular when there is no prospect of a commercially and politically viable domestic nuclear power industry in our lifetime. He belled the cat. It makes no sense as an argument, but it is being pursued for political purposes, and the Labor Party has jumped on the bandwagon for those political purposes.

It is called a bait and switch. Are members familiar with that scam? It says, ‘Come out to our mattress shop out in the suburbs somewhere. We have these fantastic mattresses on sale for $20 each’. Once you get out there they say, ‘Sorry! We ran out. Would like to buy this other mattress?’, which costs a hell of a lot more. Labor jumping up and down about nuclear power is the classic example of a bait and switch. If members believe that nuclear power is viable, then show me the money. Private investors have flatly rejected nuclear power then enthusiastically bought its main supply-side competitors: decentralised cogeneration — that is, combined heat and power — and of course renewables. So worldwide by the end of 2004 these alternatives had more installed capacity, had produced almost as much electricity and were growing six times faster and were accelerating while nuclear was fading.

The International Energy Agency, which I am here to tell you is hardly a hotbed of radicalism, in 2003 forecast that by 2010 wind power could add nine times as much capacity as nuclear added in 2004, and it would be 84 times nuclear’s planned 2010 addition. Again, these sorts of numbers and scenarios come from the International Energy Agency and the International Atomic Energy Agency, the job of which it is to promote nuclear power.

I have prepared a chart which shows net new electrical capacity added. It shows that in terms of new additions, nuclear is just bouncing along the floor at practically zero and that wind and decentralised cogeneration — which I mentioned earlier — have been going up and continue to go up like rockets. I am sure that anybody who in a past life was involved with the Electrical Trades Union would certainly support that, because it means a lot more jobs than one nasty nuclear power plant.

Honourable members interjecting.

Mr BARBER — If anyone here wants to challenge my view that nuclear is a dud and unable to survive without government featherbedding, they had better show us the money — private money. I am not talking about China and Russia and those last vestiges of central planning. I am saying that the nuclear industry is suffering a severe case of market forces — and it is losing. My chart shows that we are on track with wind power, together with photovoltaic, to surpass the
installed global nuclear capacity around about the beginning of the next decade. In fact the market increasingly resembles a 1995 Shell company scenario that showed half of global energy and virtually all the growth coming from renewables by mid-century, which is about what it would take with some conservative assumptions of how we can achieve energy efficiency gains. It is about what it would take to stabilise atmospheric carbon, which we now know we need to do.

I also have a few more statistics. Worldwide reactor numbers grew to 423 by 1989 and have risen since then by just 17. To offset all the planned retirements of nuclear reactors — that is, the ones we already know about — 73 new ones would have to be built by 2015 in addition to those which have already had the go-ahead, the ones we know about. If that does not happen the alternative is for the industry to go into rapid decline. In fact if China built 30 new reactors, which is ambitious, it would just cover off about 10 per cent of the number of nuclear plants that get to celebrate their 40th birthday, which is old for a nuclear reactor. Of course once those nuclear plants get to that age they are very likely to be removed.

The average age of nuclear reactors in the United States of America is 21 years, which was the age of the nuclear reactor that was shut down in that country. In the USA, despite 50 years and $800 billion of subsidy, nuclear is hugely expensive, absolutely uninsurable and provides a smaller part of that country’s energy needs than burning wood. Some technology! But federal Labor’s sometime nuclear spokesperson, Mr Ferguson, does not get it; he does not get those simple facts.

In an article entitled ‘Green light for Howard to go nuclear’ in the Australian of 4 November 2006, Mr Ferguson is quoted as saying:

… nuclear is an important part of the energy security and climate change debate for Europe, Asia and North America’.

‘That is why Australian uranium is now so sought after … Australia is energy rich. We are the envy of the world’, he said.

For the life of me I do not know whether he is in on the joke or whether they just fax him his lines on a Monday morning.

As I said earlier, the vote on this bill is not particularly significant, but the position taken by the Premier, Mr Bracks, at the Australian Labor Party national conference in 10 days time — and by Mr Pakula, if he is a delegate; and by Mr Theophanous, if he is a delegate; and by anyone else here who is a delegate — will be highly significant. If Labor abandons the no-new-mines policy it will complete the broad consensus between Liberal and Labor on the uranium industry. It will complete the liberalisation of ALP nuclear policy, take out this one issue of nuclear power plants, which as I have just said — —

Honourable members interjecting.

Mr BARBER — I will back up that statement. Let us look at the problems with exporting uranium to other countries. Firstly, there is proliferation. There is the Victorian opposition’s policy, the federal Liberal government’s policy and whatever I can piece together of Martin Ferguson’s or the ALP’s policy on whom we can sell uranium to. Labor’s policy is that buyers will be required to be signatories to the nuclear non-proliferation treaty (NPT).

Honourable members interjecting.

Mr BARBER — I am so glad I have my own little audience of backbenchers here on the government side. I was terrified there would be nobody in the chamber when I made these remarks, but I am getting instant feedback from over there.

In order to buy uranium from a Kevin Rudd government you will need to be a signatory to the non-proliferation treaty. You are not required to be a signatory to the Comprehensive Nuclear Test-Ban Treaty, nor are you required to be a signatory to the fissile material cut-off treaty, and that is an important treaty because it is about stopping the spread of weapons-grade material. That is quite important, because if you make a bunch of plutonium it has a use-by date of about 250 000 years, so we will be dealing with that problem for a long time.

There have been no suggestions that I have been able to find — and I am sure if Mr Pakula or anybody else had been doing their homework on this issue in anticipation of their vote as a delegate they may have been able to find it and can correct me — from the ALP on how the bilateral agreements with customers would be improved. At the moment you have to be a signatory to the NPT and you need a bilateral agreement with Australia to buy our uranium. I therefore assume they have none.

A transcript of the Sunday program of 18 June last year quotes Mr Ferguson as saying:

Firstly we’ve been able to sell uranium to Russia for years.

Very comforting! He also said:

This means selling uranium to China at the moment, but not Pakistan, Israel or India.
It is very comforting that a federal Labor government would not sell uranium to India. However, in liberalising its uranium policy the ALP is willing to make some fairly big bets on the political stability of China, Russia and a number of other countries over the next 40 years.

Let us just compare that with what has happened in the last 40 years in those countries and see if they look like good bets. Let us talk about the NPT. It came around in the 1960s as a kind of historic deal that said that everybody who had nuclear weapons had to make honest efforts to get rid of them and that everybody who did not have them would foreswear getting them. What has been happening is that that deal and that consensus has been breaking down, because the USA and Russia have not made significant efforts to go to zero nuclear weapons. In fact they are developing new generations of nuclear weapons. Of course many small countries have started to get nuclear weapons or are moving themselves to be in a position to have them as a kind of strategic equaliser. If you are a small country and you think the USA might invade you, then in those circumstances you may think about getting a nuclear weapon, simply because it would cause the USA or another country to have pause before invading your country.

Members might remember that the result of the debate in the US Congress on Gulf War Mark I — the one that former Prime Minister Hawke supported — was a very close vote. One of its concerns was that Saddam Hussein may at that time have had nuclear weapons and nuclear, bacteriological and chemical weapons; it was a close-run thing that the Congress at that time gave George Bush, Snr, the power to declare war on Iraq.

But it is worse. The nuclear non-proliferation treaty actually enshrines the inalienable right of all member states to all civil nuclear technologies, including dual-use technologies with both peaceful and military applications. In other words the NPT enshrines the right to develop a nuclear weapons threshold or break-out capability — even for NPT signatories. As far as the ability to monitor this treaty and the possession of capability — even for NPT signatories. As far as the ability to monitor this treaty and the possession of capability is concerned, Dr Mohamed El Baradei, director of the International Atomic Energy Agency, describes the IAEA’s basic safeguards inspection rights as fairly limited, noting that the system is subject to vulnerabilities and complaining that efforts to improve the system had been half-hearted, and that the safeguards system operates on a shoestring budget comparable to a local police department.

That is what is between us and nuclear break-out and nuclear proliferation using Australian uranium sold to them by a Howard or Rudd government. An SBS-commissioned Newspoll of 1200 Australians last September found that 53 per cent opposed uranium exports to China — so maybe we should have a plebiscite on that — with just 31 per cent in favour. Nevertheless, on 17 January the federal government began negotiating a bilateral uranium export agreement with a Chinese delegation in Canberra, and negotiations are continuing.

I will now talk about waste. In a speech at a uranium conference on 11 October 2005 Martin Ferguson said:

We do not even have a solution for the safe disposal of low and intermediate-level nuclear waste generated in our own country, let alone a clear view of the solution for high-level nuclear waste generated around the globe from nuclear power operations.

On 20 March 2006 Mr Ferguson released a discussion paper that said:

Australia has the opportunity to lead the world as a responsible supplier of uranium for peaceful purposes …

He said this could be done by, among other things:

… stewarding uranium from cradle to grave.

It is hard to know what he meant by that except for our taking it back after they have finished with it — in other words, Australia becoming a nuclear dump to the world.

If Ms Pulford is a delegate to the ALP national conference, she could ask Mr Ferguson what he meant by that. Uranium exports in 2005 accounted for less than one-third of 1 per cent of Victoria’s total export revenue, and even with the proposed tripling of uranium production at Roxby Downs it will still fall well short of 1 per cent of total export revenue. It will be a short-term benefit because high-grade reserves of uranium will not last long before we start moving in to lower grade reserves.

In conclusion, the argument about nuclear power, which is the purpose of this bill and of the plebiscite, is a safe space for the Labor and Liberal parties. It helps them mask their real agenda, the one that would really do some damage out there in the electorate in the run-up to a federal election. The best they have been able to come up with is the drug dealer’s defence of saying, ‘If someone doesn’t get it from me, they will get it from someone else. And you know, maybe I can even help them. I keep an eye on my drug buyers. I help them out when they need it’. Liberal and Labor policies mean our children will deal with the problem of proliferation, and our grandchildren and their grandchildren will deal with the waste.
In relation to the bill, the Greens propose to move some amendments. Also, we had another proposal for an amendment but our advice was that it would not be in order. What we were going to propose as an amendment was that if the state government very sincerely supports the 1983 act that basically makes illegal everything nuclear in Victoria, then the government should entrench it in the Victorian constitution in the same way it did with the issue of selling the water retailers and distributors. That was a reasonably big issue for the government at the time it was elected, and it said, ‘We are going to entrench this in the constitution so that you can never sell the water businesses’.

Now it has a few outs: they made sure that the Snowy Hydro scheme was not part of that; it is a business they think they can sell at any time. They also allowed for public-private partnerships so that effectively they could sell off a whole bunch of parts of the water system. As long as there is some company that the government owns that is called a water business, everything else underneath that that supplies water could be sold off bit by bit.

Unfortunately I will not get to move what would have been my amendment, but someone suggested it would be the subject of a good private members bill, aimed at entrenching Victoria’s nuclear-free status in our constitution and then entrenching that provision so that the only way it can be changed is by a referendum of the people — not an indicative one but a real one. That is the only way to change that. My advice from the clerks is I cannot do it this time; I could not move it as an amendment.

I propose to move two amendments. I will foreshadow them briefly, without debating them too much; I gather that procedure is permissible. I circulated them to the party leaders and am happy for them to be circulated in advance of the committee stage of the bill. One is that the question that goes out for a plebiscite to the people of Victoria is a question written not by the minister but a question that has to have been approved by both houses of Parliament.

Once it is in place, this piece of legislation will be on the statutes indefinitely. It could be 10 years down the track or it could be 20 years down the track before it is triggered. The minister at that stage may be a Liberal minister who may put out a question to the people at large like, ‘Do you want clean, green electricity for your children’s future?’ You can well imagine what sort of response that might get. Or 20 years or possibly even 10 years from now the energy minister in Victoria could be from the Greens. I do not think it will be me, but someone from the Greens could be an energy minister in a coalition government. She may very well put out a question that says, ‘Do you want to live next door to a nuclear death furnace?’ I can well imagine that that would result in about 99 per cent voting no.

Mr Leane interjected.

Mr BARBER — There would be lot of jobs for the Electrical Trades Union under a Greens-Labor coalition government in Victoria, because we would be rapidly moving our economy away from these dirty industries and towards a post-carbon economy.

To further foreshadow my amendments, President, the second one relates to proposed section 12(2) in clause 3. Proposed section 12(2)(a) says that if the federal government has taken or is likely to take steps to make or amend a commonwealth law or to exercise any power under a commonwealth law — for example, if the federal environment minister, Peter Garrett, has to approve a nuclear action under the Environment Protection and Biodiversity Conservation Act, which would be an exquisite irony — then that would be triggered; if it happened in Victoria, it would trigger a plebiscite.

Greens amendments circulated by Mr BARBER (Northern Metropolitan) pursuant to standing orders.

Mr BARBER — If my amendment is passed and proposed section 12(2)(a), the subject of the amendment, remains in the bill, as the Greens hope it does, then any action or amendment of any commonwealth law will trigger the plebiscite. However, proposed section 12(2)(b), which states:

adopts a policy position of supporting or allowing the construction of a prohibited nuclear facility in Victoria.

is too broad and unclear. I hope the ALP or the government at the federal level will be involved in many interesting debates; the new environment minister, Mr Garrett, and who will be the new opposition leader, Mr Turnbull, will debate this question. If the government actually adopted a policy position, as the ALP may next week, of supporting or allowing the construction of a prohibited nuclear facility, then I think that might trigger the plebiscite. I do not think that is the intention of this bill.

Those are my two foreshadowed amendments, and I am happy to discuss them further in the committee stage of the bill.
Ms PULFORD (Western Victoria) — I rise to support this bill, which will provide for the holding of a plebiscite of Victorian voters if the commonwealth government takes action in order to allow the construction of a prohibited nuclear facility in this state. The explanatory memorandum for new section 13 defines a prohibited nuclear facility as:

- a mill for production of uranium or thorium ore concentrates;
- a facility for conversion or enrichment of any nuclear material;
- a facility for fabrication of fuels for use in nuclear reactors;
- a nuclear reactor or nuclear power reactor;
- a facility for reprocessing spent fuel;
- a facility for storage or disposal of any nuclear materials, including any waste, from any of the above processes or facilities.

The bill also outlines in the explanatory memorandum in relation to new section 12 the triggers required to enable a plebiscite to occur, namely:

- making or amending a law of the commonwealth;
- exercising a power under a law of the commonwealth;
- adopting a supportive or permissive policy position.

Victoria has a long history of opposition to the establishment of a nuclear energy industry in this state. Current Victorian laws reflect this, as does this amendment. Polls consistently show opposition over a long period of time. This is particularly so of people’s view of nuclear facilities in their neighbourhood. According to a Newspoll survey last month, 66 per cent of people said they would be opposed to a nuclear facility in their local area.

The problems associated with dealing with nuclear waste are significant. The risk in pursuing this type of energy source is fraught with dangers not only for us but for future generations, with potential environmental impacts hundreds of years into the future. In response to Mr Hall’s question, ‘Why have a plebiscite on this issue?’, I think this matter is a little different from many others that we considered for the reason that waste by-products of nuclear processing would have such a long-running impact on the environment.

In a Morgan poll last month, 82 per cent of people surveyed in Victoria and New South Wales said they were concerned about how nuclear waste would be stored. Mr Vogels talked about a plebiscite and a debate on these issues, as though they were mutually exclusive. I am sure a plebiscite on these kinds of matters would never occur in the absence of a debate. He certainly quoted some research about what people thought about nuclear energy. Of course the million-dollar question is: if there was to be nuclear processing, where would it occur? In Melbourne, 89 per cent of people were concerned about how nuclear waste would be stored. It has to be stored somewhere. This would be a remarkable legacy to leave for future generations.

We on this side of the house do not believe there is any safe way of having a nuclear power plant in Victoria, but the federal government is committed to nuclear energy. It is determined to proceed, although it has gone a bit quiet on it. I can only imagine it is because of the federal election that will be held later this year.

It was the Prime Minister who commissioned the report Uranium Mining, Processing and Nuclear Energy — Opportunities for Australia?. The Switkowski report suggested that Australia’s electricity demand would double by 2050 and up to 25 nuclear reactors could be used to meet this demand.

The report identifies some possible locations, including South Gippsland, Western Port, Port Phillip and Portland, in my electorate in western Victoria. The reasons that these locations were identified were for availability of seawater, closeness to sources of electricity supply and demand, suitability of infrastructure, and location away from major population areas. This notion of a suitable shortlist for possible nuclear facilities, including their being away from major population areas, makes me wonder what exactly the difference is between the impact on a significant population centre and the impact on a small population centre.

I would have thought the risk to the people in Portland would be much the same as the risk to people in Melbourne, or in Sydney where the Prime Minister lives, or in China — or anywhere for that matter. People living close to these identified potential sites will have their rights protected by this bill and the plebiscite that it will enable. As Mr Barber pointed out in citing the comments of Senator Minchin, there is no commercially proven Australian company that can enrich uranium, so there is some doubt about Australia’s ability to convert, enrich and fuel fabricate uranium. This is an issue because the worldwide conversion market is highly concentrated and very difficult to break into, with only four companies worldwide supplying 80 per cent of the world’s uranium conversion services.

Nuclear energy is likely to be between 20 and 50 per cent more expensive to produce power from than a new
coal-fired plant. The economics simply do not stack up. The vast amount of money required by a federal government to subsidise nuclear energy would be better invested in renewable energies and clean coal technologies to provide for our future energy needs.

Another supposed justification for the federal government’s excitement about nuclear energy is its enthusiasm for cleaner energy, and that is just a furphy.

On the topic of energy use, the state government has been working hard to assist industry and individuals to better use our energy resources. Supporting diverse sources of energy — clean coal and renewable energies — is a much better way forward and provides for a much better future for Victoria. Clean coal technologies can be a source for meeting our energy demands. We need to continue to invest in the coal industry to make it cleaner and to reduce emissions.

In addition to reducing our energy needs we are supporting renewable energy industries like wind power. In fact just last week the Minister for Planning in this place approved a 64-turbine wind farm at Mount Mercer in my electorate. This will provide 160 megawatts — enough energy to power 73,000 homes. It will provide 120 jobs during the construction phase and then 12 permanent ongoing jobs.

Given the employment and environmental benefits in other sources of energy, I am confident that on balance the people of Portland would prefer a few more wind-power turbines to a nuclear power plant in their town.

What we need to do in this state is to develop clean energy and also assist energy users to use energy wisely and not just create a new set of problems. Only yesterday the Premier announced the trial of 50 smart meters for Melbourne households. The trial having been completed, from next year they will be rolled out across the state. This is but one more measure to assist Victorians to reduce energy use.

The government has also introduced renewable energy targets in Victoria, committing energy retailers to sourcing 10 per cent of their power from renewable sources by 2016. It is estimated that this initiative will cut 27 million tonnes of greenhouse gas emissions.

We on this side of the house are committed to addressing our energy supply issues in a responsible and environmentally sustainable way. We are committed to not using nuclear energy, with its long-term waste, its issues of security of storage, its high water use at a time when we are working hard to conserve water use in industry and in homes, and its high costs. We on this side of the house oppose nuclear power, and we hope that with this bill that sentiment can be extended to provide the people of Victoria with a plebiscite to express their views. That is why we are introducing this bill. The proposed change is fundamentally about democracy and about providing an opportunity to Victorians to have a say on this important issue. The government does not believe plebiscites ought to be used willy-nilly, but the interaction of nuclear power in Victoria is a significant issue.

The Prime Minister has suggested a robust debate, and a plebiscite is the perfect opportunity to have that robust debate. Victorians need to have autonomy over this important issue. Victorians are capable of deciding for themselves if they want a nuclear facility in their backyard.

That brings me to the amendments proposed by the Greens. We welcome the Greens to their first taste of voting with the Labor Party members in the house, but I am dismayed by their attempts to water down this bill. Given Mr Barber’s passionate arguments about the risks and dangers associated with nuclear energy, it just seems a little idiosyncratic that he would then introduce amendments that will water down this measure.

Mr Barber’s first amendment proposes removing a change to government policy as a trigger, so that if this bill were amended a plebiscite could only be triggered after a change of federal government legislation. This is a little bit like shutting the gate after the horse has bolted.

The second amendment proposes removing the minister’s capacity to action the plebiscite and requires the wording to be resolved by both houses of Parliament. I am a bit new to this place, but one thing I have noticed is that it does take some weeks for matters to be resolved in both houses. I think these amendments will institutionalise a delay. The Liberals, I believe, are planning to support these amendments. They know they will have a significant impact on the capacity of this bill to function as the government intends. It is interesting to see the Greens facilitating John Howard’s nuclear power agenda, particularly given the comments of the previous speaker.

We oppose these amendments. We are antinuclear, and we have a mandate on this matter. This was a policy that was discussed during the state election, and I believe the Victorian people have expressed their view on it.
To conclude, the only reason the federal Liberal Party, supported by its Victorian counterparts, has suddenly fired up about nuclear energy after 11 years in government is that it has had to evolve its position on climate change. Until very recently the federal Liberal Party members were a bunch of climate-change deniers, and this — even for them — has become an unsustainable position. Their elaborate plan to embrace clean energy and move the debate along has led them to the supposed Holy Grail of nuclear energy, but there is just no safe and environmentally appropriate way to use it.

We say, ‘In Victoria, not without a vote by the people first!’ We also say the legislation ought not be watered down by amendments proposed by the Greens and the institutionalisation of a delay that could lead to a scenario in which a federal government change in legislation could occur, negotiations could ensue, contracts could be signed and a provider could commence the process of constructing its nuclear facility, all while we are still arguing over a word here or there on the specific detail of what the plebiscite would say. I commend this bill unamended to the house.

Mr FINN (Western Metropolitan) — I must say when I first heard of the advent of this particular bill I greeted it with a very big sigh. It was, I thought to myself, another case of another stunt from a government that is very good at stunts. This will be an expensive stunt, but it is a stunt nonetheless. The government is very good at it. I thought to myself, ‘What sort of shonky con is this from a government that has turned shonky cons into an art form? What is it trying to pull on us now?’ This surely is more spin and more public relations from a government that specialises in spin and public relations.

That was even more apparent when the bill was introduced and I heard the second-reading speech so eloquently read by Mr Theophanous, as only he can do. I will quote two paragraphs from the second-reading speech which added to my cynicism, should I say, toward this legislation. The speech reads:

This bill provides for the holding of a plebiscite of Victorian voters if the commonwealth government takes action to support or allow construction of a nuclear facility in this state.

Such facilities are banned in Victoria under the Nuclear Activities (Prohibitions) Act 1983 which became law under a Labor state government. The bill will amend that act to ensure voters if the commonwealth government takes action to support or allow construction of a nuclear facility in this state.

I am not a constitutional lawyer, but I have to say that this legislation is nonsense. It is unnecessary. The second-reading speech is very clear: such facilities are banned in Victoria. The deal is done; the gig is up. Why do we need this legislation? We clearly do not need this legislation. This Parliament does not need the legislation; the people of Victoria do not need it. I will tell the house who does need the legislation: the Victorian Labor Party needs it, and perhaps even Kevin Rudd needs the legislation as well.

After sighing a good deal and having unkind thoughts about the government, I had another think and thought much more deeply about it. I came to the view that this really should be called the Nuclear Activities Prohibitions Amendment Plebiscite (Machiavelli) Bill because it has Machiavelli’s imprint all over it. This bill — listen to this because this will set you free — has two purposes. Sadly neither of them have anything to do with the obvious intent of the bill — nothing to do with it at all.

I invite my Greens friends over there to listen to this very carefully because this affects their hip pocket, as it were: the first reason that this bill has been put forward is to consolidate the ALP’s base. We all know that the ALP is a bit shaky in certain areas of Melbourne. We remember that before the last state election the tall bald chap that used to sing and used to be a greenie as well apparently, was brought down to save Bronwyn Pike, the member for Melbourne in the other place, from the Greens. The Labor Party must be ruing that one. They must be kicking themselves now. They should have just said, ‘Righto, Greens, have it! Please, please take it from us’. That is what the first item on the agenda is all about: consolidating the ALP’s vote.

What the Labor Party is trying to do here is to outgreen the Greens. I think Mr Barber has effectively knocked that on the head this afternoon for those of us who heard him. However, there are millions of people out there in Victoria who will be voting in an election this year and in a few years time who will not hear him and who will not have the opportunity to hear his words of wisdom.

Mr Guy interjected.

Mr FINN — You never know — exactly! Mr Guy is spot on the money yet again. What the ALP is doing here is chasing the Brunswick Street vote; that is clear. This has got nothing to do with nuclear energy; it has got nothing to do with nuclear power; it has nothing to do with nuclear power plants. This is about keeping on board those Labor voters who might be thinking about going to the Greens. That is what it is all about. That is clearly something that concerns the Premier and
NUCLEAR ACTIVITIES (PROHIBITIONS) AMENDMENT (PLEBISCITE) BILL

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concerns the government, and they have made that concern very clear over a fairly lengthy period of time.

The second purpose of this bill involves an event which will be occurring later this year — the federal election, which will take place in October or maybe November. I am not intimate with the date just yet, but I am assuming it will be around about that time. Whenever it is, we can be guaranteed it is just a matter of months away.

I refer to clause 3, which inserts proposed part III into the act. Proposed section 12 states:

(1) This Part applies if the Minister —

and I emphasise this —

is satisfied that the Commonwealth Government has taken, or is likely to take, any step supporting or allowing the construction of a prohibited nuclear facility in Victoria.

(2) Without limiting subsection (1) —

and of course you would not want to do that —

the Minister may be satisfied for the purpose of that subsection if the Minister is satisfied that the Commonwealth Government —

(a) has taken, or is likely to take, steps to make or amend a Commonwealth law or to exercise any power under a Commonwealth law to facilitate the construction of a prohibited nuclear facility in Victoria; or

(b) adopts a policy position of supporting or allowing the construction of a prohibited nuclear facility in Victoria.

This bill clearly states that a plebiscite can be held not on the basis of what the federal government may or may not do or will or will not do. A plebiscite may be held on the basis of what the minister thinks the federal government might do. If I may, President, have a loan of your crystal ball and look into the time ahead as the federal election is drawing closer. We will see the minister responsible for this legislation and any plebiscite, the Honourable Peter Batchelor who is the Minister for Energy and Resources in the other place — and I have to say it has been a while since I have accused him of being responsible for anything — reaching into his bag of tricks. He will be saying to himself, ‘How can we get some votes for Kevin Rudd? How can we get the third Labor senator across the line in Victoria? How can we here in Victoria help to get Kevin Rudd into the Lodge?’ At that point he will open his drawer and produce the plebiscite papers, which, I would suggest, have already been drawn up. Those papers are all waiting and labelled ‘Attention: The Minister’. This is part of a deliberate strategy by the Victorian government, and paid for by Victorian taxpayers, to get Kevin Rudd across the line. This is without doubt a political con trick. To accept it, we just have to see who is behind it.

This issue leads me to my next point, which is an extremely important one. If we are to have a plebiscite, we, as legislators, and the people of Victoria must have confidence that the plebiscite will be carried out with integrity in a way that we would normally expect a vote by the people to be carried out. But the minister who will oversee the plebiscite has — and how can I put this kindly? — a history.

I refer to an article in the Sun of 28 September 1985 entitled ‘Bogus poll card: search continues’. There was an article in the Sunday Observer of 6 October 1985 entitled ‘Nunagate — Police, Labor Party confrontation over by-election vote cards’. An article in the Sun of 27 September 1985 was entitled ‘Labor linked to poll fraud’. It was an exclusive article by John Silvester, who has taken a backward step and now writes for the Age. That is probably something he cannot help.

The minister who will be responsible for a plebiscite was, back in those days, the state secretary of the Australian Labor Party in Victoria. From all reports he was heavily involved in any number of things. This is very important —

The PRESIDENT — Order! Whilst at the moment Mr Finn has not said anything that I am concerned enough about to do something about, I advise him that he is on the thin edge of that lake.

Mr FINN — I am aware that you, President, and some others may have some concerns in that direction, but I think this matter is important. If we are going to have a vote on this issue at some stage this year, we have to evaluate the integrity of that vote. In order to do that, we have to evaluate the integrity of the minister who will be overseeing it. We have to have a close look at his history with regard to electoral matters in this state. I directly refer to the last time of which I am aware that he was involved in an election or an electoral matter to that extent in the state of Victoria.
I refer to an article in the *Herald* — another newspaper which has since gone to God — of 19 August 1985, where the then state secretary of the ALP is quoted. The article says:

Mr Batchelor said today the rumour that the dummy ticket was being distributed by the Labor Party had been put around by the Liberal Party on Saturday afternoon.

'It had nothing to do with us', he said.

Mr Guy — It wasn’t a rumour.

Mr Finn — No! The article then says:

Mr Batchelor said that the ALP’s inquiries — and this is even better and members will love it — had revealed the ticket may have been the work of students from Monash University.

In the space of two paragraphs — —

Mr Viney — On a point of order, President, Mr Finn’s historical speech is very interesting and jocular, but I hardly think it is relevant to the particular legislation before the house. I ask you, President, to bring him back to the bill.

The President — Order! I disagree with Mr Finn. I think the member has explained clearly and succinctly the relevance of his particular line of attack at the moment. While I have already given him a word of advice as to how far he might go, I do not think he has transgressed that point at the moment. He is developing his argument. Whilst some of us might be concerned about his contribution, other members are a little entertained by it. The fact is that his contribution is still on song.

Mr Finn — I thank you for your wisdom in that regard, President. Of course I am probably assuming something — that is, that everybody knows exactly what I am talking about. I should not do that, because there are a number of faces around the chamber that perhaps are a little younger than mine. I will just very briefly go back and give a little bit of history. There was a re-election in Nunawading following, I think, the 1985 election. In this chamber there was a draw; the parties were level egging. In Nunawading the election itself was level pegging and eventually had to go to a re-election to be decided. During the course of that re-election, in fact on re-election day, when I was giving out cards at the Nunawading Primary School, I saw the state secretary of the ALP at that time — —

An honourable member — Scary.
NUCLEAR ACTIVITIES (PROHIBITIONS) AMENDMENT (PLEBISCITE) BILL

Wednesday, 18 April 2007 COUNCIL

The ALP state secretary, Mr Peter Batchelor, is responsible for all ALP campaign activities. Yesterday he refused to comment on the issue after taking legal advice.

That is part 2 of the advice from the then state secretary of the ALP, the man who would call this plebiscite. I go to a Sun News Pictorial article of 4 October 1985, just four days later. Under the headline ‘Top ALP man in poll ploy link’, it states:

One of the most powerful ALP men in Victoria has been linked with attempts to manipulate voters in the recent Nunawading re-run election.

ALP state secretary, Mr Peter Batchelor, has been identified by witnesses as having passed out fake Nuclear Disarmament Party how-to-vote tickets to volunteers on the morning of the elections.

The next one is an article in the Age of 11 October 1985 — this is all happening in the space of a week or two. Under the headline ‘Cain backs away from Batchelor’, a story by Simon Clarke and Paul Robinson — —

The PRESIDENT — Order! I have given the member a fair amount of leeway on this, but I believe he is now straying too far from the bill. It is quite a narrow bill, and the member has concentrated on nothing but one aspect of it. I ask him to come back to the bill more generally.

Mr FINN — I am very happy to do that, President. I have almost finished that part anyway. There is a great story here from the National Times newspaper of 20 September 1985. It is amazing the number of newspapers that have bitten the dust since that time. The story outlines the role that the then Labor Party had in that — what would you call it? — fraudulent election activity. I think it is very important that the people of Victoria be aware of the history of the man who will call this plebiscite — —

The PRESIDENT — Order! If Mr Finn wants me to sit him down now, I will; if he does not, he can continue on the bill and its relevance. He has got his point across numerous times about the subject matter he has raised. I am sure the member understands what imputations are.

Mr FINN — Yes.

The PRESIDENT — Order! That is where we are at.

Mr FINN — I think at a time when the Victorian government is crying poor and the Premier and Treasurer have taken their acolytes to Canberra with a begging bowl and pleaded for money from the federal government, it is almost criminal in intent for the government to be even considering wasting the outrageous amount of money this plebiscite would cost the Victorian public for what would clearly be an election stunt during a federal election campaign to help an aspirant to the lodge.

I believe this bill is a sham. It would be a joke if it were even mildly funny, which it is not. I am sure the people of Victoria will see through it. The opposition certainly does, and it strongly rejects this bill.

Ms TIERNEY (Western Victoria) — I am pleased to be speaking on the amendments to the Nuclear Activities (Prohibitions) Act. This piece of legislation is vital to maintaining a nuclear-free Victoria. The commonwealth government is continually attempting to ride roughshod over the conventions of Australian federalism and impose its will on the states with scant regard for the people’s will and state sovereignty.

This bill will ensure that the people of Victoria will have a voice in the debate if the commonwealth attempts to override or ignore Victoria’s nuclear-free laws. These laws have been in place for good reason for nearly a quarter of a century. A plebiscite will allow the people of Victoria to determine if a nuclear-free future is what they want. It will also send a message to the commonwealth that it cannot dictate to the people on such important and dangerous issues. To ignore the plebiscite would not only be anti-democratic but also morally reprehensible. The debate on nuclear generation is now taking place, but there will be repercussions for generations to come.

I intend to speak on the bill on two levels. Initially, as three of the proposed locations for the nuclear reactors are in my electorate of Western Victoria, obviously I will talk about the repercussions and effects of imposing this dangerous technology on the communities of Werribee, Avalon and Portland. These three locations have been highlighted in the Australia Institute’s report on the most likely locations for nuclear reactors — —

Mr Finn interjected.

Ms TIERNEY — Check your boundaries, Bernie! On another level I intend to outline that the nuclear debate is one where Liberal ideology has trumped common sense. There are a lot of voodoo economics and rubbery statistics going around to try to support the
introduction of nuclear energy into Australia. However, on any analysis, on any basic economic modelling assumptions, it becomes clear that the introduction of a nuclear industry is an exercise in picking winners and pushing particular ideological barrows.

I will use a few examples to demonstrate that the economic case for nuclear power generation is slim at best but is more likely to be non-existent. Once the spin that the commonwealth is using to cloak the facts from the electorate is exposed, its arguments will collapse. Nuclear is an all-the-eggs-in-one-basket strategy that exposes future generations to far too much risk as rubbery figures are replaced with the facts of an operational nuclear industry.

Since the commonwealth’s location plan is cloaked in secrecy and it refuses to discuss this crucial element of the debate, we must work on the assumptions of the experts. It raises the questions of what exactly the commonwealth is planning for the people of Victoria. I have already seen letters from concerned residents in local papers in western Victoria asking the federal member for Wannon what his stance is on having a nuclear reactor in our region. To my knowledge he has not replied to one of them. There is total silence from the commonwealth government on this issue. Secrecy is a concern as the location of the reactor is the most basic and important piece of information required for a debate. A nuclear reactor might seem — —

Mr O’Donohue — On a point of order, President, the member is reading her speech word for word. I understand that is not permitted.

The PRESIDENT — Order! Mr O’Donohue is correct, but it is also the practice of the house that members should get their heads around it. If the commonwealth is using to cloak the facts from the electorate is exposed, its arguments will collapse. Nuclear is an all-the-eggs-in-one-basket strategy that exposes future generations to far too much risk as rubbery figures are replaced with the facts of an operational nuclear industry.

Ms TIERNEY — I will return to the point I was making. The point is that the people in western Victoria have been told that possibly three nuclear reactors will be located in their electorates, yet the current federal government is refusing to state exactly where it is going to locate those reactors. We know from the Newspoll outcome that Jaala Pulford referred to, that the majority of Victorians do not want a nuclear reactor near their place of residence or location of work. In fact 66 per cent of the population have said that to her.

This is not some sort of nimbyism; it is about common sense; it is about a common-sense reaction to a localised danger. It is about one of the most toxic substances on this earth. It is not an issue that can be treated lightly. In fact we need to make sure that we are very conscious of, alert to and educated about all of the facts, because it is not about you and me, it is about our grandchildren, about their children and future generations.

With community opposition at such high levels it is little wonder that the commonwealth has refused to buy into the location debate. I suspect if it had dared to announce the possible locations at this point in time, there would be a distinct revolt not just in Melbourne but also in regional Victoria. With a federal election looming the commonwealth will stick to its modus operandi of plausible deniability, evasion and dissembling the facts. It is just going to continue that and hope the federal election date rolls around without its having to address this issue.

State opposition members are accomplices in this plan. Only one member spoke in the lower house. The Leader of the Opposition in the other house, Mr Baillieu, was consciously and conspicuously absent. He refused to enter the debate. The member who spoke, the member for Box Hill, called the plebiscite bill ‘a political stunt and a waste of time and money’. They were the very words used by Mr Finn only some moments ago.

This is the exact line that the former Leader of the Liberal Party in the other place, Dr Naphine, used in the Warrnambool Standard of 16 March. It is not a stunt. The government went to the electorate in November last year. This was part of its election platform, and it won that election. We have a mandate to put this plebiscite to the people, which is one little fact the opposition seems to forget. This is black and white, so they should just get used to it.

Fulfilling a mandate is not a waste of time and money, it is actually called democracy, and opposition members should get their heads around it. If the Liberals think that giving the electorate a voice on an issue that will have ramifications for generations to come is a waste of time and money, it is a very sad day for parliamentary democracy. Is it just the fact that the Liberals do not trust the Victorian public? I am grappling with this. Maybe that is just the case; they do not think Victorians have got enough wherewithal to make a decision for themselves, other people or their families and friends. It is all a bit sad.
The bill puts the Liberals in the awkward position of having to respect the will of the people and at the same time deal with their masters in Canberra, who are preparing to ignore the people. The bill puts trust in the people of Victoria to decide their future. You have to ask: what are the Liberals hiding from? The democratic will of the people is not something to be hidden from; it should be embraced. I urge the opposition to start thinking along those lines and support the bill.

There is all sorts of talk about the new technologies coming on stream to deal with waste that has a half-life of several million years. That is all well and good, but the plain fact of the matter is that the disposal of nuclear waste is still primarily performed by storing it on site. It also raises the issue of just how the commonwealth and the nuclear industry can guarantee that any of their proposed technologies will remain safe for the required three-quarters of a million years. There just seems to be absolute silence from that side of politics about the possible safety or otherwise of what they are proposing.

There is also a time scale associated with it. To get an idea of that time scale we need to remember that in terms of the human habitation of Australia, it has only been about 200 000 years since humankind was well and truly in the Stone Age, agriculture was yet to be discovered and even cave art had not been invented. At that time the Western District was alight with volcanic activity — the entire Western District has been volcanically active for most of the last million years. Even indigenous stories talk about the western area of Victoria being on fire.

The current seismological information rates Portland as a medium earthquake risk. Who in their right mind could possibly think about even proposing in the most rudimentary sense that a reactor should be built around Portland? It does not make sense to make any construct of that argument, and taking into account the fact that Portland has already had several recorded earthquakes during its brief time of white settlement, it is quite an extraordinary proposition indeed. That is atop four fault lines as well — not one, two or three but four — right on Portland. It has been geographically active for the best part of a million years.

I really believe the people in western Victoria will not want to risk the economic certainty that the 6 per cent of jobs supplied by tourism along the western section of the Great Ocean Road delivers. Over 150 000 international visitors arrive every year, over 4 million daytrippers take advantage of an environment of amazing beauty about which we heard earlier today. There are outstanding parks, and it is also the home of at least 56 nationally endangered and threatened species. How can anyone possibly think about risking a major source of these sorts of natural wonders by contemplating putting a reactor near the Great Ocean Road, near Portland, near Werribee, near Avalon, or indeed Geelong?

Mr Vogels — What about Kyneton? You missed Kyneton.

Ms Tierney — That has not actually been proposed by the federal government, but if Mr Vogels wants to suggest to his party that Kyneton be included, I am sure there will be some difficulties with respect to the primary industry people who are working hard in those areas.

In terms of the waste, we are expected to say it is all right to store noxious and toxic materials in an area that has no adequate population buffers — that is in respect of the Werribee and Avalon scenario. Those interface areas are obviously growing and are home to over 270 000 people. It is an area that has also been one of the real success stories of the Bracks government in its revitalising regional Victoria. The Werribee-Avalon area is home to 36 endangered species.

This bill will give people a chance to make clear how they stand. It will give Victorians, and especially Victorians in my electorate, a chance to stand up to the commonwealth government and tell it they will not accept nuclear reactors in western Victoria because they have a real interest and a real stake in maintaining their livelihoods, not just for themselves but for future generations.

It is no wonder that the Liberals will not support the bill. This plebiscite will let the people of Victoria have a say, as the state confronts the challenge of moving into a low-carbon economy. The opposition cannot take the chance of listening to the people because its plan is for a nuclear Victoria and it will be refuted. It just does not meet the basic risk tests on any level. It does not stack up against the more balanced suite of options that the Bracks government is formulating to handle the challenge of a low-carbon future. That is why the Liberals are scared of the democratic will of the Victorian population.

Adopting a nuclear energy approach to reducing greenhouse gas emissions is short sighted. Even the Switkowski report acknowledges that over the life span of the nuclear cycle the greenhouse gas emissions are higher than all but one renewable technology — that is, photovoltaic generation, and the report acknowledges that technological advances are likely to be made which will reduce the figure in that case.
At the quickest it will be another 20 years before the nuclear industry can be established, and I think that was highlighted by Mr Barber. In that time investment money will be likely to be diverted from renewable technologies and nothing will be done about lowering greenhouse gas emissions. Investment in nuclear generation, potentially crowding out investment opportunities for renewable and near-zero emission technology will rob the state of this opportunity. That is a very important point that needs to be directed to the opposition party, because, as I said at the beginning, this is about trying to pick winners and to manipulate a situation where we end up with a restricted number of technologies that will dictate our future and the futures of generations to come.

We are wanting to encourage a diverse array of technologies in Victoria. We are not about picking winners. Imposing nuclear technology is picking winners to the detriment of competing industries.

I just want to draw attention to what is happening in western Victoria in respect of wind farms. The crowding-out-of-investment scenario is likely to affect the economy in western Victoria. Western Victoria is booming with respect to the energy sector. There are two operating wind farms in western Victoria, with six more approved but not yet operational. In summary we have 8, and a further 10 are pending for western Victoria.

The community deserves a response to a federally imposed nuclear industry that will be receiving massive amounts of government support, threatening independent operators and competing businesses in the region — —

Mr O’Donohue — On a point of order, President, I do not want to take the point lightly, but the member continues to read verbatim from her notes.

The PRESIDENT — Order! I have been watching the member, and I think she has made a reasonable effort to ensure she is not reading verbatim, word for word. However, given Mr O’Donohue’s point of order and the fact that I have already ruled that it is a reasonable one to raise, I will pay closer attention.

Ms TIERNEY — In short, the government believes that having a suite of technologies in respect of energy is a much superior solution to greenhouse gas emissions and the whole issue of climate change. It is not an all-eggs-in-one-basket scenario which the federal government is trying to urge us towards. It will not bequeath to our children and grandchildren a litany of health and safety issues now and into the future. In short, I urge members of the chamber to vote for the bill. It is a democratic bill which amplifies people’s vision and enhances human rights for people in Victoria.

I clearly state that the opposition should not be worried about Victorian people having a vote on an issue that directly affects them on a day-to-day issue or for future generations in this great state.

Debate adjourned on motion of Mr ATKINSON (Eastern Metropolitan).

Debate adjourned until next day.

ADJOURNMENT

Mr JENNINGS (Minister for Community Services) — I move:

That the house do now adjourn.

Blue Star Logistics: recruitment practices

Mr FINN (Western Metropolitan) — I direct a matter to the attention of the Minister for Industrial Relations in another place. It concerns a constituent, a young lady from the Western Metropolitan Region, whom I know because she is also my electorate officer. She has experienced very unfortunate circumstances which she outlines as follows:

The position I applied for was advertised on the Seek website late in March 2007 through a recruitment agency. The position was advertised as a service coordinator paying $53 000 per annum, plus superannuation. My initial interview was cancelled due to the recruiter’s ill health. My first interview went well, and I was invited back for a second interview. This time a member of staff from Blue Star Logistics also attended. After this interview I was contacted by the recruiter and offered the position with different employment conditions to those advertised. I was offered the position on a salary of $40 000 per annum plus super and was told the advertised pay rate would apply after six months if my work was satisfactory. I turned down the job offer as I was concerned how I would be treated as an employee, given how they had changed the employment conditions on offer when I was offered the position.

