

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE COUNCIL
FIFTY-SIXTH PARLIAMENT
FIRST SESSION**

Thursday, 1 March 2007

(Extract from book 3)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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(*Assembly*): Mr Brooks, Mr Carli, Mr Jasper, Mr McIntosh and Mr Thompson.

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey
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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Thursday, 1 March 2007

The **PRESIDENT (Hon. R. F. Smith)** took the chair at 9.34 a.m. and read the prayer.

That the Council, at its rising, adjourn until Tuesday, 13 March.

Motion agreed to.

PARLIAMENTARY LEGISLATION AMENDMENT BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr LENDERS (Minister for Education).

PETITION

Springvale Road, Nunawading: parking bays

Mr ATKINSON (Eastern Metropolitan) presented petition from certain citizens of Victoria requesting that the Minister for Roads and Ports intervene in the plan of VicRoads to close 13 parking bays along the eastern side of Springvale Road between Whitehorse Road and Market Street during the hours of 6.30 a.m. to 9.30 a.m. and 3.30 p.m. to 7.00 p.m. in order to create an additional traffic lane (528 signatures).

Laid on table.

PAPERS

Laid on table by Clerk:

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2006.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Campaspe Planning Scheme — Amendments C45 and C53.

Glenelg Planning Scheme — Amendment C33.

Greater Bendigo Planning Scheme — Amendment C80.

Manningham Planning Scheme — Amendment C46.

Latrobe Planning Scheme — Amendment C44.

BUSINESS OF THE HOUSE

Adjournment

Mr LENDERS (Minister for Education) — I move:

MEMBERS STATEMENTS

Police: Bendigo

Mrs PETROVICH (Northern Victoria) — It is disappointing that the member for Bendigo West in the other place in his new role of Minister for Police and Emergency Services has not taken the time to tidy up his own backyard. The new Bendigo police station, which was supposed to open last November, has been delayed and there are structural and design issues which are of great concern. Cracking has occurred in one section of the structure, and there are issues surrounding staffing because of the design.

The existing police station in Bendigo, which is adjacent to the Bendigo law courts, will continue to be used to house prisoners awaiting appearance at the local court. This takes one police officer away from duty as watch-house keeper, and at least two officers to transport prisoners in and out of court. This, coupled with the issue of D24 being relocated to Ballarat hanging over Bendigo and with no firm time of when this will occur, also means extra officers continuing to work at the old police station.

This is on top of news this week from disgruntled members that there are not enough staff for foot patrols and often only one van operating — and this for a community of nearly 100 000 people. The issue here is not only for Bendigo; it also impacts on outlying areas such as Castlemaine, St Arnaud and Dunolly. It is a case of necessity on occasion to take officers from other areas in the same police district. Our boys and girls in blue deserve better than this, and so does Bendigo.

Western Port Secondary College and St Leonard's College: environmental initiatives

Mr LENDERS (Minister for Education) — I rise to inform the house of a delightful visit I had to two schools a few weeks ago. I went down to the Mornington Peninsula, to the Western Port Secondary College — —

Mrs Coote — Were you there for milk and fruit?

Mr LENDERS — Mrs Coote might enjoy going to the Western Port Secondary College. It is a great government school, and it has put in place some innovative energy conservation measures. It is a great

collaborative effort made possible by both state and federal government funding. Some water tanks as well as solar panels have been put in place. The school has some innovative programs, both in its curriculum and the resources the school provides. Not only are these measures good environmentally for the school, but the school also saves \$12 000 a year on its energy bills and a range of other things.

Mrs Peulich interjected.

Mr LENDERS — Mrs Peulich says there is no vision. I think she should go to this school so she might see it.

I turn to my next point, which is that I visited St Leonard's College in Bangholme on my way back from Western Port Secondary College. It is a non-government school. The principal and curriculum staff very kindly took me through and showed me some of the very innovative work they had done, including a sustainability centre, which was opened fairly recently by the Governor, David de Kretser. The school has tied sustainability into the curriculum.

So there are two schools — one government and one non-government — both of which are using best practice environmentally and have interlinked sustainability with their curriculum. The schools have good buildings, and these are great outcomes for the whole system.

Housing: affordability

Mr GUY (Northern Metropolitan) — I draw the attention of the house to the third annual Demographia International Housing Affordability Survey. It is a current report, being released only a few weeks ago — similar to the Boulevard of Broken Dreams document I talked about last night. The Demographia report says very clearly that Melbourne has as restrictive a land release policy as New York City. In fact it is more restrictive than such cities as Washington, Chicago, Toronto and Boston. It is cause for concern that the report lists Melbourne as the 23rd most unaffordable housing market of all major cities in the countries the report surveyed, which were Australia, the United States of America, Great Britain, Canada, Ireland and New Zealand.