This, to my way of thinking, is a matter of very grave concern. I do not know much detail about the Blue Star Logistics company, but if it is advertising positions and is then not coming through with the conditions and pay it is advertising, it is clearly in breach of some law. I ask the Minister for Industrial Relations to investigate this particular incident, to investigate if Blue Star Logistics is doing this on a regular basis, and to see if this company is responsible for leading young people up the garden path by false advertising of positions and
conditions of employment, which I am sure is something that is very close to the hearts of members of the government in particular, as indeed it is to me.

I do not mind telling members that in years gone by I have been ripped off by employers, and I am not keen to see these people get away with it, whoever and wherever they may be. I ask the minister in another place to investigate this particular company to see if it has a history of false advertising with regard to positions and to take whatever action is necessary to ensure that it never happens again.

Gippsland Community Legal Service: funding

Mr HALL (Eastern Victoria) — Tonight I wish to raise a matter for the attention of the Attorney-General in the other place concerning the Gippsland Community Legal Service, and particularly any lack of state government funding for the service.

By way of background, the Gippsland Community Legal Service was established in 2000, and as it states in its brochure it:

... aims to provide accessible legal services to the Gippsland community, with a particular focus on disadvantaged groups and those with special needs.

I am sure members, both metropolitan and country, will be familiar with the important role that community legal services play. The Gippsland Community Legal Service has its base in Morwell, but it also provides regular visiting services to places like Leongatha, Sale, Wonthaggi, Bairnsdale, Cowes and Warragul. It is totally funded by the federal government to deliver free legal services throughout the Gippsland region and at the moment has been staffed by two solicitors, a community development worker and an administrative coordinator.

It has surprised me to learn recently that the Gippsland Community Legal Service is the only rural-based legal community legal service that has not received any funding from the Victorian government, despite it having the largest catchment area of any rural legal service. The Gippsland Community Legal Service covers a number of areas of local government, including the shires of Bass, Baw Baw, South Gippsland, East Gippsland, Latrobe and Wellington, so it has a significant catchment across the greater Gippsland region.

Another other rural based service is located in Warmambool; Mildura has two services, one general and one for the Koori community; there is a service based out of Bendigo; another out of Albury-Wodonga; another out of Ballarat and another in Geelong. Each of those other rural legal community services receives some level of state government funding, but for reasons not known to me the Gippsland Community Legal Service does not, despite the fact that it has the largest catchment. It has helped many hundreds of people over the years.

It also provides an education program. One of its recent initiatives is a Courtwise program which goes to some of the schools in the Gippsland region and provides information about what happens and the processes involved if young people are charged with an offence and have to go through a court process.

I ask the minister to ensure that the Gippsland Community Legal Service receives its fair share of state government funding. I do not think it is good enough that for no apparent reason it is the only rural-based service not to receive any funding from the state.

Aged care: Northcote facility

Mr BARBER (Northern Metropolitan) — My adjournment matter is for the attention of the Minister for Housing in the other place, Richard Wynne. I have recently had occasion to meet with tenants of Roberts Street Aged Care Accommodation, an Office of Housing site in Northcote, to discuss their needs in the proposed redevelopment of their facility. Their facility is in incredibly bad repair and is due for redevelopment. They have also previously had representations on behalf of Ms Lovell and Mr Drum, of which they have been most appreciative.

I am calling on the minister to maintain duty of care for these residents because of the concerns those residents have raised. I want to say sincerely that we know with aged and fragile residents, who often do not have a network of support and who may have a range of other issues that they are dealing with, such a move and a redevelopment can be very threatening to their health.

In fact Ms Hartland, who has recently worked as an aged-care worker in another Office of Housing estate, would confirm that the associated stress and uncertainty that goes with moving people in some cases could literally kill them. We have an enormously important duty of care to these individuals.

In fact Ms Hartland, who has recently worked as an aged-care worker in another Office of Housing estate, would confirm that the associated stress and uncertainty that goes with moving people in some cases could literally kill them. We have an enormously important duty of care to these individuals.

I understand the minister has recently received a submission from Jeff Fielder, a tenancy advice worker at the Housing for the Aged Action Group. I understand the residents got together, had an election and decided to form a committee amongst themselves. They have asked that the Housing for the Aged Action Group be
their representative. They said to me that it is the same as if they were employing a lawyer on their behalf. I also understand that many requests for meetings between the group and the minister have been made. I have written to the minister urging him to have that meeting as soon as possible. I am also asking the minister to recognise that the residents have got together as a group on how they want to be engaged in this process with the Office of Housing.

The minister should respect that and, I would argue, fund the Housing for the Aged Action Group to be their advocate, since that is the one the residents have chosen rather than relying on an employee of the Office of Housing to be the project worker for the site. I have seen redevelopments of other similar sites and know that the work of both the Office of Housing and any architects and consultants they bring in is not always what I would call up to standard.

The Pines multipurpose community facility, Doncaster: funding

Mr TEE (Eastern Metropolitan) — I ask the Minister for Victorian Communities in the other place, Minister Batchelor, to support funding for the Pines multipurpose community facility being built by Manningham council in Doncaster East. A funding shortfall has thrown the completion of this important local project into doubt. Beneficiaries of the project will include senior members of the community who attend the University of the Third Age, a university that includes senior members of the community who attend local project into doubt. Beneficiaries of the project will shortfall has thrown the completion of this important work of both the Office of Housing and any architects and consultants they bring in is not always what I would call up to standard.

The majority of the funding for the $6 million project is coming from the Manningham City Council. I am pleased that the previous Minister for Victorian Communities, Minister Thwaites, announced that $600 000 would be put towards the project. Unfortunately the commonwealth has once again failed the local community — it has refused to contribute 1 cent to this community project. It has once again turned its back on the aged and the vulnerable in the eastern suburbs.

My request is that the Minister for Victorian Communities join with the Manningham City Council, which has already asked the commonwealth to reconsider its mean-spirited approach. It is critical that this project not fall over because of the commonwealth’s cold-hearted and tight-fisted approach. I note that the City of Manningham’s request for help from federal minister, Kevin Andrews, has fallen on deaf ears. Mr Andrews has done nothing to help this project. He continues to ignore the plight of those in the electorate who are most in need. This is part of a continuing pattern of neglect by the commonwealth.

Drinking water quality: report 2005–06

Mrs KRONBERG (Eastern Metropolitan) — My adjournment question is to the Minister for Health in the other place, Ms Bronwyn Pike. The regulatory framework governing Victoria’s drinking water quality consists of the Safe Drinking Water Act of 2003 and the Safe Drinking Water Regulations of 2005. The act recognises two types of water businesses — water storage managers and water suppliers. Water storage businesses supply water to suppliers, who in turn distribute drinking water and regulated water to the public. The Department of Human Services is responsible for the promotion of industry and public awareness and understanding of drinking water quality issues and is required to provide the Minister for Health with reports on drinking water quality in Victoria.

The annual report on drinking water quality in Victoria 2005–06 cites 193 water quality incidents and events reported to the department by suppliers during that period. However, only one of these incidents resulted in a notification of an illness. The source of the one notification of illness was Tallangatta, which is on the shores of what was once the Hume Weir. The illness was due to a plant malfunction that allowed an excess amount of aluminium to enter the water supply. Illnesses were characterised by so-called short-lived feelings of nausea. Other reported incidents have been recorded as being minor in nature and mainly due to the presence of E.coli bacteria and failures of disinfection equipment.

It has been reported that during the period 2005–06 the vast majority of Victorians had access to safe drinking water. However, there have been increases in the following parameters for water quality during 2005–06. They include: E.coli, turbidity, aluminium, trihalomethanes and dichloroacetic acid. Given the parlous state of water supplies across this state, I ask the minister to give the Parliament an immediate update on the quality of drinking water in this state and reported illnesses resulting from non-compliance events by water suppliers.
Planning: compensation liability

Mr DRUM (Northern Victoria) — My adjournment question this evening is to the Minister for Planning, the Honourable Justin Madden. I have recently received approaches from municipalities in regional Victoria which are concerned about a potential injustice contained in section 94(2) of the Planning and Environment Act. The section deals with who is legally liable for compensation when incorrect advice is given to councils by referral agencies such as the Department of Sustainability and Environment and that incorrect advice then leads to significant losses.

In one example brought to my attention two referral authorities applied to the Victorian Civil and Administrative Tribunal to have a planning permit cancelled after it was found that the two referral agencies themselves had given incorrect advice in the first place. These two agencies had failed to notify the Moorabool shire that a site in question was liable to erosion. Moorabool shire was then informed that it and not the referral agencies was liable for any resulting compensation. It seems as though the act makes the responsible authority liable in this case and not the referral agency. That seems to be clearly unjust and is gaining a lot of attention in local government circles. I call on the minister to investigate whether what I have laid out is the case, and, if it is the case, to get back to me with a potential course of action to see if we can rectify what seems to be an unfair situation.

Port Phillip Bay: channel deepening

Ms PENNICUIK (Southern Metropolitan) — My matter is for the Minister for Roads and Ports in the other place, Mr Pallas. In the supplementary environment effects statement (EES) for the channel deepening project the cost of the project is estimated at $763 million. I have said publicly that on past records with major projects you could conservatively add 20 per cent to that, which would put the cost at $915 million, or $1 billion as a round figure.

The supplementary EES claims that the channel deepening project will generate $1.9 billion of economic benefits, or only $60 million per annum over 30 years. Despite claims from the Port of Melbourne Authority it is difficult to discern from the supplementary EES just what the real costs of the project are or where the so-called benefits are coming from to add up to $1.9 billion. Examples are that there are no fuel savings on ships sailing and no stevedoring reductions.

Worse still, despite countless calls from the community and the recommendation from the independent panel that looked at the original EES, this supplementary EES has not provided an analysis of the economic value of activities around Port Phillip Bay, such as tourism, recreation and fishing. I say the risks to those activities from this proposal, on my reading of the supplementary EES so far, have been understated. I note though that the cost-benefit analysis claims costs to the dive industry of $4.1 million and to commercial fishing of $1.5 million, assuming that the impacts on these industries are correct — and I am not convinced of that.

The whole approach to this proposal has been flawed from the start. The government committed itself to it before the EES was done. It has dismissed and refused to look at alternatives such as inland ports and rail connections. It has refused to provide an assessment of the value of the activities around Port Phillip Bay on which many thousands of people depend — and they depend on the health of the bay remaining as it is or better — so that the people of Victoria can assess the economic value against the claims for channel deepening. My request of the minister is that he conduct an assessment of the commercial activities associated with Port Phillip Bay.

Lort Smith Animal Hospital: funding

Mr VOGELS (Western Victoria) — I raise an issue for the Minister for Agriculture in the Assembly, the Honourable Joe Helper. It concerns the Lort Smith Animal Hospital. On Thursday, 12 April, I attended the annual meeting of the Animal Welfare League of Victoria and heard first hand what fantastic work is done by the Lort Smith Animal Hospital. The hospital’s mission is to provide quality care for lost, abandoned, mistreated, sick and injured animals; to provide care for animals of people with limited means; to promote responsible pet ownership; and to foster an awareness of animals and the benefits they bring.

What surprised me when I looked at the funding received by the hospital was that it does not receive any funding from the state government. Page 14 of its annual report is headed ‘Donors’ and states:

As we receive no government funding our work is dependent upon all those who support us with gifts and donations.

The action I seek from the minister is for the Department of Primary Industries to become a major sponsor of the Lort Smith Animal Hospital. For the last two years the hospital has run at a loss of about $100 000 each year, and I think it would be fantastic if the state government could get involved with the hospital and become a major sponsor of this wonderful...
organisation. It would show the board, which is headed by Dr Judith Slocombe, that we value the wonderful work the hospital does.

**Tourism: Great Ocean Road**

Ms PULFORD (Western Victoria) — I direct my adjournment matter to the Minister for Tourism in the other place, Mr Holding. It came to my attention late last month through an article published in the Geelong Advertiser that opposition tourism spokesperson, Ms Lovell, has been denigrating the Great Ocean Road’s ability to attract tourists. Ms Lovell has been referring to 2004–06 data as proof that tourism numbers in regional Victoria fell because of the state government. The Great Ocean Road is one of Australia’s greatest tourism attractions and this year celebrates its 75th anniversary. I am very proud that it sits along the coastline of my electorate of Western Victoria, and I am also proud that it plays a major part in attracting visitors to the state of Victoria.

I had the pleasure of being there only last week. It is a gorgeous part of the world, and everyone should see it — as people are doing increasingly. Contrary to what Ms Lovell has said publicly, visitor numbers along the Great Ocean Road are not falling — in fact, they have risen.

The executive director of Geelong-Otway Tourism, Roger Grant, is reported in this article from the Geelong Advertiser as saying:

The reason why she has gone back to 2004 is because it was a bumper year for tourism. But a lot has happened since then. There has been a whole decline in international travel since 2004 because of terrorism and war. We have coped that decline and are starting to build up.

The article further states:

Mr Grant said the number of international visitors having overnight stays on the Great Ocean Road lifted 15 per cent last year compared to 2005; domestic visitor night stays climbed 6.5 per cent.

Minister Holding recently launched a marketing program to attract people from Melbourne and regional Victoria to the Bellarine Peninsula and along the Great Ocean Road, called Come Back Down to Earth, which no doubt will attract even more visitors to the area, so why is Ms Lovell manipulating the figures to suit her political needs?

It seems to me that members of the opposition feel the need to talk down the state they claim to be so passionate about. Despite encouraging figures showing the Great Ocean Road is a popular place for people to visit, you can count on the opposition to attempt to mislead the public into thinking that tourism is struggling under the Bracks Labor government when in fact it is recovering from a difficult phase.

The action I seek from the Minister for Tourism is that he write to Ms Lovell and explain to her how tourism numbers have risen since 2005 and how important the Great Ocean Road and western Victoria are in attracting visitor numbers to the state. Maybe then the opposition tourism spokesperson will understand that somebody in her role should be talking up the accomplishments of the state and tourism, not talking them down and insulting a hardworking and successful group like Geelong-Otway Tourism.

Ms Lovell — On a point of order, President, Ms Pulford started her contribution by saying I was denigrating tourism on the Great Ocean Road. I am personally offended by that. I did not denigrate tourism on the Great Ocean Road.

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

**Health: HIV/AIDS education**

Mr ATKINSON (Eastern Metropolitan) — I address my matter to the Minister for Health in the other place, but I would hope that the Premier might also have some oversight on this matter, given the recent circumstances surrounding the performance of the Minister for Health.

The issue that I wish to raise is the need for the Victorian government to begin advertising and education processes about HIV transmission in this state. I noticed an article in the Australian this morning which is apposite to other information that I hope to touch on in this adjournment debate — that is, that the government has failed to spend a $2.7 million budget allocated in large measure to educational advertising in respect of the transmission of AIDS.

I note that the Victorian AIDS Council had prepared a series of advertisements that were backed by the federal government and which have been used in all other states, but were rejected by the health minister in Victoria as inappropriate for some reason. I am particularly concerned about this because I note that there has been a lot of recent publicity about individuals in Victoria and in South Australia who have been deliberately involved in trying to infect other people with AIDS.

After the news broke in Victoria I was approached by somebody who expressed concerns about certain gay venues in Melbourne and very high-risk behaviour in
those venues. Not being someone who is prone to sensationalism and thinking that I was being told an exaggerated version of what was going on, I actually went to the venue. I was horrified. There were many men — at least 50 or 60 men; I could not count them because the place was dark — who were involved with multiple partners on multiple occasions, as I understand because I did not stay very long, in anonymous sexual encounters involving very high-risk behaviour.

What concerns me is that many of those men will go home to wives or other partners, male or female, and there is a very real public health risk associated with these behaviours. Whilst the venue operators provide condoms and try to encourage the men not to behave in a way in which they would be open to infection, the reality is that their behaviour would have put them in that position. I think an advertising campaign is absolutely crucial in this state, and I urge the minister to instigate that.

**Port of Echuca: silt deposits**

Ms LOVELL (Northern Victoria) — I wish to raise a matter for the Minister for Tourism in the other place regarding silt deposits in the Murray River at the historic port of Echuca. The port of Echuca is a major icon of Victorian tourism and attracts around 75 000 visitors per annum. The historic wharf not only has heritage value but also is home to the largest paddle-steamer fleet in the world. The wharf is vital to the continuing success of tourism in northern Victoria.

Unfortunately the Murray River has a large silt deposit at the wharf, which is making it impossible for the paddle-steamers to access the wet dock. The silt has also extended to reach within 20 metres of the front of the iconic wharf. If it is left unattended, it is envisaged that the wharf structure could be surrounded by land within five years. The silt is currently creating problems for the paddle-steamers and needs to be removed. The cost of removing the silt is approximately $60 000. It is a process that must be done every four years; it was done about four years ago.

A study has also been undertaken on the silt problem, and it has been suggested that bank alignment modifications may need to be undertaken to solve that problem in the long term. A further physical model study is needed to determine the extent of the bank realignment necessary, and this would cost between $20 000 and $40 000.

I recognise that the Murray River is technically in New South Wales and is the responsibility of the New South Wales government, but the river itself is vital to tourism in the Echuca region and Victoria is the major beneficiary of the tourism benefits that the port of Echuca and the paddle-steamers based there bring, so this is an issue that gives the Bracks government an opportunity to show that it does care about regional tourism. We have just heard from Ms Pulford about regional tourism numbers and how the Bracks government has failed in 2005 and 2006 to achieve the numbers that were achieved in 2004, so we need more investment in regional Victoria.

My request is that the minister explore all possibilities to find a solution to this problem including, firstly, providing leadership by liaising with the New South Wales government to ensure that the dredging and longer-term solution can take place; and secondly, by providing funding for the immediate short-term solution of dredging as well as funding the physical model study for the longer-term solution of bank realignment modification.

**Planning: compensation liability**

Mrs PETROVICH (Northern Victoria) — I rise to speak today on an issue for the Minister for Planning, the Honourable Justin Madden. The issue relates to one raised previously by my colleague Damian Drum. It has been raised with me by the director of sustainable development, Mrs Veronica Schilling, of the Macedon Ranges Shire Council. It is also part of a program of support for the Moorabool Shire Council by local governments across the state.

This matter has arisen out of the case faced by the Moorabool Shire Council, which, like all responsible authorities, is required to seek input from referral authorities when seeking to issue a planning permit. In this case the Moorabool council was given incorrect information by the referral authority, and the council permit was issued erroneously. This council was then forced to cancel the permit when it became aware of the issue relating to erosion.

Council then sought a legal opinion which made it clear that any resulting compensation would fall on the responsible authority under the Planning and Environment Act 1987. Under section 94(2) of the act a council is currently liable to pay compensation to any person who has incurred expenditure as a result of cancellation of a permit and the associated cost. This is the case regardless of whether the fault lies with a referral authority.

The action I seek from the minister is that he, as the minister who is ultimately responsible for planning in the state of Victoria, protect local councils from the
potential cost implications of this faulty legislation. When councils rely on the statutory advice of other parties, I ask that the minister ensure that the referral authorities bear the compensation cost if the advice is incomplete or incorrect. I hope that the minister will undertake the appropriate review of this legislation.

Responses

Mr Jennings (Minister for Community Services) — I thank members for raising a suite of issues that reflect the rich tapestry of the state of Victoria, and I will make sure the issues they have raised will be passed on for the consideration and response of the relevant ministers.

Mr Finn showed great courage in identifying the worries of his electorate officer, who is obviously very keen to leave his employ and seek employment elsewhere. He drew the house’s attention to the situation where he clearly does not have confidence in the federal workplace arrangements because he does not seek a remedy from the relevant commonwealth minister who has jurisdiction.

Mr Finn — False advertising!

Mr Jennings — False advertising is actually the responsibility of the Minister for Consumer Affairs, not the responsibility of industrial relations ministers, as Mr Finn is probably well aware. He obviously does not have confidence in the federal jurisdiction of the workplace arrangements and, in fact, is worried about potential — —

The President — Order! I remind the minister that we are not here to debate this.

Mr Jennings — I know. I am trying to draw the house’s attention to the relevant matter and give an indication of how the minister is likely to respond, given the jurisdictional issues in this issue.

The President — Order! I am of the opinion that the minister is debating the issue. He is not to continue to debate it.

Mr Jennings — I envisage that the response Mr Finn may get will be in accordance with my reading of the situation in relation to jurisdictional responsibilities.

Mr Hall has raised a matter for the attention of the Attorney-General in the other place, seeking financial support for the Gippsland Community Legal Service which, as he drew to the minister’s attention, is a legal centre that has not been the recipient of state funding up until the present time.

Mr Barber raised a matter for the attention of the Minister for Housing in another place seeking his assistance to provide that the appropriate responsive care and attention to be given to the relocation of residents during the redevelopment of the Roberts Street facility in Northcote, particularly asking the minister to be respectful of the aspirations of those residents in terms of their participation in this process and who may represent them in relation to that issue.

Mr Tee raised a matter for the attention of the Minister for Victorian Communities in another place seeking his intervention and assistance, along with that of the Manningham shire, in relation to important community development within that municipality. He is asking that a fair load be shared by the various jurisdictions, whether it be local government, the state of Victoria or the commonwealth. He sought further assistance and intervention to ensure the appropriate contribution is made by the commonwealth government in relation to that project.

Mrs Kronberg raised a matter for the attention of the Minister for Health in another place seeking that she provide advice to the Parliament and the Victorian people in relation to an update on the quality of water that it is currently being distributed through the state of Victoria in accordance with the safe drinking water regulatory regime. I hope that the minister can respond to this issue.

Damian Drum and Donna Petrovich raised the same matter for the attention of the Minister for Planning. On face value it was quite a reasonable proposition in relation to the exposure that local councils may have in undertaking statutory obligations when in fact they are effectively subcontracting on to referral agencies and then being accountable for the advice of those referral agencies. It seems a reasonable issue to me, but I will pass that on to the Minister for Planning.

Ms Pennicuik spent quite some time trying to give her version of the cost-benefit analysis that should have been subject to be the supplementary environment effects statement that relates to the channel deepening program and asked the Minister for Roads and Ports in another place to perhaps revise his understanding of the cost-benefit analysis in accordance with that of her own.

Mr Vogels raised a matter for the attention of the Minister for Agriculture in another place. It may be the first of a number of requests coming from Mr Vogels in
relation to this matter because he is seeking sponsorship for the Lort Smith Animal Hospital and hopes the Department of Primary Industries might be the first cab off the rank. If not, we may actually hear from Mr Vogels again on the matter.

Jaala Pulford raised a matter for the Minister for Tourism in another place. In my time in this place it is the first time I have ever heard such a request. She sought that the Minister for Tourism write a letter to a member of this chamber to make sure she is well armed with information on tourism matters, particularly as they relate to the burgeoning tourism industry in Victoria and one of its highlights — the Great Ocean Road.

I will be extremely straight with Mr Atkinson’s contribution, given the fact that the last time I was replying to matters raised in the adjournment debate he raised a matter which ended up in the newspaper. He actually displayed some degree of courage in outlining the degree to which he has been prepared to research a certain matter. He asked the Minister for Health to be appropriately supportive of educative endeavours in relation to the transmission of HIV and to make sure she is vigilant in ensuring that that information is well understood and distributed throughout the Victorian community.

Ms Lovell raised a matter for the attention of the Minister for Tourism, seeking his support in having silt deposits dredged and removed from the Murray River around the Echuca wharf. She drew the attention of the house to the importance of that development to the local tourism industry and sought the involvement of the government of Victoria to liaise with the New South Wales government to undertake that dredging or, alternatively, to ascertain the cost of that dredging activity.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 6.32 p.m.
The period for lodgement of objection was 22 December. The council obviously reacted to complaints about that deadline, and it was extended to 22 January. From my point of view any applications of this magnitude and this importance to a local community ought not be camouflaged by a Christmas-New Year period, when local newspaper coverage is diminished and when there is little opportunity for people to lodge objections.

The PRESIDENT — Order! The member’s time has expired.

Rail: regional links

Mr DRUM (Northern Victoria) — I am sure members would have been fascinated by an event which took place two weeks ago in the Champagne region of France, where a TGV train travelling on a new but fairly conventional track reached a speed of 574.8 kilometres per hour. The record-breaking run went without a hitch. The rail operators were so confident it would run smoothly that they took their political leaders and journalists along for the ride. In June this train will go into the normal rail service between Paris and Strasbourg. The French seem to be able to build trains which travel between cities faster than jetliners.

It can also get very hot in some regions of France. In Victoria we seem to have this half-fast service where some of the trains are actually slower than on the old slow rail service and have to be slowed even further on days when most of us would consider the weather to be reasonably mild. When the temperature gets into the mid-30s in northern Victoria, the train speeds have to be cut yet further, even on the outrageously expensive new rails.

In a project that the Bracks Labor government seemed to hold up as one of its shining lights it took a duplicated track in northern Victoria and ripped up one of the lines. This causes countless delays. Every day trains have to wait for trains ahead of them on the line to clear before they can proceed. The punctuality criteria have been extended to enable trains that are running 6 minutes late to actually arrive on time by the criteria. This has enabled the government to achieve 80 per cent of its targets in the first 12 months.

The PRESIDENT — Order! I would like Mr Drum to clarify for me the actual comment he made about ‘half’ — —

Mr DRUM — Half-fast?

The PRESIDENT — Half what?
Mr DRUM — Half the services are faster, President, and half are slower, so it is a half-fast rail service!

Members: conduct

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I hope you, President, will take my contribution to this debate in the same light-hearted manner as you just displayed.

Following my being removed from the chamber by you, as I had referred to a member of the house as an ‘idiot’, I decided that I should research the meaning of the word and its use in public dialogue to better inform myself as to my transgression.

Mr D. Davis — You used the word but did not know what it meant!

Hon. T. C. THEOPHANOUS — I note, for example, that if a member of the house were convicted for drink driving, he would have parliamentary privilege in the house in that he could not be referred to as a bloody idiot. I also decided that I should have a look at the meaning of the word, so I looked it up in Wikipedia, the online encyclopaedia. It says:

‘Idiot’ was originally created to refer to people who were overly concerned with their own self-interest and ignored the needs of the community.

It also says that in Athenian democracy:

‘Idiots’ were seen as having bad judgement in public and political matters.

I am not sure, President, but I think that I might have been using the term at that time in the original Greek context:

Idiot is a word derived from the Greek ἰδιώτης, idiōtēs.

I hope I can use idiōtēs, at least in the future.

The PRESIDENT — Order! In the light-hearted spirit we seem to have entered into this morning, I will say this: if this were the Greek Parliament, the minister probably could. The fact is that it is not, and he will not.

Road safety: emergency and shoulder lanes

Mrs PEULICH (South Eastern Metropolitan) — A serious matter that has been raised with me by members of the community is their concern about the number of major roads built by VicRoads that do not have road shoulders or emergency shoulder lanes. Clyde Road is an example. The pseudo Cranbourne bypass does not have shoulders on the latest section opened in 2006 and outside St Catherine’s School, for example. Up to 40 000 vehicles will use Clyde Road when it is completed between the Princes Highway and the South Gippsland Highway, including thousands of semitrailers. There is nowhere for a broken-down vehicle to go except to block a lane of traffic.

Thompsons Road in Cranbourne West is a single-lane highway which over 20 000 vehicles, including semitrailers, use each day. Last year Thompsons Road had around $3 million spent on it to seal the shoulders. The shoulders are less than the width of a family car, meaning that a car parked on the shoulder will block off part of the lane. A fatality took place on the road earlier this year when a car at Thompsons Road was waiting to turn right and a large truck travelling behind it was not able to stop in time.

The issue also affects cyclists, and we have seen a number of accidents and fatalities involving them. Emergency shoulder lanes would prevent this from occurring, because they could be used as bicycle lanes. I ask the state government and VicRoads to review the exclusion of shoulder lanes and road shoulders in the construction of major roads.

Asylum seekers and refugees: federal policy

Ms MIKAKOS (Northern Metropolitan) — Recently I spoke in this house about John Howard’s track record of lying to the Australian people. I also mentioned a book I have in my possession entitled John Howard’s Little Book of Truth by Andrew Pegler. I think that the Prime Minister’s announcement over the last few days that Australia and the US will swap refugees demonstrates the need for an entirely new chapter to this book. This announcement was made on the basis that sending individuals to the US — individuals, I hasten to add, who have been accepted by this country as refugees — will somehow deter asylum seekers from coming to this country. Perhaps the federal government is unaware of the millions of illegal immigrants currently in the US and the great risks that people take to obtain a US green card.

The federal government’s announcement will probably constitute part of the market strategy of people smugglers to attract further customers in future. I also condemn what is a blatant disregard of our international obligations to offer safe haven to people escaping persecution overseas.

This particular policy has taken the Howard government’s refugee policy to an all-time low. I condemn this new policy, and I am sure the Australian community will see it for what it is: a blatant
vote-buying exercise to try to drum up a refugee scare campaign before this coming federal election.

**Tallygaroopna Football and Netball Club: change rooms**

**Ms LOVELL** (Northern Victoria) — Last Saturday, together with my colleagues Jeanette Powell, the member for Shepparton in another place, and Kaye Darveniza, I attended the opening of the new change room facilities at the Tallygaroopna Football and Netball Club. The new change room facilities have been named after a past president and legend of the club, Neville Hosie. I have to say that I was extremely disappointed on the day when during her speech Kaye Darveniza referred to Neville as Noel Hosie.

I was again disappointed yesterday when during her 90-second statement Ms Darveniza stated that she had attended this function at the Tallangatta Football Club. I note that Ms Darveniza’s mistake has been corrected in *Daily Hansard*, however, this was not a slip of the tongue because Kaye Darveniza referred to Tallangatta not once but twice during her contribution. Ms Darveniza’s error is an insult to the club and shows a distinct lack of knowledge of and interest in the electorate she represents.

On the other hand, I was delighted to be present at the opening of the new facilities for the Tallygaroopna Football and Netball Club, where I was able to catch up with a number of good friends. The new change room facilities have been long awaited. I wish the football and netball players at the Tallygaroopna Football and Netball Club success for the current 2007 season and for future seasons.

**Wyndham: Australian citizenship ceremony**

**Ms TIERNEY** (Western Victoria) — On the evening of Tuesday, 3 April this year, I, along with the future deputy leader of this country, Julia Gillard, attended the Wyndham City Council Australian citizenship ceremony. It was the largest ceremony of this type that I have experienced and definitely the largest the Wyndham City Council has conducted. Over 265 people from more than 40 different countries made a conscious decision to become Australian citizens. The atmosphere was joyful, only enhanced by the wide grins and laughter from children who were about to have photos taken with their parents and other relations.

Many spoke to us about the new immigration laws and the new citizenship tests, which expect immigrants to answer a 45-minute to 60-minute test on a computer. What of the many proud immigrants I have seen at these ceremonies who have never been to school, who are illiterate in their own language and who have never held a pen? Special arrangements are supposedly going to be made for them, but what will they be? None of us knows.

This policy, combined with the fact that the federal government provides only 510 hours of English language courses for immigrants, will deny dedicated Australian immigrants the basic right to be Australians, it will make these ceremonies a much poorer event and it will provide a two-tier Australia. On the night I — —

**The PRESIDENT** — Order! The member’s time has expired.

**Glengala Primary School: Samoan project**

**Mr FINN** (Western Metropolitan) — Might I say at the beginning I am delighted to see that the Minister for Education is still in the chamber because I wish to refer to a meeting that I had on Monday of this week with the principal of Glengala Primary School in Sunshine West, Frank Dri.

Mr Dri informed me of the great work Glengala Primary School is doing in the local Sunshine West community, and he also informed me further of a program that the Glengala Primary School has become involved in to assist schools in Samoa, which obviously are a little bit below the standard we might expect here in Australia.

This program involves getting computers into the schools in Samoa, which are quite often in tiny villages. The program is literally opening the world to children who might otherwise miss out on what we pretty much take for granted here in Australia. The support of the Sunshine Lions Club is very much a part of this program, and I certainly look forward to being guest speaker at the club in the not-too-distant future.

I really believe this is a program that is worthy of the support of the community and of the government, because it is a school community in an area that you would have to say is not flush with funds but which is going out of its way to help people who really need our assistance. It really is a noble cause.

**The PRESIDENT** — Order! The member’s time has expired.

**Hampton Park: community renewal**

**Mr SOMYUREK** (South Eastern Metropolitan) — I rise today to congratulate the Bracks government on selecting Hampton Park as a suitable location for the
operation of its community renewal program. This local and state government program is designed to help communities work together, and the government committed to that in *A Fairer Victoria*. The program aims to address place-based disadvantage in targeted urban communities. It does this by bringing together residents, businesses and community organisations, and it transforms a suburb into a place of opportunity and activity. In short it really empowers the locals and the authorities to come up with solutions to local issues and decide the future direction of their community.

In the case of Hampton Park, the way the community renewal model will work is that the Casey City Council will be allocated more than $600 000 over three years. It will be asked to use these funds to bring together local residents, the different levels of government and community organisations so they can cooperatively develop an action plan for their community. The council can then apply for further funds for tangible projects that the community has identified through that earlier process as being things it would like to see happen.

Community renewal aims to do a number of things, including encouraging ongoing community involvement in local decision-making; providing new jobs and learning opportunities; increasing neighbourhood volunteering and support; providing better community facilities and open spaces; and encouraging greater involvement in cultural, recreational and sporting events.

Mr ELASMAR (Northern Metropolitan) — I rise to speak about the City of Darebin and the City of Banyule festivals that I attended in an official capacity on Saturday, 24 March, and Sunday, 25 March. Darebin City Council had organised a special kite-flying spectacle at Edwardes Lake, and it was great to see people of all ages and nationalities having fun. The former mayor of the City of Darebin, Dr Stanley Chiang, officiated and explained the history of kite flying in his country of origin, China. The kites on display were really amazing in size and design and were extremely colourful. It takes great skill to fly one properly. Food stalls and art and craft stalls abounded at both festivals.

As I walked, talked and shook hands with local government officials, mayors and councillors, and sometimes just met people for the first time, the one thing that struck me at both festivals was how pleasant it was to see people of all nations mixing together and simply enjoying the day. It made me proud to be the people’s parliamentary representative. As we all know, there are many meetings we must attend in our role as members of this Parliament, but I have to say that local festivals are, for me, a real pleasure, especially ones that not only families but all people can enjoy together in a community spirit.

**Economy: federal reform policies**

Mr THORNLEY (Southern Metropolitan) — I rise this morning to speak about the importance of economic reform. In the last few months we have seen some strange things happening in Canberra. We had been told that WorkChoices had driven wages up, and then less than a week later we were told that if you got rid of WorkChoices wages might be driven up — apparently it is no longer a good idea. We had been told that the Future Fund was absolutely sacrosanct, and then less than a week later we had an intergenerational report that explained the need for such a thing has actually diminished by 30 or 40 per cent. We have had the Secretary to the Treasury, the leading economic commentator and policy-maker in the country, quoted as saying that he himself has not even been consulted on one of the single most important economic decisions — that is, on water.

Last week in the Council of Australian Governments meeting we had a fourth example of this sort of bizarre view of economics. The Productivity Commission report, having assessed the benefits of the national reform agenda that has been led by this government, saw that the competition of regulatory reforms, the structural reforms, could add about 2 per cent to gross domestic product (GDP). This is a very good thing, and I am very proud of the progress we made, but the Productivity Commission also made the point that the human capital reforms — the investments in young children, in preventing diabetes, in literacy and numeracy — could add 9 per cent to GDP.

If you listened to what the Prime Minister said at the press conference, you would have heard him say that the really important thing about reform, about economic reform, is it is only the structural economic reform that delivers the greatest dividends. We have a Prime Minister who is not just a climate change sceptic, he is a human capital sceptic. The first one has come back to bite him on the backside and the second one will over time.
Lockington Bush Nursing Centre: redevelopment

Ms BROAD (Northern Victoria) — Recently it was my very great pleasure to represent the Minister for Health in another place, Bronwyn Pike, in officially opening the $400 000 redevelopment of the Lockington Bush Nursing Centre. The Bracks government is committed to working with rural health services to deliver high-quality, accessible health services to families in rural Victoria because they deserve nothing less. The Lockington Bush Nursing Centre provides services to around 3000 people spread over more than 1000 square kilometres. That is the reason the government committed $7 million in 2002 for capital improvements for bush nursing agencies, including five agencies in the Loddon-Mallee region, including Lockington.

I wish to acknowledge and congratulate members of the local community who have worked hard in the face of considerable adversity to deliver a magnificent redevelopment in partnership with the Bracks government. It was a privilege to celebrate the whole community’s achievement with them. I especially wish to acknowledge all the members of the board of management, the administration officer, Ms Kerrie Main, and the many community organisations who made contributions to the redevelopment. Sadly the president of the board, Mr Bill Jones, passed away shortly before the opening. However, members of his family represented him at the opening and, fittingly, a multipurpose room at the centre has been named after him.

I look forward to the redeveloped Lockington Bush Nursing Centre providing high-quality health services for rural families for many years to come.

EastLink: progress

Mr LEANE (Eastern Metropolitan) — I would like to speak today about Leane and Tee’s excellent adventure last week. Thanks to Southern and Eastern Integrated Transport Authority’s manager, Ken Mathers, we travelled from Police Road, Mulgrave, to Maroondah Highway, Ringwood, on the EastLink project. It was a fantastic journey. We travelled all that way and there were no traffic lights. There were three lanes and an emergency lane. Most of it is tarmac.

Mrs KRONBERG (Eastern Metropolitan) — I would like to speak on the Annual Report on Drinking Water Quality in Victoria for the period 1 July 2005 to 30 June 2006. The regulatory framework for Victoria’s drinking water quality recognises the importance of safe drinking water to the ongoing social and economic wellbeing of Victorians. Two pieces of legislation detailing this framework are the Safe Drinking Water Act 2003, which commenced on 1 July 2004, and the Safe Drinking Water Regulations 2005, which commenced on 19 July 2005. The report provides a summary of the performance of water businesses against the state’s quality standards and also reveals the nature and incidence of water quality events. We are assured that a risk-based approach to the maintenance of drinking water quality instils a proactive rather than a reactive management approach in which the risks to drinking water quality are identified and managed.

We are further assured that although strong working relationships with water businesses have been consolidated and extended, there are areas where further improvements need to be made. It would not come as a surprise to members to learn that regional Victoria suffers most when it comes to non-compliance with water quality standards. In the reporting period signs of improvement were recorded as more water localities became compliant with the standards when compared with the period 2004–05. However, 35 reports of non-compliance led to water businesses needing to record an undertaking as to what course of action they were prepared to take to rectify water quality issues. The report reduces the overall impact of water quality failures by averaging the water quality standard improvement rates with the reported 100 per cent compliance in the Melbourne metropolitan area. Therefore across the state the E.coli water quality standard improved from 95 to 95.5 per cent and the turbidity standard improved from 97 to 98 per cent.

Mr O’Donohue interjected.

Mr LEANE — I am interested to hear Mr O’Donohue interject about tolls. I understood during the election campaign that the Liberal Party actually supported the tolls. When Mr Doyle suggested half tolls he was catapulted out of the party.

It has been a great job. There has been work for 6500 local construction workers and a lot of work for local contractors. There is going to be a bike path along the whole length of the project, which will be good for the environment. I am glad to say that this is once again a project that is on time and on budget.
It is important to scrutinise the performance of each of the 21 water suppliers that provide drinking water to a total of 493 localities across Victoria. The percentage of water localities that were compliant with water quality standards during 2005–06 as expressed by the parameters E. coli, turbidity, aluminium, trihalomethanes, trichloroacetic acid, bromate and formaldehyde remain problematic. Water localities reported as being noncompliant for E.coli for both 2004–05 and 2005–06 include Clunes, Sea Lake, Corryong, Tawonga, Mount Baw Baw and Mount Buller.

As a member for the Eastern Metropolitan Region, I am particularly concerned about the quality of drinking water in Melbourne’s east. Melbourne Water is both the water storage manager and the treater of water for the following water distribution businesses: City West Water, South East Water and Yarra Valley Water. Melbourne Water provides approximately 80 per cent of Victorians with water treatment services and annually distributes approximately 440 gigalitres of treated water.

Two categories of incidents and events which affected water quality in the period 2005–06 are equipment failure and operational issues which resulted in customer complaints. Yarra Valley Water received 2864 customer complaints for discoloured water and 450 for taste and odour. At this point the report refers the reader to Yarra Valley Water’s drinking water quality annual report for detailed water quality data, including data about what is termed ‘other aesthetic characteristics of the water’, which one would assume include taste, odour and discoloration. As a result of examining this report I have asked the Minister for Health to provide the Parliament with an immediate update on the drinking water quality throughout Victoria.

**Drinking water quality: report 2005–06**

Mr ELASMAR (Northern Metropolitan) — My contribution today will be on the Annual Report on Drinking Water Quality in Victoria for 2005–06. Before speaking about the contents of the report I would like to make the comment that over the years we as a society in Australia have been fortunate enough to consume water without restrictions, and this has led to our taking water for granted. Having spent a substantial part of my life in water-stricken Lebanon, I of course have fully understood what a precious resource water is. The drought and subsequent water restrictions have ensured that as a society Australians are also beginning to understand this.

The annual report on drinking water quality is very informative. It is divided into three sections. Section 1 deals with Victoria’s drinking water regulatory framework and activities of the department under the act, section 2 with a statewide perspective on drinking water quality and section 3 with summaries of performance of individual water businesses. I will now turn to some of the specific issues raised in the report.

The report points out that scientists have instituted a water treatment process which not only ensures the highest standard of drinking water to every household but also has established an effective monitoring system overseen by 80 water analysts in Victoria.

We all know that bottled drinking water has become very popular in this country in recent years, based on the assumption that bottled water is more healthy than tap water. According to this report, scientific tests have proven that our tap water is more beneficial for us than bottled water, because most spring water is not treated for contaminants and does not have fluoride, a chemical substance that has demonstrated benefits in the fight against tooth decay. Fluoride was introduced to some water supplies in Victoria as early as the 1970s. The report makes reference to extensive data from overseas which shows that fluoride has been proven to combat gum disease and early tooth decay particularly in the very young.

This annual report provides a comprehensive review of drinking water quality in Victoria, and I commend the Department of Human Services for the good work it has done in compiling it.

**Drinking water quality: report 2005–06**

Mr O’DONOHUE (Eastern Victoria) — It gives me pleasure to rise to also speak on the Annual Report on Drinking Water Quality in Victoria for 1 July 2005 to 30 June 2006. I echo the comments made by Mr Elasmarch that one of the few benefits to have come from the recent and ongoing drought is the change in perception that water is a resource that will always be there, a resource that we do not have to worry about.

As I said, the change in community attitude to water is one of the few benefits that has arisen as a result of the drought. I hope if it rains and our reservoirs fill up that we remain vigilant and remember that good water quality is critical and that water is not something that will always be there. It is not something that just comes out of a tap; it requires investment in infrastructure and the water supply system, and it requires forward planning, particularly with the growing population that we have in Victoria and more generally in Australia.
I would like to make a couple of comments in relation to the report. It highlights that the drinking water quality in Melbourne is satisfactory and that there have been no complaints of substance about water quality in Melbourne. However, unfortunately issues still exist in country Victoria. I would like to make a couple of observations about that. The water authorities and water managers in country Victoria do not have the same population base that the water authorities in Melbourne have. Moreover they have larger areas to cover with their infrastructure. The consequence is that they do not have the surplus capital or the same revenue base to invest in new infrastructure. Unfortunately this government requires these water authorities to deliver dividends year after year to prop up its budget surplus.

If the government were really concerned about delivering appropriate water quality to people in country Victoria, it would stop the never-ending demand for dividends from these water authorities and allow them to invest for the future. My concerns are heightened. This report only deals with the period up to 30 June 2006. Since then, as we all know, the drought has become more and more severe and will continue to become more severe until the rains come.

Recently I was in the Bass Valley, whose main supplier of water is the Candowie Reservoir. It is also the main reservoir for Westernport Water. But for the finding of bore water, that reservoir would be empty. As the dams drain around regional Victoria, the amount of sediment increases. Therefore there is a greater likelihood of poorer quality drinking water. Constituents from the Bass Valley have contacted me on several occasions to complain about water quality, water colour, the odour from water and their inability to drink the water. I am concerned as we move forward that unless the government allows these water authorities to invest in new infrastructure, whether it be in additional bores or in expanding the size of existing dams to cater for growing populations, the water quality will deteriorate into the future.

The other point I will make about water quality is that we were very lucky during the fires over the summer that the catchments for the Thomson Dam and other dams were not contaminated by the run-off of silt as a result of the fires. That proves the point that you need to have catchments from a diversity of areas to mitigate against the risk of water contamination in one or two of the main reservoirs. The government should be looking at investing in new infrastructure to diversify the source of water catchment and limit the risk of contamination to Melbourne’s and the rest of Victoria’s drinking water supplies. I commend the report to the house.

Rural and Regional Services and Development Committee: retaining young people in rural towns and communities

Mr SCHEFFER (Eastern Victoria) — The former Rural and Regional Services and Development Committee’s final report on the inquiry into retaining young people in rural towns and communities was tabled late in 2006, just prior to the wind-up of the 55th Parliament, and the government’s response was tabled earlier this week. The fact that the government, through a resolution of the Legislative Assembly, provided the Rural and Regional Services and Development Committee with a reference to inquire into the issues involved in retaining young people in rural towns and communities is evidence of how serious the government and the Legislative Assembly considered this matter to be.

During the 2006 election campaign candidates from all political parties and Independent candidates were invited to attend a community forum in Maffra. I attended, along with Mr Viney and Mr Hall, and Mr O’Donohue was there as well. The organisers asked each of us to address three questions. One of the questions related to the movement of far too many young people out of rural Victoria. We were asked what we thought should be done about the problem. There was considerable discussion on the matter during the forum.

It was pretty clear that this is an important issue that impacts not only on small towns and communities right across Victoria but also on Melbourne, where a lot of young people end up. At that stage the inquiry into retaining young people in rural towns and communities had not been released but written submissions and the transcripts of hearings were on the website, and I took the opportunity at that stage to read some of what was there. Since then of course I have had a look at the final report, and it makes some very interesting reading. I am pleased that the government’s response is out and that the recommendations were either supported or supported in part.

The government has taken the opportunity in its response to present the policy context of the inquiry and to describe current government activity in this area. The government takes a community strengthening approach to the issues. To keep young people connected to their communities they need to feel valued and to actually be valued for their contributions, they need to be occupied through schooling and employment, they need to have resources and they need to be healthy and safe. The task for the government is to identify opportunities across all portfolio areas and sectors where these objectives can
be advanced. The parliamentary committee’s inquiry into how we can make it possible for young people to stay in their rural communities is an example of taking this multipronged approach.

In its response the government points out that a number of the committee’s recommendations have already been implemented through existing programs. Examples are the recently released skills statement, Maintaining the Advantage, as well as the government’s focus on regional Victoria, the impacts of population increase and its social justice strategy. The response also identifies a number of resource packages that have had an impact on the issue of young people migrating out of their rural communities. This is what the government means by taking a whole-of-community strengthening approach. I think this has been an effective way to go in bringing about positive change in areas where solutions depend on multilayered shifts in complex environments.

The government has agreed to continue to work closely with the local and commonwealth governments on the development of population and growth policies for regional and rural Victoria. The government indicates that it will continue to work on programs that aim to promote provincial Victoria and to provide material support to individuals and businesses wishing to relocate to rural areas. The government also supports funding regional mentoring programs for young people in real-life skills and leadership. The response cites a number of examples of programs that are already running in places such as the Mildura, Strathbogie and Ballarat municipalities. There are also a number of programs that work on recruiting young people into a range of professions.

To its credit the government also supported a recommendation that the state provide funding to expand programs in regional and rural Victoria that tackle discrimination and intolerance against people on the basis of race, gender, cultural difference or sexual practice. The response points out that the government has already increased funding to the Ethnic Communities Council of Victoria and to the Centre for Multicultural Youth Issues to provide advocacy and support to communities to build greater community cohesiveness and understanding of difference.

The response also states that last July the government held a multifaith multicultural youth forum to promote ongoing dialogue among young people from various backgrounds and beliefs to look at ways to build good relationships into the future. The government has provided some $11 million to establish new representative and community arrangements for indigenous Victorians. Of course that has been necessary since the abolition of the Aboriginal and Torres Strait Islander Commission. This is a good report, and it is an excellent response.

The PRESIDENT — Order! The members time has expired.

Public Accounts and Estimates Committee: private investment in public infrastructure

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I wish to make a statement on the government response to the Public Accounts and Estimates Committee report on private investment in public infrastructure, which was released in October 2006.

I have to say that that report which the committee brought down immediately prior to the proroguing of the 54th Parliament was one of the more disappointing efforts produced by the Public Accounts and Estimates Committee, for two reasons. The first is the length of time that it took the committee to produce that report. The inquiry commenced in 2002, in the 54th Parliament, and extended through to the end of that Parliament and finally into the 55th Parliament before a report was produced.

Much of the evidence of that inquiry was taken in 2002, in the previous Parliament, then there was a period where very little progress was made, and finally, last year, there was a rush to finish the report. I do not think the way the inquiry was conducted through the last Parliament reflected well on the committee.

The other reason for being disappointed in the outcome of that inquiry was that media disclosures that took place at the time the committee was considering its report indicated that the report that was ultimately tabled in the Parliament had been substantially watered down from that which had been drafted by the committee secretariat. Numerous media reports indicated there was substantial evidence and substantial research that had gone into a draft report that was critical of the government and which was omitted when the report was presented to Parliament.

It was only through those media disclosures from sources unknown that the Parliament and the public knew the extent to which that report had been watered down by the government members of the committee prior to its presentation to Parliament. So the report that came into the Parliament on the day Parliament was prorogued was far less significant than it could have
been on what is a very significant area of government policy.

I now turn briefly to the response presented by the Treasurer this week. In his response the Treasurer notes a couple of points. The first is about the assessed advantage that Partnerships Victoria has brought to the Victorian public sector since that policy was formally put in place in 2002. The aggregate value of Partnerships Victoria has been assessed at a 9 per cent saving, using the prevailing discount rate at the time, versus the cost that delivery of those projects through a traditional public sector procurement would have produced. I have to say that 9 per cent is not significant in the context of these projects, when you look at the extent to which overruns have occurred and the extent to which things have not been accurately estimated. The government hanging its hat on a 9 per cent saving in aggregate is not a strong endorsement of the policy as it has been practised to date.

In the limited time available I will turn briefly to the recommendations that have been made by the committee but not adopted by the government. The first was recommendation 1, that independent post-project reviews be undertaken of all public-private partnerships (PPPs) undertaken under Partnerships Victoria. The government says it has agreed in part to that. In reality, it has rejected the recommendation, noting that it will continue with its Gateway Review Process, which is something that the former Minister for Major Projects spoke extensively about in this Parliament but which does not provide the public disclosure the committee was seeking when it made that recommendation.

Recommendation 2 was a very simple one. It was that before proceeding further with PPPs of a build, own and operate model, the government assess their value to the public sector. The reason for that was the committee’s concern with respect to the County Court development, which had an extraordinarily generous termination arrangement for the developer. It saw that project — effectively a central business district building — transfer to the developer at the end of the lease for next to no cost.

While in its response the government says it has agreed to that recommendation and goes on to say that —

... the County Court project represents value for money —

it concludes that it will not use that model again. That is a fair reflection of the fact that that model did not provide the value for money that it should have provided and led to a windfall gain to the developer of that project.

Recommendation 3 of the committee is that long-term peppercorn leases on assets transferred be avoided.

The PRESIDENT — Order! The member’s time has expired.

Commissioner for environmental sustainability: strategic audit of Victorian government agencies environmental management systems

Ms MIKAKOS (Northern Metropolitan) — I am very pleased to be able to rise this morning to make a contribution on the commissioner for environmental sustainability report entitled Strategic Audit of Victorian Government Agencies Environmental Management Systems dated January 2007. In my view, this is a very important report. As many members have said since the last election, including me, the issue of climate change is the no. 1 challenge facing this nation and the entire planet at the moment. The community is certainly very much aware of this issue. People have embraced the suggestions being put forward by proponents such as former USA vice-president Al Gore and many others — that is, that we all have a responsibility to do what we can to protect our environment and our planet.

I know that many members of the community are wholeheartedly embracing the need for cultural change in the things we do in our homes and places of work. In the last couple of weeks I have been watching with great interest a program on SBS that I encourage other members to watch as well. The program is entitled Eco House Challenge and is about two families who are being given particular challenges to reduce their energy, water use and waste in their homes and to embrace more environmentally friendly policies in relation to transport. I do not want this statement to be a plug for SBS’s program, but I do want to say that of course government has a leading role to play in leading the community by example in adopting environmentally friendly practices.

This report has come about as a result of the Bracks government appointing in November 2003 a commissioner for environmental sustainability for the first time in this state. As is stated in the report, the commissioner is to be the environmental guardian for the state of Victoria. The commissioner is under a statutory obligation to conduct annual strategic audits of the implementation of environmental management systems by various government agencies and public authorities, and this particular report is the third such strategic audit.
It is a very important report. I must say that it does not give a clean bill of health to government across all areas. It has a lot of positive things to say and commends a lot of positive initiatives that are occurring at the present time — for example, in terms of the whole-of-government performance, the report talks about the reduction in energy usage across government and a 4.1 per cent reduction in greenhouse gas emissions from the government vehicle fleet over a three-year period. These are positive trends, but it does indicate that more needs to be done about water usage and the use of paper across government.

I note that in its response to this strategic audit the government has flagged its support for all of the recommendations contained in this report — either outright support or support in principle for all of the recommendations. It also notes that the government has committed to cutting government energy use by an additional 5 per cent and to increasing the government’s purchase of green power to 25 per cent by 2010. The government will also investigate the development of measurable targets within a clearly defined scope where appropriate in relation to recommendation 1 of the report. The report also talks about the recently released environmental procurement policy and guidelines and the government’s $1.5 million commitment to the establishment of an ECO-Buy environmental purchasing centre in Melbourne to assist government procurement.

This is a very positive report. I commend it to the house and thank the commissioner for environmental sustainability for his important work.

Budget sector: budget update 2006–07

Mr D. DAVIS (Southern Metropolitan) — I am pleased to make a statement on a report today and will talk about an item in the 2006–07 budget update that incorporates the quarterly financial report no. 1. My matter relates to the issue of traffic schools, and I point people in this chamber to page 141 of this document, which talks about new young driver training and graduated package training. Training of that type is always to be encouraged.

It is with great concern that I became aware that the Moorabbin traffic school has closed in recent weeks. This appears to have been precipitated by a decision made by a local-level police officer. I cast no aspersions on the set of decisions; I do say that there must be a reconsideration of them. The police have made a decision that is going to have a terrible consequence in the local area.

Not only do these traffic schools provide base knowledge, road sense and understanding of traffic that is so important for young people but they are also a very important way by which young people understand the importance of the police. In many cases they develop a relationship with police officers that enables them to view the police favourably, so there are a number of important aspects to the activities of these traffic schools.

It appears that traffic schools fall under some unclear bureaucratic terrain. The police have some involvement in funding them, as do local councils and in many cases community groups. In the case of the Moorabbin traffic school I know that a local group of Freemasons has been very active in supporting it, and the Glen Eira council has been active in supporting that school. As recently as January this year the council facilitated new line markings being put down at the school, a move that was supported by the local group of Freemasons which had provided some funding.

This is a genuine community effort to keep this school going. Obviously local government, the police and no doubt the road traffic authorities have a responsibility to ensure that these schools are used and maintained, and used to the full. Somebody said to me — and I think they may have been half serious — that many of these skills can be taught online. I am a great advocate for activities online, but I have to say that the importance of these schools is that they are physical structures and children learn about traffic lights and other traffic issues in a physical environment where they can actually understand distance and space and those sorts of matters. For that reason I think on-line teaching is not the same as young children learning these skills in a proper traffic school that has small, scaled-down roads and the ability for traffic lights and signs to be in place so that young children can see and recognise them in a real world-type situation.
I am concerned that the state government appears not to have taken the right steps. I am concerned that the community has not been involved in convincing the state government to step back from this decision. I am particularly concerned about the member for Bentleigh in the other place, Rob Hudson, the local Labor member of Parliament, who has been absolutely silent and deserves the condemnation of his community for not getting involved and protecting this traffic school. It is a school — —

The PRESIDENT — Order! The member’s time has expired.

Commissioner for environmental sustainability: strategic audit of Victorian government agencies environmental management systems

Ms TIERNEY (Western Victoria) — I rise to make a contribution with respect to the commissioner for environmental sustainability’s report Strategic Audit of Victorian Government Agencies Environmental Management Systems of January 2007. Environmental management systems (EMS) that are reported are in respect of office-based environments. It is a system that has measurements and benchmarks. It is obvious that through the environmental management systems there are clear environmental benefits as well as benefits in terms of cost savings.

The system was an initiative of the Bracks government and was introduced in 2002. I applaud the people who have gone into this system and driven it. That can be highlighted in the report with the description and explanation of the EMS coordinators network and also the EMS inter-agency committee that operates.

It is these people who take on those roles who need to be applauded for their commitment and determination to drive a system that will deliver environmental benefits in office-based environments as well as the obvious cost savings that will be achieved through this process.

The report also highlights that there has been significant progress made across various government departments and agencies, in particular our use of energy and the levels of waste. But it is also a report that tells us where we need to be much more conscious of our efforts and to drive the EMS system much harder, and that is in the area of paper and indeed water, both of which remain significant challenges for government departments and government agencies.

As a result of this report’s highlighting the need for us to be more vigilant about water wastage in government departments and government agencies, the government has responded in a positive way and has resourced that by providing a water watchdog who will work directly with the commissioner. That is a significant and positive step in the right direction.

I also think that with these issues it provides great scope for interdepartmental action and coordination; it is a living, breathing exercise that can encourage a whole-of-government approach in tackling these important issues.

One of the things that I was particularly impressed with was that the EMS now has been expanded into regional Victoria. Indeed all regional offices are now involved in developing their own action plans. They have not only been developed by local people in regional Victoria but they are working hard to deliver.

It is not only a matter of regional employees coming together and having a discussion about these issues, it is about intense workshops where they commit and provide vigilance and tests upon themselves. They have developed where they are reporting on a regular basis not only to central business district central officers here in Melbourne but to each other, and not even to their local supervisors and managers. They have made a commitment to each other to ensure that there are substantial improvements with respect to the use of a vehicle fleet, use of paper, use of water, and indeed use of electricity.

That in some way will be a significant benchmark that we can look forward to see and track through the further reports as they come to hand over the years. We are in very good hands with Dr Ian McPhail, the commissioner for environmental sustainability, because he creates an honest, open and frank way forward — —

The PRESIDENT — Order! The member’s time has expired.

Budget sector: mid-year financial report 2006–07

Mr DALLA-RIVA (Eastern Metropolitan) — I am pleased today to make my contribution to statements on reports and papers on the 2006–07 mid-year financial report which has been tabled recently. Like most things we find from this government, we see a huge net result from transactions for the six months to 31 December 2006 of $910 million — well in excess of what it anticipated.

What surprises me is that when you compare that with the revised budget estimate of $374 million, you find
that each year the government has trouble coming to grips with what its financial position is. It always talks about the AAA credit rating being here to stay. We recall that the Cain-Kirner government almost decimated the state, and it required the Kennett government to correct the problems that had been inherited from that previous government. It is always of note to see the government on tenterhooks.

One needs to look into some detail as to where the government seems to generate a lot of money. Obviously the GST, which the Labor Party criticised, has been generous to this state and, as someone suggested, generous to a lot of state Labor governments. I note page 2 of the report states:

Income from transactions for the state of Victoria for the six months to 31 December 2006 was $19 173 million, which is an increase —

in six months —

of $1112 million compared to the previous year.

There is a throwaway line which states:

This increase reflects higher grants income, including GST from the commonwealth …

We need to drill down a little further to see where that grant money is coming from. It was interesting to look at table 1.3 on page 8 of the report, which gives some comparisons. It shows the figures for the six months to 31 December 2006. The left-hand side of the table shows the 2005–06 actuals to December and opposite that are the 2006–07 actuals to December, so we are able to do a comparison to see where the increases in taxation have been.

Payroll tax, despite the rhetoric from this government, has blown out over the previous year by $110 million. It has increased from $1.65 billion in 2005–06 to $1.76 billion in the equivalent six-month period in 2006–07. Again, it is an issue that businesses continue to scream about. Despite the rhetoric from the Treasurer and those opposite, the figures indicate the real measure of this government’s taxation regime.

Total taxes on immovable property — that is, land tax, the congestion levy, the metropolitan improvement levy et cetera — have gone from $97 million in 2005–06 to $137 million in the equivalent six-month period in 2006–07, which is a huge blow-out in that comparator. It is interesting that although the actual figure is shown as $137 million, the government is expecting in the revised budget to receive $953 million in total taxes on immovable property. The government is ripping the guts out of the people of this who have asset holdings, which is making it very unattractive for people to want to be here.

The other thing I refer to is gambling taxes. Despite all the rhetoric we hear, we know that the government is beholden to gambling taxes. It is expecting to generate $1.5 billion over the coming year, and that amount has grown compared with the figure for the equivalent period in the previous year. If you look at the total taxation grab by this government you see it has gone from $5.1 billion in the six-month period to December 2005 to $5.4 billion in the equivalent period to December 2006. That is just an amazing growth in taxation over 12 months. It again demonstrates that the government is in denial about what is really happening out there and why businesses are really suffering.

Auditor-General: results of financial statement audits for agencies with 30 June 2006 balance dates

Mr EIDEH (Western Metropolitan) — I wish to make a statement on the report presented by the Victorian Auditor-General regarding the results of financial statement audits for agencies with 30 June 2006 balance dates. Today I will be pleased to give a report on the education and training sector.

The education and training sector comprises the Department of Education and other agencies that provide, purchase and regulate compulsory and post-compulsory education and training services for Victorians of all ages. Education and training services are delivered through schools, TAFE institutes, adult education institutions, adult and community education providers, other registered training organisations and higher education institutions.

Two ministers, the former Minister for Education and Training and the former Minister for Education Services, were responsible for the department. The Minister for Education and Training had sole responsibility for the other agencies in the sector.

Some of the key findings of the report were as follows. The timeliness of financial reporting by sector agencies was similar to the previous year. Nine audit opinions on agencies financial statements were issued, all of which were clear. The audit found the controlled environments of sector agencies to be generally sound. The quality of financial reporting by sector agencies also continued to improve. Under the heading ‘Audit conclusions’ the report states that the education and training sector includes 11 agencies that were required to prepare financial statements with a 30 June 2006 balance date and submit them for audit. Nine audit
opinions were issued on agencies’ financial statements, all of which were clear.

In this section the report also states that of the four agencies that did not achieve the statutory reporting deadline, two had still not completed their financial statements at the date of preparing the report. The Auditor-General’s office will be working with these agencies to complete their financial statements. It will also be encouraging them to improve their reporting timeliness for 2006–07. The audits found the controlled environments of sector agencies to be generally sound. The quality of financial reporting by sector agencies also continues to improve.

The report also made the recommendation that universities should strengthen their oversight of the financial affairs of subsidiary and other related entities to ensure that these entities meet their statutory reporting obligations in a timely manner.

The response to the recommendation by the Department of Education was as follows:

The Department of Education will refer the matters to the Department of Industry, Innovation and Regional Development which now has responsibility for higher education matters, with a request to draw the recommendation to the attention of university vice-chancellors.

The quality of draft financial statements that agencies presented for audit improved on the previous year. This was mainly because agencies took greater care preparing their 2005–06 financial statements, it being the first year they were required to fully comply with the new Australian equivalents to international financial reporting standards (A-IFRS). Overall the quality of financial reporting by sector agencies is now considered satisfactory.

In relation to other issues and developments, the report states that the 2005-06 was the first year that agencies with a the 30 June balance date were required to prepare their financial statements in full compliance with A-IFRS. The major impacts for the sector in adopting the new standards related to the valuation of non-current assets and the classification of employee benefit liabilities. For asset valuations the department identified that excess capacity in schools was an indicator of impairment and, accordingly, reduced the reported value of its school buildings by $843 million to reflect this impairment. The Auditor-General’s office agreed with this adjustment to the reported balances.

For employee benefit liabilities, agencies were required to change the basis used to classify these balances between the current and non-current classes of liabilities. In previous years liabilities that were expected to be settled within 12 months were classified as current. However, for the 2005–06 financial statements, regardless of the timing of the expected settlement, employee benefit liabilities were required by the new standards to be classified as current unless there was an unconditional right for agencies to defer settlement beyond 12 months.

Under the heading ‘Results of school council audits for 2005–06’ the report states that the department currently engages private-sector approved auditors to audit the calendar year financial statements of Victoria’s government school councils. The auditors issued qualified audit opinions on the 2005 financial statements of nine school councils — six of which reflected an inability to form an audit opinion — and referred to deficiencies or unexplained items in bank reconciliations, unreconciled miscellaneous transactions and lack of supporting evidence for some transactions.

The PRESIDENT — Order! The member’s time has expired.

Public Accounts and Estimates Committee: private investment in public infrastructure

Mr BARBER (Northern Metropolitan) — I would like to speak on the government’s response to the Public Accounts and Estimates Committee report on private investment in public infrastructure. In doing so I would like to compare and contrast it with an earlier PAEC report that covered some of the same subject matter. That earlier report was produced in 2000 and dealt with commercial-in-confidence material in the public sector. It was published in 2000; however, it was written by the PAEC as it existed in the run-up to the 1999 election. The chair of the subcommittee that produced that report was a former member for Templestowe Province in this place, Bill Forwood, and the other two members were the now Premier, Steve Bracks, and the now Attorney-General in the other place, Rob Hulls.

I would like to compare the recommendations of that report with the recommendations of the recent PAEC report and the government’s response. The PAEC report from 2000 recommended that the Parliamentary Committees Act should be amended to provide that a joint standing parliamentary committee can order the publication of commercial-in-confidence evidence taken in camera when it determines that it is genuinely in the public interest for the information to be disclosed — that is, an amendment to the act.
The recommendation of the PAEC in the last Parliament was simply and obviously much less sufficient. It stated that it was simply:

… to improve opportunities for parliamentary oversight of public private-partnership financial arrangements and commitments.

The government’s response to that was that it has announced a new policy. It is not in fact a legislative requirement but simply a policy.

The other recommendation that was quite notable from the 2000 PAEC report was:

Legislation should be enacted to require specified information about all tender documents and the resulting contract to be made publicly available once the tender has been awarded (overriding any confidentiality clauses) …

Mr Bracks and Mr Hulls at that time also recommended that changes to the Ombudsman’s Act be required so that only the Ombudsman could decide what could be confidential. They also proposed some wide-ranging changes to the Freedom of Information Act as it existed at that time.

By contrast, the government’s previous dancing bear PAEC committee simply said that prior to tenders being submitted for public-private partnership projects agencies should ensure applicants are aware of the limits of what will and will not be considered. Again, the government says, ‘We agree with that; we have a policy in place’, which is far short of legislative action.

Mr Bracks in his first-ever speech to Parliament said:

This strong and powerful executive that the state government has established also requires strong and vigorous scrutiny. Members of Parliament are one of the key watchdogs still left in the system.

In addition, parliamentary committees and committee chairs perform a crucial function in examining ministerial and departmental activities.

At the moment the government has a 10 per cent target — that is, 10 per cent of the capital works is to be achieved through public-private partnerships. What we can say now is that, as was the case under the Kennett government, the secret state still exists — it is just that there is now a hell of a lot more money involved.

I am therefore pleased to see that as part of this legislative process the Greens have put before the house some amendments that at least seek to improve the legislation. The intent of the amendments is to ensure that the minister does not simply have an opportunity as a whim to implement a poll on nuclear energy and to determine the information that would be put before people when they were making a decision on nuclear energy. The intent of the Greens amendments, as I understand it, is to bring the concept of a plebiscite back before the house. I think that that is an important improvement in the legislation presented by the government.

I said in my address-in-reply speech that I am opposed to nuclear energy, and I remain opposed to nuclear energy. Were this a bill that canvassed my opinion on nuclear energy, I would certainly vote in favour of maintaining the moratorium on any move to introduce nuclear energy into Victoria. The basis of my position on this issue is quite simple. I do not believe that I have a right as an individual and as a legislator in this place to make decisions that would encumber many future generations of Australians with the problems associated with what would be a short-term and expedient proposition — in other words, developing nuclear energy as a quick-fix solution to our carbon emissions problems and climate change issues and in the process encumbering many future generations over the hundreds of thousands of years of active life of the waste product with managing that issue. I do not
believe I have the right to encumber those generations with the results of that sort of a decision.

My position on nuclear energy is fairly clear. I agree with some speakers who said in this debate that there is not at this point a safe way of disposing of that waste. In many senses I do not believe, as speakers have put in the course of this debate, that there is a guaranteed safe way of storing the waste. I accept what has been said about a number of regions in Victoria that have ongoing earthquake activity. It is at a low level at this point, but certainly there is no guarantee that Victoria or any other part of Australia will not suffer significant earthquakes in the future which would put at risk any storage containment facilities associated with this material. I am aware of course that some waste material already exists as the result of our use of uranium in medical areas, but at least the risk from that is minimal compared with the level of risk there would be if we were to move into using nuclear energy as a power source.

I take this opportunity to advise members of the government that although it might be convenient to portray the Liberal Party in Victoria as having a position on uranium and as moving towards nuclear energy, the reality is that the party has no such position. The Liberal Party in Victoria has not voted in favour of any policy to adopt nuclear energy, and in fact within the party in Victoria there is obviously a diverse range of views on this issue. The issue is certainly subject to current debate in Victoria, as it is nationally, but the party has not adopted any such position. It is convenient for government members, as part of this petitions campaign and this legislation stunt, to portray the Liberal Party in Victoria as having a particular position, but that is not accurate.

In the course of this debate I heard some members refer to political masters in Canberra and so forth. If members want to go back to school and do Liberal Party Structures 101, they will find out that the Liberal Party is quite unlike the Labor Party. The Liberal Party is actually a federation of states, and the states make their own determination as to what their positions might be — perhaps much to the angst of our Canberra colleagues at times — but there is certainly no master-servant relationship between the federal government, our federal colleagues and the state Liberal Party.

In defence of the Prime Minister’s promotion of nuclear energy in the national debate at this time — as I said, I have a fairly clear position on that debate — I suggest that what we need to recognise is that the Prime Minister is saying, ‘Okay, there is a significant debate worldwide about climate change and carbon emissions, and in particular about the response of countries like the United States and Australia to the Kyoto agreement and all the subsequent discussions regarding climate change and carbon emissions’. I think what the Prime Minister is suggesting is that if Australia is to achieve a significant reduction in carbon emissions quickly, then one of the opportunities or alternatives is in fact nuclear energy.

Certainly elsewhere in the world nuclear energy has been used, and used relatively safely, and I have to say that I am less concerned about the power station operations and where the nuclear energy is actually created than the next step of the process, which is that storage process. That is the process that concerns me. I am not as concerned about the engineering, the technical and the scientific aspects of running power stations, because there are many people who will point to a long-standing industry in a number of countries, such as France and the United States, where there have been relatively few mishaps. I think there was one mishap in Japan, there was certainly the Chernobyl disaster, and there was the mishap at Three Mile Island in the United States. There have been a number of mishaps in those plants, but with the exception of Chernobyl they have not been massive faults and the containment of those mishaps has been relatively efficient, as we understand it. The waste storage and the long life of the waste are the matters of major concern to me.

As I see it, the Prime Minister — not that he needs my defence — has not made a commitment to nuclear energy, but his promotion of nuclear energy in the national debate is in the context of his saying, ‘Okay, this is one of the options available in addressing climate change’.

I happen to agree with what a number of speakers from the government have said in respect of energy alternatives, and I note what Mr Barber said yesterday in the context of the debate on desalination plants converting salt water to fresh water. He was advancing the argument in this house that what we needed to think about was the reuse of water, the recycling of water and in fact the lowering of our use of water. I think that premise applies very much to this debate as well, because any debate on nuclear energy should include the point that it is simply an option within a much broader debate on where we should be going with energy and fuels in the future.

There is no doubt that we have to reduce our reliance on fossil fuels, and there is no doubt that we need to explore alternative fuel sources that are not harmful to
the environment. I am particularly attracted to solar energy. We should be investing a lot more in solar energy options because there is considerable benefit in solar energy and very few disbenefits. I am also not opposed to wind power. I have driven past a number of wind turbine installations, and whilst I might not describe them as things of beauty, frankly I also do not see them as a great blight on the landscape. I think they are a valid option.

One of the things that has put my mind into gear in terms of this issue, though, is an article I read about a wind turbine farm in Scotland. The promoters or owners of that wind farm were extolling the virtues of the scheme. Everybody said, ‘Yes, that is wonderful’, but then one person put it in the context that a superplane — one of the larger aeroplanes — flying from Scotland across to New York would in fact do the same amount of environmental damage as that being saved by having all those wind turbines in that particular wind turbine farm. In other words, we need to be very mindful that this is a complex and broad issue and that in fact we cannot simply find quick-fix solutions and easy solutions, which wind power and even solar energy might appear to be, unless we are prepared to address some of their energy consumption issues as well.

I drive around the city, and I see lights on that do not need to be on. I look at household consumption of energy, which is way higher than it ought to be, and I see all sorts of appliances on stand-by that I am not sure need to be on stand-by. Indeed there is technology available that might well suit our laziness — or convenience, as the case may be — in our households in terms of how we consume power but which at the same time is a lot kinder to the environment in terms of energy consumption demand.

I am certainly keen to pursue other alternatives to our existing energy generation, particularly in terms of the fossil fuels — petroleum and so forth — that we use so extensively in all forms of transport, but nuclear energy remains something I cannot support as one of those alternatives, simply because of that waste issue I have mentioned. It is such a big issue for me that there is no way I can support it.

In the context of this legislation, though, I am perplexed as to what I should do. I certainly have no difficulty in supporting the amendments of the Greens, because there is no doubt that one of the concerns I have, which is shared by my colleagues, about the legislation presented to this house is the fact that this is basically a handpass of all accountability, all responsibility and all opportunity, if you like, in a political sense to a single minister.

No doubt he would take advice from cabinet and others, but we would nonetheless be reliant on his political judgement. Whilst there is no way I would want to go down the road that Mr Finn went down last night in this debate — I do not think it would be all that productive for me to do so — I think that it is worth considering this minister’s political judgement in the past over a number of issues in both his handling of his portfolio and in his management of political processes in a campaign sense. That suggests there would be concerns for me and my colleagues if this minister had carriage of the decisions outlined in this legislation. As I said, much of this legislation is based on anticipation. The minister — and I guess by extension the government — needs only to think that there is a looming possibility of the federal government actually moving towards nuclear power. There has been no suggestion of that by the Prime Minister. The Prime Minister has simply suggested there be a debate.

I raised a sensitive issue in the adjournment debate last night, and I thank members for the maturity they showed in that debate, but I have to say that one of the things that concerns me about this place and about political debate in Australia in general is that far too often we are reluctant to put important issues out into the marketplace for discussion because there is a tendency for people to attack the man rather than the idea — to avoid the substantive debate and score cheap political points. I think there is a touch of that in the reaction of the Labor Party in Victoria. I do not know whether it is part of a coordinated strategy around the nation, but certainly I am concerned by the reaction of the state Labor Party to the Prime Minister’s attempts to put nuclear energy on the agenda for a national debate. Whilst, as I said, I am an opponent of nuclear energy, I accept that the debate is a valid community debate. It is a debate that probably should be held, and it should be held responsibly. It should be held as an informed debate that is free of cheap political tricks. The debate should not be exploited for cheap headlines when people are trying to contribute to it. It is one of those debates that I think the community certainly needs to have.

From that point of view I am certainly concerned that this legislation clearly has a role in a tactical strategy by the Labor Party leading up to the federal election rather than a role in any genuine attempt to have an informed debate on nuclear energy or to have any sort of a debate on the legislation that is already in place in Victoria. Indeed we already have legislation which concurs with the position that I have, the position that most of the
members of the government have, the position that I think a few of my colleagues have and the position that I understand the Greens have on this. I am not aware of the Democratic Labor Party’s position on this issue, and I apologise for not informing myself of it ahead of this debate. This is a rather unfortunate piece of legislation in the way it has been structured. If there had been a genuine attempt by the Labor Party in Victoria to advance this debate, I think there would have been much better ways of doing it than by presenting legislation to the house that provides an opportunity at some future point for a minister to initiate what would be a political strategy rather than a genuine community strategy.

I am not afraid of a community debate on this issue — I welcome it. That is the sum total of the proposition at this point in time that the Prime Minister has put before the Australian people. I think the proposed amendments by the Greens improve the notion.

On this occasion I wish to inform members of the house, including my own party colleagues, of my personal position — and I have already established within my party room that I will exercise my conscience vote on these matters — which is this: I support the Greens proposed amendments. I am going to vote against the substantive motion for the adoption of the bill when it is presented, because I do not think this bill addresses the key issue of nuclear energy that concerns me. I think the bill is seriously flawed, notwithstanding that the Greens proposed amendments might improve the bill if they were accepted. I hope members of the house, particularly members of the government, when ensuring the passage of those proposed amendments accept them in this debate.

Mr VINEY (Eastern Victoria) — It is a particular pleasure to express my support for the bill before the house today. Giving the people of Victoria the right to express through a plebiscite how they feel about the commonwealth government’s propositions of a nuclear power plant and the subsequent operation of a nuclear power plant in this state is an honourable thing for this Parliament to do. The descriptions of this legislation, as being a stunt, are fairly disingenuous. It is hardly a stunt for the Parliament of Victoria on any occasion to provide the people of Victoria the right to express their view. This is a democratic principle of which there should be more.

A number of speakers from all sides of the house have expressed their opposition to the construction of nuclear power plants, yet a number of members, particularly from the Liberal Party, find the proposition that we could allow all Victorian people who are eligible to vote to express an opinion on that issue somehow unacceptable.

I want to take the opportunity to respond to a couple of statements that Mr Finn made in his contribution last night. In particular Mr Finn spent most of the time allowed for his contribution attacking and criticising Mr Batchelor, the Minister for Victorian Communities in the other place. He ranged over 21 years of information — he quoted from old newspapers like the Herald, the Sun and a whole range of things — and he misrepresented the minister’s position which was held 20-odd years ago.

Mr Finn’s justification for ranging over these old issues was based on his assertion that the legislation provides for the minister to conduct the plebiscite. He is clearly wrong. His assertion demonstrates that he has not read the legislation or he has deliberately misinterpreted the legislation and wants to make a point about the historical issues he raised.

The bill before the house makes it clear that any such plebiscite is to be conducted by the Victorian Electoral Commission, not by the minister. The last time I looked, Mr Batchelor was neither on the electoral commission nor is he the minister responsible for the electoral commission. The last time I looked, the minister responsible for electoral matters in this state is the Attorney-General in the other place.

I do not think the debate on the bill before the house is an appropriate opportunity for Mr Finn to range for the best part of 20 minutes in a gratuitous attack on a minister who I think, through all my dealings with him, is someone who looks at the facts — that is something I always like ministers to do — to consider them, take advice on the matter and make a decision.

Honourable members interjecting.

Mr VINEY — I do not share the confidence that if Mr Finn were to ever become a minister of the Crown — and God forbid if he did! — he would take that approach. My concerns and observations of Mr Finn are that he takes every opportunity to take a particular angle to make a political point. I do not have confidence in Mr Finn. I do not think members of the Liberal Party would seriously ever have the confidence to put Mr Finn into a frontbench position if it ever happens to return to government. I think Mr Finn absolutely demonstrated his partisanship and an inability to look at legislation before the house, because he misunderstood and misrepresented what the bill actually says about the conduct of a plebiscite.
Ultimately this bill is about ensuring that the people of Victoria are able to protect themselves against the imposition of a nuclear plant in this state.

I read recently that if the ancient Egyptians had had nuclear power, we in this generation would be dealing with their nuclear waste, which would not yet have reached half of its half-life. This is the fundamental issue about nuclear power that no-one has been able to deal with. Even Mr Atkinson acknowledged that there are countless generations that would need to deal with the waste of a nuclear industry if we were to establish one in this state or indeed in this country.

There is a raft of other issues associated with nuclear power that need to be considered carefully by the people of Victoria before they would ever agree to that. I do not believe we are at the point where we must go down the path of a nuclear power industry. I am, as I have put on the record here many times, deeply concerned about climate change and greenhouse gases, but there is an absolute urgency for us to invest in the technologies to provide for renewable energies and to ensure that we have a clean coal electricity industry in this state. I do not believe we are anywhere near needing to invest in a nuclear industry.

Not only do we not need to invest in a nuclear industry, but my understanding is that we would be a long way short of the time lines for building the capacity of any nuclear industry that we were to invest in for it to make any substantial contribution to the supply needs for the generation of power in this state. We have enormous reserves of brown coal in this state, and we need to find ways to utilise that resource which do not contribute to greenhouse gas issues, as has been occurring. There are ways to substantially improve that industry, and the government has been investing significantly in those innovation areas. Some $60 million-odd has been announced for investigations of clean coal technologies in the Latrobe Valley in my electorate.

One of the things that has concerned me in the recent debate on the nuclear power industry initiated by the Prime Minister is that three of the possible sites that have been identified in the research for a nuclear industry are in my electorate. One was mentioned for Western Port, one for South Gippsland and I think the other was for the Latrobe Valley. Another one was mentioned for somewhere on Port Phillip Bay. That would quite clearly affect large parts of my electorate, if not all of Melbourne. The remaining one, as I understand, was identified for Portland.

This is an issue of considerable interest to the people of Eastern Victoria Region, a region that has already provided enormously, particularly in the valley, for the electricity needs of this state. Whilst it has provided substantial economic benefits to our region, there have also been some costs to the region associated with that industry, and there has been enormous cost to the community as the industry has restructured and changed the employment structures in the region. It is an issue of considerable interest in my electorate.

Giving the people of Victoria the right, through a plebiscite, to express their views on this industry, if the commonwealth government pushes ahead with proposals for a nuclear energy industry in this state, is a fairly simple right. It is one that we should always welcome in this Parliament — that is, to hear the people’s view.

Mr Barber in his contribution made a number of criticisms of government members on this side, particularly about how members on this side view the proposals before the ALP national conference on uranium mining. He put some challenges out to members on this side to express their views.

One thing I will say to Mr Barber is that the Greens do not have a role in determining ALP policy. That is a role for the members of this great party, the Australian Labor Party. Mr Barber and the Greens should concentrate on their own problems in these policy areas, because I understand that half the people in the Greens are opposed to the wind energy industry and the other half support it. The Labor Party does not need the gratuitous input of the Greens in terms of the policy positions that members of the Labor Party choose to take on a range of public issues. I am sure in the discourse of politics the Greens will make comment about Labor Party policy after it is determined, and that is fine for them, but they do not get to have an input in the process of determining it.

We as a Parliament need to welcome every opportunity that is afforded to the people of Victoria to express their views, particularly on serious environmental issues such as this. For that reason I am very pleased to support the bill, and I commend it to the house.

Mr GUY (Northern Metropolitan) — I do not intend to speak on this bill for a long time, principally because I do not necessarily believe this bill is worth it. I have sat and deliberately listened to quite a few of the speeches from people participating in this debate on the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill. It is a debate that is of some interest to me. Of interest to me particularly have been the comments of Mr Viney in the last couple of minutes and those of a couple of other Labor MPs last night.
In starting my comments I want to get a few things out on the table. The Labor government has brought in a bill and just about all of the Labor members in this chamber are going to rise and rail against nuclear power. They will talk about the evils of nuclear power and say it is disgraceful. They will say, ‘We do not want it in Victoria; we do not want it anywhere in this country. We do not want anything to do with it’.

Mr Thornley said, ‘It is too expensive’. They are the comments members of the Labor Party have been making, yet Labor is happy to sell uranium to other parts of the world. Mike Wran, the Labor Premier of South Australia, cannot get enough uranium. He is glowing. He wants his state to be on fire as the major Australian exporter of uranium to China. He wants all the cash, but he does not want to do anything about it. Members of the Labor Party are here today talking about the problem of waste disposal in the uranium industry. It might be a legitimate issue. If they are raising a legitimate point, why are half of the members of the Labor Party happy to sell uranium to China, India or somewhere else when they do not want the problem here?

The Labor Party has a real problem with this bill and this whole issue. If Labor members here oppose nuclear energy — as no doubt do the Greens, given Mr Barber’s questions yesterday — we could expect to see a move to ban it by the federal opposition leader, Heavy Kevvie, and the rest of their mates in the federal Labor Party at their conference later in the year.

An honourable member — Next week!

Mr GUY — Next week. We will all be waiting for the Labor Party’s decision. I think that the Premier and a number of Labor members in this chamber who are in the same faction of the Labor Party as Mike Wran will have a factional meeting to decide whether or not they are in favour of exporting uranium or whether they are in favour of nuclear energy — —

Hon. T. C. Theophanous interjected.

Mr GUY — Nimbyism, I think Ms Tierney said last night. I do not think Mr Theophanous is in his correct place. They are two different things. It comes down to consistency of argument. What do you believe in? Do you believe in this industry or not? What we have seen during the contributions of a number of speakers is a procession of comments like, ‘We like the money from uranium exports, but we do not want anything to do with the nuclear industry in Australia’. That is a position that I find bizarre — that the Labor Party wants to get up here and publicly espouse — —

Mr Thornley interjected.

Mr GUY — I do not understand it, and I note that Mr Thornley is also not in his correct position. It is quite amazing that the Labor Party seems to put an intellectual argument claiming that it is okay to export uranium to other people so they have the problem of the waste by-products of nuclear energy when it does not want anything to do with it here. Labor will take the cash — Mike Wran will take the cash. It will all start glowing in the bankrupt state of South Australia. Labor will take the lot. It will export uranium, but it does not want anything to do with it in Victoria. Its position is not sustainable. The Labor Party’s policy is not sustainable, and I would think that the position of Heavy Kevvie, Kevin Rudd, is going to be a tightrope-walking act between the Socialists in the left wing and a bunch of pragmatists on the ALP right who believe in cash and have no morals whatsoever.

I rarely give credit to anyone who votes Labor. When someone says to me that they vote Labor I get this image in my mind of some mad nutter who is reaching out for you, and you have to go and put the kids to bed and get a glass of orange juice or something to relax because these people are so bizarre. I cannot understand for the life of me why there are intelligent people in this chamber — Mr Thornley, Ms Pulford, Mr Pakula and others — —

Mr Finn — You are going too far there.

Mr GUY — I might be going too far; Mr Finn is right. I cannot understand how these elected legislators and a number of others could actually see this bill as a good use of the Parliament’s time. How do they see this bill as a proper use of taxpayers money? How can we regard this bill with any kind of seriousness whatsoever? I suspect there are a number of Labor members opposite who are a little bit embarrassed and who will go off to their offices and cringe about this bill, primarily because of the points I made before. As I have said to this house a number of times, we seem to be debating stunts. If we were not debating the critical water infrastructure legislation, which was a stunt involving a pipe, we were debating a gaming inquiry where the minister vets the response, which was another stunt. Now we are here to debate a nuclear plebiscite, which is another stunt on behalf of the Bracks Labor government. It is quite bizarre.

As Mr Finn pointed out yesterday, there are a couple of very good examples of stunts. This government has perfected the art of the stunt. It has turned Victoria into an amazing stuntocracy. We got the Metcard stunt. The then Minister for Transport, Minister Batchelor in the
other place, was followed around by someone on the steps of Parliament in a great big ticket costume — polystyrene ticket with hands poking out of it. It was a stunt to relaunch the Metcard — and it happened three or four times. We also had the Premier and Deputy Premier standing in the middle of Snowy River with their long pants on, getting wet. The former Premier of New South Wales, Bob Carr, was also there. Here we are again! We also saw Steve Bracks flying over Lake Eildon — Adam Kilgour did the ads remember — when it was at about 16 per cent of capacity. He smiled, flashed his pearly whites at us and said, ‘Yes, I will be doing something here’.

Mr Viney — On a point of order, Acting President, this is incredibly entertaining, but I question the relevance of Mr Guy’s continual referral to a whole range of issues and media reports on government policy. He has raised a whole raft of issues, none of which relates to the nuclear bill before the house.

Mr Guy — On the point of order, Acting President, in response to Mr Viney’s comments, the context in which I am speaking is obviously shaping my view of the bill. I am putting forward some examples to show how I view this bill and why I believe this is part of the government’s continual program of very little substance.

Mrs Peulich — On the point of order, Acting President, the honourable member has explained that he sees this as being part of a stuntocracy. All he is doing is illuminating the litany of stunts that have contributed to that definition.

The Acting President (Mr Vogels) — Order! There is no point of order, but I ask Mr Guy to come back to the bill.

Mr Guy — I will move on. Although I have quite a few examples, I will spare the Labor Party and the members opposite any more embarrassment. Unfortunately for Victorian taxpayers this will probably rank as one of the greatest and most expensive stunts that the Bracks Labor government has pulled. The plebiscite has nothing to do with running the state of Victoria; it has everything to do with the election of Kevin Rudd. As if Labor has not done enough to turn other states in this country into stuntocracies, we have yet another one with the bill we are presented with today. The bill is flawed. In my view it is totally not legitimate.

Even if the federal government wanted to consider having a nuclear facility in Victoria, according to this bill — the absurdity that it is — the state government could still build a facility, so a plebiscite would mean nothing. It would be an incredible waste of taxpayers dollars. We could have is a plebiscite that said the federal government could not build a nuclear facility in Victoria — someone please tell me the last time the federal government invested in power generation in this country — but the state government could. The state government will run a plebiscite to say that some other government cannot build a power generation facility in its jurisdiction. What an absolute waste of money. This plebiscite will guarantee nothing.

I will not turn to making many comments about Mr Batchelor, the Minister for Energy and Resources in the other place and the man charged with introducing this plebiscite. Mr Finn made some very valid points about Mr Batchelor last night. It is important for this house to note the past encounter with democracy that Mr Batchelor had in about 1985. As I said, Mr Finn’s comments were very important, and it was very worthwhile his putting them on the record.

We need to have a proper look at what is actually being proposed. This bill has a number of flaws. The bill as it stands allows the minister to determine what question is going to be asked — not the Parliament but the minister. I do not know whether the Labor Party thinks it is running the state government at every opportunity. Whenever we walk past the Labor Party, we get a trust-us approach, this is Chile or East Germany, but the minister is not the one who usually determines whether there should be a plebiscite; it should be the Parliament. The bill requires the minister to conduct a plebiscite at a time which is — wait for it! — the most advantageous to the health, welfare and safety of the people of Victoria.

It is bizarre. I think we read and interpret that as meaning that is when he determines it is electorally advantageous. The bill also authorises the minister to decide that the voting may be by postal ballot. I do not know if the Labor Party thinks it is running the Warrego council or the state of Victoria.

Mr Thornley interjected.

The Acting President (Mr Vogels) — Order! Mr Thornley is out of his place.

Mr Guy — But it seems quite bizarre that that would be even considered. From a group of people who in historical terms gave us Gough Whitlam’s states commission in the 1970s and the who rorted the New South Wales electoral boundaries until 1988 — the Australian Labor Party — we get a trust-us approach, saying that it will run a fair plebiscite which will not be binding on it. Here we are in 2007, when the state Labor Party is crying out for money from the federal government at every opportunity. Whenever we walk
into this chamber we hear to minister after minister railing about how the federal government will not give them more and more money to do the job they and every other state government have been doing for more than 160 years.

**Mr Lenders** — So let’s cancel elections because they cost money — is that what you’re saying?

**Mr GUY** — Let us have a look at the school maintenance backlog. We hear the Minister for Education come in here and claim he needs a lot of money from the federal government to run his portfolio. He cannot find the money for that at a state level, but he can find tens of millions of dollars to help his mate, federal opposition leader, Kevin Rudd, try to get elected. I find it bizarre that the state government cannot find $5 million or $10 million to fulfil election promises to build railway lines to outer suburban areas like Cranbourne East and South Morang — promises it made in 1999 — but it can find tens of millions of dollars to conduct a non-binding plebiscite in the state of Victoria. It is bizarre. As I have said, despite this bill being in my view an abuse of power and a waste of money, I think there is a more serious and quite offensive side to it.

As a Victorian with Ukrainian heritage I have talked to many people about nuclear power. I have talked to many Ukrainian Australians about what happened at Chernobyl and to many people in the Ukrainian community about the force of uncontrolled nuclear energy. As everyone in this house knows, parts of northern Ukraine and southern Belarus were left a wasteland in April 1986 by the nuclear tragedy at the Chernobyl nuclear power station at Pripyat, Ukraine.

But it must be noted that the many people who were killed, injured or left diseased or who were forced to leave their homes forever were the victims of a rabid left-wing dictatorship whose failed economic model led it to build nuclear power stations on the cheap. Human safety, like human life, was considered a secondary concern for communists. The circumstances that led to the tragedy at Pripyat will not occur in Australia. No government in Australia would or could allow the construction of any power station, private or public, nuclear or conventional, with similar safety considerations as occurred in the 1970s and 1980s in the Soviet Union.

**Mr Lenders** — You’ll regret this by the end of your political career.

**Mr GUY** — Not a chance. I suspect members in this house who have spoken in favour of this bill and who are partaking in what is a shameful nuclear scare campaign are not widely read on the construction style and lack of safety provisions that were part of the Soviet nuclear program.

To conduct a debate on nuclear energy in Victoria with the implication that our state could be exposed to a Chernobyl-style catastrophe through security concerns, as is listed in the second-reading speech, is irresponsible and disgraceful. I do not believe 5.25 million Victorians deserve to be the subject of such an atrocious fear campaign from the Labor Party that is designed, in only one part, to see the election of a Rudd federal Labor government.

As I have said, this bill is a terrible and shameful stunt. As an elected legislator I grieve for the people of this state who have had their hard-earned taxpayer dollars bled by a government that views state revenue as a multimillion-dollar slush fund.

The bill is a sham. It is a gross waste of money. It is a very good example of the Labor Party’s attempt to dumb down politics in the state of Victoria. In my view, every member of the Bracks Labor government should stand condemned for supporting a bill that treats our proud democracy as an appalling joke. I urge all members to reject this bill.

**Mr PAKULA** (Western Metropolitan) — Thank you, President.

**Mrs Peulich** interjected.

**Mr PAKULA** — Thank you, Mrs Peulich.

**Mr Finn** — I’ve been waiting for this.

**Mr PAKULA** — My contribution will be nowhere near as entertaining as Mr Finn’s. Mr Guy was very excitable — I suspect he had one too many Red Bulls this morning!

**Mr Guy** — With respect!

**Mr PAKULA** — With respect, he just recently accused the government of treating democracy like a joke, but earlier in his contribution he said the plebiscite would outlaw or stop the federal government from building a power plant in Victoria but the state government would be allowed to do so. He conveniently seemed to overlook the fact that there is already a state act which prevents any state government from building a nuclear facility. I am not sure what point he was trying to make in that regard.
I want to go through some of the contributions that have been made by others in this debate so far, because they have been reasonably illuminating. Mr Barber last night took what I consider to be an unusual approach to this debate and one that I was surprised to hear from him. If I am not quoting him out of context, the general premise of his initial remarks seemed to be that the bill was not necessary and there is really nothing to worry about because no government in its right mind would actually build a nuclear power plant in Victoria or anywhere else in Australia, because of both the economics of such a construction and because other forms of renewable energy are cheaper. I think that was — —

Mr Guy — You are actually speaking for the bill, aren’t you?

Mr PAKULA — I am aware that I am speaking for the bill. That was the substance of Mr Barber’s contribution. I suppose all I can say about that is I am glad Mr Barber is so confident in his views on that matter, but from my understanding of the contributions made by the Prime Minister and others, including Dr Ziggy Switkowski and Mr Guy, I certainly do not have the same degree of confidence that nuclear power is the dead duck that Mr Barber seems to think it is. He then went on with about a 20-minute set piece, which was effectively Mr Barber’s attempt to create the set-up in anticipation of what he thinks will be the outcome at the ALP national conference — and then he accused us of being political!

Mr Finn’s contribution was timely given that we are in the middle of the Age Melbourne International Comedy Festival, because it was one of the more entertaining contributions I have heard in the house in my short time here. He also accused the government of being utterly political and then went on with his 20-minute diatribe about the Nunawading re-election 22 years ago!

Mr Finn — It was 10 minutes.

Mr PAKULA — I will correct the record. It was a 10-minute diatribe about the Nunawading re-election of 22 years ago, which made Mr Finn’s contribution clearly not political!

He then entertained us with what was really a bizarre conspiracy theory — I think he has been hanging out with Mel Gibson — about the fact that this bill is really all about us getting a plebiscite up before the federal election so as to help Kevin Rudd. No-one has yet explained how it would help, and clearly on any reading of the bill that is an absurd suggestion. Whilst I am not surprised to hear that sort of contribution from Mr Finn, I was surprised to hear it taken up by Mr Guy.

Mr Finn also tried to make the point that the bill was entirely unnecessary because the state already has in place an act which outlaws nuclear facilities. I should be fair to Mr Finn by acknowledging that he did concede he was not a constitutional lawyer, but he seems to have overlooked the fact that there is a power in the constitution which makes it very clear that if there is a commonwealth act that contradicts a state act, then the commonwealth legislation overrides that state act. The provision is called section 109, and it has been used by this federal government on numerous occasions, not least in regard to industrial relations.

The power of the commonwealth to use particularly the Corporations Law — —

Mr Finn — Come on! Tell us: how will the plebiscite stop that?

Mr PAKULA — I will come to that. The power of the commonwealth to override state laws, particularly in regard to commonwealth land, which is where a nuclear facility could be proposed to be built, is clear.

Mr Finn interjected.

Mr PAKULA — It is not quite Sunbury. Mr Hall endeavoured to make the same point, and my comments in regard to Mr Finn’s contribution go to Mr Hall’s contribution as well.

Mr Atkinson made what I thought was a very reasoned contribution. He made the point that the Prime Minister’s view is that there should be a significant debate. But my point is that nothing in that contribution is an argument against this bill — in fact, it is an argument for the bill. I will go to the reasons why.

Despite all the histrionics we have had to endure this morning and last night, the bill is about providing the Victorian people with a chance to express a view. It is about — —

Mrs Peulich interjected.

Mr PAKULA — We are very interested, Mrs Peulich, because for the last seven or eight years when we have asked the Victorian people to express a view, the view they have expressed is that members on that side should be in opposition and we should be in government, so we are very happy to hear the views of the Victorian people.

Mr Finn interjected.
Mr PAKULA — Mr Finn trotted that argument out during the last election campaign, and the Victorian people gave their verdict on that.

The bill provides the Victorian people with a chance to express their view — and it is necessary. Despite what Mr Barber might have said about nuclear power not being viable and not being a realistic option, the fact is that sentiments have been expressed by the federal government that are very favourable towards a nuclear power industry. Sentiments have been expressed in the Switkowski report. Members may want to acquaint themselves with the Switkowski report; it favours a scenario of 25 nuclear generators in this country generating up to 30 per cent of Australia’s power.

The history of the Howard government is that it has been extremely slow on the uptake in the provision of commonwealth support for carbon trading and other forms of renewable energy. In the last election campaign the state opposition did not support this government’s position on renewable energy targets. The Prime Minister is openly advocating a nuclear option, but he is very cagey about where those nuclear power plants might go. The only clue that I have been able to discern from the Prime Minister’s contribution is that he would not mind living next door to one. We can probably assume there will be one at Kirribilli and one at Wollstonecraft, but that still leaves 23 others. The question we are entitled to have a view about is: where would the other 23 go? I have looked through — —

Mr Finn — Black Rock.

Mr PAKULA — It is actually not nominated as one of the locations, but some of the potential locations that have been nominated are Woodside, Portland and Newport. Mr Hall, Mr Vogels, Mr Finn and other members who represent electors in those locations might want to reflect on whether or not our constituents would like to have a say about this. I am pretty sure — —

Mr Finn — Here comes the scaremongering!

Mr PAKULA — No, Mr Finn, it is not a scare campaign; it is actually a pretty simple point. It might be comforting to people in Newport or Portland or Woodside to know that before a nuclear power plant is built in their suburb they will at least have the opportunity to express a view about it.

None of us know where these power plants might go, but at some point the locations will be identified, and at some point — as Mr Atkinson pointed out — all the arguments about this will be ventilated. If the Prime Minister decides to plough on with what is clearly his view about nuclear power, I have no doubt that it will be backed by a leviathan public advertising campaign which will probably put the $55 million that he ploughed into the industrial relations campaign to shame. The opponents of nuclear power will also make their views known, but obviously without the resources of the commonwealth. All the views will be ventilated and exposed.

Mr Finn interjected.

Mr PAKULA — I advise Mr Finn that my contribution is not about a scare campaign.

Mr Finn — This bill is about a scare campaign.

Mr PAKULA — My contribution is that no doubt one day there will be a debate about nuclear power. No doubt one day the Prime Minister will express his views through the avenues that he uses, and no doubt one day those who are opposed to nuclear power will express their views. What is wrong, after those views have been ventilated and the arguments have been heard, with asking the Victorian people to express a view about the judgement they have made?

My personal view is that I agree with most of the other speakers on the Labor side. I do not think the case — —

Mr Finn — Go on!

Mr PAKULA — I do not think the case for nuclear stacks up. I do not recall Mr Finn, in his contribution, actually expressing a view about whether the case for nuclear power stacks up.

Mr Finn interjected.

Mr PAKULA — Unlike Mr Finn I will express a view about nuclear power. I think we have only skimmed the surface of the energy alternatives — wind, clean coal, solar, carbon storage — —

Ms Hartland — There is no such thing as clean coal.

Mr PAKULA — That is Mrs Hartland’s view, and she is entitled to it.

Ms Hartland — It is Ms Hartland.

Mr PAKULA — Sorry, Ms Hartland. I do apologise; it was not intentional. We have only skimmed the surface in promoting energy-efficient products, whether they be lights, appliances or vehicles; and as other speakers pointed out, including both
Mr Atkinson and, to his credit, Mr Barber, there are enormous advances that we are yet to make in regard to changes in human behaviour.

As a counterbalance, I think the problems with nuclear power remain significant. There are, as Mr Atkinson appropriately pointed out, significant long-term waste storage issues, particularly with regard to long-lived intermediate-level and high-level waste. There are massive capital and set-up costs, which no doubt Mr Thornley will elucidate, which make nuclear power a highly uneconomic option — and there are massive levels of water usage. Despite people’s claims that this is a scare campaign, nuclear power plants do create enormous security concerns. Whether it is in regard to an accident or about their being terrorist targets, one thing you can be sure of is that if something goes wrong in a nuclear facility it will be a catastrophe of proportions we can only imagine.

There is no doubt that these issues will find their way into a public debate, and there is nothing wrong with giving Victorians a say. As for all the hyperbole and hysteria about it being non-binding, let me say that if we could bind the commonwealth we would.

Mr Finn — Why bother doing it?

Mr PAKULA — This is why we bother doing it — because the Prime Minister is an intensely political animal.

Mr Finn — Go on. A prime minister who is political — that is unusual!

Mr PAKULA — I am not expressing it in a pejorative way; I am simply making the point that he is sensitive to public opinion. Even though a plebiscite of the Victorian people may well be non-binding, it would be a very brave and arrogant Prime Minister who engaged in an act of high folly and proceeded to build nuclear power plants in Victoria in the face of strong public opposition expressed in a plebiscite.

The view that because it is not binding it is of no use is just plain wrong. If the Victorian people have the chance to express a view, and strongly express the view that they do not want a nuclear power plant in this state, my view is that the commonwealth will have no choice but to listen and to accept the views of the Victorian people as expressed through the ballot box.

If the argument for nuclear is as powerful as its advocates suggest, then those advocates might get a result that they are happy with, but it does not stack up economically, safety-wise or environmentally. Before the commonwealth proceeds to impose nuclear energy on the people of Victoria this bill will provide the Victorian people with the chance to express their view about that imposition. Those who claim to be adherents to and supporters of democracy in this state should be supporting rather than deriding this bill. I commend the bill to the house.

Mrs PEULICH (South Eastern Metropolitan) — Congratulations, Acting President Vogels, on becoming a grandfather recently. We were all delighted to hear the news. You are a very youthful grandfather.

I intend to speak only about the public voting processes enshrined in this bill, not the subject matter of nuclear energy, which is clearly outside the parameters of this bill and which is the focus of contributions from the Labor side of politics. This is nothing but a stunt.

Mr Finn — With a capital S.

Mrs PEULICH — Absolutely with a capital S. Mr Guy said it was very typical of how Labor approaches these things. And basically how does it approach them? It hijacks the process, manipulates the spin and makes Victorians pay for it at a time when Victorians cannot get adequate funding for disabilities, for infrastructure, for schools — as I remind Mr Lenders — or for roads.

Honourable members interjecting.

Mrs PEULICH — This is very important, because if it were not a stunt, it would be a much more carefully crafted piece of proposed legislation, and we will go to that in a moment. I think this bill is intended to assist federal Labor in its bid to be elected.

An honourable member — They need all the help they can get.

Mrs PEULICH — I have a slightly different view. I think this is the Bracks Labor government’s re-election efforts with a focus on 2010. I think the Bracks Labor government is already conceding that the coalition parties in the federal arena will win, and I expect this plebiscite to be conducted in the lead-up to the 2010 election so as to scare voters and to secure and diddle Victorians out of yet another term. I do not expect to see a plebiscite before the federal election.

Mr Thornley interjected.

The ACTING PRESIDENT (Mr Vogels) — Order! Mr Thornley is listed to speak later.

Mrs PEULICH — But I do expect to see a plebiscite before 2010, because that is exactly what the
I will refer to the bill very briefly, in particular new part III, which is about a plebiscite being required in respect of the construction of a prohibited nuclear facility in Victoria. Proposed section 12(1) states:

(1) This Part applies if the Minister is satisfied that the Commonwealth Government has taken, or is likely to take, any step supporting or allowing the construction of a prohibited nuclear facility in Victoria.

That is one of them. Proposed subsection (2) states:

(b) adopts a policy position of supporting or allowing the construction of a prohibited nuclear facility in Victoria.

Basically the Minister for Energy and Resources in another place has a crystal ball and can trigger this at any point in time, and of course we cannot take it seriously for that reason.

Mrs PEULICH — I thought Mr Finn might ask that. I thought I would share this by referring to Hansard. I do not know the precise date, but I understand it was immediately after the 1996 election. I have a notice of motion I would like to read for the house’s interest. It was proposed by one Mr Finn, then the member for Tullamarine in another place. He said he wished to move:

That this house — (a) notes the involvement of the honourable member for Thomastown, in his then role as State Secretary of the Australian Labor Party, to manipulate the result of the Nunawading Province by-election in 1985 by orchestrating a campaign to mislead and defraud voters in the by-election; (b) further notes the refusal of the honourable member for Thomastown to cooperate with the police investigation of this scandal and now calls on the honourable member to disclose the full facts of his and other Australian Labor Party members involvement in this corrupt incident; and (c) calls on all members of the opposition —

the Labor Party was then the opposition —

to publicly dissociate themselves from the actions of the honourable member for Thomastown and to support the demand that he disclose to the house the facts relating to his involvement in this gross abuse of the electoral system.

If the Bracks Labor government were taking itself seriously and this were a serious piece of legislation, it would conduct a referendum, it would apply to the state as well as to the federal government, and it would not give enormous powers for the management of the process to the person who was the subject of the aforementioned notice of motion. If Labor were serious, it would have done that, because what can this person do?
Mr SCHEFFER (Eastern Victoria) — The need for the introduction of this bill has become necessary because of the widespread concern that has been aroused in Victoria over the Howard government’s promotion of nuclear power and specifically the Prime Minister’s refusal to rule out any location where a nuclear reactor could be constructed and located.

The bill amends the Nuclear Activities (Prohibitions) Act introduced by the Labor government of John Cain, which prohibits the establishment of nuclear facilities anywhere in Victoria. The amendments to be considered today will enable the government to conduct a referendum in Victoria if the commonwealth government takes any action that supports or permits building of a nuclear facility that is banned under the Victorian legislation.

Under existing commonwealth law the Howard government cannot allow nuclear reactors to be built and would need to introduce new legislation for a nuclear power plant to be located in Victoria. The Australian Radiation Protection and Nuclear Safety Act and the Environment Protection and Biodiversity Conservation Act together prevent the commonwealth from authorising the construction or operation of nuclear installations and prevent corporations or commonwealth agencies taking nuclear actions that will have a significant impact on the environment. If the commonwealth ever intends to allow a nuclear reactor to be built in Victoria, it will have to amend its laws.

Under the amendments contained in this bill, if the commonwealth introduced new legislation of this type into the federal Parliament, the Victorian minister would take steps for a referendum to be held. The minister would also be required to have a referendum if the commonwealth adopted a policy position that pointed towards the construction of a nuclear power station in Victoria.

One of the amendments put forward by Mr Barber yesterday goes to this provision. The Greens amendment proposes that reference to the commonwealth adopting a policy position that supports or allows the construction of a prohibited nuclear facility should be removed from the bill. I support what other speakers on this side have said in relation to the effect of this amendment. By the time the commonwealth has a bill before the federal Parliament it will be too late for a plebiscite to influence the Commonwealth government. The present bill in itself cannot prevent the commonwealth from supporting the construction of a nuclear reactor in Victoria, but it can give Victorians a direct say. It can give Victorians the opportunity to debate the issues and be presented with the facts. It will require Victorians to come to a decision that will make it clear to lawmakers what the public in this state thinks.

If Victorians vote against the commonwealth nuclear plan a strong argument on the part of the commonwealth would have to be mounted to override public opinion. A referendum would require the commonwealth to run the argument in favour of nuclear energy in Victoria. I am not a lawyer, but section 109 of the Australian constitution is very clear to me. It states:

When a law of a state is inconsistent with the law of the commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

It is entirely within the commonwealth’s power to permit nuclear reactors to be built in Victoria. In recent months the Howard government has brought nuclear energy back as an energy option. A generation ago Victorians, and Australians generally, overwhelmingly rejected the nuclear power option for this country.

To be fair, this opinion was formed in a political and environmental context very different from the present. Nuclear technology was much less advanced than it is today, and the threat of a reactor malfunction, such as happened at Three Mile Island in 1979 and at Chernobyl in 1986, was ever present. There was also a great and well-placed fear that the radioactive waste from nuclear reactors could never be made safe over the hundreds of thousands of years it would take for it to decay and that no burial could be sufficiently deep or permanent to safely contain this dangerous substance. Similarly the Cold War and the threat of a nuclear holocaust were imminent and dangerous realities fed by the Cuban missile crisis, Korea, the Soviet invasion of Czechoslovakia, the Berlin Wall and the Vietnam war.

Today the general circumstances are different. I think that today more people feel that nuclear reactors are relatively safe because there has not been a publicised catastrophe for many years. Many people also believe that burning fossil fuels has an unacceptable impact on global warming and that, despite the danger, nuclear energy is worth risking because it produces no carbon dioxide. Despite denials that the commonwealth intends to override existing Victorian law, there is strong objective evidence that suggests that the Howard government is determined to promote the nuclear energy industry.

In June last year the federal government appointed a task force headed up by Ziggy Switkowski to review uranium mining, processing and nuclear energy. Not very surprisingly the task force stated that there are
opportunities to expand the nuclear options for Australia and that nuclear power generation is superior to power generation using fossil fuels produced under current technological conditions. The final report says that nuclear power generation is an important way to reduce greenhouse gas emissions. It supports the construction of 25 nuclear generators, which are to be established by 2050 and which will produce 30 per cent of Australia’s electricity. The Prime Minister has actively encouraged debate on the nuclear option and in this way has succeeded in bringing the issue to centre stage.

It is widely known that the Prime Minister was a climate change sceptic. More recently he has acknowledged that global warming is a reality. This probably has something to do with the fact that opinion polls show that overwhelmingly Australians and the business community are not climate change sceptics. They are waiting for the federal government to start responding seriously to this major issue. To be clear, no-one is saying that the commonwealth has done nothing at all to support the renewable energy industry or to encourage the development of cleaner fossil fuel technologies. A quick search shows that the commonwealth government, in partnership with industry, has supported and encouraged the development of a range of renewables, including wind power, geothermal, clean coal, biofuels and solar. But I am doubtful that the Prime Minister has really engaged with the issue of climate change and global warming. I remain unconvinced that the Prime Minister can actually imagine that the biosystem is really under unsustainable and dangerous pressure.

A recent opinion poll conducted by the Chicago Council on Global Affairs and WorldPublicOpinion.org, in conjunction with polling organisations around the world, polled people living in 12 countries on whether steps should be taken to address climate change. The poll found that majorities in 11 of the 12 countries favoured action being taken to address climate change. The largest majority was found in Australia — 92 per cent — and people in China and Israel are the next most likely to favour such action, followed by Argentina and the USA. According to the poll, 95 per cent of Australians saw global warming as an important but not critical threat, and 69 per cent saw global warming as a critical threat and believed that steps should be taken to address the problem, even if it involved significant costs. There is no doubt that Australians are very concerned. It is clear that awareness of global warming in both developed and developing countries is high and that large majorities strongly support their governments taking action. The world is changing.

What do Australians think about nuclear energy? Andrew Macintosh’s report for the Australia Institute states that Australians are split almost fifty-fifty in their support for and opposition to nuclear reactors but that public opinion and the eventual success in constructing the reactors turns on where the reactors are cited. Macintosh says that proposals to construct nuclear reactors usually face strong opposition from local community members. The Newspoll commissioned by the Australia Institute showed that two-thirds of Australians are opposed to a nuclear reactor in their local area and that women are more likely to be opposed than men — 75 per cent versus 57 per cent — as are middle-class residents, people with children, and younger and middle-aged people. All this poses considerable difficulty for the proponents of nuclear energy.

Last month the ABC’s 7.30 Report ran an item on the then soon-to-be-released report of the Intergovernmental Panel on Climate Change. The 7.30 Report said that Australia faces a reduction of up to 50 per cent in stream flows to the Murray–Darling Basin; a coastal temperature increase of 1.3 degrees by 2020; a temperature increase of 6.7 degrees by 2080 resulting in heatwaves and fires, more frequent floods, landslides and storm surges; up to 20 per cent more droughts over most of Australia by 2030; and coastal inundation, erosion, loss of wetlands and saltwater intrusion into freshwater sources, with impacts on infrastructure, coastal resources and existing coastal management programs. Malcolm Turnbull, the federal Minister for the Environment and Water Resources, answered that there was nothing new in this data and said that it was not a revelation.

But Malcolm Turnbull and the Prime Minister know that climate change and global warming are causing deep public concern — largely related to people’s bitter experience of the current drought — and that the federal government must be seen to be doing something. This is where talking up nuclear energy as a clean energy option fits in. There is no doubt that the nuclear industry is part of the culture of big business and is well within the federal government’s ideological comfort zone. It belongs, for example, to three men with impeccable Liberal credentials — Hugh Morgan, Ron Walker and Robert de Crespigny. Their company, Australian Nuclear Energy Pty Ltd, has been encouraged by the Prime Minister.

The Howard government’s support of the nuclear option also has a political agenda. By marketing nuclear as the only option capable of delivering energy that does not contribute to the production of greenhouse gases, the Howard government is seeking to promote
itself to concerned voters as doing something about global warming.

The Howard government is animated by a profound belief that reducing greenhouse gas production will adversely affect the economy and hence public wellbeing. The Prime Minister said this very plainly on the ABC a fortnight ago. He said he agreed with some of the views that Nicholas Stern expressed and that he had reservations about other views. Importantly the Prime Minister said that if implemented literally the reforms that Stern supported would do great damage to the Australian economy.

The federal government has failed to make the big investments in promoting renewable industries — wind, solar and geothermal. This is not a new thing. Back in June 2004 the Australian business council for renewable energy stated in a media release that the Prime Minister had failed to deliver real support for the renewable energy sector. It said the federal government was positioning itself with Australia’s energy past and not with its energy future. This was based on the Prime Minister’s decision not to increase the mandatory renewable energy target (MRET), which the council said is the only measure that drives industry growth for the renewable energy sector.

The executive director of the Australian Business Council for Sustainable Energy, Mr Ric Brazzale, said at the time that without an increase in MRET there is no strategic framework for growing renewables in Australia and that the emerging domestic industry will stall as a result. Mr Ric Brazzale went on to say back in 2004 that implementing programs that support specific technologies over others will not deliver long-term sustainability for the Australian renewable energy industry.

Because of the Howard government’s short-sightedness the Victorian government became the first Australian state to announce its own mandatory renewable energy target to reduce the need to use fossil fuels for electricity production. The Victorian renewable energy target (VRET) scheme will save 27 million tonnes of greenhouse gas — the environmental equivalent of removing the cars from Victoria’s roads for a period of two years. The VRET will deliver massive savings in greenhouse gases, and it is a crucial point of the government’s environment sustainability action statement. Clean, greenhouse-friendly energy such as wind and solar power is critical in the fight against climate change. The Victorian government’s strategy to address climate and global warming is multilevelled and based on the understanding that, while there is no single answer, it is clear that nuclear reactors are not part of it.

Late last year the Mining and Energy Division of the Construction, Forestry, Mining and Energy Union (CFMEU) released a climate change discussion paper. The union is to be commended for squaring up to an issue that is central to the livelihoods of its membership. The discussion paper acknowledges that coal is a major export product, mainly to China and India. The union paper also acknowledges that coal exports are the source of Australia’s current and future prosperity. But the paper also recognises that emissions must be reduced and that renewable technologies and fuels such as wind power, solar thermal, photovoltaics, ethanol and biodiesel, for example, have a major role to play in reducing net greenhouse gas emissions.

The CFMEU mining and energy division supports Australia’s ratification of the Kyoto protocol and the 60 per cent greenhouse gas emissions target below 2000 levels by 2050. The discussion paper, however, acknowledges that fossil fuel use will increase rather than decrease irrespective of the growth in renewable energy use. That is why the CFMEU mining and energy division, the business community, scientists, environmentalists and the public believe that there must be reduced emissions from coal. The critical question is how we manage coal. India and China are planning something like 600 coal-fired power stations, and the issue is that we make sure that planners build in carbon capture and storage technologies.

In this area Australia and Victoria are well advanced. HRL Ltd, in partnership with the commonwealth — to its credit — the Victorian government and Chinese investors, including Harbin, which is one of the largest power station construction companies in China, are now engaged in a $750 million clean coal technology demonstration project. This type of project will help the coal industry bring down costs and develop the technology so that coal-powered generators are more capable of capturing and storing carbon emissions. Last week the Minister for Energy and Resources in the other place, Peter Batchelor, announced a new $10 million round of clean coal research grants that will advance knowledge in capturing and storing greenhouse gas emissions.

The Victorian government has made its position on nuclear energy very clear to the Ziggy Switkowski task force. It said that it believed that nuclear power is not an appropriate form of energy supply for Australia and that further investment in Australia within the energy sector should remain focused on renewable and clean coal generation.
Last Saturday I spent 3½ hours in Main Street, Hastings, talking to residents about their views on nuclear energy and the possible siting of a reactor in Hastings, as presented in the Australia Institute’s research paper titled *Who Wants a Nuclear Power Plant?*. To be fair I was surprised that many were very clearly in favour, because they believed that nuclear energy production would be better for the environment and that the risk was worth it. But overwhelmingly people were opposed to this direction and preferred to go down the track of renewables. They did not want to see a nuclear reactor in Hastings, Sea Spray, French Island or Coronet Bay.

The Nuclear Activities (Prohibition) Amendment (Plebiscite) Bill is an important piece of legislation because it places a brake on any attempt by the Howard government to construct a nuclear reactor in Victoria. It will force the Howard government and the Liberal opposition in Victoria to run their arguments before the Victorian public in the context of a referendum. I commend the bill to the house.

**Mr LEANE** (Eastern Metropolitan) — I am pleased to speak on this bill. Electricity supply and its means of generation is something I have dealt with all my working life. For a number of practical reasons I wish to support this bill. A number of speakers before me have had a lot to say, but I will keep it short because a lot has already been said.

But unlike the eight Liberal members of the Legislative Assembly who occupy seats in my electorate, I do not support nuclear power plants or waste dumps being installed in the Eastern Metropolitan Region. Nor do I support nuclear power plants anywhere in this state.

**Mr Guy** — Have you asked them?

**Mr LEANE** — Mr Guy asked by interjection whether I had asked them. As far as the Liberal member for Bayswater in the other place is concerned, I do not need to ask that particular member. Heidi Victoria has a big, highlighted statement in the local paper saying, ‘I am not going to be close-minded and rule out any category of power’. She is speaking for all of the people in her electorate; as far as she is concerned she has the responsibility. She does not want people to have their say about nuclear power. What she wants to do, along with her colleagues, is fall into line with her spiritual leader, John Howard, and the wealthy people who pull his strings.

We have heard a number of times from Mr Guy and Mr O’Donohue about the Liberal way and about the freedom of the individual to take advantage of as many other individuals as they can. Mr Walker, his mates and John Howard are attempting to set up a power plant against all logic. There is no logic in nuclear power plants when there are so many other renewable power sources ways we can invest in, such as wind energy. Mr Vogels spoke about tidal power, and I am in favour of that. There are ways other than nuclear fission to make steam. I am not an expert; I would not be the best sparky in the world.

**Mr Guy** interjected.

**Mr LEANE** — I was pretty good, Mr Guy. But you do not connect a wire to each end of a plutonium rod to cause nuclear fission and all of a sudden the plutonium rod pumps out X number of kilovolts through the system. Generating large amounts of power — and I do not mean to patronise anyone here — is not that difficult. What you need to do is spin big turbines. To get them to spin you can use hydro or you can use steam or whatever. When you get the turbines to spin, you connect the rotors to the generator, which eventually pumps out X number of kilovolts. The kilovolts go through a system of transformers which eventually supplies our electricity dependent world — including the toasters in our parliamentary offices!

We know there are a number of issues with nuclear power. I cannot understand how Mr Howard, all of a sudden, has admitted that there is a global warming problem and said, ‘I have the answer. I have spoken to my mates. The answer is nuclear power stations’. I am unsure how he got to that conclusion, particularly given that there is the issue of the safety of those plants. I know some scientists have put their hands up and said nothing like Chernobyl could happen again, but nuclear power plants are like any other type of large plant, whether it be a manufacturing plant or a gas plant, in that they have a lot of auxiliary equipment that can fail. I have been to places where all the safety issues had been looked at and there had been procedures in place, but they still failed.

We all know of the tragedy at Longford. It was a tragedy not because we lost our gas supply for a couple a weeks but because a couple of men lost their lives.

**Mr Rich-Phillips** interjected.

**Mr LEANE** — I accept Mr Rich-Phillips’s interjection that it was not a nuclear plant. I am not comparing apples with apples, but you have to understand that any plant, as I said, whether it be a nuclear plant or a gas plant, has the same type of auxiliary equipment, and failures happen. What happened at Longford was that after the accident and
NUCLEAR ACTIVITIES (PROHIBITIONS) AMENDMENT (PLEBISCITE) BILL

Concerning nuclear power, we all know that nuclear power plants are dangerous, and we all know that the costs of nuclear power would never have ended. This is the issue when there are problems with nuclear power — they never end.

There is a similar question with nuclear waste. No-one has come up with a good way of controlling nuclear waste. The problem with the waste is that it remains radioactive for hundreds of years and, at times, thousands of years. I would say that if the ancient Egyptians had used nuclear power to build the pyramids, the people who live in that part of the world would be cursing them, because they would have been left with the problems from thousands of years ago.

If we said to the voters of Victoria that we needed to use this dangerous method of nuclear fission to create heat, they would be saying to us, ‘You’re not trying hard enough’. I do not know why the opposition parties would be against a bill that could not be any more democratic than it is by letting the people have a say — let them say it; let them have a go! — if they want nuclear power or not. If Prime Minister Howard and his cronies want to put a nuclear plant here, let the people have a say and let him hear their voice.

Mr TEE (Eastern Metropolitan) — I would like to start with the proposition with which Mr Leane ended — that is, the simple proposition being put forward by this bill, which is about giving people a say about whether or not they want a nuclear plant in their backyard. It surprises me that members on the opposition benches refer to this very noble objective as a stunt, and it surprises me that those opposite have a problem with letting the people of Victoria have a say in this important matter.

It surprises me that those opposite would treat the electorate with that degree of contempt, but I suppose it should not surprise me, because in the last couple of elections the electorate has certainly treated those opposite with contempt. It is no wonder the opposition has taken a position where it does not want to give the electorate an opportunity to express a view.

We all know that nuclear power is expensive and dangerous, and we all know that the costs of nuclear power are carried not just by the generations that create the power plant but by the generations that follow. The legacy of a nuclear power plant is the suffering of the generations who have to live with the security concerns it creates. The generations who suffer are those who are left with the headache of finding somewhere to store the tonnes of contaminated waste produced — waste that remains extremely dangerous and volatile for up to 250,000 years. Future generations will have to worry about what to do with the 25 to 30 tonnes of spent fuel produced annually by power stations. Future generations will have to worry about whether or not that waste is leaking into their groundwater and surface water. Let there be no doubt — a nuclear power plant would leave a legacy of health and safety concerns for our children and our grandchildren.

A nuclear power plant is no answer to climate change; in fact, a nuclear power plant will add significantly to the water shortages we are now suffering. Nuclear power plants use large quantities of water. A study by the Australian parliamentary library found that nuclear plants use between 100 and 150 million litres of water per hour. This means that a nuclear power plant uses 50 times more water than all the houses in my eastern suburbs electorate.

In Australia these concerns about a nuclear power plant have been heightened in recent times by the Prime Minister’s push to see Australia embrace a nuclear option. First we had the Switkowski report, which argued that nuclear power should be considered as a new energy resource. Then we found out that the Prime Minister had met with Mr Ron Walker and discussed the setting up of a nuclear energy company. Then we found out that Mr Walker and others had indeed created a company called Australian Nuclear Energy Pty Ltd, and we have seen newspaper reports that that company is looking at setting up a nuclear power station in either Victoria or South Australia.

The unfortunate reality is that the Howard government has a dream for a nuclear power plant — a dream that is being delivered by Mr Walker and others through Australian Nuclear Energy Pty Ltd. Unfortunately this dream of the Prime Minister is a nightmare for the families in my eastern suburbs electorate. No-one can hide from the consequences of a nuclear accident, but children and older members of the community are particularly vulnerable.

According to the 2001 census, there are 137,000 children living in 60,000 families in my eastern suburbs electorate. I believe these families are reason enough not to have a nuclear power plant in my electorate. Families know that nuclear power plants are dangerous, and they know that nuclear power plants
make families vulnerable in this time of heightened security awareness. Families are too precious to risk.

Governments have a moral obligation to guarantee the safety of our communities by ruling out a nuclear power plant in our suburbs. That is why I got together with councillors from the Whitehorse, Knox, Maroondah and Manningham councils. These councils represent the overwhelming majority of residents in my eastern suburbs electorate. We got together and discussed the legislation we are debating today.

Having discussed that legislation, the councillors and I have agreed to demand from the commonwealth a written guarantee that there will be no nuclear power plant in the suburbs represented by our councils. We believe that our local communities are too precious to have the cloud of nuclear contamination hanging over them. We believe that our communities deserve to be able to rest easy at night knowing that nuclear contamination will not infiltrate our water, our food and our playgrounds. Families deserve to have the shadow of living with a nuclear power plant removed from their lives. This is the start of a campaign in which local councils will work with the Bracks government to fight commonwealth proposals for a nuclear power plant.

We have found support for our push for nuclear-free eastern suburbs from a number of unlikely sources. Unfortunately we have also found a number of the usual suspects who have stood with Mr Howard and turned their backs on local families. Mr Leane has already mentioned the contribution to this debate by Mrs Heidi Victoria, the member for Bayswater in the other place, and Mrs Victoria’s refusal to rule out a nuclear power plant. The fact that a representative of the people living within the city of Knox has refused to rule out a nuclear power plant is deeply concerning for those families in that area.

I might add that Mrs Victoria’s approach is in stark contrast to that of federal MP Kevin Andrews. Mr Andrews, whose electorate boundary overlaps mine, has already ruled out a nuclear power station in his electorate. He has said there is not much room for a nuclear power plant in his electorate. That, I might add, is a matter of some relief for those families living in the city of Manningham. I am hopeful that common sense will prevail. I am hopeful that the commonwealth will recognise that the eastern suburbs of Melbourne, with their large numbers of schools and families, are no place for a nuclear power plant.

In my view there is therefore no impediment to the commonwealth providing the guarantees that we have sought, and there is no impediment to the commonwealth ruling out a nuclear power plant in the eastern suburbs. The guarantee will certainly give great comfort to those people living in my electorate. Ultimately the guarantee can only be the start of our campaign because, as we know, no community is safe from a nuclear accident in any neighbouring community. Nuclear-free eastern suburbs must ultimately be followed by a nuclear-free state. This legislation is part of the campaign to deliver on that outcome, and for that reason I ask the house to support this legislation.

Mr THORNLEY (Southern Metropolitan) — There have been some interesting assertions made in this debate. I want to deal with some of those first. I will then talk about something that nobody opposite ever wants to talk about, which is economics and economic management.

Hon. T. C. Theophanous — I do!

Mr THORNLEY — The minister does — absolutely — because he cares about it, as we do in this government.

Firstly, let us start with the bizarre assertion that a plebiscite — consulting the people on an issue of critical importance — according to those opposite is a stunt. Let me tell you what the big stunt is: the big stunt was raising the whole nuclear debate in the first place. The only reason that Mr Howard raised that debate was because he did not have a credible answer on climate change, and he realised that he needed to start entering that debate and had no capacity to do it. He needed to divert attention for quite some time while he worked out what he was going to do about the emissions trading scheme and other things.

The only conclusion you could draw about anyone talking seriously about nuclear power in this country is that it is either a political stunt or it is an act of ideological madness, because it makes no economic sense, no environmental sense and no practical sense. I conclude that the Prime Minister, Mr Howard, is a very clever politician. I am guessing that he was not doing this out of an act of ideological madness or out of some sort of nuclear weapons envy because he wants one of his own, so I have to conclude that it was a political stunt. And what a stunt it was!

It is pretty consistent I suppose with the traditional way that he does these things, which is to create these false dichotomies, these dramas, these you-are-either-with-us-or-against-us routines, because something simple and practical that runs down the middle and solves the problems does not really help
you if what you are trying to do is pull a stunt. You can create these bogus debates about whether you are pro or anti-business; bogus debates about whether you believe in markets or the state, bogus debates about whether you are in favour of prosperity or fairness; or bogus debates about whether you believe in economic growth or environmental sustainability. In that spirit we have now a completely bogus debate about whether we want to have renewable energy or nuclear energy, because those are the only two solutions to get us down a low-emissions path.

The reason it is bogus is that it is pretty obvious the economics of renewable energy are coming into the place where they will be attractive, but not for some time — not for another couple of decades at best guess. And nuclear does not help us. Nuclear, by all accounts, is not available for at least 12 years at absolute light speed — more likely 15 and probably 20 years. If you look at the economics of it, there is absolutely no way that within 20 years it would come anywhere close to the economics of the renewables. The real challenge we have in this debate is a simple one: what is the bridge that we can have between now and a sustainable, renewable future that allows us to head down the low-emissions path? Of course there is a simple and easy answer to that, but you would not want a simple and easy answer if your sole purpose in life was to create a political stunt and a diversion. The simple answer to that of course is natural gas.

But let us talk about the economics of nuclear power because none of those opposite want to talk about economics. They are not interested in economic management when it comes to pulling political stunts. The economics of any energy supply are driven by three parts. You have the capital cost of building the kit; you have the operating costs of buying the fuel and paying the people and any other inputs; and then you have the clean-up costs of fixing up the mess once you are done.

When you look at nuclear power you see it fails on all three criteria. It is by far the most expensive capital-cost kit to put in place on a dollar-per-megawatt basis, and worse than that, much worse than that, the cost of the capital is more expensive. It is not just a question of how many dollars you spend; it is a question of what you have to return to your investors in order for them to give you those dollars to spend in the first place. The thing about investors is that they have this thing called the risk-return curve, and if you want them to take a high risk, then they require a high return. All the literature shows, even in the US which is the most nuclear-friendly market there is, they require at least 3 per cent more per annum to finance a nuclear plant than they would for any other type of plant.

Given that there are no such plants in this country, that the risk of regulatory and other changes is much larger, you would expect that to be 4 or 5 per cent, which does not sound like a lot in one year, but the problem is it compounds every year. What that in fact means is that over the 20, 30 or 40-year life of the thing it is likely to double the cost again. A nuclear plant is something that is at this stage already more than two to four times as expensive. Paying for extra money means that the cost is again doubled. This makes nuclear plants four to eight times more expensive at the end of this process.

There is also the challenge of paying for the running costs of nuclear power. The big running cost of nuclear power is water. If the Switkowski plan was put into place, and we had 25 plants around the country, the water requirement to run the plants in Victoria would be roughly half the total output of a large desalination plant. Those members opposite who are so keen to build a new desalination plant to get things up and running would have to face the fact that half of the water that came out of that plant would be used to run their nuclear power plants, so they would have to build another desalination plant.

There is also the cost of cleaning up. The Tories never want to recognise the full cost of things. They are happy to have markets as long as they are not accurately accounted for. They need to ask themselves: if the nuclear waste is to be protected in the next 250 000 years from terrorists and seismic events, how much will it cost? How much will that protection cost per annum? What is the net present value of that cost over 250 000 years? The answer is: the amount is a very big number.

Mr Guy and other members of the opposition seem to think there is something difficult about the proposition that Australia can be an exporter of uranium but uranium-fired power plants are not wanted in Australia. I do not think the proposition is very difficult at all, because it is simple economics. This would be the single most expensive source of power in Australia. Given we are privileged enough to have access to many cheaper sources of power in Australia, it makes absolutely no sense us to go down the path of nuclear power. There is no need to get into a highly convoluted moral debate about the proposition — it simply makes no economic sense.

Some people think they can make economic sense from nuclear power either because they do not have enough other sources of energy — unlike us, but like the
Scandinavians — or, and more likely, they want to make nuclear weapons like the Iranians do. To say that it makes no economic sense for Victoria to have nuclear power does not mean it makes no economic sense to export uranium that others use — —

Hon. T. C. Theophanous — Not to Iran, I hope.

Mr THORNLEY — Absolutely not to Iran. I thank the minister. That is why there are appropriate safeguards that we have always advocated and legislated for.

The fundamental challenge in this debate is to build a bridge to a sustainable renewable future. In regard to this, I want to contrast the economics of gas with the economics of nuclear power. Gas has not had much of a run in this debate lately. It is not a very useful political stunt device because it has been an obvious, practical, relevant, sensible solution to the problem for 20 years. We have plenty of gas. It has less than half the emissions of coal fired power.

The technology has been proven and is existing in Australia and throughout the world. It is very quick to get a plant up and online. It is about three times faster to get a gas plant up and online than it is to get a nuclear plant built. This is just at the construction phase, but nuclear plants have a 10-to-12 year process before construction begins. Gas-fired power uses about one-fifth of the amount of water that nuclear power plants use. The capital cost of gas is between one-third and one-fifth before you arrive at the increased cost of capital for nuclear, and this doubles that capital cost of nuclear.

If the Prime Minister wanted to have a rational debate about how we start to reduce emissions over the next 20 years so that we can get to the point where scale economics and learning curve economics bring renewable technologies into a place where mass adoption is the most economic alternative, he could have solved the problem very easily. We could have started to talk about our gas reserves, increasing gas-fired power and begun to address the critical but relatively simple things that need to be done to increase our involvement in gas-fired power such as completing the national pipeline network, increasing the yields for coal-seam methane production and so on.

That would also solve another problem which you might want solved if you were the Prime Minister; apparently he is deeply concerned about coalminers’ jobs. He is so deeply concerned about coalminers’ jobs that he got Switkowski and Co. to put out a report saying that coal-fired power stations should be got rid of and replaced with nuclear power stations! If the Prime Minister were interested in coalminers’ jobs, he would see the opportunity for coalminers in those areas to be involved in coal-seam methane production for gas-fired power. This would keep production going in those fields and keep people busy in productive work in an economically rational way producing energy with low emissions. But then there would be no political stunt about nuclear energy. There would be no diversion. We would have a rational conversation about what we are going to do next.

Those economics pale into insignificance when you compare them with the economics of an emissions trading scheme. Part of the purpose of the nuclear diversion has been to help the Prime Minister take a bit of time to figure out how he will play in an emissions-trading-scheme game. The members of the federal government have been climate change sceptics who do not think climate change exists, but now all of a sudden they are bypassing prevention and going straight onto amelioration.

Six months ago these guys said climate change did not exist; now it is too late to do anything about it. All of the money that came from the recent Council of Australian Governments report was to do with how the damage will be ameliorated given it is already a foregone conclusion that Australia is in trouble. There are a lot of things that can be done about prevention. The most critical thing that should be done — which is a platform, economically rational, and done by market economists — is to put a price on the externality and put it into the market; it is called emissions trading.

If the federal government did that and had an economically rational solution, then it would not need a bunch of public officials debating the relative economics of various forms of power generation, because the market would have sorted it out. The investments would have arrived; the jobs that are piling up and waiting to be created — the investment into new generation capacity — would have been created. But this is not happening because there is no certainty about the price of carbon because the federal government refuses to set up an emissions trading scheme.

Once that is done there will be a capacity to properly finance those renewable technologies; there will be a capacity to build the bridge over the next 20 years and get gas-fired power moving; there will be a capacity to have private funding to take up the additional opportunities in coal-seam methane and others; and the private market will fund the clean coal and other sequestration initiatives to try to find a way to make those fuels viable in the long term.
There are plenty of economically rational ways in which you could be in this business, but we have a Prime Minister who does not want to talk about economic rationality. He wants to avoid talking about it. He wants to create a stunt. The problem they have now is that his stunts are not working. Their bloke used to be on his game, but he has gone off his game. He has gone off his game with the Iraq thing. That has not worked out the way he wanted it to. He has gone off his game with Hicks. That has not turned out the way he wanted it to. He has gone off his game with WorkChoices. That has not gone where he wanted it to: he cannot work out whether it is driving wages up or driving wages down. He has gone off on the interest rate scare. That has not worked out the way he wanted it to.

Now we have got the nuclear stunt, and the reason those opposite are so concerned about this piece of legislation giving voters an opportunity to say something about it is that they realise the nuclear stunt has backfired on them as well. They do not want people talking about it. They do not want to give the voters an opportunity to have a say on it because, if they did, they would throw it out as they are throwing out everything else that this government has done.

If they were serious, they would focus on real economic growth in this country, they would focus on real investment, they would focus on getting functional markets in these areas and they would stop pulling stunts like the Howard nuclear power stunt. I urge the house to support the bill.

Debate adjourned on motion of Ms MIKAKOS (Northern Metropolitan).

Debate adjourned until later this day.

Sitting suspending 12.59 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Melbourne Convention Centre: progress

Mr D. DAVIS (Southern Metropolitan) — I direct my question to the Minister for Major Projects. Will the minister confirm that since the tender probity process ceased, the Plenary Group has sought a third redesign of the Melbourne Convention Centre project and that this will see a massive net expansion of commercial space?

Hon. T. C. THEOPHANOUS (Minister for Major Projects) — This member is going to build a reputation as somebody who always comes into the house and wants to bag major projects in this state. He wants to bag any economic performance that we achieve. He came in yesterday and asked a series of questions about the economic performance of the state in terms of building approvals when he had not done any research. He tried to suggest that somehow building approvals are down when they are at record levels. He just keeps coming in here with a litany of questions which are designed to talk down this state and the achievements of the state. That is what he is building his expertise on. That is how this member operates.

I am pleased to say to the honourable member opposite that the Melbourne Convention Centre will be one of the great achievements of the Bracks Labor government when it is constructed. I am pleased to be able to report to the house that the Melbourne Convention Centre is on time and on budget.

We are not only in the process of building the convention centre but at the same time we are going out and ensuring that we will have conferences lined up for when that convention centre is completed. I am happy to be able to report to the house that we have conventions for the centre booked from 2009 on. There are 10 major conventions so far, which we estimate will mean $100 million of value for the Victorian economy. The dual strategy is to build the convention centre — the biggest in the Southern Hemisphere with its 5000 seats so you can attract the big conventions out here — and at the same time go out and get the conventions, organise and book them. As a result of those efforts we have $100 million worth of value coming into the state with conventions that have already signed up for the centre.

We also have the convention centre being developed on time and on budget. A commercial development next to it is in progress as well. It is an exciting commercial development for that precinct. It will include a 5-star hotel and shops. It will involve creating an environment where that whole area is able to connect onto the river through the wharfs that are there. It will be an exciting $1 billion development for Melbourne. We are very proud of that development. The opposition spokesperson can continue to bag it; we will keep talking it up.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — The minister’s answer conspicuously failed to respond to the issue of the increase in size of the commercial area.
I make the point that in a letter dated 28 March Plenary Austexx requested modifications to include, one, within the current approved tower a conversion of the residential use to office use, and two, the addition of a level of offices to the northern retail podium — a whole level of offices — between the retail and townhouse uses. These modifications come on top of a raft of previous changes to the tender and permit arrangements and are of enormous commercial benefit to the tenderers. Will the minister now detail to the house the full list of design changes made to the convention centre since the probity checks were finalised and indicate which process will occur to ensure probity when agreeing to these massive and lucrative design changes?

Hon. T. C. THEOPHANOUS (Minister for Major Projects) — Thank God the major projects area in this state is not being run by David Davis, because he has absolutely no idea — —

The PRESIDENT — Order! The minister is aware of my statement earlier this week. I remind him of that and ask him to pay due regard to it.

Hon. T. C. THEOPHANOUS — I always attempt to pay regard to your comments and rulings, President, and I certainly will in the future. Sometimes this is a lively area and you can lose control, as I did recently, as you know, President.

In responding to the honourable member’s question let me make this point. This is a very complicated project. It is a project which has two parts to it. I will try to explain it to the member in simple terms. One part involves the construction of the convention centre by Plenary, which is essentially the public component.

Mr D. Davis interjected.

Hon. T. C. THEOPHANOUS — Does the member want to hear it or not? There is the public component, which is the convention centre itself. There is also a commercial component to the development of this centre. I did not hear David Davis get up and congratulate the government for having achieved this important amount of money, nor has he made any comment about the fact that in the course of developing this project we have said that we are in the process of negotiating with the shed owners that are part of the — —

Mr D. Davis — They weren’t even in the original thing — you added that.

Hon. T. C. THEOPHANOUS — David Davis wants to try to find something which is not there. Of course they were not in it. Did we ever say they were in it, Mr Davis? We never said they were in it.

The PRESIDENT — Order! Through the Chair, Minister.

Hon. T. C. THEOPHANOUS — It is another example of the way in which the opposition spokesperson raises issues and then attempts to make a point about something which is on the public record. I mean, of course — —

Mr Leane — Is that a Greek word?

Hon. T. C. THEOPHANOUS — I cannot use the Greek word that — —

The PRESIDENT — Order! I am not reluctant to do this, but I am disappointed I have to do it. The minister has a trait of addressing the gallery and putting on a bit of a performance for those in it when he should be addressing the Chair. I would appreciate his getting out of that habit. He should address his remarks through the Chair. He has a little bit of licence to address the opposition, but he should forget the gallery.

Hon. T. C. THEOPHANOUS — Of course, through you, President, on the issue of the fact that the sheds were not part of the original proposal, that is a matter of public record.

Mr D. Davis interjected.

Hon. T. C. THEOPHANOUS — It is also a matter of public record that we negotiated with the shed owners because we wanted to try to get access for the whole precinct area onto the river in order that we could orient the project in such a way that allowed for restaurants and other important pieces of public area to extend to the river. A result of that change — a change which we are in the process of negotiating — is that, yes, it does require some changes to the commercial agreements, and, yes, it does require changes in the way we are focusing the development and putting more
emphasize on the development running down onto the river. It does require all those things, but we do not run away from them. I have made statements — public ones as well — about how we are negotiating at the moment with the shed owners in an attempt to ensure that process goes smoothly so we can get an even better project than the original project that was agreed to.

The project is developing very well. It will be delivered on budget and on time — at least it is on budget and on time at the moment. There have been some changes to try to make the sheds part of it and integrate them into the plan to bring the project more onto the riverfront.

Financial services industry: government policy

Ms BROAD (Northern Victoria) — My question is to the Minister for Industry and State Development. Can the minister inform the house of any recent initiatives by the Bracks government to assist the Victorian financial services sector and help restore Melbourne’s reputation as a regional financial services hub?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I thank the member for her question. As everyone on this side of the house knows, the Bracks government is committed to working hard for all Victorians. In particular it is committed to making our state a place with a strong financial services sector, because that will create additional jobs. We now have a significant story to tell in relation to the financial services sector. As Victoria’s third-largest sector it now employs over 100 000 people and contributes nearly $18 billion — $17.7 billion — to our gross state product. This is an important sector, and as the industry minister I am responsible for the financial services industry.

According to the Australian Bureau of Statistics figures, and as we have seen, between 2004 and 2006 Victoria experienced employment growth of approximately 12 per cent. It is a significant achievement, and it is due to the hard work of the government. I am proud to report that the financial services sector is part of that and is now very different from the financial services sector we found when we came into government in 1999. Let me just refresh the memory of the opposition, especially the memory of David Davis, who has made comments about the financial services sector in the past. It was Jeff Kennett and the previous Liberal-National party government — —

Mr D. Davis interjected.

The PRESIDENT — Order! Mr Davis!

Mr P. Davis interjected.

The PRESIDENT — Order! If Mr Davis wants to try it on, that is fine by me. If he continues to interject at the rate he has been interjecting, he will find himself outside. The minister, to continue.

Hon. T. C. THEOPHANOUS — Just over a week ago I officially opened in Melbourne the Asia-Pacific Economic Cooperation Regional Finance Centre, which has been established as a result of a $1.4 million grant from the Bracks government. This is a very important step in rebuilding Melbourne’s financial sector. The new finance centre will provide critical skills training for people who work in financial services for governments throughout the Asia-Pacific region in areas that have been neglected up until now. I want to make the point that we are in the process of building a new financial services hub in this state, as I have reported to the house before, and in the Docklands area in particular.

Mr P. Davis interjected.

Hon. T. C. THEOPHANOUS — Let me just outline some developments to the house. The National Australia Bank’s headquarters have now been put down
at the Docklands. There are 4000 people employed in that facility alone.

Mr P. Davis — It is a new institution.

Hon. T. C. THEOPHANOUS — The building is new, for Mr Davis’s information. The new ANZ building is under construction down at the Docklands. AXA, the giant insurance company, has a building under construction at the Docklands. The Bendigo Bank has a building down at the Docklands, and the Westpac Bank is looking at doing the same. Quite apart from the thousands of jobs that are or have been involved in the construction of all these buildings down at the Docklands, this is also a huge boost for the financial services sector.

Just in the Docklands region we expect that somewhere around 10 000 people will be working in the financial services sector as a result of the development of that hub down there. The opposition can laugh about it and can try to bag it, but let me tell you that the 10 000 Victorians who will be working down there are not laughing about it. They are proud of the achievements of this government.

Schools: drug-deal reporting

Mr P. DAVIS (Eastern Victoria) — I direct a question without notice to the Minister for Education. I refer the minister to the response he gave yesterday in this place in reference to the government’s policy on the obligation of schools to report drug deals on school grounds to police, when he said

… the answer in relation to any criminal activities is they should certainly be reported to the police.

I ask: given that the Premier said of Xavier College’s failure to report to police a drug deal that allegedly took place on its school grounds last week ‘Private schools are independent and private, they operate independently like every other private company does in the country, so they have to make decisions themselves on what they report’, who are we to believe, the minister or the Premier?

Mr LENDERS (Minister for Education) — Both.

Supplementary question

Mr P. DAVIS (Eastern Victoria) — I am fascinated by the answer. I thank the minister. Given that the incidence of substance abuse in Victorian schools rose by 160 per cent between 2000 and 2004 under the Bracks government, and the illicit drug crisis continues to spiral out of control in the school community, will the minister make it mandatory for all Victorian schools to report drug deals on school grounds to police?

Mr LENDERS (Minister for Education) — I certainly understand Philip Davis. He is a great admirer of Julie Bishop and wants to regulate everything, even to have a Moscow on the Molonglo in Victoria.

Honourable members interjecting.

Mr LENDERS — Yes, Philip Davis, like Mrs Julie Bishop, wishes to regulate everything. To clarify, my response to Mr Davis yesterday was clearly about the 1594 government-owned schools in this state, and the Premier was obviously referring to one of the 701 non-government schools in this state, therefore the answers to both are correct.

Mr Davis has raised a very important question. I do not deviate from my answer; I expect every school in this state to report a criminal activity to the police. Will the government do a Julie Bishop and employ 700 extra bureaucrats to sit in a tower and monitor every single step of the way that every single school, including every single non-government school, is doing? I would be fascinated for Mr Davis to go to Gippsland Grammar in Sale in his electorate and tell the principal that we want another level of bureaucracy breathing down the neck of that school at every single juncture and to get it to report every single issue.

I would also be fascinated if Mr Davis wanted to go to every Catholic school in his electorate and tell them that, like Julie Bishop, we want another level of bureaucracy filtering over the top. I would be fascinated. He cannot be all things to all people. He believes that you either register schools and give them a degree of autonomy while adhering to the criminal law or you regulate schools to the level that Julie Bishop does.

I remind the house that his friend, Mrs Bishop, was but last week calling for every grade 5 student in this state to be weighed. She was asking for scales to be set up at all 702 private schools and all 1594 government schools in this state, for scales to be wheeled in, presumably once a term, and every student to be weighed — —

Honourable members interjecting.

Mr LENDERS — Every student would be weighed so that Julie Bishop would have one more bit of information to store in her Moscow on the Molonglo in Canberra. In response regarding my answer to Mr Davis yesterday and my answer today, my answer yesterday adequately covers what he wants to know —
what this government is doing to reduce drug abuse, which are serious issues in this place.

I am saying to the house that this government will continue to see that the criminal law is applied, this government will continue to monitor schools in an appropriate fashion, but this government will not go on a jaunt, like the Liberal Party did in this state and like the federal Liberal government does, every time there is a new issue concerning regulation on schools, until school principals spend half their days — —

Mr P. Davis interjected.

The PRESIDENT — Order! Mr Davis!

Mr LENDERS — They could spend half their days — —

Mr P. Davis interjected.

Questions interrupted.

SUSPENSION OF MEMBER

The PRESIDENT — Order! I have warned Philip Davis about his incessant interjections. Under standing order 13.02 I ask him to vacate the chamber for 30 minutes.

Mr P. Davis withdrew from chamber.

Questions resumed.

Australian Synchrotron: progress

Mr THORNLEY (Southern Metropolitan) — My question is directed to the Minister for Major Projects. Can the minister inform the house of any recent events and announcements about Victoria’s world-class synchrotron project?

Hon. T. C. THEOPHANOUS (Minister for Major Projects) — I am very pleased to be able to answer the member’s question in relation to the synchrotron project, because the synchrotron project is an exciting project. Today the Premier — —

Honourable members interjecting.

The PRESIDENT — Order! If Mr Leane wants to engage in a bit of a repartee across the chamber, he will not do it during the sittings of the house. He can do it outside, if he likes, but next time he and whoever he was conversing with from the other side will be doing it outside.

Hon. T. C. THEOPHANOUS — I am pleased to inform the house that today the Premier previewed operation of the Australian Synchrotron and beam lines and announced that the facility was opening to leading scientists in preparation for full-scale operation in July 2007.

I would have liked to have been at that event this morning. Unfortunately I could not go because Parliament was sitting. I make the point that it would be a good thing if we could have better arrangements with the opposition to facilitate attendance at these events, particularly since the upper house numbers are so close. It is restrictive not be able to attend important events such as this one.

In any case, the event at the synchrotron today marks a major milestone in the life of the new project. As the Premier said today, a new light is ready to shine for Australian science. Indeed one might say that it is a new light which is travelling at or almost at the speed of light.

Members who have been down to see the synchrotron — and I would encourage all members to go down and see it — know the synchrotron is a very important project for Victorians, for Victorian science and for Victorian industry. It is based on the idea of accelerating, directing and concentrating light and being able to use it for a range of research applications, including nanotechnology and a whole lot of things which I struggle to understand, my not being a scientist.

I can assure the house that scientists are very excited about this project. The science leaders will undertake the first experiments that will tell us what needs to be done to adjust the synchrotron and the tools that are being used at the synchrotron, to get the performance up to an optimal level. When that has been achieved, other players will be allowed to come in and use the facility as well. It is a hugely versatile facility. It has been supported by 5 state governments, 25 Australian universities, Australia’s medical research institutes, the CSIRO, ANSTO and New Zealand. They have all come together to fund beam lines that will underpin our innovation competitiveness and grow the business and jobs of the future.

This is an important event and an important facility. It is the only synchrotron in Australia; in fact it is the only synchrotron in the Southern Hemisphere. It will allow research to take place in Victoria and in Australia that will mean we can develop skills which might otherwise not be developed or would have to be developed offshore, and it will allow fundamental research that will be able to drive our economy further in the future. I
believe the completion of this project is a magnificent demonstration of Victoria’s ability to manage major projects of national significance and to deliver those projects on time and on budget.

**Housing: affordability**

Mr Guy (Northern Metropolitan) — My question is to the Minister for Planning. I refer the minister to the web site of the Growth Areas Authority (GAA), which states:

The Growth Areas Authority works in partnership with local councils, developers and the Victorian government to help create sustainable, well-serviced communities.

I ask: can the minister now give the house three examples of how the GAA has done this over the last six months?

Hon. J. M. Madden (Minister for Planning) — I welcome Mr Guy’s question in relation to the Growth Areas Authority (GAA). It is of great benefit to have the authority, because, as we have said on many occasions in this chamber and in the media, basically when it comes to land availability, Melbourne leads the way in terms of eastern seaboard capital cities and across the country. More affordable housing across the country is only in Adelaide, as I understand it. Basically we are more affordable than Brisbane, Sydney and Perth. Why is that? It is because as a government we are doing what we need to do.

Housing affordability and land affordability are particularly important when it comes to making housing available to the general populace in different forms and providing different housing choices. We are doing that, but it is not the only thing that leads to housing affordability. There are obligations on all levels of government. We take our obligations very seriously, hence we have established the Growth Areas Authority. As well as that, there is an obligation on local government to do the work that it needs to do. The GAA is working with some local governments to make sure that they get their heads around what needs to be done and that they zone land to make it available to the public.

Of course there is also an obligation on the federal government, but the federal government tends not to believe there is an obligation on its part. As I have said on many occasions, the federal government lays claim to the wealth of households — the increased wealth of particular households, or the average household — on the basis of land and house valuations. The federal government wants to lay to claim to that when it suits it, but what the federal government will not do under any circumstances is acknowledge its role in housing affordability.

We do acknowledge that we have a role in that, but it is a shared role — and we are doing what we need to do and getting on with the job. The GAA is working with local governments in each of those nominated growth area corridors to make sure that each of those local governments can get the work done that it needs to and to work with the developers to assist them to work with local governments to make sure that we make land available.

I do not need to give Mr Guy three examples; I can give him one. The one that is important is that we are more competitive when it comes to housing affordability than every other capital city in Australia other than Adelaide. The difference is that 1000 people a week are coming to Melbourne and to Victoria. Whilst I do not have the figures in front of me, I find it very hard to believe that 1000 people a week are going to Adelaide. But 1000 people a week are coming to Melbourne and Victoria, and we are dealing with our obligations and responsibilities by having the GAA — and I suspect we are leading the way when it comes to housing affordability across the country.

I challenge my opposition colleagues in the Liberal Party to challenge their federal colleagues to do their bit and acknowledge their role when it comes to housing affordability in this country.

**Supplementary question**

Mr Guy (Northern Metropolitan) — Noting the minister’s answer and his apparent lack of knowledge of what the GAA has actually done since its inception, I ask: why is the government spending $20 million on maintaining an authority that has no power, no plan and that has done nothing?

Hon. J. M. Madden (Minister for Planning) — I welcome Mr Guy’s question again — and it is only a theory; it is not a policy. I suppose when you only have theories and you do not have a policy and evidence, then — —

Mrs Peulich — Your are struggling.

Hon. J. M. Madden — I will take up Mrs Peulich’s interjection. The only one around here who is struggling when it comes to housing affordability is the Liberal Party’s policy, because the Liberal Party certainly does not have one at all.

I find it quite remarkable. The proof of the pudding is in the eating. Our housing affordability is more competitive
than any other capital city in Australia other than Adelaide. Given the demand, we are doing pretty well. But again it is about time for the federal government to pull up its socks, do what it has to do when it comes to housing affordability and commit itself not only to policies in this area but commit some resources — —

Mr Guy interjected.

Hon. J. M. MADDEN — I am happy that Mr Guy is able to tell the chamber how much we are spending on the Growth Areas Authority and how much the Growth Areas Authority is dealing with this, because again the proof of the pudding is in the eating. Through our work with the authority we are making land available and committing to that through our policy. I advise Mr Guy that we have policies, if he did not realise, as opposed to him. Time and again opposition members display their ignorance. They do not have policies in this area. The figures speak for themselves, and through that we are making Victoria a better place to live, work and raise a family.

Wind energy: government initiatives

Ms TIERNEY (Western Victoria) — My question is also for the Minister for Planning. I commend the Bracks government for its ongoing commitment to a sustainable, secure and affordable energy supply for Victoria. Renewable energy, and wind energy in particular, are critical to achieving a sustainable future. I ask the minister to inform the house of what action the government has taken to facilitate the development of wind energy facilities across this state?

Hon. J. M. MADDEN (Minister for Planning) — I welcome the member’s interest in this particular topic, and I know that many members in this chamber should or would be interested in this specific issue. I know that as recently as yesterday afternoon Mr Hall asked questions in relation to wind farms, so he would be very eager to hear my response today, as opposed to some of the other members of the opposition.

Of course we recognise that wind energy is a critical component to the future energy needs of this state. I know that on many occasions my colleague Mr Theophanous, in his former role as Minister for Energy Industries, discussed wind energy in this chamber. I also know that more often than not plenty of wind features in this house when it relates to this debate. We have developed policy and planning guidelines for the development of wind energy facilities in Victoria. That is crucial, because these guidelines assist proponents, authorities and the Victorian community in assessing wind energy proposals — and they ensure a consistent approach. That consistent approach is particularly important, because we need to look at alternative forms of energy.

Whilst I am not the energy minister, in a number of instances I am the authority when it comes to these matters.

Mr Finn — Then why are you reading?

Hon. J. M. MADDEN — I am going to refer to some statistics that Mr Finn will be particularly interested in. I am delighted to advise that to date 11 wind farms have been approved in Victoria, bringing the state’s total capacity to 1358 megawatts of electricity. Four wind farms are currently operational with a generating capacity of 104 megawatts.

Following the recommendation of an independent panel last week, I approved a planning permit for a 64-turbine wind farm at Mount Mercer, which is 30 kilometres south of Ballarat. This farm will be built by West Wind Energy on predominantly cleared farming land. It is expected to generate around 160 megawatts, which is enough energy to power more than — and Mr Finn should listen to this — 73 000 homes. We expect this project alone to save more than 390 000 tonnes of carbon dioxide each year. To simplify that for members on the other side of the chamber, that is in the order of 11.7 million black balloons. The black balloons are part of a successful campaign which was initiated by my colleague the Minister for Industry and State Development to help the general public understand the context of day-to-day carbon emissions.

Mount Mercer will make a significant contribution to our efforts to reduce greenhouse gas emissions, but just as importantly as part of the big picture it will deliver other significant benefits to the broader community. It is anticipated that there will be in the order of 120 construction jobs created throughout the course of this project and a number of permanent jobs will be created once these turbines are up and going. This project, like others, will assist the government in achieving its renewable energy target. That target commits energy retailers to buying 10 per cent of their power from renewable sources by 2016, which is estimated to cut 27 million tonnes of greenhouse gas emissions. They are impressive statistics by any measure. Not only that, they will provide a huge economic benefit throughout regional Victoria.

Again, this is a win for the environment, it is a win for jobs and it is also a win for sustainable development into the future in rural and regional Victoria. It will
make Victoria a better place to live, work and raise a family.

Melbourne Markets: relocation

Mr VOGELS (Western Victoria) — I direct my question without notice to the Minister for Major Projects. Melbourne Markets fruit and vegetable wholesalers will pursue court action to fight the government’s plan to relocate the Melbourne Markets to Epping. Why is the government spending $30 million of taxpayers money to build this white elephant at Epping when the wholesalers clearly have no intention of moving there?

Hon. T. C. THEOPHANOUS (Minister for Major Projects) — May I indicate to the member that the minister with primary responsibility for this particular project is the Minister for Agriculture, who is in discussion with the relevant parties and the stakeholders. He is the one who is leading those discussions with those stakeholders to try to secure an agreement about shifting the Melbourne fruit and vegetable market to Epping, as the member is aware. Those discussions are proceeding. I am not directly involved in those discussions. When they are concluded and there is an outcome which involves an agreement with the stakeholders on the way in which the project will proceed, Major Projects Victoria will obviously come into play in the delivery of the project itself — the physical construction of the project. We have not reached that point yet; it is the subject of deliberations and discussions involving my colleague the Minister for Agriculture.

Supplementary question

Mr VOGELS (Western Victoria) — I am positive I heard the Leader of the Government calling this a major project before the last election, so I assumed it was a major project. The strategic alliance representing 100 per cent of the market users stands opposed to the Epping move. The Department of Innovation, Industry and Regional Development has clearly stated that a market will not be built at Epping unless it gets user support. What action does the government intend to take to ensure we retain a fruit and vegetable market in Victoria that is supported by our wholesalers — or will we have a fruitless market at Epping?

Hon. T. C. THEOPHANOUS (Minister for Major Projects) — I do not want to say that the member’s question is fruitless, but I want to say that I will pass on the substance of the question to the Minister for Agriculture and ask him to give the member a more detailed response. I can only reiterate what I said before — that in relation to the actual construction, once the details have been developed Major Projects Victoria will have a role, but in the lead-up to that the negotiations and so forth are being conducted by the Minister for Agriculture. I will pass on the substance of the member’s question. I am sure the minister will be pleased to respond to the member.

Anzac Day: schools

Mr EIDEH (Western Metropolitan) — My question is directed to the Minister for Education. Can the minister advise the house what the Bracks government is doing to embrace the Anzac spirit in schools?

Mr LENDERS (Minister for Education) — I thank Mr Eideh for his question and for his interest in Anzac Day in particular, which is something we all have an interest in. Next Wednesday across Victoria — in fact across Australia — people will be commemorating Anzac Day. I believe that sadly there are no Anzac veterans left. The time has passed and the last of the old diggers has moved on.

A challenge for us is how to keep that Anzac spirit alive through our schools. It is an amazing part of the Australian culture. It is not about only the diggers from Gallipoli, it is about all the World War I veterans and the veterans of other conflicts since. One of the ways we seek to do that is through the Victorian essential learning standards in schools. As part of history, civics and citizenship studies we try to have all students understand the significance of Anzac Day. That is something all our schools seek to do. One of the things that will happen to assist that in schools is the annual Spirit of Anzac competition through which 10 Victorian students are chosen to go to Gallipoli — to in effect go on what I would call in secular terms a pilgrimage to Gallipoli and a number of other sites. They will go to Fromelles and Villers-Bretonneux. They will also go to Westminster for a moving ceremony from commonwealth countries for the veterans of Anzac.

To respond to Mr Eideh’s question about what we are doing in schools specifically, it is this competition above and beyond everything else we do that will assist us in getting that spirit engendered in all 2300 Victorian schools. Children will start participating in this competition, which assists with learning and has an amazing outcome. These 10 lucky students headed off on their tour on 13 April. On Anzac Day they will be at Gallipoli. They will then go to see these other sites. This will assist in engendering the Anzac spirit, but it is something the education system can only enhance. The spirit of Anzac is embedded in our community, which is demonstrated by the number of people who now
watch the march every year or participate in it. It is a growing thing. It is an amazing thing. It is one of the things that makes me very proud to be an Australian.

**Emergency services: Warrnambool helicopter**

Mr KAVANAGH (Western Victoria) — My question is to the Minister for Planning representing the Minister for Police and Emergency Services in the other place. Western Victoria needs an emergency helicopter service. It is the only part of Victoria not to have one. In view of the capacity of an emergency helicopter service to rescue people and to convey them to specialist services, thereby preventing deaths and minimising the impact of injuries; the potential for alternative uses, like helping to fight bushfires and maybe even helping the police; and the demonstrated willingness of companies to massively subsidise the cost of such a service, will the government change its position of requiring proponents in western Victoria to develop a business plan, and will it assume the mantle of leadership that the people of Victoria expect from it and take action to develop an emergency helicopter service for western Victoria? After all, would that not make western Victoria a better place to live, work and raise a family?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Kavanagh’s question. I also welcome his expression of the sentiment of what we are trying to achieve as a government. My role in this chamber is to represent a number of ministers from the other chamber, one of whom is the Minister for Police and Emergency Services. I recognise Mr Kavanagh’s particular interest in this matter in the region he represents. I would be happy to refer this matter to the Minister for Police and Emergency Services in the other place.

I also recognise that there are a number of matters which he has raised, not only matters in relation to the provision of the service but also the way in which that may be brought together and all the other recognisable elements that might go with that. I suspect that if there are any planning matters involved in it, I might have to deal with those, and I will look forward to doing so. In the meantime I will refer those matters, and Mr Kavanagh’s interest in this particular matter in relation to his region, to the respective minister in the other chamber.

**Supplementary question**

Mr KAVANAGH (Western Victoria) — I ask the minister when I might expect an answer on that.

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Kavanagh’s supplementary question in relation to this matter. I will seek to have this matter answered as efficiently and expeditiously as possible.

Mr Jennings interjected.

Hon. J. M. MADDEN — As members on this side of the chamber know, we often refer these matters to our colleagues and encourage them to respond at the earliest possible time. I will do that in this instance, but we recognise that there are a number of requests to any given minister at a particular time. I would be eager for Mr Kavanagh to get a response as early as possible.

**Children: family services**

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Community Services, Gavin Jennings. Can the minister please update the house on the implementation of the Children, Youth and Families Act 2005 and how it will change the way services are provided to vulnerable children and families?

Mr JENNINGS (Minister for Community Services) — I thank Ms Mikakos for her question, her concern for the wellbeing of Victorian children and the opportunity it has afforded me to talk about important reforms that are going to be enacted as of next Monday, 23 April 2007.

The majority of the provisions of the Children, Youth and Families Act will be proclaimed and enacted, and we will see a new service configuration designed to support the best interests of children in Victoria, to account for their developmental needs and to be proactive in providing intervention and support services to families and supports to individual children to enhance their development and to reduce their risk of being subjected to disadvantage or to ongoing risks to their wellbeing, and to decrease the need for incidents of child protection.

We build on the reforms that have been the hallmark of the Bracks government commitment. We have put our money where our mouth is in terms of family support programs. They have increased over the life of the Bracks government by 164 per cent. That investment has been well spent, because as notifications and substantiations of child protection issues have grown exponentially across the country — they have grown at 145 per cent across the country in the last five years — in the state of Victoria, notifications and substantiation have grown by only 0.6 per cent. That is in terms of the risk and the damage children have been subjected to.
and the reliance on child protection service to intervene to provide for their wellbeing.

We have come off a very solid base of support and early intervention in the lives of children. We will continue that approach through the provisions of the new act, and we will build on that investment. In the last two years significant investment has been undertaken in successive budgets in terms of family support innovation programs. This year we spent $5.2 million to provide those services, and that escalates in the next three years to $11.34 million recurrently as of 2009–10.

As of next Monday we will see the rollout of the first Child First service configuration, the first nine integrated services that will provide a catchment of integrated, connected specialised services to meet the needs of children and families and to provide, in a timely fashion through a central access point, a range of services that are designed to meet the specific developmental needs of those children and to support families with any difficulties and challenges that they may experience in relation to the capacity of the parents and the environment to support the child’s development. We will progressively roll out these Child First service configurations over the next three years. We will build on the 9 we are introducing next Monday to reach 16 when the program is fully implemented. By 2008–09 we will commit $5.1 million recurrently to this service delivery integration.

I am very enthusiastic about the potential for this service to build on the evidence we have about the most timely and appropriate way to support families to make them more resilient and capable of caring for the needs of their children in the future. It will actually continue the Victorian government trend that, whilst we will not shirk from our responsibility to provide child protection services and intervene when we must to protect the lives of Victorian children, we are skewing resources, effort and intervention to the preventative and family-strengthening end of the service configuration, which is totally appropriate in accounting for resilient families and confident, capable children. That is the trend we are committed to and will continue.

We will build on that evidence, and we will build on that practice. I look forward to the full implementation of the Children, Youth and Families Act and the service configuration that we are unswervingly committed to for the years to come.
is then claiming is the sole work of an independent review panel, and then the minister decides when the report is to be released for public consumption.

I quickly want to go through the Liberal Party’s 10 proposed amendments, 3 of which are consequential. As I said, I would like to take this opportunity to go through and better explain why we will move them and why we feel it is exceptionally important that they pass today.

The DEPUTY PRESIDENT — Order! Mr Guy needs to contain any discussion of the specific amendments to clause 1, which is basically the purposes cause.

Mr GUY — I might keep that for the amendments and just leave my comments as they stand.

Hon. J. M. MADDEN (Minister for Planning) — As a government, we have committed to the most significant review in Victoria’s history of the regulatory structure and associated arrangements for the major forms of gaming and wagering. The government will continue to ensure that Victorians have every confidence in this gambling licence review process.

This bill fulfils a commitment by the Premier in November last year to establish an independent gaming licence review panel to assist the processes undertaken in the review and awarding of gambling licences in Victoria. This will add a further layer of scrutiny to the gambling licensing review process.

The government has recently announced that the panel will be chaired by the distinguished former Federal Court judge, Ron Merkel, QC. Upon passage of this bill, the panel will examine the processes undertaken to grant the lotteries licence and will present a report through the Minister for Gaming to cabinet, which will be publicly released when the lotteries licensing announcement is made.

For the review of future regulatory structures and associated arrangements, the review panel will report to the Minister for Gaming on a range of issues — for example, have all parties interested in one of the licensed or authorised activities been treated impartially?

The DEPUTY PRESIDENT — Order! Can the minister satisfy me that this is not a reread of the second-reading speech?

Hon. J. M. MADDEN — No, it is not a rereading of the second-reading speech. I just want to give clarity to a number of these issues that I know may have been covered in the second-reading speech, but I am interested that they be reinforced at this point in time.

There are a few questions in relation to how this process will report back to the minister. Has information received from interested parties been managed in a way that ensures the security and confidentiality of intellectual property and proprietary information? Has every relevant entity involved in the review process been required to declare an actual or perceived conflict of interest prior to participating in these reviews? Have any actual or perceived conflicts of interest that have been declared been appropriately addressed? Has there been any improper interference in the process of making recommendations or reports? Does the preparation of a recommendation or report disclose bias or anything that could lead to a reasonable apprehension of this bias?

As the opposition knows, the public lotteries licence process is not complete. This is an ongoing commercial process. By inquiring into it in the other place, the relevant parties in the chamber who are interested in the process are acting in a way that we would not like to see risking the integrity of the process.

The DEPUTY PRESIDENT — Order! I advise the minister that remarks canvassing that sort of territory should have been confined either to the second-reading speech or possibly to the third-reading speech, which is his summation opportunity. On this occasion the minister should be talking about the purposes of the bill as outlined in clause 1. I do not think it is appropriate for him to enter into debate on the motivations of the opposition or the remarks that they might have made in the course of the debate. The minister needs to stick to the bill.

Hon. J. M. MADDEN (Minister for Planning) — As mentioned previously — and I want to reinforce that — what the government seeks to do through this bill is to put in place a further layer of scrutiny but also to not undermine the integrity of the process. It is important that the process be reviewed but not undermined, and we want to ensure through the relevant amendments we make that we accommodate as much as we possibly can the concerns of respective members of this chamber and also ensure in relation to many of these housekeeping matters that the integrity of the process is not undermined.

Clause agreed to; clause 2 agreed to.

Clause 3

The DEPUTY PRESIDENT — Order! For the edification of the house, it would be possible to
consider all of the minister’s amendments — the
government’s amendments — in one cache, but given
that there are competing amendments on some of these
items, it has been my election to deal with the
amendments on an individual basis. Having said that, I
understand that the minister has a number of
amendments that together form a package and that are
not in dispute. There may well be an opportunity to
have those amendments packaged together, but we will
proceed with that according to the committee’s
understanding and tenor in the debate.

I call on Mr Guy to move amendment 1 in his name,
which as I understand it is a test for amendments 2 and 3.

Mr GUY (Northern Metropolitan) — I move:

1. Clause 3, page 6, after line 30 insert —

“(c) to consider, and report to the Minister on, the
conduct of any of the following in relation to the
regulatory review or the authorisation and licensing
process —

(i) a Minister of the Crown;
(ii) a person employed under Division 1 of Part 6
of the Public Administration Act 2004;
(iii) a registrant or an applicant for an
authorisation or a licence;
(iv) a person engaged to provide services to a
registrant or an applicant for an authorisation
or a licence;”.

This amendment seeks to insert a new paragraph (c)
into clause 3 on page 6 of the bill. The amendment will
allow the review panel to fully and completely
investigate the ministers of the Crown and their
officers. At present the panel can only investigate the
public service processes and actions; however, if
passed, this amendment will allow the panel to look at
and take into account ministers’ actions as well. The
amendment will also allow the review panel to
investigate applicants, consultants and those people
with any relationship to the lotteries licence process.

Hon. J. M. MADDEN (Minister for Planning) — I am advised that the review panel does cover the racing
industry.

Mr BARBER (Northern Metropolitan) — I have a
question for the minister. The government is
undertaking a number of regulatory reviews, and in fact
that list of regulatory reviews is to be found in the
definitions in the bill under ‘regulatory review’. The list
includes gaming machines, wagering, approved betting
competitions and also the funding of the racing
industry. In the case of electronic gaming machines
(EGMs), the government elected to run part of that
review through a public process. In fact it appointed
Mr Kirby to take public submissions and provide some
feedback to the government.

My question for the government is: in respect of the
funding of the racing industry, in relation to which a
regulatory review is coming, is the government also
intending to have any public processes associated with
that regulatory review?

Hon. J. M. MADDEN (Minister for Planning) — I
ask Mr Barber to clarify his question. I was not entirely
sure what it was he was asking for at the end. There
was a bit of a preamble, and I understood that, but I ask
Mr Barber to ask the latter part of his question again.

Mr BARBER (Northern Metropolitan) — To put it
simply, with respect to the regulatory review into the
racing industry, will the public have any opportunity to
make public submissions in the way they did for the
electronic gaming machine review?

Hon. J. M. MADDEN (Minister for Planning) — I
am informed that there has already been an opportunity
for written public submissions to be made, and I am
also informed that they have been posted on the
website.

Committee divided on amendment:

Ayes, 16

Atkinson, Mr  Hall, Mr
Coote, Mrs  Kronberg, Mrs
Dalla-Riva, Mr  Lovell, Ms (Teller)
Davis, Mr D.  O’Donohue, Mr (Teller)
Hon. J. M. MADDEN (Minister for Planning) — I move:

1. Clause 3, page 7, line 8, omit “Nothing” and insert “Subject to subsection (5), nothing”.

As you mentioned, Deputy President, this amendment is consequential on my amendment 2, so I will speak on amendment 2. This amendment provides that subsection (4) of proposed section 10.2A.3 will not prevent the review panel from considering and reporting on the extension of the current public lotteries licence for 12 months to 30 June 2008 to the extent that the review panel considers that the extension process is relevant to considering and reporting on the public lotteries licensing process.

In effect this amendment enables the review panel to consider and report on the licence extension process in so far as the extension process is relevant to the considering and reporting on the public lotteries licensing process.

Mr GUY (Northern Metropolitan) — It seems to me that we have a review panel that is given powers to look at future decisions with only a limited scope to the past.

The DEPUTY PRESIDENT — Order! I am seeking clarification on the incident in the public gallery. For the moment the house will proceed, but we will keep an eye on the circumstances of this case.

Mr GUY — I ask for the minister’s clarification: if the minister’s amendment were passed, would it mean that the review panel could only look at anything in relation to the minister before the bill comes into effect?

Hon. J. M. MADDEN (Minister for Planning) — There are a few distractions in the chamber. Can Mr Guy repeat the question?

The DEPUTY PRESIDENT — Order! Could Mr Guy also speak up? Some members on his party’s backbenches are having trouble hearing him, and it is also difficult for me to hear him.

Mr GUY (Northern Metropolitan) — I am sorry, I will begin again. It seems to me that this amendment means that the review panel will be given powers to look at future decisions with only a limited scope to look at past decisions. Can the minister clarify for me that his amendment states in fact that the review panel can only look at any matters in relation to the minister before this bill receives assent?

Hon. J. M. MADDEN (Minister for Planning) — Mr Guy wants retrospectivity to be clarified. Is that correct?

Mr GUY (Northern Metropolitan) — Yes.

The PRESIDENT — Order! I will take the minister’s response which will be fairly quick, and then I propose to suspend the committee for a few moments.

Hon. J. M. MADDEN (Minister for Planning) — I am informed that the panel will have the ability to look at decisions from the beginning of the process, which was November 2005.

Mr GUY (Northern Metropolitan) — I would like to draw the minister’s attention to a provision that appears prior to the proposed paragraph, the subject of the amendment moved by the minister, which is now being discussed. Relevant to the minister’s amendment is proposed section 10.2A.3(1)(c) in clause 3, line 30 on page 6 of the bill:

(c) to consider, and report to the Minister on, any other matter referred to the Review Panel under subsection (2).
I want to ask the minister how that provision, which is not subject to amendment by the government, interacts with proposed section 10.2A.3(4) on page 7, which the government seeks to amend.

Hon. J. M. MADDEN (Minister for Planning) — That is a fairly lengthy question. Whilst I am digesting all of it, I would not mind if the member repeated the first part of the question.

Mrs KRONBERG (Eastern Metropolitan) — I am referring to paragraph (c), line 30 on page 6:

“to consider, and report to the Minister on, any other matter referred to the Review Panel under subsection (2).”

I would like an explanation of how the government sees that provision, which is not subject to amendment by the government, interacting with the provision that is subject to amendment. Proposed subsection (4) at line 8 on page 7 commences with the words:

Nothing in this Part requires or authorises the Review Panel to consider …

Hon. J. M. MADDEN (Minister for Planning) — I am informed that it does not interact and there is no relationship between the two.

Mrs PETROVICH (Northern Victoria) — I have a question about clause 3, specifically line 34 on page 6. Our proposal is to omit (c) and insert (d). This relates to our proposal for the deletion of proposed section 10.2A.3(4), which will enable the review panel to more closely examine licensing processes and regulatory review prior to any announcements or publicly made decisions of the minister. This will ensure that those licences currently being assessed will become part of the current review, and therefore any arrangements will be able to be included in the report in a public way. I know the community has a real concern about this issue, and my question is: has the minister considered these issues?

Hon. J. M. MADDEN (Minister for Planning) — We are very conscious of matters of concern raised by the public on all fronts, because those matters are drawn to the attention of the respective ministers and other members of the government. We are very conscious that we maintain the integrity of the process and ensure that people can feel confidence in not only the integrity of the way in which the system is managed and the process currently under way but that the outcome of that process and the implications of those outcomes will give the community confidence in the government and in those processes. We are critically concerned that we maintain the integrity of the process and that the outcomes are appropriate to the needs of the Victorian community.

The DEPUTY PRESIDENT — Order! I propose to put Mr Madden’s amendment 1, which is also a test of his amendment 2 and a test, incidentally, for Mr Guy’s amendment 4. The question is that amendment 1 standing in the name of the minister be agreed to.

Amendment agreed to.

Hon. J. M. MADDEN (Minister for Planning) — I move:

2. Clause 3, page 7, after line 15 insert —

“(5) Subsection (4) does not prevent the Review Panel performing its functions under section 10.2A.3(1)(b) to the extent that those functions include considering and reporting on the process that led to the decision to extend the current public lottery licence until 30 June 2008 (the extension process), if the Review Panel considers that considering and reporting on the extension process is relevant to considering and reporting on the authorisation and licensing process.”.

I have already spoken to this amendment.

Amendment agreed to.

The DEPUTY PRESIDENT — Order! I invite the minister to move amendments 3 and 4 standing in his name, and I advise the house that these amendments will also test amendments 5 and 6 standing in Mr Guy’s name. In effect, they are the same amendments.

Hon. J. M. MADDEN (Minister for Planning) — I move:

3. Clause 3, page 7, line 20, omit “2 or”.

4. Clause 3, page 8, line 21, omit “2 or”.

Mr GUY (Northern Metropolitan) — I have a question for the minister. Noting that these amendments are similar to two amendments standing in my name, I am interested as to when and why the government has changed its mind on these amendments from the original bill.

Hon. J. M. MADDEN (Minister for Planning) — I move:

3. Clause 3, page 7, line 20, omit “2 or”.

4. Clause 3, page 8, line 21, omit “2 or”.

Mr GUY (Northern Metropolitan) — I have a question for the minister. Noting that these amendments are similar to two amendments standing in my name, I am interested as to when and why the government has changed its mind on these amendments from the original bill.

Hon. J. M. MADDEN (Minister for Planning) — Appreciating some of the concerns expressed by the relevant opposition parties that clarity was needed on some of these clauses, my understanding is that through negotiation it was acknowledged that there was a need to adjust some of those clauses to give clarity to what was trying to be expressed.
Amendments agreed to.

The DEPUTY PRESIDENT — Order! I invite Mr Guy to formally move amendment 7 standing in his name and invite any remarks he might have in support of that amendment.

Mr GUY (Northern Metropolitan) — I move:

7. Clause 3, page 11, after line 9 insert —

“(5) A meeting of the Review Panel must be held in public unless the Review Panel determines that there are special circumstances requiring that the meeting or part of it should be held in private.

(6) Sections 14, 15 and 16 of the Evidence Act 1958 apply to and in relation to any proceeding of the Review Panel as if the Review Panel were a board appointed by the Governor in Council.”.

I note that this amendment inserts new paragraphs (5) and (6) in clause 3, on page 11 of the bill. They outline the ability of the panel to have public hearings and gives the panel powers to hold meetings both in public and also in camera when it is deemed necessary. It is yet a further measure to enhance the public transparency of the inquiry and the work of the panel.

Further, this amendment will also give the panel the power of coercion. If the panel is truly independent, we believe it should have the powers it needs to call whom it needs to call, to hear whom it needs to hear and to have the material it needs to conduct its investigation properly.

Hon. J. M. MADDEN (Minister for Planning) — This amendment proposes a number of things, but the review panel and the Minister for Gaming will have sufficient power to require the full cooperation of all persons while conducting the licence review process under the direction of the Minister for Gaming, if required, to produce all documents, attend meetings to explain how the process has been carried out and answer all questions of the review panel.

In terms of the opposition’s amendments, it is not believed to be appropriate to have public hearings as this has the potential to compromise the integrity of the ongoing process. We do not particularly want to transform the review panel into a political witch-hunt which would compromise the integrity of the process and the legal and commercial framework in place for the gambling licences review.

Mr GUY (Northern Metropolitan) — If this panel is to be transparent, why will the government not allow the review panel to have its hearings in public?

Hon. J. M. MADDEN (Minister for Planning) — I think I might have sufficiently addressed that matter. We have a review process, and we want to ensure the integrity of that, but we also want to ensure the integrity of the existing process that is under way. We believe in this circumstance public hearings would have the potential to compromise the initial process and thereby render the entire process compromised. We are conscious of maintaining integrity, completing the process and ensuring that no stone is left unturned in terms of ensuring all aspects of integrity and probity are covered. But we also do not want to make this a public witch-hunt which compromises the process for political reasons alone.

Mr GUY (Northern Metropolitan) — The minister has referred to a witch-hunt on a number of occasions. I ask the minister: are we to assume that Mr Merkel, QC, is going to conduct a witch-hunt?

Hon. J. M. MADDEN (Minister for Planning) — I know Mr Guy has been in this place for a sufficiently long time and has sufficient experience in his party to understand the way in which oppositions like to create stories in the media. I suspect that he would appreciate that this would provide an opportunity for a witch-hunt by the media, not by Mr Merkel, QC.

Amendment negatived.

The DEPUTY PRESIDENT — Order! I invite the Minister for Planning to formally move amendment 5 standing in his name and make any remarks that he wishes to make. I advise the house that his amendment 5 is also a test for Mr Guy’s amendment 8.

Hon. J. M. MADDEN (Minister for Planning) — I move:

5. Clause 3, page 11, lines 27 to 29, omit all words and expressions on these lines and insert —

“(1) Subject to subsection (3), the Minister must —

(a) give a copy of each report of the Review Panel to the Secretary as soon as practicable after receiving it; and

(b) cause a copy of each report to be presented to each House of Parliament —

(i) in the case of a report with respect to the regulatory review, within 7 sitting days of the House after the Minister publicly announces the government’s decision on the regulatory review;

(ii) in the case of a report with respect to the authorisation and licensing process, within 7 sitting days of the House after
the Minister publicly announces the
grant or issue of an authorisation or
licence that is the subject of a report;
(iii) in any other case, at the time determined
by the Minister.”.

Mr GUY (Northern Metropolitan) — Are we to
assume that this amendment will mean that a report
which might identify serious problems in the processes
will not be made public until the government has
actually made a decision?

Hon. J. M. MADDEN (Minister for Planning) — I
am advised that this amendment provides for reports of
the review panel to be tabled in both houses of
Parliament within seven sitting days after the minister
has publicly announced a decision on a regulatory
review or the grant of a licence.

Amendment agreed to.

The DEPUTY PRESIDENT — Order! I invite the
Minister for Planning to move amendment 6 standing
in his name, which is also a test for Mr Guy’s
amendment 9.

Hon. J. M. MADDEN (Minister for Planning) — I
move:

6. Clause 3, page 11, lines 30 to 32 and page 12, lines 1 to
13, omit all words and expressions on these lines and
insert —

“(2) The Secretary must cause a copy of each report
received under subsection (1)(a) to be published on
an appropriate Internet site as soon as practicable
after a copy of the report has been presented to
each House of Parliament under
subsection (1)(b).”.

Amendment agreed to.

The DEPUTY PRESIDENT — Order! I invite the
Minister for Planning to formally move his
amendment 7, which would have the same effect as
Mr Guy’s amendment 10.

Hon. J. M. MADDEN (Minister for Planning) — I
move:

7. Clause 3, page 12, lines 14 to 20, omit all words and
expressions on these lines and insert —

(3) Before complying with subsection (1), the Minister
may exclude information from the report if the
Minister has received advice from the Victorian
Government Solicitor that the information is —

(a) protected information; or

(b) information that is or could be the subject of
legal professional privilege.”.

Amendment agreed to; amended clause agreed to;
clauses 4 and 5 agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Hon. J. M. MADDEN (Minister for Planning) — I
move:

That the bill be now read a third time.

In doing so I thank honourable members for their
respective contributions throughout the committee
process, appreciating and acknowledging that it has
been a more complex committee process than might
normally be the case, the newness of the procedure for
many members in the chamber and the degree of
difficulty caused by other associated events.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

NUCLEAR ACTIVITIES (PROHIBITIONS)
AMENDMENT (PLEBISCITE) BILL

Second reading

Debate resumed from earlier this day; motion of
Hon. T. C. THEOPHANOUS (Minister for Industry
and State Development).

Mr O’DONOHUE (Eastern Victoria) — I do not
propose to make a lengthy contribution on this bill.
Many members have already spoken on it, and
opposition members have articulated very clearly to the
house what a political farce this bill is. I just want to
make two brief points. The fact that we have spent
nearly a day of the Parliament’s time and all the costs
associated with this demonstrate to me the extent of this
government’s lack of an agenda. Given that the
government has been in power for quite some time and
is now into its third term, the fact that we are debating a
bill which has more to do with promoting the cause of
the federal Leader of the Opposition and promoting the
Australian Labor Party at the upcoming federal election
demonstrates that this government has nothing better to
do to fill in the time of the Parliament.
I will ask some rhetorical questions. Why are we not debating bills about public land management that address the disgraceful way that the public land of Victoria is managed, as was evidenced by the terrible fires over the summer? Why are we not debating bills that address the water crisis — the question of what we are going to do if it does not rain for the balance of autumn or does not rain in winter? Why are we not debating bills that deal with the terrible clogging of our roads and the terrible state of Victoria’s infrastructure? I will pick up on something that Mr Thornley said. He made reference to the benefits of natural gas. Why are we debating a bill that has more to do with promoting Mr Kevin Rudd than it has to do with Victoria? Why are we not debating the rollout of natural gas and the way this government has lied to many communities about the way it would deliver natural gas and has failed to deliver on its promises?

But I think what demonstrates even more clearly what a political farce this bill is are the contributions to the debate made by members of the government. If members of the government really believed in plebiscites, if they really believed in giving the community a fair hearing and a say in the development of policy in Victoria, we would not have absolute diatribes from them criticising the federal government. We would not hear speech after speech saying how terrible nuclear power and the nuclear industry are. If they actually believed in a plebiscite they would allow a fair and balanced debate on the issues. But all we have heard is speaker after speaker denigrating the federal government, the nuclear industry and nuclear power. Clearly this bill is a political stunt. Again I make the point that this is a terrible waste of Victorian taxpayers money and a terrible waste of the time of the elected legislature.

If the government believes in plebiscites, let us have a plebiscite on how many poker machines we have in Victoria. Let us have a plebiscite on how much money the government reaps from the socially disadvantaged people who use poker machines. Let us have a plebiscite about the level of stamp duty paid by home buyers. Let us have a plebiscite on the other issues of importance to the people of Victoria. It is a disgrace that the government would waste Victorian taxpayers time and money with such a bill, and I ask the house to oppose it.

Mr SOMYUREK (South Eastern Metropolitan) — I rise in support of the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill. It provides for the holding of a plebiscite of Victorian voters if the commonwealth government takes action to allow construction of a nuclear facility in Victoria. The plebiscite can be called if the minister administering the legislation is satisfied that the commonwealth government has taken or is likely to take any steps to support or allow construction of a prohibited nuclear facility in Victoria. Amending a commonwealth law, exercising a statutory power or adopting a policy position in favour of construction of a prohibited nuclear facility in Victoria is a step that will attract the ability to hold a plebiscite. The minister will determine the timing of the plebiscite and the question to be asked at the plebiscite.

The government acknowledges that the plebiscite will not be legally binding on the state government or the federal government, but I am sure most members in this place, having been politicians and having dealt with public opinion, will understand that if there is a strong vote against a nuclear facility in Victoria it will be difficult as well as morally reprehensible for anyone to set up a nuclear facility. I am sure the federal government would then think twice about the prospect of setting up a nuclear facility if the public opinion in a particular state — in this case, Victoria — was overwhelmingly against such a facility. There is no doubt there is strong public opinion against nuclear facilities.

A research paper put out by the Australia Institute entitled Who Wants a Nuclear Power Plant? cites a Newspoll survey which found that 66 per cent of Australians were opposed to a nuclear power plant in their area. I would say this poll is pretty accurate. The suburb I live in, Lynbrook, was letterboxed a few months back by a particular group — I am not sure what its name is — alleging that a nuclear facility will be located in Western Port or Hastings. The flyer basically scared my neighbours and my constituents to the point where people immediately decided to sell up and move on. A great deal of anxiety was caused by the letterboxing of that particular flyer. It was a pretty irresponsible action by the group because it upset a lot of people.

I was going to go to the nuclear debate and give reasons why a nuclear facility should not be allowed in Victoria, but due to time restrictions I will skip that part of my speech. I will just make a few remarks on the Greens amendments. I will discuss the second one first. It provides for the Parliament, rather than the minister, to determine the wording to be put up in the plebiscite. I can see the Greens motivation for doing this, and so far as I can see the motivation is a righteous one.

Mr Barber — Vote for it.
Mr SOMYUREK — Although I do not want to pre-empt what the Greens concerns are is, I think they have been consistent on this one. They are obviously concerned about accountability, parliamentary democracy and, I guess, the power relations between the executive and the Parliament. I guess that is right. If that is their concern, it is a fair one and they have been consistent. However, I believe the Greens are being a little bit idealistic on this. I would encourage the Greens, now that they are in this chamber, to exercise a bit of Realpolitik. The hard-core reality is that requiring a Parliament to draft the wording of a plebiscite will, without doubt, delay the holding of the plebiscite, thus making it too late to influence the government action.

On the other hand, the first amendment proposed by the Greens confounds me. The effect of the first amendment will be to remove express recognition of the commonwealth government adopting a policy position of supporting or allowing the construction of a prohibited nuclear facility in Victoria as an action sufficient to enable a plebiscite to be called. In other words, the amendment will make it more difficult for a plebiscite to occur, almost to the point of stymieing any prospect of holding a plebiscite.

Whilst I am sympathetic to the Greens position with respect to their second amendment, I feel that their first amendment leaves them severely compromised — in fact, I believe a lot of Greens supporters would feel betrayed by this amendment. On that point I conclude my speech and commend the bill to the house.

House divided on motion:

Ayes, 21
Barber, Mr
Broad, Ms
Darveriza, Ms
Eideh, Mr
Elasmar, Mr
Hartland, Ms
Leane, Mr
Lenders, Mr
Madden, Mr
Mikakos, Ms (Teller)
Pakula, Mr (Teller)
Pennicuik, Ms
Pulford, Ms
Scheffer, Mr
Smith, Mr
Somyurek, Mr
Tee, Mr
Theophanous, Mr
Thornley, Mr
Tieney, Ms
Viney, Mr

Noes, 17
Atkinson, Mr
Coote, Mrs
Dalla-Riva, Mr
Davis, Mr D.
Davis, Mr P.
Drum, Mr
Finn, Mr
Guy, Mr
Hall, Mr
Kavanagh, Mr
Kronberg, Mrs
Lovell, Ms (Teller)
O’Donohoe, Mr (Teller)
Petrovich, Mrs
Peulich, Mrs
Rich-Phillips, Mr
Vogels, Mr

Mr VOGELS (Western Victoria) — The Liberal Party has considered the Greens amendments and will be supporting them, as proposed by Mr Barber.

Clause agreed to; clause 2 agreed to.
Clause 3

Mr BARBER (Northern Metropolitan) — I move:

1. Clause 3, page 2, lines 15 to 24 omit all words and expressions on these lines and insert “Commonwealth Government has taken, or is likely to take, steps to make or amend a Commonwealth law or to exercise any power under a Commonwealth law to facilitate the construction of a prohibited nuclear facility in Victoria.”.

Government members have already heard the arguments being put against this bill from the other side. Opposition members are arguing that it is a stunt. That is the most common argument that has been put up. I suggest it is the only argument they have put up.

What I want to say to government members is this: we recognise that this will be a non-binding plebiscite. It will have no impact on federal or state law, and it certainly will not have any impact on the High Court. If you go back to the Franklin Dam case, the judges told the Wilderness Society that they did not want to look at a picture of the Franklin River, that they only wanted to address the legal issues in front of them. So it will be that if the federal government goes to the High Court looking to strike out or override Victorian laws, the court will not take into account this plebiscite.

If it were to be called, the only effect that this plebiscite would have would be moral and political. For that reason it is incredibly important that the integrity of the way in which the process is run is absolutely 100 per cent, and both of the Greens amendments go to that issue.

This first amendment relates to the triggers for holding a plebiscite. There are two triggers in the bill that the government presented. One of them says that the plebiscite will be triggered when the Commonwealth Government:

(a) has taken, or is likely to take, steps to make or amend a Commonwealth law or to exercise any power under a Commonwealth law to facilitate the construction of a prohibited nuclear facility in Victoria …

The second part of it, which we propose to amend by deleting it, is if the Commonwealth adopts a policy position of supporting or allowing the construction of a prohibited nuclear facility in Victoria.

I defy anybody to say — and I have not yet heard anybody raise it in argument — how they think a seriously entertained proposal for a nuclear facility, and not just a nuclear power plant, but anything else prohibited under our law — could seriously move forward without the federal government either amending some laws or exercising any power under a Commonwealth law.

To give an example, at the moment the federal Environment Protection Biodiversity Conservation Act has a trigger in it that says any nuclear action automatically requires a permit under the that act. As long as that trigger is in place in the federal sphere, nobody can move forward with a nuclear action; therefore, just using part A, the plebiscite would be triggered, and likewise if other laws were to be amended.

I do not believe that any seriously entertained proposal is going to move forward from the commonwealth level without, firstly, a legal process; or, secondly, the exercise of powers under laws moving forward, and anybody who knows anything about any major project would be familiar with that.

In this amendment the Greens propose to remove the provision that refers to the commonwealth merely adopting a policy position of supporting or allowing the construction of a prohibited nuclear facility in Victoria as a trigger. We think that is way too wide. We think it could be triggered by virtually anything and that it will be up to the minister to decide whether that is the case — that is, if our second amendment is not achieved. We even argue that that could be in place now.

Other parts of the bill actually allow the minister to decide the most appropriate time for the plebiscite to go forward, and that is purely at the discretion of the minister; we are not proposing to amend that.

I urge the government to support our amendments. The government did not get a majority in the upper house, because the people of Victoria did not want it to have a majority in the upper house. That inevitably leads to the proposition that maybe the government will have to compromise on its legislation sometimes. The people of Victoria wanted a check on the government’s power, and in this case that check is provided by the Greens. Fundamentally, the issue here is democracy.

Mr P. Davis — Look at us!

Mr BARBER — They are our amendments, Mr Davis, and they have not succeeded yet. But the issue here is democracy. If we are going to accept the proposition, which the Greens now do, that on some very important issues it might be for the Parliament to say, ‘No, we will take it back out to the people and ask them to decide’, then the integrity of that process has to be absolutely 100 per cent impeccable, otherwise the purpose of this bill will be defeated in that it will have
NUCLEAR ACTIVITIES (PROHIBITIONS) AMENDMENT (PLEBISCITE) BILL

Thursday, 19 April 2007 COUNCIL

no real moral or political impact on the commonwealth government, even if the outcome is to be successful in opposing the nuclear action.

Ms MIKAKOS (Northern Metropolitan) — I want to speak very briefly about this, because I detect in Mr Barber’s comments a sneaking arrogance creeping in to the Greens view of their position in this chamber.

Essentially the substance of their amendments is that their position is more important than the influence that the Victorian people would have through this plebiscite. I agree that this plebiscite is not binding and that it would not influence the High Court — in fact it would not bind the federal government; however, it is important that we give the Victorian people the earliest possible opportunity to speak against nuclear power in this state. If the Prime Minister were to announce tomorrow that he is going to allow a nuclear power industry in this country, as a state and as a Victorian community we should be able to take immediate steps to stop that at the earliest opportunity.

Committee divided on amendment:

**Ayes, 18**

Atkinson, Mr
Barber, Mr
Coote, Mrs
Dalla-Riva, Mr
Davis, Mr D.
Davis, Mr P.
Finn, Mr
Guy, Mr
Hartland, Ms (Teller)

**Noes, 20**

Broad, Ms (Teller)
Darveniza, Ms
Drum, Mr
Eideh, Mr
Elasmar, Mr
Hall, Mr
Leane, Mr
Lenders, Mr
Madden, Mr
Mikakos, Ms

Koch, Mr

Amendment negatived.

Mr BARBER (Northern Metropolitan) — I move:

2. Clause 3, page 3, lines 6 and 7, omit “determined by the Minister” and insert “, stated in a resolution approved by the Legislative Assembly and the Legislative Council,”.

The purpose of this amendment is to require the Parliament itself to determine the question that would go to the public in the plebiscite. I explained the reason for that in my second-reading contribution, and a number of other members had a go as well. To reiterate, the Greens do not trust a Labor or future Liberal minister — since it will be on the statute books indefinitely — to put aside their own politics when framing the question.

Hon. T. C. Theophanous — What about a Greens minister?

Mr BARBER — A minister of any flavour. Some people would say you cannot trust Parliament either. The point is that voters understand that instinctively, and that is why they have us here. They do not particularly trust politicians but they send us to Parliament to keep an eye on each other because that is about the best they can come up with.

Mr Somyurek — It is about Parliament versus the executive, is it?

Mr BARBER — I think you have hit the nail on the head there. It goes back to the maiden speech of the now Premier when he was a bit like me — idealistic, young and fresh. This is the same speech in which he is reported as saying, ‘Live, work and raise a family’. I am amazed that those opposite have not memorised the whole speech so that the words of the great oarsman can go into history. The Premier is reported as saying:

This strong and powerful executive that the state government has established also requires strong and vigorous scrutiny. Members of Parliament are one of the key watchdogs still left in the system.

That is exactly what the Greens are proposing. We will not be supporting the entire bill without our amendments, which we made clear to the government. We spoke to the government about it in detail. We asked it to explain to us whether our arguments were wrong in some way, whether there was some technical reason we had missed. It could not come up with one, and I did not hear anything incredibly convincing in the debate that changed my view.

It also goes back to the point I made earlier, that if the plebiscite itself is seen as a political stunt, then it will not have the effect the purpose of the bill is aiming for.

Ms Mikakos — You had better be hoping John Howard does not make an announcement.

The DEPUTY PRESIDENT — Order! I think Mr Barber can accomplish it without assistance from Ms Mikakos.
Mr BARBER — I cannot believe the government, after everything it said about the need for and purpose of this bill, is prepared to throw the baby out with the bathwater. The only explanation for it could be the creeping arrogance that Ms Mikakos referred to. She hit the nail right on the head. The government is saying it will get its bill exactly how it wants it, and if the Greens or anybody else proposes amendments, tough luck, it will trash the whole thing. That makes it hard.

I am now starting to come around to the view that maybe it was a political stunt by the government to introduce this bill, because it is not that serious about getting the bill passed, even with this small amendment, which does not stop the bill going forward and which leaves every other aspect of the bill intact. Nor have I seen the government put forward an alternative or a way forward after all this. I implore government members to support my amendment, without which the Greens unfortunately cannot vote for this bill at this time or in the third reading stage.

Committee divided on amendment:

Ayes, 18
Atkinson, Mr
Barber, Mr
Coote, Mrs
Dalla-Riva, Mr
Davis, Mr D.
Davis, Mr P.
Finn, Mr
Guy, Mr
Hartland, Ms

Kavanagh, Mr (Teller)
Kronberg, Mrs
Lovell, Ms
O’Donohue, Mr
Pennicuik, Ms
Petrovich, Mrs (Teller)
Peulich, Mrs
Rich-Phillips, Mr
Vogels, Mr

Noes, 20
Broad, Ms
Darveniza, Ms (Teller)
Drum, Mr
Eideh, Mr (Teller)
Elasmar, Mr
Hall, Mr
Leane, Mr
Lenders, Mr
Madden, Mr
Mikakos, Ms

Pakula, Mr
Pullford, Ms
Scheffer, Mr
Smith, Mr
Somyurek, Mr
Tee, Mr
Theophanous, Mr
Thornley, Mr
Tieney, Ms
Viney, Mr

Amendment negatived.

Mr BARBER (Northern Metropolitan) — I am very disappointed the government did not see fit to accept our minor amendments. After whipping themselves into a rhetorical frenzy, government members were not prepared to accept some amendments from the Greens that would have allowed the bill to go forward. Yes, our amendments would have to some extent restricted the operation of the bill, but they would also have dramatically increased the democratic nature of the bill and the transparency with which a plebiscite would have gone forward. I think that just shows that this government will trade a large dose of democracy for a small amount of expediency any day of the week.

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — In response to the member, I need to make the point that the government believes this is a very good bill and that the differences, as have been pointed out by the Greens themselves, are small in nature and do not affect the overall operation of the legislation. I would again urge the Greens to support the legislation as it will deliver in large measure the policy objectives which they and their party essentially have.

Mr VOGELS (Western Victoria) — I also would like to comment. I would have much greater faith in the Parliament’s writing the for and against cases in a plebiscite than in a minister from the Bracks government, so we will be opposing the bill.

Mr KAVANAGH (Western Victoria) — Although plebiscites are important and we should look at public opinion on particular issues, with an issue like this, it is really local opinion rather than state opinion that should matter — that is, I do not think it would be sufficient for the people of Victoria, who are overwhelmingly located in Melbourne, to approve a nuclear facility for Portland, for example. I think the decision to have a nuclear facility in Portland should be up to the people of Portland rather than to the whole state.

Clause agreed to; clause 4 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I move:

That the bill be now read a third time.

In so doing I thank all honourable members for their contributions.

The PRESIDENT — Order! The question is:

That the bill be now read a third time and that the bill do pass.
House divided on question:

**Ayes, 18**
- Broad, Ms
- Darveniza, Ms
- Eideh, Mr
- Elasmar, Mr
- Jennings, Mr
- Leane, Mr
- Madden, Mr
- Mikakos, Ms
- Pakula, Mr
- Pulford, Ms (Teller)
- Scheffer, Mr (Teller)
- Smith, Mr
- Somyurek, Mr
- Tee, Mr
- Theophanous, Mr
- Thomley, Mr
- Tieney, Ms
- Viney, Mr

**Noes, 20**
- Atkinson, Mr
- Barber, Mr
- Coote, Mrs
- Dalla-Riva, Mr
- Davis, Mr D.
- Davis, Mr P.
- Drum, Mr
- Finn, Mr
- Guy, Mr
- Hall, Mr
- Hartland, Ms (Teller)
- Kavanagh, Mr
- Kronberg, Mrs
- Lovell, Ms
- O’Donohue, Mr
- Pennicuik, Ms (Teller)
- Petrovich, Mrs
- Peulich, Mrs
- Rich-Phillips, Mr
- Vogels, Mr

Pair

Lenders, Mr

Koch, Mr

Question negatived.

**LEGAL PROFESSION AMENDMENT BILL**

*Introduction and first reading*

Received from Assembly.

Read first time for Mr JENNINGS (Minister for Community Services) on motion of Mr Lenders.

**ROAD LEGISLATION AMENDMENT BILL**

*Introduction and first reading*

Received from Assembly.

Read first time for Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) on motion of Mr Lenders.

**INFERTILITY TREATMENT AMENDMENT BILL**

*Statement of compatibility*

Mr JENNINGS (Minister for Community Services) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Infertility Treatment (Amendment) Bill 2007.

In my opinion, the Infertility Treatment (Amendment) Bill 2007, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

**Overview of the bill**

The bill amends the Infertility Treatment Act 1995 by modifying the existing regulatory framework to allow somatic cell nuclear transfer under licence for research purposes, while retaining the existing prohibition on human cloning for reproduction.

The proposed Infertility Treatment (Amendment) Bill will have the same effect as the recent amendments to the commonwealth bill and will apply them to parts 2A and 4A of the Infertility Treatment Act 1995 to bring the Victorian legislation into line with the commonwealth legislation as amended.

There will be no change to assisted reproductive treatment (ART) procedures or clinical treatment procedures regulated by other parts of the act. The amendment is restricted to parts 2A and 4A of the at which deal with medical research.

**Human rights issues**

1. **Human rights protected by the charter that are relevant to the bill**

The bill has no human rights impacts.

2. **Consideration of reasonable limitations — section 7(2)**

As the bill has no impact on human rights it is not necessary to consider section 7(2) of the charter.
INFERTILITY TREATMENT AMENDMENT BILL

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise a human rights issue.

Gavin Jennings, MLC
Minister for Community Services

Second reading

Mr JENNINGS (Minister for Community Services) — I am very pleased to enlighten the house that this important piece of legislation, which is part of the Bracks government’s commitment to ensuring that we have the appropriate regulatory regime in relation to bioscience and technological development in the state of Victoria, has been passed by the Assembly without amendment. As the bill does not contain an amendment to the Constitution Act, I move:

That, pursuant to standing order 14.07, the second-reading speech be incorporated into Hansard.

Motion agreed to.

Mr JENNINGS (Minister for Community Services) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Societies worldwide are grappling with the speed of research developments and new emerging technologies. In the area of stem cell research, the potential to alleviate significant human pain and suffering is great; however, we also need to closely consider the mechanisms and safeguards to allow the progress of this research in a responsible manner.

This bill provides the opportunity to explore the potential benefits of stem cell research in Victoria within a strictly regulated and ethical framework.

This bill amends the Infertility Treatment Act 1995 to be consistent with the commonwealth Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006, passed in December last year.

In 1999, the commonwealth House of Representatives Standing Committee on Legal and Constitutional Affairs conducted an all-party inquiry into stem cell research. In 2001 the committee released its report Human Cloning — Scientific, Ethical and Regulatory Aspects of Stem Cell Research in Australia.

This report was considered by the Council of Australian Governments (COAG) in 2002 and it was agreed that the commonwealth and all states and territories would introduce nationally consistent legislation banning human cloning and other unacceptable practices and to allow research using excess ART embryos created prior to 5 April 2002.

Subsequently legislation was passed by the commonwealth and in May 2003, consistent with the COAG agreement, the Health Legislation (Research Involving Human Embryos and the Prohibition of Human Cloning) Act 2003 was passed by this Parliament as an amendment to the Infertility Treatment Act 1995.

The 2002 commonwealth legislation included a clause that required an independent review of its operations within three years. In June 2005, the commonwealth appointed an independent committee — the Legislative Review Committee — chaired by Justice Lockhart. The committee had representatives with expertise in law, ethics, medical practice, science and community representation and all appointments were made after consultation with all states and territories. The committee consulted widely across Australia.

The Legislative Review Committee final report (Lockhart review) was presented to the commonwealth Parliament and to COAG on 19 December 2005.

In October 2006, Senator Kay Patterson introduced a private members bill into the commonwealth Senate. The bill was based on the 54 recommendations of the Lockhart committee. After debate and amendment the bill passed the Senate on 7 November 2006 with a one-vote majority.

In December 2006 the bill passed through the House of Representatives with a majority of 20 votes and the Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006 was assented to on 12 December 2006.

The bill before us today is based on recommendations of the Lockhart committee and mirrors the commonwealth legislation.

The amendments relate only to parts 2A and 4A of the Infertility Treatment Act 1995. They do not affect in any way the treatment and clinical aspects of ART procedures nor the regulatory role of the Infertility Treatment Authority.

The bill retains existing prohibitions on activities such as:

- placing a human embryo clone in the human body or the body of an animal;
- importing or exporting a human embryo clone;
- creating a human embryo by fertilisation of a human egg by human sperm, for a purpose other than achieving pregnancy in a woman;
- creating or developing a human embryo by fertilisation of human egg by human sperm which contains genetic material provided by more than two persons;
- developing a human embryo outside the body of a woman for more than 14 days;
- making heritable alterations to a human genome;
- collecting a viable human embryo from the body of a woman;
- creating or developing a chimeric embryo;
- developing a hybrid embryo beyond 14 days;
- placing a human embryo in an animal, a human embryo into the body of a human other than into the female reproductive tract or an animal embryo in a human;
importing, exporting or placing in the body of a woman, a prohibited embryo.

The bill enables certain types of research involving embryos to be permitted provided that the research is approved by the NHMRC licensing committee (in accordance with legislated criteria) and that the activity is undertaken in accordance with a license issued by the NHMRC licensing committee.

In summary, a person may apply for a licence:

- to use excess ART embryos;
- create human embryos other than by fertilisation of a human egg by a human sperm, and use such embryos;
- create human embryos (by a process other than fertilisation of human egg by human sperm) containing genetic material provided by more than two persons, and use such embryos;
- create human embryos using precursor cells from a human embryo or a human foetus, and use such embryos;
- undertake research and training involving the fertilisation of a human egg, up to but not including the first mitotic division, outside the body of a woman for the purposes of research or training;
- creation of hybrid embryos by the fertilisation of an animal egg by human sperm, and use of such embryos up to the first mitotic division, if:
  - the creation or use is for the purposes of testing sperm quality; and
  - the creation or use will occur in an accredited ART centre.

The amendments put forward in this bill directly correspond to the commonwealth amendments. Note that the use of animal eggs continues to be prohibited except for limited diagnostic use (in accredited ART centres) to test sperm quality (and viability).

Unless a shorter time is specified, the uses of embryos that may be authorised by a licence may only be authorised for development up to 14 days (excluding any period during which development is suspended).

In no circumstances can any embryo be developed, outside the body of a woman, beyond 14 days.

Somatic cell nuclear transfer (SCNT) often known as ‘therapeutic cloning’ is permitted to be undertaken under licence by this bill. SCNT must not be confused with reproductive cloning. It is not about the creation of an embryo for reproduction. There is no merger of an egg and sperm.

SCNT is different from reproductive cloning. Reproductive cloning is for the purpose of developing or making a human being. Reproductive cloning is prohibited by law and will remain prohibited under this bill.

SCNT involves an egg, unfertilised, with its nucleus removed and having the nucleus replaced by a somatic cell — for example, a skin cell. The resulting embryo clone is allowed to develop for up to 14 days before it is destroyed. The embryonic cellular entity is an intermediate step in the conversion of a somatic cell to an embryonic stem cell; it does not involve sperm. If the nuclear transfer is successful, a process of cell division will begin. This will continue for four to seven days, at which time stem cells can be extracted. In allowing SCNT for the purposes of deriving stem cells, this bill permits therapeutic cloning, but it does not permit reproductive cloning.

The bill amends the definition of a human embryo to be consistent with the NHMRC definition and the definition in the 2006 commonwealth legislation which this bill mirrors.

The point at which a human embryo is defined to commence existence is the identification of the first mitotic division. It is necessary to extend the definition of an embryo to encompass those derived by a technological process such as SCNT rather than just those produced by fertilisation of an egg and sperm. The technique of SCNT does require access to eggs. This has raised legitimate concern regarding the potential for exploitation of women to gain access to eggs.

The Lockhart Review recommended the following regulations relating to donor egg collection:

- current consent procedures for participation in medical research must apply to sperm, egg and embryo donors to ensure decisions are freely made;
- the NHMRC should develop guidelines for egg donation.

These recommendations have been adopted by the commonwealth, and the NHMRC is already progressing these actions. This provides a balance between the need to protect women from exploitation with a way forward to provide women with the right to donate eggs if they wish to help medical research that may be of benefit to family and friends.

The sale of sperm, egg and embryos is prohibited under the Victorian Human Tissue Act 1982, and this will continue. Additionally, any advertising in Victoria for human tissue (including sperm and eggs) requires the signed approval of the Minister for Health.

The intent of the requirement to gain ministerial approval is to ensure that there is no coercion or commercial transactions involved in advertising for egg, sperm or embryo donations.

Additionally, women who donate eggs through an assisted reproductive technology program must, under the Infertility Treatment Act 1995, be provided with mandatory counselling by an approved counsellor (section 16). The topics to be covered in counselling are specified in the Infertility Treatment Regulations 1997 (section 7). These legislative provisions enable women access to independent advice, support and information prior to donation.

Victoria is internationally recognised as a leader in the field of assisted reproductive technology and the related field of embryo and biomedical research, particularly in stem cell research. We have several leading-edge research institutions specialising in this work based in Melbourne. With the financial and infrastructure support of both the Victorian and commonwealth governments we are in a position to further develop and refine applications of stem cell research for the greater public good and the development of treatments, therapies for debilitating diseases, many of which are currently incurable.
Our medical researchers are in general agreement that research into stem cells offers potential benefits to humanity and should be pursued. The reality is that it cannot yet be known which area of stem cell research will lead to the most productive discoveries; however, the promise of stem cells is great.

Our medical researchers hope to be able to use therapies derived from stem cells to treat a large number of diseases characterised by tissue degeneration. These include Parkinson’s, Alzheimer’s, stroke, burns, heart disease, spinal cord injuries, type 1 diabetes, arthritis, liver diseases and muscular dystrophies. This bill will increase the chances of this future success by allowing research on stem cells created by nuclear transfer to proceed in Victoria. The advances in this field are already significant. Regenerated cells derived from adult stem cells are already being used to treat leukaemia, lymphoma and several inherited blood diseases.

Government members of the house will be aware that this amending bill is subject to a conscience vote.

Members of the house will be aware that the Victorian Law Reform Commission (VLRC) is currently reviewing assisted reproduction and adoption legislation. While the final recommendations of the VLRC and the government’s response to those recommendations are still to be formulated, it may be that further amendments to the Infertility Treatment Act are required, and the medical research provisions within the act may be excised and presented for consideration to Parliament as a separate stand-alone bill.

I believe that this bill strikes the right balance of responsible and ethical research progress as it explicitly prohibits practices that are abhorrent to the overwhelming majority of Australians but also allows research to proceed in an area that receives strong community support. It is hoped that the work to be permitted through this bill will lead to advancements in our ability to combat diseases that currently cause a great deal of suffering to many Australians.

I commend this bill to the house.

Debate adjourned on motion of Mr D. DAVIS (Southern Metropolitan).

Debate adjourned until Thursday, 26 April.

MAJOR EVENTS (AERIAL ADVERTISING) BILL

Statement of compatibility

For Hon. T. C. THEOPHANOUS (Minister for Industry and State Development), Mr Lenders tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Major Events (Aerial Advertising) Bill 2007.

In my opinion, the Major Events (Aerial Advertising) Bill 2007, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The purpose of the Major Events (Aerial Advertising) Bill 2007 is to prohibit aerial ambush marketing at major events in Victoria.

The bill requires commercial aerial advertising at specified events to be authorised, and makes it an offence to undertake unauthorised commercial aerial advertising in airspace within sight of the venues for those events.

The events which have been specified in the legislation are: the Boxing Day Test, the Australian Open Tennis Championships, the Australian Formula One Grand Prix, the Australian Motorcycle Grand Prix, the AFL Grand Final and specified race days during the Spring Racing Carnival. The bill provides that additional major events may be made subject to the legislation by Governor in Council Order.

Further, the bill provides civil remedies in relation to aerial ambush marketing, namely the ability for the state or event organisers to seek injunctions and for a person to take action for damages.

The objective of these criminal and civil measures is to ensure that Victoria can provide an attractive commercial environment for the sponsors and promoters of its major events, and can retain its competitive advantage in the major events industry.

The major events sector is a vital segment of the Victorian economy. Major events are estimated to generate an economic benefit to the state of over $1 billion per year. They are also an important component of the government’s strategy to promote Victoria as a place to live, work and do business.

The investment of sponsors is crucial to the viability of events. Sponsors invest significant sums of money in exchange for valuable marketing opportunities and high levels of exposure at events, in some cases including television coverage to millions of viewers around the world.

Aerial ambush marketing is an unfair practice that enables rival companies, which have not paid for sponsorship rights, effectively to take a ‘free ride’ and exploit these opportunities.

This undermines the value of the advertising rights bought by official event sponsors. As a result, there is a risk that sponsors could withdraw their support for future events, which would impact on event revenue streams, or that international rights holders could withdraw events from Victoria altogether.

Ultimately this would damage Victoria’s reputation as Australia’s leading host of major events.

The controls being imposed by the bill are designed to provide a strong deterrent to aerial ambush marketing at specified major events in Victoria. The controls only relate to aerial advertising of a commercial nature. Aerial advertising of a non-commercial nature — for example an individual making a personal statement that is not designed to sell or publicise goods or services — is not subject to the bill.
MAJOR EVENTS (AERIAL ADVERTISING) BILL

Thursday, 19 April 2007

COUNCIL

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Human rights issues

1. Human rights protected by the charter that are relevant to the bill

The Major Events (Aerial Advertising) Bill 2007 makes it an offence to display commercial aerial advertising without authorisation.

The principal relevant right under the Charter of Human Rights and Responsibilities upon which the bill would have an impact is identified as:

s 15: Freedom of expression.

(1) Every person has the right to hold an opinion without interference.

(2) Every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria and whether —

(a) orally; or

(b) in writing; or

(c) in print; or

(d) by way of art; or

(e) in another medium chosen by him or her.

(3) Special duties and responsibilities are attached to the right of freedom of expression and the right may be subject to lawful restrictions reasonably necessary —

(a) to respect the rights and reputation of other persons; or

(b) for the protection of national security, public order, public health or public morality.

An additional relevant right under the charter which was raised by the bill was identified as:

s 20: Property rights

A person must not be deprived of his or her property other than in accordance with law.

The bill is relevant to this human right to the extent that it enables authorised officers to apply to a magistrate for a search warrant to enter specified premises and to search for and seize items that are reasonably believed to be connected with an offence under the bill.

These powers are part of a comprehensive enforcement scheme set out in the bill. Their inclusion in the bill is necessary to ensure that authorised officers have the powers required to investigate and gather evidence relevant to suspected offences under the bill.

In any application for a warrant, an authorised officer must demonstrate the need to exercise these powers in specific circumstances and must exercise the powers in accordance with the directions of the Magistrates Court.

The requirement for powers of entry, search and seizure to be exercised with a warrant is intended to ensure that these powers are exercised with due process and restraint, and that deprivation of property in these circumstances is not arbitrary and is undertaken in accordance with law.

It is therefore considered that the human right relating to property as expressed in section 20 of the charter, while relevant to the bill and requiring consideration, is not limited, restricted or interfered with by the bill.

2. Consideration of reasonable limitations — section 7(2)

(a) The nature of the right being limited

The right to freedom of expression is often described as essential to the operation of a democracy. In particular, the right to freedom of expression enables people to participate in political debate, to share information and ideas which inform that debate and to expose errors in governance and the administration of justice. It is an important right in international law.

It is considered that the right to freedom of expression includes commercial advertising in the nature sought to be restricted by the bill. It is significant for the discussion in this statement, however, that the courts have historically afforded less protection to freedom of commercial expression than either political or artistic expression.

(b) The importance of the purpose of the limitation

The purpose of the limitation in the bill is to protect the commercial interests of legitimate sponsors from the unauthorised ambush advertising of their competitors. This is to ensure that Victoria’s major events provide an attractive commercial environment for sponsors and promoters. This is considered to be an appropriately important purpose and objective to be protected by legislation in a modern, commercially competitive environment.

(c) The nature and extent of the limitation

The bill limits the ability of individuals to impart, seek and receive advertising information in airspace within sight of the venues of specified major events.

However, the bill only prohibits deliberate aerial ambush advertising of a commercial nature and does not seek to limit the rights of individuals making statements of a non-commercial nature.

The restrictions apply only to advertising within sight of specified major events on each day of the event. Further, they only apply within prescribed times, which are intended to minimise the duration of the restraint and yet provide reasonable and appropriate advertising opportunities for authorised advertisers and sponsors.

Under the bill it would be open to an individual wishing to engage in aerial advertising to purchase legitimate advertising opportunities within sight of the venue of the major event. That is, the bill only limits unauthorised aerial advertising and does not prevent an individual from pursuing other advertising opportunities.
MAJOR EVENTS (AERIAL ADVERTISING) BILL

(d) The relationship between the limitation and its purpose

It is considered that there is a rational and proportionate relationship between the limitations imposed by the bill and the purpose of the limitation.

This is because ambush advertising is generally undertaken by corporations and not individuals. In practical terms, this means that the limit on an individual’s rights in the bill is largely a limit on their right to seek and receive alternative advertising information. Balanced against the important purpose of securing sponsorship at major events, these limits are rational and proportionate, particularly as individuals attending major events can readily access these alternative advertising messages in other forums.

(e) Any less restrictive means reasonably available to achieve its purpose

As previously stated, the nature and scope of the limits in this bill are designed to ensure that only commercial aerial advertising is restricted, and that the restriction only applies to advertising within sight of the venues of major events. Further, the limits only apply for a defined period of time which is designed to minimise the restrictions while still meeting the purpose of the legislation.

The bill makes unauthorised aerial advertising an indictable offence subject to significant penalties. The penalties are 400 penalty units for an individual and 2400 penalty units for a body corporate ($42 972 and $257 832 respectively for the financial year commencing 1 July 2006).

It is considered that the penalties need to be substantial in order to provide a sufficient deterrent, and that they are proportionate when set against the potential damage to an event’s commercial agreements, image and reputation.

Further, the penalty for an individual (as for a body corporate) is a maximum penalty and it would be open to the Court to impose a lesser penalty depending on the circumstances of the case.

In order to encourage and protect commercial sponsorship at major events in Victoria, a legislative response is considered to be a practical and reasonable response to ambush aerial advertising.

(f) Any other relevant factors

Ambush aerial advertising has the potential to undermine legitimate commercial sponsorship of major events and there are currently no other legal avenues available to prevent it in Victoria.

A similar legislative response has been adopted twice previously in Victoria: for the Melbourne 2006 Commonwealth Games and the 12th FINA World Championships in 2007.

Conclusion

I consider that the Major Events (Aerial Advertising) Bill 2007 is compatible with the Charter of Human Rights and Responsibilities because it does limit, restrict or interfere with a human right, being the right to freedom of expression under section 15 of the charter, but that limitation is reasonable and proportionate. This is in view of the important objective of the legislation, which is to encourage and protect commercial sponsorship at major events in Victoria, and the measures in the bill to minimise the nature and scope of the restrictions, as detailed in this statement.

GAVIN JENNINGS, MLC
Minister for Aboriginal Affairs

Second reading

Ordered that second-reading speech be incorporated on motion of Mr LENDERS (Minister for Education).

Mr LENDERS (Minister for Education) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Victoria is Australia’s leading host of major events. The government recognises the importance of major events to the Victorian economy and is proud of this state’s reputation as a host of major events that are the benchmark for the rest of the world.

The purpose of this bill is to prohibit aerial ambush marketing at major events in Victoria. This is in order to preserve an attractive commercial environment for our events and protect Victoria’s competitive advantage in the major events market.

Victoria has previously legislated to prohibit aerial ambush marketing at the Melbourne 2006 Commonwealth Games and the 12th FINA World Championships.

This bill will place a similar prohibition for other major events in Victoria, and will also allow the state and event organisers to pursue civil remedies. The aim is to provide the strongest possible deterrent to aerial ambush marketing at our major events.

Ambush marketing involves the exploitation of events by rival non-sponsor companies, either by suggesting an association with an event where none exists or by intruding at an event through the display of unauthorised advertising.

There are currently no legal avenues available in Victoria to prevent ambush marketing in airspace in the vicinity of major events.

The issue of aerial ambush marketing gained prominence around Australia last year with the arrival of the Holden Airship, which appeared at the 2006 AFL Grand Final and is visiting events around the country.

Event organisers are heavily dependent on sponsorship. Ambush marketing threatens not only the financial viability of their events, but potentially their ability to schedule events in Victoria, particularly in the face of fierce competition from other states and nations.

Peak sporting organisations including Cricket Australia, Tennis Australia and Racing Victoria have written to the government seeking protection for their events, and the issue has been raised with state governments around Australia. Other jurisdictions including New Zealand and Queensland have recently proposed or introduced legislation to ban aerial ambush marketing at their events.
This issue is of particular concern in Victoria. We have a prestigious calendar of major events including the Boxing Day Test, the Australian Open, the AFL Grand Final and the Australian Formula One Grand Prix, to name just a few.

These events — as well as our program of one-off events — bring enormous economic and social benefits to this state, contributing over $1 billion each year to the Victorian economy.

The investment made by sponsors is absolutely vital to the financial viability of these events. Sponsors pour millions of dollars into major events to enhance awareness of their brands, in some cases via television coverage to millions of viewers around the world.

In return, event organisers provide exclusive advertising opportunities for their sponsors and are expected to make reasonable efforts to prevent ambush marketing. Where they have entered into agreements with international rights holders, those agreements require them to provide advertising opportunities to certain stakeholders.

Ambush marketers choose to exploit these valuable marketing opportunities without paying for them, in essence taking a ‘free ride’. This not only undermines the value of the advertising rights purchased by official sponsors but puts event organisers at risk of being unable to retain or renew their agreements with sponsors and rights holders.

If no action is taken, the risk for Victoria is that sponsors could withdraw their support for future events, which would have a serious impact on event revenue streams. Further, international rights holders could decide not to bring their events back. These outcomes would clearly damage Victoria’s reputation as a leader in the major events industry.

If Victoria is to continue to build on its highly successful investment in major events, we need to take decisive legislative action.

I turn now to key areas of the bill.

Declaration of events

Some of Victoria’s most high-profile major events have been specified in the bill to give them immediate protection. These events, set out in clause 3 of the bill, are the Boxing Day Test, the Australian Open Tennis Championships, the Australian Formula One Grand Prix, the Australian Motorcycle Grand Prix, the AFL Grand Final, the Caulfield Cup, the Cox Plate and the four days of the Melbourne Cup Carnival at Flemington Racecourse.

The bill specifies the venues and the event organisers for each of these events. To minimise impacts on the aerial advertising industry, the bill also specifies the precise times of the day during which the bill will apply.

To enable other major events, including one-off national or international events, to be brought under the jurisdiction of the legislation if necessary, clause 4 enables additional major events to be declared by means of an event order made by the Governor in Council on the recommendation of the minister and published in the Government Gazette.

In making a recommendation, the minister must be satisfied that the event is a major event at the international or national level and that its commercial arrangements and operations would be adversely affected by aerial ambush marketing.

Should a venue, time or event organiser specified in the bill or in an event order need to change for any reason, clause 5 enables the relevant details to be altered by means of a variation order made by the Governor in Council on the recommendation of the minister and published in the Government Gazette.

Control of aerial advertising

Part 3 of the bill establishes an authorisation process for aerial advertising within sight of the venues of specified events and makes it an indictable offence to display unauthorised aerial advertising within sight of those venues.

It is important to note that these controls only relate to aerial advertising of a commercial nature. Non-commercial aerial advertising — for example, an individual displaying a personal statement not intended to sell or publicise goods or services — will not be subject to the bill.

Authorisations to display commercial aerial advertising may be issued by the Secretary of the Department for Victorian Communities if the advertising in question would not adversely affect the commercial arrangements or conduct of an event. The secretary may delegate this authorisation power to a public service executive or a statutory body established for a public purpose, such as the Australian Grand Prix Corporation. The relevant event organiser must be consulted before any authorisation is issued.

Clause 10 of the bill sets significant penalties for the offence of displaying unauthorised aerial advertising. These penalties are 400 penalty units for an individual and 2400 penalty units for a corporation. The penalties are intended to provide a strong level of deterrence, particularly to large corporations, and are considered reasonable when set against the potential damage to an event’s commercial arrangements, image and reputation.

The offence provision will not apply to emergency services aircraft or aircraft gathering footage for news and current affairs purposes, which are specifically exempted under clause 10. It should also be noted that, under the definition of ‘aerial advertising’ in the bill, commercial airlines or charter flight operators displaying their normal livery and undertaking their regular flights will not be subject to the controls established by the bill. Hot-air balloon operators undertaking early morning scenic flights will also effectively be excluded by virtue of the fact that their flights conclude by 9.00 a.m., before the restrictions of the bill commence on the day of an event.

Civil remedies

In addition to the offence regime, part 4 of the bill enables the state and event organisers to seek injunctions, and enables any person suffering loss, injury or damage as a result of unauthorised aerial advertising to take action for damages. The inclusion of these civil remedies will provide event organisers in particular with a greater range of options in responding to the problem of aerial ambush marketing and will boost the deterrent effect of the legislation.
Enforcement

It is intended that authorised officers will enforce the offence provisions of this bill. Part 5 of the bill enables the secretary to appoint authorised officers who have appropriate skills and experience. Part 5 also outlines their inspection powers, including powers under warrant to enter specified premises and to search for and seize items reasonably believed to be connected with an offence under the bill. Part 6 of the bill enables the secretary or a person authorised by the secretary to bring proceedings.

Finally, part 7 makes relevant amendments to other acts, including an amendment to the Magistrates’ Court Act 1989 to enable the indictable offence under clause 10 to be tried summarily in the Magistrates Court.

Aerial ambush marketing has the potential to undermine legitimate commercial sponsorship of major events and to damage Victoria’s ability to retain existing events and win new events. The measures presented in this bill provide an effective regime to deter aerial ambush marketers and to put a stop to this unfair and unwelcome practice.

I commend the bill to the house.

Debate adjourned for Ms LOVELL (Northern Victoria) on motion of Mr Dalla-Riva.

Debate adjourned until Thursday, 26 April.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REPEAL OF PART X) BILL

Statement of compatibility

For Mr JENNINGS (Minister for Community Services), Mr Lenders tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Drugs, Poisons and Controlled Substances (Repeal of Part X) (Amendment) Bill 2007.

In my opinion, the Drugs, Poisons and Controlled Substances (Repeal of Part X) (Amendment) Bill 2007, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The bill amends the Drugs, Poisons and Controlled Substances Act 1981 by repealing part X. This will result in the closure of the Drug Rehabilitation and Research Fund.

Upon the closure of the fund, revenue from fines collected in relation to drug-related crimes will be redirected to consolidated revenue. A future appropriation adjustment will ensure that the various programs and projects funded by the Drug Rehabilitation and Research Fund will continue.

There will be no change to the powers that enable fines in relation to drug-related crime to be imposed and collected, and there will be no change to the types of drug education and prevention projects and programs funded by the collection of these fines.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill

The bill has no human rights impacts.

2. Consideration of reasonable limitations — section 7(2)

As the bill has no impact on human rights it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise a human rights issue.

Gavin Jennings, MLC
Minister for Community Services

Second reading

Ordered that second-reading speech be incorporated on motion of Mr LENDERS (Minister for Education).

Mr LENDERS (Minister for Education) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This substantive provision in the bill contains an amendment to the Drugs, Poisons and Controlled Substances Act 1981.

The bill repeals part X of the Drugs, Poisons and Controlled Substances Act 1981. The proposed amendments will result in the closure of the Drug Rehabilitation and Research Fund and provide for the transfer of all money standing to the credit of that fund to the Consolidated Fund.

The bill also repeals spent transitional provisions in the Confiscations Act 1997 related to the Drug Rehabilitation and Research Fund, as well as making a statute law revision amendment to the Drugs, Poisons and Controlled Substances (Amendment) Act 2006.

The amendments are to be effective from 1 July 2007 and will result in revenue from all fines collected in relation to drug related crimes flowing to the Consolidated Fund instead of the Drug Rehabilitation and Research Fund.

Funds from the Drug Rehabilitation and Research Fund have been allocated each year to a range of drug education and prevention initiatives, such as the School Rock Eisteddfod, and Mirabel Child/Parent Services. The proposed amendment will result in an administrative change and will not affect the revenue from fines collected or the level of funding allocated to drug education and prevention programs.
An appropriation adjustment will take effect from 1 July 2007 in respect of the closure of the Drug Rehabilitation and Research Fund to provide ongoing funding for commitments currently funded from the Drug Rehabilitation and Research Fund.

I commend the bill to the house.

Debate adjourned on motion of Mr D. DAVIS (Southern Metropolitan).

Debate adjourned until Thursday, 26 April.

LEGAL PROFESSION AMENDMENT BILL

Statement of compatibility

Hon. J. M. MADDEN (Minister for Planning) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Legal Profession Amendment Bill 2007.

In my opinion, the Legal Profession Amendment Bill 2007, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill amends the Legal Profession Act 2004 to enact national model provisions agreed by the Standing Committee of Attorneys-General for the regulation of the legal profession. The provisions improve the rights of consumers of legal services as well as ensuring that the regulation of the legal profession is consistent with other Australian jurisdictions.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill

Section 13: Privacy and reputation

A person has the right:

(a) not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and

(b) not to have his or her reputation unlawfully attacked.

Clause 70 of the bill substitutes a new section 5.6.6 into the principal act. This new provision raises the right not to have privacy unlawfully or arbitrarily interfered with.

The provision will require ‘authorised deposit-taking institutions’ (ADIs) to disclose to an external intervener the bank account details of associates of law practices and third parties. An external intervener may be appointed by either the Supreme Court or the Legal Services Board to intervene in a law practice where there are serious issues of financial mismanagement. The external intervener may require access to bank account details held by an ADI in the course of conducting their investigation. This may have implications for the privacy of the associates of a law practice and, in limited circumstances, third parties who are not associates of the law practice.

Whilst it is relevant to consider the human right relating to privacy, the provision is not considered to unlawfully or arbitrarily interfere with the right because of the criteria set out in the new section, namely:

the ADI does not have to disclose the information to the external intervener unless the intervener produces evidence of their appointment;

there are additional criteria for requiring disclosure of a third party’s bank account details. This is that the external intervener has reasonable grounds to believe that trust money has, without the authorisation of the person who entrusted the money to the law practice, been deposited into the account of the third party.

Consequently, the bill is compatible with the right to privacy.

2. Consideration of reasonable limitations

The bill does not limit any human right and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it raises human rights issues but does not limit human rights.

JUSTIN MADDEN, MLC

Second reading

Ordered that second-reading speech be incorporated on motion of Hon. J. M. MADDEN (Minister for Planning).

Hon. J. M. MADDEN (Minister for Planning) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The legal profession plays a crucial role in the way that justice and the rule of law are delivered and perceived in Victoria. The Bracks government is committed to ensuring that the regulatory framework governing the legal profession continues to hold practitioners to high professional and ethical standards and provides consumers with protection and redress against those members of the legal profession who do not meet those standards.

Through the Standing Committee of Attorneys-General, Victoria has played a key role in the national legal profession project. This major initiative has been driven by the need to respond to changes in the legal services market in Australia to ensure that we have a modern, consumer-friendly regulatory framework for the legal profession.

To that end, the government enacted the Legal Profession Act in December 2004. This act was a major milestone in
National model amendments

It is fair to say that the national reform of the legal profession has been a work in progress over a number of years. It has been necessary to introduce the myriad of changes in stages. A first national model bill was agreed by all the partners to this project in 2004. Further amendments to that bill were necessary and a second model bill was agreed in mid 2006. This bill amends the Legal Profession Act 2004 to maintain uniformity with the updated national model. Like Victoria, all other jurisdictions have been working steadily towards implementing the updated model bill and the national framework is expected to be fully operational by the end of 2007.

Other amendments

Since the current act commenced in December 2005, ways of improving and finetuning the Victorian legislation have been identified in consultation with the Victorian legal profession and the statutory bodies charged with regulating the profession. This bill implements a number of those improvements and I thank the profession and our local regulators for their ongoing commitment to the improvement of regulatory standards in Victoria.

I shall now turn to the most significant amendments in the bill.

National practice

The facilitation of a national legal profession was the main aim of the states and territories in developing a national model bill. Many clients’ legal problems cross borders and thus many law firms and legal practitioners work across borders. Legal practice by Australian legal practitioners is dealt with in part 4 of chapter 2 of the act. An amendment will be made to remove the requirement that an interstate practitioner must give notice to the Legal Services Board about their practice within 28 days of establishing an office in Victoria. Notice will only be required to be given if a practitioner becomes authorised to withdraw trust money in any jurisdiction in which they practise. This will reduce the regulatory burden on law firms that work across jurisdictions for short periods of time.

Government lawyers are also an important part of the legal system and increasingly they also work on matters that cross jurisdictions. An amendment to the act will increase the ability of government lawyers to work in this way.

Amendments will be made to the interjurisdictional provisions to clarify that a legal practitioner is required to advise a local regulatory authority of any orders made interstate affecting their practising certificate and any disciplinary action taken against them overseas. The amendments will also clarify the information sharing arrangements between Victorian legal profession regulators and other types of regulatory bodies in other jurisdictions, such as the Australian Securities and Investment Commission. This will allow the Legal Services Board to make better informed decisions about whether a legal practitioner is fit to practise in Victoria.

Foreign lawyers

Part 8 of chapter 2 of the act governs legal practice by foreign lawyers. Amendments will be made to relax the registration requirements for foreign lawyers who do not practise regularly in Victoria. Foreign lawyers will be able to practise foreign law in Victoria without the administrative burden of having to register, unless they practise for more than 90 days in any 12-month period, or they become a partner or director of a local law practice. This will reduce the regulatory burden on foreign lawyers who for example work on international trade and business matters on a short-term basis.

For those foreign lawyers who are required to register, the act will be amended to clarify the trigger events that can lead to a foreign lawyer’s registration being amended, suspended or cancelled. Foreign lawyers will be required to notify the Legal Services Board of any regulatory action taken against them in their home jurisdiction. This measure will allow the board to use a wider range of information on which to make decisions as to whether or not a foreign lawyer should be allowed to practise foreign law in Victoria.

Trust money

Having rigorous standards for how the legal profession deal with money entrusted to them is of the utmost importance and is still an area where some members of the legal profession fail to fulfil the standards required of them. Trust money and trust accounts are dealt with in part 3 of chapter 3 of the act. This is an area where the model bill requires all jurisdictions to adopt uniform provisions and several significant changes have been made since the first version of the model bill was settled.

Amendments include an explicit prohibition on law firms dealing with clients’ money by way of cash withdrawals, ATMs or telephone banking. Stiff penalties will apply for any law firms that do not comply. The trust money amendments also clarify how the provisions apply to incorporated legal practices and multidisciplinary practices, which are relatively new forms of business structures for law firms and require specific provisions dealing with these entities.

Costs

Costs review

Disputes about the bill for legal costs are a common area of contention between consumers and legal practitioners. It is an issue that can be fraught with miscommunication and misunderstandings. For this reason it is important to ensure that consumers are properly informed about the costs of using a lawyer, and that there are appropriate independent avenues for resolving disputes between clients and legal practitioners about costs. The bill includes a significant amendment to the procedure for having a bill of costs reviewed by the taxing master in the Supreme Court. This includes extending the time for a client to apply for a costs review from 60 days to 12 months, with a provision allowing out-of-time applications to be considered by the Supreme Court in special circumstances.

Third party payers — costs disclosure and costs review

These rights will also be extended to a person who is liable to pay the legal costs but is not themselves the client of the law practice. These people will be defined as ‘third party payers’ through a new definition in the act. For example, in some
cases borrowers are required to pay the legal costs of the lender in the preparation of mortgage documents. The amendment will give such borrowers the option to have the lender’s legal costs reviewed if they believe they are too expensive.

The bill also includes amendments to extend costs disclosure to these ‘third party payers’. One circumstance where this might arise is where parents pay for the legal fees in a matter in which their child is the client of the law practice.

Interest on unpaid costs

The act will be amended to introduce a national benchmark rate of interest that law firms can charge clients who do not pay their bill on time. The rate of interest will be prescribed in regulations by reference to the Reserve Bank of Australia cash rate target.

Other clauses

The remainder of the bill makes a range of other minor definitional or machinery amendments to enhance the operation of the current legislation and achieve greater uniformity with other jurisdictions.

I commend the bill to the house.

Debate adjourned on motion of Mr RICH-PHILLIPS (South Eastern Metropolitan).

Debate adjourned until Thursday, 26 April.

ROAD LEGISLATION AMENDMENT BILL

Statement of compatibility

For Hon. T. C. THEOPHANOUS (Minister for Industry and State Development), Mr Lenders tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Road Legislation Amendment Bill 2007.

In my opinion the Road Legislation Amendment Bill 2007, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The bill makes a technical amendment to the definition of ‘trip’ in the East Link Project Act 2004 to reflect the tolling technology and changes to the Melbourne CityLink Act 1995 to support interoperability. It also extends the area in respect of which the Southern and Eastern Integrated Transport Authority is a ‘referral authority’.

The bill makes technical amendments to the process for nominations for ‘owner onus’ offences, to replace the requirement for a sworn statement or statutory declaration with a simpler statement requirement.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill

The bill does not affect any human rights protected by the charter.

2. Consideration of reasonable limitations — section 7(2)

The bill does not impose any restrictions on human rights protected by the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not limit, restrict or interfere with any human rights protected by the charter.

Theo Theophanous, MP
Minister for Major Projects

Second reading

Ordered that second-reading speech be incorporated motion of Mr LENDERS (Minister for Education).

Mr LENDERS (Minister for Education) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill makes a number of important amendments to facilitate the delivery of the EastLink project and the operation of operator onus vehicle offences.

EastLink tolling

The proposed changes to the EastLink Project Act 2004 will facilitate tolling and interoperability, as well as make a number of other improvements to the act.

The bill amends the definition of ‘trip’ in the EastLink Project Act 2004 to ensure that the EastLink tolling system can be operated consistently with the legislation. Section 2 of the EastLink Project Act 2004 presently defines a trip as a journey on EastLink ‘uninterrupted’ by entry or exit. This definition will not be effective as the toll gantries will not be placed at entry and exit points: it will therefore not be possible to determine conclusively whether a ‘trip’ as currently defined has occurred. A new definition will be substituted which provides certainty.

A ‘trip’ will now consist of any amount of travel in one direction on EastLink that occurs within the space of 1 hour, without repeating any toll zone. The time for a journey along the entire length of EastLink is approximately 25 minutes. This allows customers to either make several short journeys, or enable breaks to be taken during a longer journey which will still result in the customer being tolled for just one trip. Many more customers will gain the benefit of having their toll charges limited by the toll cap and from minimising the use of trip passes.
EastLink interoperability

The bill also makes amendments to the Melbourne City Link Act 1995 to facilitate interoperability between EastLink and CityLink.

Interoperability permits the customer of one toll road to use other toll roads without making arrangements with other toll road operators (such as opening an account or purchasing a pass). It also means that a vehicle only needs to carry one electronic tag, anywhere in Australia. The customer is billed for usage of all 'interoperable' toll roads by the tollway operator with whom he or she has an account relationship. This is underpinned by arrangements between the tollway operators.

The EastLink Project Act 2004 and the EastLink project concession deed, which facilitated the EastLink project, made express legislative provision for the customers of other tollway operators to use EastLink interoperably. By contrast, the Melbourne City Link Act 1995 supports the interoperability of CityLink and interstate toll roads, but not with other Victorian toll roads.

The bill amends the Melbourne City Link Act 1995 to enable CityLink interoperability with EastLink, but providing that the interoperable arrangements will only come into effect once EastLink and CityLink enter into an agreement dealing with interoperability.

This amendment reflects the commercial reality that the interoperable arrangements will only be effective once EastLink and CityLink enter into an agreement regarding interoperability. A standard provision in an interoperable arrangement, often called a roaming agreement, is for the payment of a fee called the roaming fee. This fee is not payable by the customers of toll roads but is paid by one toll road operator to another. It represents reimbursement primarily for the cost and effort involved in collecting tolls from its own customers on behalf of another toll road operator.

In order to ensure that CityLink is reimbursed for the fair cost of upgrading its systems to provide for interoperability, the Melbourne City Link Act 1995 will be amended to provide that the roaming fee recoverable by CityLink from EastLink (for the use of EastLink by CityLink account customers) must not exceed the net incremental marginal cost of providing that service. The bill assists in the determination of the roaming fee by enabling the Secretary of the Department of Infrastructure to publish guidelines in the Government Gazette to facilitate the calculation of the net incremental marginal cost. If guidelines are not published, the concessionaires for EastLink and CityLink may simply agree on a roaming fee that does not exceed the net incremental marginal cost.

One other provision that is inserted by this bill is to make the Southern and Eastern Integrated Transport Authority a referral authority under the Planning and Environment Act 1987 for certain areas adjoining the EastLink extended project area (for which the authority is already a referral authority). This provision exists primarily to ensure that the authority is informed of any significant developments in sensitive areas such as those overlying or near the tunnels.

Operator onus

The bill makes several amendments designed to improve enforcement of vehicle-use offences where the identity of the driver is not established at the time the offence is detected.

With such offences, effective enforcement of road laws depends, in the first instance, on the vehicle registration system and, if necessary, on information that is then provided by vehicle operators to identify the person responsible for the offence.

To this end, the bill amends the existing ‘owner onus’ provisions of the Road Safety Act 1986 and the Melbourne City Link Act 1995 which deal with liability for traffic camera, parking and tolling offences.

Under these owner-onus laws, a vehicle owner may avoid liability by making a statutory declaration or a sworn statement. Making a false statutory declaration or false sworn statement amounts to the crime of perjury under the Crimes Act 1958. This can attract a penalty which is disproportionate to the seriousness of the offence in relation to vehicle-use offences.

These owner-onus provisions are due to be superseded on 1 July 2007 by new ‘operator onus’ laws passed by Parliament last year. Under those new operator-onus laws, statutory declarations will be replaced with simple written statements, such as in a letter. It will be an offence to knowingly provide false or misleading information in a statement made in relation to a vehicle-use offence.

This bill will bring the nomination process under the current owner-onus laws into alignment with the new procedure to commence from 1 July. This means that people who make false statements under the existing laws to evade responsibility for vehicle-related offences would not be charged with perjury but with a new summary offence carrying a lesser penalty. These amendments will also facilitate the administrative transition from the old to the new systems by enabling simple statements to be used for all offences, irrespective of the date of the offence.

The bill also amends the new operator-onus provisions to provide for extensions of time to bring prosecutions whenever responsibility for a vehicle-related offence is transferred to a new person.

The bill also amends the provisions of the Road Safety Act 1986 dealing with traffic safety cameras, where the vehicle detected by a device is a trailer or motor vehicle that is being towed by another motor vehicle.

The new operator-onus laws already allow for responsibility for such an offence to be transferred by the operator of the towed vehicle to the operator of the towing vehicle. For example, the owner of a semitrailer that is detected in a speeding offence could nominate the owner of the prime mover as the person responsible for the offence.

The purpose of the amendments is to complement those laws. They should ensure that evidence collected in relation to the towed vehicle can also be used where appropriate to prosecute the person responsible for the towing vehicle.

Provisions in the bill are designed to prevent double jeopardy.

I commend the bill to the house.
Debate adjourned for Mr KOCH (Western Victoria) on motion of Mr Dalla-Riva.

Debate adjourned until Thursday, 26 April.

ADJOURNMENT

Mr LENDERS (Minister for Education) — I move:

That the house do now adjourn.

Kew Residential Services: site development

Mr D. DAVIS (Southern Metropolitan) — The matter I raise in the adjournment debate tonight is for the attention of the Minister for Major Projects, the Honourable Theo Theophanous. It concerns the controversial government project at the Kew Residential Services site. Members of this chamber and people elsewhere understand that that site in Boroondara is very significant. It has 27 hectares of important parkland, and obviously it is home to a number of important people.

The government has gone forward with its development of that site against bitter local community opposition, which fought its position in a very public way. There is a density of project development that few in the Boroondara community and few in the proximate area support. At the same time as the government has gone forward with development, despite this opposition, it has tendered out the development of the site. There has been a sale by the successful tenderer, Walker Corporation, to another group called Mirvac. Mirvac has excavated the site and is in the first stages of its development.

A number of incidents have occurred there. Tree roots, discovered during the excavation, belong to very important, large and valuable trees. The Minister for Planning is nodding. I am sure he has come across some details of this matter on his desk. Heritage Victoria has been called in to investigate breaches of permits and other legal rules that have been involved in this process. The minister may wish to add some information about what the Minister for Major Projects will do to ensure that the proper protections are in place.

This is a shared responsibility between the Minister for Planning and the Minister for Major Projects. The Minister for Major Projects is responsible for the actual development of the site, but many of the rules that surround this matter relate to the responsibilities of the Minister for Planning or sections of his department.

I also make the point in passing that the site was subject to the assistance of Mr Graham Richardson from New South Wales who flew down prior to the state election. He held meetings with Bracks government officials. The Premier and others have not been forthcoming about these meetings. I give credit to the Minister for Major Projects because at least he has owned up to being one of the people who met with Mr Graham Richardson when Mr Richardson was making lobbying efforts in Victoria.

I therefore ask: what steps will the Minister for Major Projects and perhaps other ministers take to guarantee that permit conditions are held up?

Odyssey House: funding

Mr DRUM (Northern Victoria) — My adjournment matter is directed to the Minister for Health in the other place. Since 1979 the organisation Odyssey House has helped many thousands of Victorians, many of whom are young men and women who have been helped to restart their lives after suffering drug or alcohol addictions.

Odyssey House is one of the most respected and effective rehabilitative organisations in the world. Thousands of Victorians who are now enjoying productive lives are a testament to the work of Odyssey House. This magnificent organisation has been prevented from achieving its full potential and from meeting the needs of our community because of a lack of commitment from the government. Odyssey House runs rehabilitation facilities and shopfront office services in Richmond, Lower Plenty and, more recently, Molyullah near Benalla.

The organisation is trying to cope with a $5000 per bed funding shortfall. It costs $40 000 a year to maintain each drug and rehabilitation bed, which, on average, helps four people a year. At the moment most of the funding of the beds comes from the federal government. The clients themselves contribute $100 per week, but there is still a $5000 shortfall per bed.

This means that Odyssey House in Molyullah can only operate for eight months of the year before its funding runs out. This magnificent service near Benalla is fully booked and has 17 people on its waiting list. It has 12 beds, which means the organisation’s annual shortfall is $60 000. That is not a bad deal for the Victorian government — if it gave $60 000, it could help put 17 young country Victorians back on track to start rebuilding their lives.
I urge the government to show it cares about getting people back on track and onto the straight and narrow. The government should meet the shortfall of an organisation that is willing to take much-needed rehabilitation services to the country. The shortfall is happening at a time when the government is centralising a lot of its internal revenue that has been derived from assets. It is important that the government realises that this is an opportunity to do some good; it should take the opportunity because relevant legislation is coming through this chamber in the next sitting week.

King Street, Doncaster: upgrade

Mr TEE (Eastern Metropolitan) — I seek the support of the Minister for Roads and Ports, Mr Tim Pallas, in the other place, for improvements to King Street in my electorate. In particular I ask him to meet with VicRoads to examine whether support can be made available to improve this important road.

King Street is the main street in my electorate. About 12 000 cars use the street each day. I acknowledge the efforts that the government has already made with King Street: this includes some $600 000 for traffic lights and $400 000 for improvements to bus access.

An honourable member — Where is it?

Mr TEE — It is in Doncaster. But it is clear that more needs to be done to bring this important road up to the high standards that Victorians have come to expect from the Bracks government. These high standards are already clearly visible on a number of nearby streets such as Thompsons Road.

At the beginning of this month I was pleased that Mr Pakula, in his capacity as Parliamentary Secretary for Transport, inspected King Street, for which I thank him; I also thank him for his ongoing interest in this matter. The site visit was attended by the chair of the King Street Residents Action Group, Mr Ted Parker, and me. Through Mr Parker the group identified a number of areas of concern with the road which include the need for additional traffic lights, resurfacing, and improvements to bus access.

King Street is an important local road which allows people to travel to their work, home, shops and friends and participate in local community activities. Therefore I urge the Minister for Major Projects to meet with VicRoads to see if support can be found to further improve this important local road.

Water: irrigators

Ms LOVELL (Northern Victoria) — I wish to raise a matter with the Minister for Water, Environment and Climate Change in another place regarding today’s release of a report which has predicted zero water allocations to irrigators in the Murray–Darling Basin for the 2007–08 season unless there is significant rainfall in the next month. The report states:

Unless there are very substantial inflows prior to mid-May 2007 there will be insufficient water available to allow any allocation at the commencement of the 2007–2008 water year for irrigation, the environment or any purposes other than critical urban supplies.

This is unprecedented, and the Bracks government must immediately recognise the severity and urgency of the situation and waive all fixed water charges for water not received. It must also push back the deferred payments from the 2006–07 season. Through waiving fixed water charges some of the pressures on irrigators would be alleviated. Pushing back the deferred payments from the 2006–07 season would mean irrigators will not be facing the double whammy of debts and zero locations. Our irrigators have faced 10 years of drought and have been subject to severe frosts, hail and other freak weather events such as mini tornadoes. Farmers, including those in the horticultural, dairying and cropping industries, are on their knees but still have to pay the Bracks government for water they do not receive. That is just another kick in the guts for them.

The federal government is supplying exceptional circumstances (EC) funding to our irrigators in northern Victoria. The federal EC funding is integral to providing crucial household support to farmers. The EC payments should be putting food on the table and not being used to pay the Bracks government for water it cannot deliver. Without state government support there is a strong prospect that many of our farmers will simply walk off their land and that that land may never be used for farming again.

The action I seek is for the minister to immediately announce that the government will waive all fixed fees and defer its flawed repayment scheme from last year to allow farmers the time to plan for what may well be the worst irrigation season Victoria has faced since irrigation began in the 1800s.

West Gate punt: service

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the Minister for Roads and Ports in the other place. The West Gate commuter punt
is a small bicycle and pedestrian ferry that crosses the Yarra under the West Gate Bridge, leaving from Scienceworks at Spotswood and going to Fishermans Bend. Currently it only operates from 9.00 a.m. to 5.00 p.m. on weekends.

A trial of the punt as a commuter service in peak hours was completed in 2005. It was a really successful trial despite the lack of advertising. Since then commuter cyclist numbers have increased due to the woeful state of public transport in the western suburbs. Eleven hundred people signed a petition asking for a commuter service to be returned.

It is an important service as it allows cyclists to ride safely. The only alternative bike routes are along major trucking routes such as Whitehall Street, Francis Street and Somerville Road. These streets are filled with trucks every single day, and unfortunately in seven years the Bracks government has done very little to try to alleviate the problem. I ask the minister to support the return of the punt commuter service.

**St Georges Road, Northcote: roundabout**

**Mr ELASMAR** (Northern Metropolitan) — I raise a matter for the Minister for Roads and Ports in the other place, Mr Pallas, concerning the roundabout on St Georges Road, Northcote, in my electorate. I call on the minister to commission a report from VicRoads on how the safety of this intersection may be improved. The roundabout is at the intersection of St Georges Road, Charles Street, Elizabeth Street and Merri Parade. It is well-known to my constituents and to north-south commuters using the road.

The intersection of these busy roads is unsafe, with a mix of trains, pedestrians, bike riders, cars, trucks and buses going at least eight different ways. I have travelled along St Georges Road for decades and at firsthand have observed this dangerous junction. As a local I have spoken to people who use the intersection, and I believe it is an ongoing problem that has been raised often, both by constituents and the local newspapers, particularly during my days as a councillor with the City of Darebin.

I often see people who are not from the local area who are unsure of what to do after entering the intersection. They hesitate, they look about, they move forward and they move back, and quite often you see near misses take place. I know that an upgrade to the intersection occurred some time ago, but that upgrade did not make it safe enough; more needs to be done.

The first step is to begin by asking VicRoads to produce a report. It is a busy roundabout that presents us with a complex range of problems. Many suggestions have been made, including traffic lights, changing the configuration of the roads, bike paths and better signage, which should be considered. In conclusion, I hope the minister can take action to ensure that the interests of commuters and my residents are looked after.

**Weeds: control**

**Mr VOGELS** (Western Victoria) — I raise an issue for the Minister for Water, Environment and Climate Change in the other place, Mr Thwaites. It concerns those people who were prosecuted for not controlling roadside weeds. I refer specifically to Mr Allan Stephens from Allendale in south-west Victoria, but there must be hundreds of land-holders in the same boat. Mr Stephens, an invalid pensioner, was taken to court and fined for not controlling gorse, a reasonably controlled weed, on his adjacent roadside. The sum total, including fines, clearing of weeds, legal costs et cetera, was $7286.50.

It now turns out that the land-holders were never responsible for controlling roadside weeds, but the legislation was poorly drafted back in the early 1990s. In other words councils and Victorian government departments have spent the past 13 years using flawed legislation to force farmers to control roadside weeds. It is my understanding that this flawed legislation was discovered due to the introduction and passing of the Road Management Bill. It now appears that local government, not land-holders, is and always was responsible for the management and control of roadside weeds. I therefore believe the state government has a moral responsibility to make restitution and overturn the convictions of those land-holders prosecuted for failing to control roadside weeds under this flawed legislation.

The action I seek from the minister is to clarify once and for all who was in control of maintaining roadside weeds — the state or local government — and to recompense land-holders for costs incurred due to being prosecuted by state or local government authorities.

**Euroa Memorial Recreation Reserve: upgrade**

**Ms BROAD** (Northern Victoria) — My adjournment matter is for the Minister for Sport, Recreation and Youth Affairs in the other place. The action I seek is for the minister to advise me when funding will be provided for upgrading toilet facilities at the Euroa Memorial Recreation Reserve.
I was very pleased to visit the Euroa recreation reserve in November last year together with Mr Paul Rieuesset and Mr Robert Mitchell to inspect improvements to the reserve, including netball court resurfacing and new lighting towers funded by the Bracks government and to see firsthand the need for an upgrade of the toilet facilities. As a result of that visit I am pleased to say that the Bracks government made a commitment that if it were re-elected, a contribution of $50 000 would be made towards repairing the toilet facilities and bringing them up to a suitable standard. More recently, over the Easter weekend the Euroa recreation reserve was in the fortunate position of hosting the Euroa Magpies versus Mansfield round 1 match of the Goulburn Valley Football League — and the game was won by the Magpies. I say it was fortunate because due to the drought conditions it has only been possible to water the football oval with recycled water with assistance from the Victorian Country Football League and the Strathbogie Shire Council.

The event was very successful, attracting a large crowd of around 3000. However, the large crowd also served to draw attention to the urgent need to upgrade the facilities. Accordingly the action I seek is for the minister to advise me when funding will be provided for upgrading the toilet facilities at the Euroa recreation reserve.

Port of Melbourne: truck movements

Ms PENNICUIK (Southern Metropolitan) — My adjournment matter is for the Minister for Roads and Ports in the other place, Mr Tim Pallas. At present there are around 15 000 truck movements per day through the area surrounding the port of Melbourne, particularly in the city of Maribyrnong. The port of Melbourne’s economic studies show that trade through the port will quadruple even if channel deepening does not go ahead — and if the government comes to its senses, it will not go ahead.

The supplementary environment effects statement report shows that the number of 20-foot equivalent units moving through the port will increase from about 1.5 million in 2005 to around 7 million in 2035, if you can believe that estimation. In other parts of the report it states that it is basically not possible to forecast out that far or even out past 2020. I have seen no evidence in the report that supports this assertion. In any case, even if we accept a fourfold increase in trade through the port based on the port of Melbourne’s own studies and assume a concomitant fourfold increase in truck movements from 15 000 to 60 000, where is the study on the impact of such truck movements on residential streets, especially in the cities of Maribyrnong and Port Phillip?

My request to the minister is that he release any studies on the impact of those expected truck movements or plans to mitigate or prevent that impact. If there are no reports for him to release, I ask him to conduct one.

Melbourne Airport: hire cars

Mr SOMYUREK (South Eastern Metropolitan) — I raise a matter for the attention of the minister for transport in another place concerning the access of hire cars to the airport. One of my constituents, Mr Mustafa Altinel, purchased a hire car licence and car and paid a small fortune — $130 000 — for the privilege. Mustafa Altinel purchased the vehicle under the impression that he could work anywhere in metropolitan Melbourne — and he expected to be able to work at Melbourne Airport, from where 80 per cent of work for hire car drivers emanates.

After purchasing the vehicle and the licence Mr Altinel soon found that there was a bit of a dispute between Melbourne Airport and the Victorian Taxi Directorate (VTD), which happens to control the hire car licences. Melbourne Airport say that it is full to capacity and cannot accommodate any new cars. It has stopped issuing permits for hire cars into Melbourne Airport. There seems to be a bit of an impasse between the VTD and the airport, and in the meantime dozens of people such as Mr Altinel, who has paid $130 000, are finding that they are only working at 20 per cent of capacity. I ask that the minister for transport mediate between Melbourne Airport and the VTD to solve this problem.

Mr Dalla-Riva — On a point of order, President, the member may be confused about his own ministry because he has asked for action by the minister for transport, but one does not exist. I would say the matter he raised is for the Minister for Roads and Ports. It would be advisable that the member understand which is the correct ministerial portfolio when raising a matter.

The PRESIDENT — Order! It would be convenient if the member would clarify which minister he is referring to.

Mr SOMYUREK — I thank Mr Dalla-Riva for pointing this out. I do direct my matter to the Minister for Roads and Ports in the other place.

Responses

Hon. J. M. MADDEN (Minister for Planning) — David Davis asked about matters regarding the Kew
Residential Services site. I will refer them to the Minister for Major Projects.

Mr Drum raised a matter concerning Odyssey House funding. I will refer that to the Minister for Health in the other place.

Mr Tee raised a matter concerning King Street and surrounding streets in Doncaster. I will refer that matter to the Minister for Roads and Ports in the other place.

Ms Lovell raised the matter of the Murray–Darling Basin water allocations. I will refer that to the Minister for Water, Environment and Climate Change in the other place.

Ms Hartland raised a matter concerning the West Gate punt. I will refer that to the Minister for Roads and Ports in the other place.

Mr Elasmar raised the matter of the St Georges Road roundabout. I will refer that to the Minister for Roads and Ports in the other place.

Mr Vogels raised the matter of prosecutions in relation to roadside weed control. I will refer that to the Minister for Water, Environment and Climate Change in the other place.

Ms Broad referred to the matter of the Euroa recreation reserve funding for facilities. I will refer that to Minister for Sport, Recreation and Youth Affairs in the other place.

Ms Pennicuik raised the matter of truck movements in and around the port of Melbourne, particularly in the municipalities of Maribyrnong and Port Phillip. I will refer that to the Minister for Roads and Ports in the other place.

Mr Somyurek raised the matter of work for hire cars and their availability at Melbourne Airport. I will refer that to the Minister for Roads and Ports in the other place.

House adjourned 5.21 p.m. until Tuesday, 1 May.
QUESTIONS ON NOTICE

Tuesday, 17 April 2007

Industry and state development: investment projects

1. MR RICH-PHILLIPS — To ask the Minister for Industry and State Development: In relation to the “investment projects under development” 2005-06 Performance of 260 as recorded on page 152 of the Department of Innovation, Industry and Regional Development Annual Report 2005-06, how many were initiated in —

(a) China;
(b) Hong Kong;
(c) Singapore;
(d) South East Asia (excluding Singapore);
(e) India;
(f) the European Union (excluding the United Kingdom);
(g) the United Kingdom;
(h) Canada;
(i) the United States of America;
(j) New Zealand;
(k) United Arab Emirates; and
(l) other countries.

ANSWER:

I am informed as follows:

The actual outcome for ‘investment projects under development’ as captured by the Investment and Export Projects (IAEP) database for 2005-06 was 260 projects. Of these projects:

- 10 are from China
- 2 are from Hong Kong
- 5 are from Singapore
- 3 are from South East Asia
- 1 is from India
- 18 are from the European Union
- 13 are from the United Kingdom
- 2 are from Canada
- 36 are from the United States
- 2 are from New Zealand
- none are from the United Arab Emirates; and
- 168 are from other countries.
Industry and state development: investment projects

2. **MR RICH-PHILLIPS** — To ask the Minister for Industry and State Development: In relation to the “investment projects under development” 2005-06 Performance of 260 as recorded on page 152 of the Department of Innovation, Industry and Regional Development Annual Report 2005-06, how many projects were initiated as a result of an approach to a potential investor by —

   (a) Invest Victoria;
   (b) a Victorian Government Business Office;
   (c) one of the Department’s Special Trade Envoys; or
   (d) a potential investor to the Victorian Government.

**ANSWER:**

I am informed as follows:

The Department has a number of arms working towards the generation of leads to attract investment into Victoria. Figures relating to the number of projects initiated as a result of an approach by Invest Victoria, VGBOs, STEs and potential investors to the Victorian Government are difficult to quantify due to the fact that many areas across DIIRD are actively involved in multiple stages of the investment attraction pipeline.

In relation to parts a) and b) of the question it should be noted that VGBO staff are a part of Invest Victoria (IV). On-shore and off-shore staff of IV work collaboratively on lead generation and it is therefore not always black and white as to where a lead was generated or pursued.

In relation to part c) it should be noted that the primary focus for the Department’s Special Trade Envoys is to assist potential Victorian exporters to become ‘export ready’ to develop export markets for Victorian exporters. As such, they are not a primary point of contact for potential investors.

Industry and state development: investment projects

3. **MR RICH-PHILLIPS** — To ask the Minister for Industry and State Development: In relation to the “investment projects under development” 2005-06 Performance of 260 as recorded on page 152 of the Department of Innovation, Industry and Regional Development Annual Report 2005-06, how many projects were initiated through the following Victorian Government Business Offices —

   (a) Hong Kong;
   (b) Shanghai;
   (c) Nanjing;
   (d) Tokyo;
   (e) London;
   (f) Frankfurt;
   (g) United Arab Emirates;
   (h) San Francisco;
   (i) Chicago;
   (j) New York; and
   (k) Bangalore.

**ANSWER:**

I am informed as follows:
The Department’s Investment and Exports Project (IAEP) database does not capture all information relating to VGBO involvement with investment projects under development; however Invest Victoria records reveal that in 2005-06 current investment projects involving VGBOs were as follows:

Hong Kong (5)
Shanghai (1)
Nanjing (5)
Tokyo (4)
London (10)
Frankfurt (19)
United Arab Emirates (1)
San Francisco (14)
Chicago (24)
New York (18)
Bangalore (1)

Industry and state development: Victorian government business offices

6. MR RICH-PHILLIPS — To ask the Minister for Industry and State Development: In relation to the Victorian Government Business Office in Hong Kong:

   (1) How much was spent on renovating, refitting and furnishing the VGBO in 2006.
   (2) Who approved the renovation of the VGBO.
   (3) What was the purpose of the renovation.

   ANSWER:

   I am informed as follows:

   (1) The total cost of the refurbishment in 2006 was $A66,169.30;
   (2) The refurbishment was approved by the Chief Executive Officer, Invest Victoria;
   (3) There were 3 main reasons for refurbishing the HK office:-

       (i) to provide additional transit desks for use by Victorian companies;
       (ii) to accommodate a Melbourne Convention and Visitors Bureau (MCVB) sales representative in the office;
       (iii) to make more efficient use of existing space, including the provision of a conference room, improved utility areas away from the main office, and improved security access measures including the provision of a separate server room, which had been the subject of an unfavourable audit report.

Industry and state development: Victorian government business offices

7. MR RICH-PHILLIPS — To ask the Minister for Industry and State Development: In relation to each of the “Access China” Desks located in Victorian Government Business Offices (VGBO) in Hong Kong, Shanghai and Nanjing, for the period 1 July 2005 to 30 November 2006:

   (1) How many businesses have used the Access China facilities.
   (2) How many individual export sales have resulted from making use of the Access China facilities.
   (3) What is the aggregate value of the export sales achieved through use of the Access China facilities.
ANSWER:

I am informed as follows:

The Victorian Government has Access China desks located in the Victorian Government Business Office in Hong Kong and Shanghai.

(1) During the period 332 companies (142 Shanghai, 190 Hong Kong) have used the Access China service, 59 (28 Shanghai, 31 Hong Kong) of which used the office facilities.

(2) To date, of these companies 31 have reported achieving export sales.

(3) To date the aggregate value of these reported sales is $5,297,350.

Community services: respite funding

8. MRS COOTE — To ask the Minister for Community Services: In relation to the Bilateral Agreement under the Commonwealth States/Territories Disability Agreement for respite for ageing parent carers, how much funding did the Commonwealth make available for 2004-05 which was not expended in the same financial year and was carried forward to 2005-06.

ANSWER:

I am informed that:

Victoria received $2 million from the Commonwealth for the Bilateral Agreement for respite for ageing parent carers in June 2005. This amount was carried forward into 2005-06, as the timing of receipt of funds did not allow expenditure in 2004-05.

Education: long-term enrolments

36. MR O’DONOHUE — To ask the Minister for Education: What are the long term enrolment figures for Bimbadeen Heights Primary School.

ANSWER:

As at the date the question was raised, the answer is:

As there are no current or recent capital works projects for Bimbadeen Heights Primary School, no up-to-date long term enrolment figures have been calculated for this school. As with all schools, long term enrolment figures are calculated in the context of a capital works project or a local area planning exercise.

Education: long-term enrolments

37. MR O’DONOHUE — To ask the Minister for Education: What are the long term enrolment figures for Manchester Primary School.

ANSWER:

As at the date the question was raised, the answer is:

As there are no current or recent capital works projects for Bimbadeen Heights Primary School, no up-to-date long-term enrolment figures have been calculated for this school. As with all schools, long term enrolment figures are calculated in the context of a capital works project or a local area planning exercise.
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Community services: disability support register

38.  **MR O’DONOHUE** — To ask the Minister for Community Services: In relation to individuals on the Disability Services Needs Register in the Shire of Yarra Ranges at 1 February 2007:

(1) How many individuals were waiting for —
   (a) shared supported accommodation;
   (b) in-home accommodation support (HomeFirst or Support & Choice packages);
   (c) day programs; and
   (d) foster care.

(2) For each of shared supported accommodation, in-home accommodation support, day programs and foster care, how many individuals were classified as —
   (a) urgent priority;
   (b) high priority; and
   (c) low priority.

(3) For each shared supported accommodation, in-home accommodation support, day programs and foster care, how many individuals were classified as —
   (a) under 18 years; and
   (b) 18 to 24 years.

ANSWER:

I am informed that:

The Disability Support Register (DSR) is administered at a statewide and regional level (using DHS regional boundaries). It is not administered at a local Government level.

Community services: disability support register

39.  **MR O’DONOHUE** — To ask the Minister for Community Services: In relation to individuals on the Disability Services Needs Register in the Eastern Metro Region at 1 February 2007:

(1) How many individuals were waiting for —
   (a) shared supported accommodation;
   (b) in-home accommodation support (HomeFirst or Support and Choice packages);
   (c) day programs; and
   (d) foster care.

(2) For each of shared supported accommodation, in-home accommodation support, day programs and foster care, how many individuals were classified as —
   (a) urgent priority;
   (b) high priority; and
   (c) low priority.

(3) For each shared supported accommodation, in-home accommodation support, day programs and foster care, how many individuals were aged —
   (a) under 18 years; and
   (b) 18 to 24 years.
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ANSWER:

I am informed that:

The Disability Support Register (DSR) replaced the Disability Service Needs Register for reporting disability support needs on 1 April 2006. With reference to individuals on the Disability Support Register in the Eastern Metro Region as at 31 December 2006 —

1. The number of individuals waiting for —
   (a) Disability Services Supported Accommodation Options was 295;
   (b) Support to live in the community was 227;
   (c) Daytime Activities was 31.
   (d) The DSR does not record foster care as a service option for Disability Services. This service is not administered by Disability Services.

2. The DSR does not assign an urgent, high or low priority status to people.

3. For each of Disability Services Supported Accommodation Options, Support to live in the community, Daytime Activities, the number of individuals in each age group is shown below —
   Disability Services Supported Accommodation Options;
   (a) under 18 years was–6;
   (b) 18 to 24 years was–70.

   Support to live in the community;
   (a) under 18 years–43;
   (b) 18 to 24 years–39.

   Daytime Activities;
   (a) under 18 years–0;
   (b) 18 to 24 years–0.

Aboriginal affairs: Premier’s Aboriginal Advisory Council

40. MRS COOTE — To ask the Minister for Aboriginal Affairs: In relation to the Premier’s Aboriginal Advisory Council:

   (1) How many times did this Council meet in —
       (a) 2003;
       (b) 2004;
       (c) 2005; and
       (d) 2006.

   (2) When is the first meeting for 2007.

ANSWER:

I am informed as follows:

The information requested is reported on per financial year

The number of times the council met in:
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(1)

(a) 2003-04 3
(b) 2004-05 3
(c) 2005-06 2
(d) 2006-07 actual figure not available until the end of the financial year

(2) The first meeting for 2007 has not been scheduled as yet.

Aboriginal affairs: community building grants

42. MRS COOTE — To ask the Minister for Aboriginal Affairs: In relation to funding for Aboriginal community funding grants:

(1) How many Aboriginal community organisations received grant funding for community building in —
   (a) 2003;
   (b) 2004;
   (c) 2005; and
   (d) 2006.

(2) What was the total amount of funding they received in those years.

ANSWER:

I am informed that:

‘Aboriginal Community building grants’ was a measure in the Victorian State Budget Papers (BP3) until 2006/2007 and has been replaced with a measure on ‘Indigenous capacity building activities’. Victorian State Budget Papers provide information per financial, and not calendar year.

In the 2003/2004 financial year the number of funded Aboriginal community building grants was 28 at a total cost of $1,098,633.

In the 2004/2005 financial year the number of funded Aboriginal community building grants was 29 at a total cost of $1,893,648.

In the 2005/2006 financial year the number of funded Aboriginal community building grants was 30 at a total cost of $1,298,291.

Water, environment and climate change: recovery plans

54. MR BARBER — To ask the Minister for Planning (for the Minister for Water, Environment and Climate Change):

(1) How many recovery plans for nationally-listed threatened species which occur in Victoria remain incomplete. What is the status of each (i.e. no action so far, in preparation, draft for public comment, to be completed).

(2) How much money has been provided to the Victorian Government or its agencies for the preparation of each of these recovery plans in each financial year in which money was provided.

ANSWER:

I am informed that:
(1) Since 2000, the Department of Sustainability and Environment (DSE) has entered into contracts with the Australian Department for the Environment and Heritage (now the Australian Department for the Environment and Water Resources, DEW) to prepare or revise Recovery Plans for 185 species or communities. In the case of 23 species, DSE has also been asked to revise the Recovery Plans prepared earlier in this period.

Draft Recovery Plans have been completed for 64 species. Draft Recovery Plans for 104 species are at the final stages of completion prior to endorsement by Victorian agencies and other jurisdictions. Draft Recovery Plans for a further 34 species and communities are in active preparation.

(2) Over all $1,737.42 has been provided for these plans.

**Industry and state development: departmental staff**

71. **MR D. M. DAVIS**—To ask the Minister for Industry and State Development:

(1) At 30 June 2004 how many members of the Victorian Public Service were employed by the Department of Innovation, Industry and Regional Development at:

(a) VPS Remuneration Band 1;
(b) VPS Remuneration Band 2;
(c) VPS Remuneration Band 3;
(d) VPS Remuneration Band 4; and
(e) VPS Remuneration Band 5.

(2) What was the full-time equivalent number of staff in each of those bands.

**ANSWER:**

I am informed as follows:

This information is contained within the Department of Innovation Industry and Regional Development Annual Report 2003–2004.

**Industry and state development: departmental staff**

72. **MR D. M. DAVIS**—To ask the Minister for Industry and State Development:

1) At 30 June 2005 how many members of the Victorian Public Service were employed by the Department of Innovation, Industry and Regional Development at:

(a) VPS Remuneration Band 1;
(b) VPS Remuneration Band 2;
(c) VPS Remuneration Band 3;
(d) VPS Remuneration Band 4; and
(e) VPS Remuneration Band 5.

(2) What was the full-time equivalent number of staff in each of those bands.

**ANSWER:**

I am informed as follows:

This information is contained within the Department of Innovation Industry and Regional Development Annual Report 2003–2004.
Industry and state development: departmental staff

73.  

MR D. M. DAVIS— To ask the Minister for Industry and State Development:

(1) At 30 June 2006 how many members of the Victorian Public Service were employed by the Department of Innovation, Industry and Regional Development at:

(a) VPS Remuneration Band 1;
(b) VPS Remuneration Band 2;
(c) VPS Remuneration Band 3;
(d) VPS Remuneration Band 4; and
(e) VPS Remuneration Band 5.

(2) What was the full-time equivalent number of staff in each of those bands.

ANSWER:

I am informed as follows:

This information is contained within the Department of Innovation Industry and Regional Development Annual Report 2005–2006.

Education: land sales

76.  

MR VOGELS — To ask the Minister for Education: What was the total dollar value generated through asset sales of Victorian Department of Education land in each financial year from 1999-2000 to the present including —

(a) land used for educational purposes; and
(b) land planned to be used for educational purposes.

ANSWER:

As at the date the question was raised, the answer is:

Land asset disposal values for each year can be found in the Department of Education Annual Reports.

All monies generated through disposal of surplus land sites contributes to purchase of land where need is identified.
QUESTIONS ON NOTICE

Wednesday, 18 April 2007

Education: rural and regional participation

123. MR HALL — To ask the Minister for Education: What proportion of young people aged 15 to 19 living in rural and regional Victoria were engaged in education and training in each calendar year from 2002 to 2006.

ANSWER:

As at the date the question was raised, the answer is:

The nationally comparable measure of the participation of young people aged 15 to 19 years in education and training is calculated by the Australian Bureau of Statistics each year from their annual sample Survey of Education and Work. Estimates for Australia and the states and territories, including Victoria, are published. However, the sample size of this survey precludes the further breakdown of this measure to smaller areas such as rural and regional. Such information is not calculated as the errors due to sampling would be so large as to make the figures unusable.

The Department of Education had previously calculated a participation rate of young people in rural and regional Victoria (based on the combination of various data sources), engaged in some form of education and training. In 2003, 92.3 per cent of 15 to 19 year olds in rural and regional Victoria were engaged in some form of education and training. This was higher than the result for Metropolitan Melbourne at 85.7 per cent.

The Department no longer calculates this measure given:

– the Growing Victoria Together target focuses on the completion of year 12 or equivalent, rather than participation; and
– previous data showed close to universal participation of young people in rural and regional, in some form of education and training.

Education: Mountain Gate Primary School

149. MR DALLA-RIVA — To ask the Minister for Education: In relation to the Mountain Gate Primary School located in the Ferntree Gully District:

(1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the Victorian School Plan.

(2) If the school does qualify —
   (a) what will be undertaken as part of the redevelopment;
   (b) when will the upgrade/redevelopment commence; and
   (c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under The Victorian School Plan please explain why.
ANSWER:

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

All schools will participate in the Building Futures framework which provides the conceptual framework that puts improved educational outcomes for students at the core of all planning and investment decisions.

I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.

Education: Kent Park Primary School

150. **MR DALLA-RIVA** — To ask the Minister for Education: In relation to the Kent Park Primary School located in the Ferntree Gully District:

(1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the *Victorian School Plan*.

(2) If the school does qualify —
   (a) what will be undertaken as part of the redevelopment;
   (b) when will the upgrade/redevelopment commence; and
   (c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under *The Victorian School Plan* please explain why.

ANSWER:

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

All schools will participate in the Building Futures framework which provides the conceptual framework that puts improved educational outcomes for students at the core of all planning and investment decisions.

I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.
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Education: Fairhills Primary School

151. MR DALLA-RIVA — To ask the Minister for Education: In relation to the Fairhills Primary School located in the Ferntree Gully District:

(1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the Victorian School Plan.

(2) If the school does qualify —
(a) what will be undertaken as part of the redevelopment;
(b) when will the upgrade/redevelopment commence; and
(c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under The Victorian School Plan please explain why.

ANSWER:

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

All schools will participate in the Building Futures framework which provides the conceptual framework that puts improved educational outcomes for students at the core of all planning and investment decisions.

I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.

Education: Ferntree Gully North Primary School

152. MR DALLA-RIVA — To ask the Minister for Education: In relation to the Ferntree Gully North Primary School located in the Ferntree Gully District:

(1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the Victorian School Plan.

(2) If the school does qualify —
(a) what will be undertaken as part of the redevelopment;
(b) when will the upgrade/redevelopment commence; and
(c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under The Victorian School Plan please explain why.

ANSWER:

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.
Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

All schools will participate in the Building Futures framework which provides the conceptual framework that puts improved educational outcomes for students at the core of all planning and investment decisions.

I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.

**Education: Wattleview Primary School**

153. **MR DALLA-RIVA** — To ask the Minister for Education: In relation to the Wattleview Primary School located in the Ferntree Gully District:

(1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the *Victorian School Plan*.

(2) If the school does qualify —
   (a) what will be undertaken as part of the redevelopment;
   (b) when will the upgrade/redevelopment commence; and
   (c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under *The Victorian School Plan* please explain why.

**ANSWER:**

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

All schools will participate in the Building Futures framework which provides the conceptual framework that puts improved educational outcomes for students at the core of all planning and investment decisions.

I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.

**Education: Karoo Primary School**

154. **MR DALLA-RIVA** — To ask the Minister for Education: In relation to the Karoo Primary School located in the Ferntree Gully District:

(1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the *Victorian School Plan*.

(2) If the school does qualify —
   (a) what will be undertaken as part of the redevelopment;
(b) when will the upgrade/redevelopment commence; and
(c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under The Victorian School Plan please explain why.

ANSWER:

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

All schools will participate in the Building Futures framework which provides the conceptual framework that puts improved educational outcomes for students at the core of all planning and investment decisions.

I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.

Education: Lysterfield Primary School

155. MR DALLA-RIVA — To ask the Minister for Education: In relation to the Lysterfield Primary School located in the Ferntree Gully District:

(1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the Victorian School Plan.

(2) If the school does qualify —
   (a) what will be undertaken as part of the redevelopment;
   (b) when will the upgrade/redevelopment commence; and
   (c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under The Victorian School Plan please explain why.

ANSWER:

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

All schools will participate in the Building Futures framework which provides the conceptual framework that puts improved educational outcomes for students at the core of all planning and investment decisions.

I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.
I welcome your renewed interest.

Education: Parkridge Primary School

156. MR DALLA-RIVA — To ask the Minister for Education: In relation to the Parkridge Primary School located in the Ferntree Gully District:

(1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the Victorian School Plan.

(2) If the school does qualify —
   (a) what will be undertaken as part of the redevelopment,
   (b) when will the upgrade/redevelopment commence; and
   (c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under The Victorian School Plan please explain why.

ANSWER:

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

All schools will participate in the Building Futures framework which provides the conceptual framework that puts improved educational outcomes for students at the core of all planning and investment decisions.

I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.

Education: Heany Park Primary School

157. MR DALLA-RIVA — To ask the Minister for Education: Heany Park Primary School located in the Ferntree Gully District:

(1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the Victorian School Plan.

(2) If the school does qualify —
   (a) what will be undertaken as part of the redevelopment;
   (b) when will the upgrade/redevelopment commence; and
   (c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under The Victorian School Plan please explain why.

ANSWER:

As at the date the question was raised, the answer is:
The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

All schools will participate in the Building Futures framework which provides the conceptual framework that puts improved educational outcomes for students at the core of all planning and investment decisions.

I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.

**Education: Rowville Primary School**

158. **MR DALLA-RIVA** — To ask the Minister for Education: In relation to the Rowville Primary School located in the Ferntree Gully District:

(1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the Victorian School Plan.

(2) If the school does qualify —

(a) what will be undertaken as part of the redevelopment;

(b) when will the upgrade/redevelopment commence; and

(c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under The Victorian School Plan please explain why.

**ANSWER:**

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

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I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.

**Education: Rowville Secondary College**

159. **MR DALLA-RIVA** — To ask the Minister for Education: In relation to the Rowville Secondary College (East and West campus) located in the Ferntree Gully District:

(1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the Victorian School Plan.
(2) If the school does qualify —
   (a) what will be undertaken as part of the redevelopment;
   (b) when will the upgrade/redevelopment commence; and
   (c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under The Victorian School Plan please explain why.

**ANSWER:**

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

All schools will participate in the Building Futures framework which provides the conceptual framework that puts improved educational outcomes for students at the core of all planning and investment decisions.

I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.

**Education: Manningham Park Primary School**

160. **MR DALLA-RIVA** — To ask the Minister for Education: In relation to the Manningham Park Primary School located in the Bulleen District:

(1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the Victorian School Plan.

(2) If the school does qualify —
   (a) what will be undertaken as part of the redevelopment;
   (b) when will the upgrade/redevelopment commence; and
   (c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under The Victorian School Plan please explain why.

**ANSWER:**

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

All schools will participate in the Building Futures framework which provides the conceptual framework that puts improved educational outcomes for students at the core of all planning and investment decisions.
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I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.

**Education: Templestowe Valley Primary School**

161. **MR DALLA-RIVA** — To ask the Minister for Education: In relation to the Templestowe Valley Primary School located in the Bulleen District:

   (1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the *Victorian School Plan*.

   (2) If the school does qualify —

   (a) what will be undertaken as part of the redevelopment;

   (b) when will the upgrade/redevelopment commence; and

   (c) when will the various stages be completed.

   (3) If the School does not qualify for an upgrade or redevelopment under *The Victorian School Plan* please explain why.

**ANSWER:**

As at the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

All schools will participate in the Building Futures framework which provides the conceptual framework that puts improved educational outcomes for students at the core of all planning and investment decisions.

I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.

**Education: Templestowe Heights Primary School**

162. **MR DALLA-RIVA** — To ask the Minister for Education: In relation to the Templestowe Heights Primary School located in the Bulleen District:

   (1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the *Victorian School Plan*.

   (2) If the school does qualify —

   (a) what will be undertaken as part of the redevelopment;

   (b) when will the upgrade/redevelopment commence; and

   (c) when will the various stages be completed.

   (3) If the School does not qualify for an upgrade or redevelopment under *The Victorian School Plan* please explain why.
ANSWER:

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

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I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.

Education: Serpell Primary School

163. MR DALLA-RIVA — To ask the Minister for Education: In relation to the Serpell Primary School located in the Bulleen District:

(1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the Victorian School Plan.

(2) If the school does qualify —
   (a) what will be undertaken as part of the redevelopment;
   (b) when will the upgrade/redevelopment commence; and
   (c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under The Victorian School Plan please explain why.

ANSWER:

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

All schools will participate in the Building Futures framework which provides the conceptual framework that puts improved educational outcomes for students at the core of all planning and investment decisions.

I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.
Education: Bulleen Heights Primary School

164. MR DALLA-RIVA — To ask the Minister for Education: In relation to the Bulleen Heights Primary School located in the Bulleen District:

(1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the Victorian School Plan.

(2) If the school does qualify —
   (a) what will be undertaken as part of the redevelopment;
   (b) when will the upgrade/redevelopment commence; and
   (c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under The Victorian School Plan please explain why.

ANSWER:

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

All schools will participate in the Building Futures framework which provides the conceptual framework that puts improved educational outcomes for students at the core of all planning and investment decisions.

I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.

Education: Templestowe Park Primary School

165. MR DALLA-RIVA — To ask the Minister for Education: In relation to the Templestowe Park Primary School located in the Bulleen District:

(1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the Victorian School Plan.

(2) If the school does qualify —
   (a) what will be undertaken as part of the redevelopment;
   (b) when will the upgrade/redevelopment commence; and
   (c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under The Victorian School Plan please explain why.

ANSWER:

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.
Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

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I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.

**Education: Templestowe College**

166. **MR DALLA-RIVA** — To ask the Minister for Education: In relation to the Templestowe College located in the Bulleen District:

   (1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the *Victorian School Plan*.

   (2) If the school does qualify —

      (a) what will be undertaken as part of the redevelopment;

      (b) when will the upgrade/redevelopment commence; and

      (c) when will the various stages be completed.

   (3) If the School does not qualify for an upgrade or redevelopment under *The Victorian School Plan* please explain why.

**ANSWER:**

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

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I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.

**Education: Wantirna South Primary School**

167. **MR DALLA-RIVA** — To ask the Minister for Education: In relation to the Wantirna South Primary School located in the Bayswater District:

   (1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the Victorian School Plan.

   (2) If the school does qualify —

      (a) what will be undertaken as part of the redevelopment;
(b) when will the upgrade/redevelopment commence; and
(c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under *The Victorian School Plan* please explain why.

**ANSWER:**

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

All schools will participate in the Building Futures framework which provides the conceptual framework that puts improved educational outcomes for students at the core of all planning and investment decisions.

I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.

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**Education: Marlborough Primary School**

168. **MR DALLA-RIVA** — To ask the Minister for Education: In relation to the Marlborough Primary School located in the Bayswater District:

(1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the *Victorian School Plan*.

(2) If the school does qualify —
   (a) what will be undertaken as part of the redevelopment;
   (b) when will the upgrade/redevelopment commence; and
   (c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under *The Victorian School Plan* please explain why.

**ANSWER:**

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

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I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.
I welcome your renewed interest.

**Education: funding**

191. **MR P. R. DAVIS** — To ask the Minister for Education: What was the total amount of money spent in 1999-2000 for each category of —

(a) Vocational education in Victoria;
(b) Primary education in Victoria; and
(c) Secondary education in Victoria.

**ANSWER:**

As at the date the question was raised, the answer is:

The matter raised is the subject of an FOI request.

192. **MR P. R. DAVIS** — To ask the Minister for Education: What was the total amount of money spent in 2000-01 for each category of —

(a) Vocational education in Victoria;
(b) Primary education in Victoria; and
(c) Secondary education in Victoria.

**ANSWER:**

As at the date the question was raised, the answer is:

The matter raised is the subject of an FOI request.

193. **MR P. R. DAVIS** — To ask the Minister for Education: What was the total amount of money spent in 2001-02 for each category of —

(a) Vocational education in Victoria;
(b) Primary education in Victoria; and
(c) Secondary education in Victoria.

**ANSWER:**

As at the date the question was raised, the answer is:

The matter raised is the subject of an FOI request.

194. **MR P. R. DAVIS** — To ask the Minister for Education: What was the total amount of money spent in 2002-03 for each category of —

(a) Vocational education in Victoria;
(b) Primary education in Victoria; and
(c) Secondary education in Victoria.

ANSWER:

As at the date the question was raised, the answer is:

The matter raised is the subject of an FOI request.

Education: funding

195. MR P. R. DAVIS — To ask the Minister for Education: What was the total amount of money spent in 2003-04 for each category of —

(a) Vocational education in Victoria;
(b) Primary education in Victoria; and
(c) Secondary education in Victoria.

ANSWER:

As at the date the question was raised, the answer is:

The matter raised is the subject of an FOI request.

Education: funding

196. MR P. R. DAVIS — To ask the Minister for Education: What was the total amount of money spent in 2004-05 for each category of —

(a) Vocational education in Victoria;
(b) Primary education in Victoria; and
(c) Secondary education in Victoria.

ANSWER:

As at the date the question was raised, the answer is:

The matter raised is the subject of an FOI request.

Education: funding

197. MR P. R. DAVIS — To ask the Minister for Education: What was the total amount of money spent in 2005-06 for each category of —

(a) Vocational education in Victoria;
(b) Primary education in Victoria; and
(c) Secondary education in Victoria.

ANSWER:

As at the date the question was raised, the answer is:

The matter raised is the subject of an FOI request.
Education: Chinese language teaching

198. MR DALLA-RIVA — To ask the Minister for Education: What are the names of the community languages schools teaching a Chinese language that were accredited or re-accredited in 2006.

ANSWER:

As at the date the question was raised, the answer is:

Community Schools teaching a Chinese language that were accredited or re-accredited in 2006

- Cambodian Chinese Friendship Association of Victoria
- Chinese Association of Victoria Inc
- Chinese Culture School (Amstel Primary School)
- Chinese Fellowship of Victoria Incorporated
- Eastern Chinese Language School
- International Buddhist College of Victoria Incorporated
- Lutheran Chinese School
- Mandarin Language and Culture School
- Melbourne Chinese Secondary and Primary School
- Ming De Chinese Saturday School Association
- New Generation Community School Inc.
- Richmond South Yarra Chinese Parents Association
- Society for Asian Languages and Arts
- Springvale Chinese Ethnic School
- Taiwanese School of Melbourne Incorporated
- Timorese Ethnic Chinese Community
- Together (Hui Jia) Language Learning Centre Inc.
- Werribee Chinese School Incorporated
- Xin Jin Shan Chinese Language and Culture School Inc.

Education: Beverly Hills Primary School

199. MR DALLA-RIVA — To ask the Minister for Education: In relation to the Beverly Hills Primary School located in the Doncaster District:

(1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the Victorian School Plan.

(2) If the school does qualify —
   (a) what will be undertaken as part of the redevelopment;
   (b) when will the upgrade/redevelopment commence; and
   (c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under The Victorian School Plan please explain why.

ANSWER:

As at the date the question was raised, the answer is:
The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

All schools will participate in the Building Futures framework which provides the conceptual framework that puts improved educational outcomes for students at the core of all planning and investment decisions.

I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.

Education: Birralee Primary School

200. **MR DALLA-RIVA** — To ask the Minister for Education: In relation to the Birralee Primary School located in the Doncaster District:

   (1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the *Victorian School Plan*.

   (2) If the school does qualify —

      (a) what will be undertaken as part of the redevelopment;
      (b) when will the upgrade/redevelopment commence; and
      (c) when will the various stages be completed.

   (3) If the School does not qualify for an upgrade or redevelopment under *The Victorian School Plan* please explain why.

**ANSWER:**

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

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I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.

Education: Donvale Primary School

201. **MR DALLA-RIVA** — To ask the Minister for Education: In relation to the Donvale Primary School located in the Doncaster District:

   (1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the *Victorian School Plan*. 
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(2) If the school does qualify —
(a) what will be undertaken as part of the redevelopment;
(b) when will the upgrade/redevelopment commence; and
(c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under The Victorian School Plan
please explain why.

ANSWER:

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building
program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive
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All schools will participate in the Building Futures framework which provides the conceptual framework that puts
improved educational outcomes for students at the core of all planning and investment decisions.

I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in
Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More
than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.

Education: Donburn Primary School

202.  MR DALLA-RIVA — To ask the Minister for Education: In relation to the Donburn Primary School
located in the Doncaster District:

(1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006
Election Policy commitment under the Victorian School Plan.

(2) If the school does qualify —
(a) what will be undertaken as part of the redevelopment;
(b) when will the upgrade/redevelopment commence; and
(c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under The Victorian School Plan
please explain why.

ANSWER:

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building
program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive
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improved educational outcomes for students at the core of all planning and investment decisions.
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I welcome your renewed interest.

**Education: Doncaster Gardens Primary School**

203. **MR DALLA-RIVA** — To ask the Minister for Education: In relation to the Doncaster Gardens Primary School located in the Doncaster District:

   (1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the *Victorian School Plan*.

   (2) If the school does qualify —

      (a) what will be undertaken as part of the redevelopment;

      (b) when will the upgrade/redevelopment commence; and

      (c) when will the various stages be completed.

   (3) If the School does not qualify for an upgrade or redevelopment under *The Victorian School Plan* please explain why.

**ANSWER:**

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

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I welcome your renewed interest.

**Education: Doncaster Primary School**

204. **MR DALLA-RIVA** — To ask the Minister for Education: In relation to the Doncaster Primary School located in the Doncaster District:

   (1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the *Victorian School Plan*.

   (2) If the school does qualify —

      (a) what will be undertaken as part of the redevelopment;

      (b) when will the upgrade/redevelopment commence; and

      (c) when will the various stages be completed.

   (3) If the School does not qualify for an upgrade or redevelopment under *The Victorian School Plan* please explain why.
ANSWER:

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

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I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.

Education: Milgate Primary School

205. MR DALLA-RIVA — To ask the Minister for Education: In relation to the Milgate Primary School located in the Doncaster District:

(1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the Victorian School Plan.

(2) If the school does qualify —
   (a) what will be undertaken as part of the redevelopment;
   (b) when will the upgrade/redevelopment commence; and
   (c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under The Victorian School Plan please explain why.

ANSWER:

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

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I welcome your renewed interest.
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Education: Doncaster Secondary College

206. MR DALLA-RIVA — To ask the Minister for Education: In relation to the Doncaster Secondary College located in the Doncaster District:

(1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the Victorian School Plan.

(2) If the school does qualify —
   (a) what will be undertaken as part of the redevelopment;
   (b) when will the upgrade/redevelopment commence; and
   (c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under The Victorian School Plan please explain why.

ANSWER:

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.

Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

All schools will participate in the Building Futures framework which provides the conceptual framework that puts improved educational outcomes for students at the core of all planning and investment decisions.

I find your interest in this issue fascinating given the Liberal Party’s track record on Education. When last in Government, your party cut funds to education, closed schools, sacked teachers and increased class sizes. More than 300 public schools were closed, 9000 teachers were sacked.

I welcome your renewed interest.

Education: East Doncaster Secondary College

207. MR DALLA-RIVA — To ask the Minister for Education: In relation to the East Doncaster Secondary College located in the Doncaster District:

(1) Does the school qualify for an upgrade or redevelopment as part of the Bracks’ Government 2006 Election Policy commitment under the Victorian School Plan.

(2) If the school does qualify —
   (a) what will be undertaken as part of the redevelopment;
   (b) when will the upgrade/redevelopment commence; and
   (c) when will the various stages be completed.

(3) If the School does not qualify for an upgrade or redevelopment under The Victorian School Plan please explain why.

ANSWER:

As at the date the question was raised, the answer is:

The Bracks Government’s Victorian School Plan is a ten year plan which will deliver the largest school building program in Victoria’s history.
Education is this Government’s number one priority. The Bracks Government has committed a massive $1.9 million over this term, which will see another 500 schools been built or modernised.

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I welcome your renewed interest.
QUESTIONS ON NOTICE

Thursday, 19 April 2007

Water, environment and climate change: Melbourne Water

33. MR RICH-PHILLIPS — To ask the Minister for Planning (for the Minister for Water, Environment and Climate Change): What was the total number of households supplied by Melbourne Water for the years —

(a) 1999-2000;
(b) 2000-01;
(c) 2001-02;
(d) 2002-03;
(e) 2003-04;
(f) 2004-05; and
(g) 2005-06.

ANSWER:

I am informed that: Melbourne Water is a wholesaler of water and as such does not supply water to residential households but rather sells water to the three metropolitan water retailers City West Water, South East Water and Yarra Valley Water. The number of households receiving a water supply service from the three metropolitan retailers is publicly available in each of the water retailer’s annual reports.

Water, environment and climate change: salvage logging

52. MR BARBER — To ask the Minister for Planning (for the Minister for Water, Environment and Climate Change):

(1) What is the process for deciding whether salvage logging will be permitted following the 2006-07 bushfires. Who carries the process out and when.
(2) If salvage logging is permitted, how are log volumes determined and how are they offered for sale.

ANSWER:

I am informed that:

Approximately 1.1 million hectares of public land was burnt by the 2006/07 bushfires. It is likely that the majority of salvage will occur in fire affected ash forest, which is less than 2 percent of the total fire area.

Salvage harvesting needs to occur within a short period (within 2-3 years) of the fire in order to maximise the recovery of higher grade sawlog products. Over a longer period, the timber degrades and recovery significantly decreases.

Before salvage harvesting can occur, VicForests must prepare a Timber Release Plan for approval by the Secretary to the Department of Sustainability and Environment. The Timber Release Plan will be prepared following the
amendment to the Allocation Order and will consider fire severity, compliance with the Code of Forest Services, Forest Management Plans and salvage harvesting prescriptions.

The aim of the salvage harvesting program is to maximise the amount of timber harvested from burnt areas to meet existing commitments, within strict environmental guidelines, and to minimise harvesting forest stands unaffected by fire in order to reduce the impact of the fire on long term sustainable harvest levels.

Water, environment and climate change: spot-tailed quolls

55. MR BARBER — To ask the Minister for Planning (for the Minister for Water, Environment and Climate Change): In relation to the proposed trial of the effectiveness of aerial baiting in reducing wild dog numbers and its impact on Spot-tailed Quolls:

(1) How much money has been allocated to carry out this work. Who is providing the funding.
(2) What is the methodology for the trial. What measure will be taken to prevent the trial from further endangering the Quolls.
(3) When and where are the trials proposed to be conducted.
(4) What other research is currently being conducted on Quolls. What amount of funding is allocated to each research project.

ANSWER:

I am informed that:

(1) **Allocation to the aerial baiting trial:**

A total of $675,000 has been allocated by the State Government in 2005-06 and 2006-07 to this trial.

(2) **Methodology:**

– A trial aerial baiting site was selected in the North East as it provided the potential to measure the impact of toxic aerial baiting on wild dogs and quolls.
– Considerable efforts were made to detect quoll, but none were detected despite extensive monitoring using a variety of techniques.
– The recommendation from the Stakeholder Consultative Committee was to commence aerial deployment of toxic baits at that site, which was endorsed.
– Aerial deployment of 1080 baits occurred in December 2006.
– Researchers are currently collecting wild dog collars for analysis of wild dog movements and the effectiveness of the aerial baiting.

**Measures to protect quoll:**

– Animal Ethics Committee (AEC) approval was sought for this trial.
– A quoll population model has been developed to assist in calculating the likely impact aerial baiting could have on resident quoll populations.

(3) **When and where the trial will be conducted:**

– In December 2006 an aerial deployment of toxic baits occurred in the North East.
– Additional survey work on wild dogs and quolls is currently occurring in Gippsland.
(4) Other research on quolls

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**Water, environment and climate change: spot-tailed quolls**

56. **MR BARBER** — To ask the Minister for Planning (for the Minister for Water, Environment and Climate Change): In relation to the impact of bushfires on Spot-tailed Quolls, what surveys or research have been conducted to determine the impact of bushfires over the last three years on the Quolls and for each research project, what is —

   (a) the nature of the research project;
   (b) the amount of funding; and
   (c) the start and end date of each project.

**ANSWER:**

I am informed that:

Following the 2003 bushfires, priority was given to surveys and population monitoring for the Long-footed Potoroo population in north-eastern Victoria and to the Mountain Pygmy Possum in the Alps.

These species have narrower distributions than the Spot-tailed Quoll and a greater proportion of their population was fire-affected, hence the priority.

However, information gathered during studies in burnt areas in NSW and in other work in Victoria suggests that the Spot-tailed Quoll may be able to survive bushfires under certain circumstances.

**Water, environment and climate change: spot-tailed quolls**

57. **MR BARBER** — To ask the Minister for Planning (for the Minister for Water, Environment and Climate Change): In relation to the recovery plan for the Spot-tailed Quoll (SE mainland population):

   (1) Which Government is responsible for preparing the recovery plan.
   (2) When did production of the recovery plan begin. Has a draft been produced for public comment and if so when. If not, when will the draft and final recovery plans be published.
   (3) What are the funding arrangements for the recovery plan. How much money has been allocated and spent each year by the Commonwealth Government, the Victorian Government and any other contributors on the recovery plan.
   (4) Why is it taking so long to complete the plan.
   (5) Has logging native forests been identified as a threatening process as defined by the Flora and Fauna Guarantee Act 1988 during the preparation of the plan.
   (6) What is the current assessment of the status of the Quoll in Victoria: stable, declining or improving. What is the basis for this assessment.
   (7) Will you provide me a copy of the current draft recovery plan.

**ANSWER:**

I am informed that:
1. Recovery Plans are statutory documents under the Commonwealth *Environment Protection and Biodiversity Conservation Act* 1999. Typically, they are drafted by a State conservation agency with input from conservation agencies in other jurisdictions in which the species occurs. The Victorian Department of Sustainability and Environment is responsible, via a contract, for preparing a draft Recovery Plan for the Spot-tailed Quoll, *Dasyurus maculatus*.

2. The Recovery Plan is being finalised and will be forwarded to the Australian Department for the Environment and Water Resources (DEW), which conducts the public comment process.

3. Preparation of the Recovery Plan was funded by both the former Australian Government Department of Environment and Heritage and DSE has assisted through substantial in-kind contribution to the preparation of the Recovery Plan, including additional staff required to revise the document.

4. The spot-tailed Quoll occurs in Victoria, Tasmania, NSW, Queensland and the Australian Capital Territory and each has their own recovery operations which needs to be examined in reviewing Victoria’s recovery options. Substantial changes to the DEH Recovery Plan Guidelines which occurred during the preparation of the Victorian plan and the need for EPBC compliance checking by DEH has also need to be considered as part of the development for the plan.

5. As the plan is still in draft form, key outcomes have not been finalised.

6. The Spot-tailed Quoll remains listed as ‘threatened’ under the Flora and Fauna Guarantee Act 1988. There is no evidence to suggest either a further decline or an improvement in its status.

7. The draft of the Recovery Plan is undergoing significant revision and it is not appropriate to release it at this stage.

### Water, environment and climate change: protesters

58. **MR BARBER** — To ask the Minister for Planning (for the Minister for Water, Environment and Climate Change): In relation to the *Safety on Public Land Act*:

   (1) How many protesters have been charged.
   
   (2) In each case, when was the charge laid and what stage have the proceedings now reached.

**ANSWER:**

I am informed that:

(1) As at 20 February 2007, fourteen persons have been charged under the Safety on Public Land Act 2004. Forty-two charges have been laid for the following offences:
   
   – Refusal to leave a public safety zone at the direction of an Authorised Officer
   
   – Carrying out an activity in a public safety zone in contravention of a public safety zone declaration.
   
   – Hindering or obstructing an Authorised Officer who is exercising that Authorised Officer’s duties under the Safety on Public Land Act 2004.

   I am also informed that several other cases are currently under investigation but that no charges have been laid at this time.

(2) Of the fourteen persons charged under the Safety on Public Land Act 2004:
   
   – Ten people were charged on 16 August 2006 for offences on 20 January 2006 at the East Errinundra Forest Block. The charges will be heard at the Orbost Magistrates Court.
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- One of these people was also charged on 20 February 2006 for two offences on 20 February 2006 at Bendoc. These charges have been heard, one of the charges was struck out and the other resulted in a fine without conviction.
- One person was charged on 27 February 2006 for two offences on 27 February 2006 at Bendoc. These charges were heard at the Melbourne County Court on 8 December 2006.
- One person was charged on 16 March 2006 for offences on 13 February 2006 at the Royston Forest Block. The hearing of these charges will occur at Shepparton Magistrates Court.
- One person was charged on 17 March 2006 for offences on 13 February 2006 at the Royston Forest Block. The hearing of these charges will occur at the Shepparton Magistrates Court.
- One person was charged on 19 September 2006 for offences on 20 February at the Brodribb Forest Block. The hearing of these charges will occur at the Orbost Magistrates Court.

**Energy and resources: carbon dioxide storage**

132. **MR BARBER** — To ask the Minister for Industry and State Development (for the Minister for Energy and Resources): In the Age newspaper article of February 9, 2001 “Batchelor meets Anglo on coal venture”, it was stated:

As part of its geosequestration plan, the Victorian Government plans to build a pipeline from the Latrobe Valley to a carbon dioxide storage facility. Access to this pipeline, which the Government has dubbed a “CO2 hub”, would be open to energy producers and industry to dispose of carbon dioxide emissions.

(1) Is it correct that the Victorian Government is planning to build this pipeline.
(2) What is the estimated cost of construction.
(3) Will the Government solely fund the pipeline, if not, what other participation is the government seeking.
(4) What reports or studies have been conducted to estimate the cost. (Please provide titles, authors and dates).
(5) Under what time line are the various parts of this project likely to be delivered.

**ANSWER:**

As at the date the question was raised, the answer is:

1. The Victorian Government has no current plans to build a pipeline or “hub” from the Latrobe Valley to a carbon dioxide storage facility. The Monash Energy project is proposing to build carbon capture and storage (CCS) infrastructure, which includes a pipeline. However, this project is currently in the planning phase. The nature of any such pipeline and any involvement by government is yet to be determined. The Government is developing a CCS policy and strategies with an aim to achieve near zero emissions from coal in the Latrobe Valley. Considering the needs of future infrastructure, and any role of government, will be part of this policy development process.

2. The estimated cost of constructing any CCS infrastructure including a “CO2 hub” has not been determined and would be a matter primarily for the project proponent, with any role for government, such as ensuring third party access to land, to be determined.

3. See 2 above.

4. The CO2 CRC has conducted a study on behalf of Monash Energy assessing the carbon dioxide storage potential of the Latrobe Valley, including preliminary cost estimates. This study is available on the CO2CRC website — *Assessing CO2 Storage in the Latrobe Valley*. 
5. Monash Energy has committed to construction of a commercial plant with a CCS facility by 2016. However, this project and its components are still being developed, and will be subject to public government assessment and approval processes.
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