One interesting quote from this report — the second report I have talked about within 24 hours in this house — is:

Two 2006 Australian studies place the blame for rising residential costs on public policies that create land shortages.

The evidence from two reports does not lie. Despite the two reports showing that there is a crisis in housing affordability caused by Labor's Melbourne 2030 policy, the Minister for Planning has his head in the sand. The minister should start to acknowledge the crisis in housing affordability in Melbourne or he should go back to kicking footballs for a living.

Rail: Echuca line

Ms BROAD (Northern Victoria) — I refer to the resumption on Sunday, 18 February, of daily rail services on the Echuca line and the increase in the number of services from 4 to 18, which is a tremendous boost to rail services, a terrific boost for the shire of Campaspe and an important support for growth in this region.

Importantly it is also delivering on the Bracks government's commitment to progressively restore regional rail services which were decimated under the former Liberal government. Not only are daily rail services being restored but infrastructure through the region is also being invested in by the Bracks government to support growth in the region and to provide better services to businesses and families that rely on these services. I am very pleased to see the commitment made by the Bracks government delivered on at a very early time. I expect that, in line with the figures that we are seeing from rail services in which the Bracks government is investing, we will continue to see increased patronage as more people take advantage of these much-needed services.

Kamarooka farm forestry project

Mr BARBER (Northern Metropolitan) — I recently visited the world-famous Kamarooka low-rainfall farm forestry project north of Bendigo. Kamarooka has a history of salinity dating back to the mid-1950s, with shallow watertables and groundwater with a salinity level approaching three-quarters that of sea water.

Prior to the commencement of the Northern United Forestry Group's Kamarooka project in 2004, the site had lain barren for almost 50 years, characterised by just a thin layer of salt-tolerant species and in many cases bare ground. In terms of productivity prior to the project, the site would have run about 10 sheep to 70 acres. Already after two years the farm is getting multiple grazings of 100 lambs at a time from the site each year.

The Kamarooka project is a leading Australian example of landscape scale change. It is possible to reclaim salt-affected land for productivity and biodiversity

benefits. Importantly, that farmers group provides more than just its projects. It also provides a valuable support network for farmers interested in farm forestry and a valuable social network for farmers, particularly during times of drought. I would recommend to any member of the chamber, but particularly the upper house and lower house members covering that area, that they pay the project a visit.

David Hicks

Mr FINN (Western Metropolitan) — Travelling the Western Ring Road over the last week or two I have noticed a very large billboard placed by an organisation called GetUp.org.au. When I first saw this I thought it was an advertisement for Viagra, but on further investigation I discovered this is a direct rip-off of the MoveOn.org organisation sponsored by billionaire George Soros, which had such a stunning success at the last USA election in having John Kerry elected as president! Mr Thornley may well know a lot more about this.

This organisation and this billboard is a part of the Australian left's ongoing campaign to have David Hicks declared a living national treasure. I must offer a word of caution to those seeking to elevate Hicks to national hero status. David Hicks was not in Afghanistan to judge the Kabul beach babe contest. He was there fighting for one of the most oppressive regimes on earth, which is and was a supporter and promoter of terrorism both locally and internationally. He was there in Afghanistan to kill Australians and its allies. To those who say, 'Give David Hicks a fair go', I say, 'Give our Aussie military a fair go'.

Nuclear energy: federal policy

Mr TEE (Eastern Metropolitan) — On 27 February federal MP Kevin Andrews, whose electorate boundary overlaps with mine, said there was not much room for a nuclear power plant in his electorate but that Australia should still consider having one. This is a bad case of 'not in my backyard', and Mr Andrews is not fooling anyone in the electorate. The electorate understands that no matter where they are located, nuclear power plants are bad news. The electorate knows that the radiation caused by nuclear accidents do not magically stop at federal, state or local government boundaries. As well as ruling out a nuclear power plant for his electorate, Mr Andrews should join with the Bracks government and rule out nuclear power plants for the whole state and indeed for the whole country. Mr Andrews should look away from the nuclear option. He should join with the Bracks government and look at renewable energy to

secure a better future for the children in our shared electorates.

Industrial relations: WorkChoices

Mr LEANE (Eastern Metropolitan) — As I mentioned in my inaugural speech, last year there was a company that did not pay a number of workers five days pay. I am sure people in the house will be delighted to read recent media articles reporting that the authorities concerned will be taking this company to court to force it to pay the wages and will also be fining the company, which I think is a fantastic thing. It is a shame the Prime Minister defended the company's action last year. The then federal industrial relations minister, Kevin Andrews, also defended the company, even though this company not only did not pay people wages they actually worked for but also had a WorkSafe order against it for bullying. This company's sales manager in New South Wales is a leader of a white supremacist group that was investigated in relation to the organising of the Cronulla riots.

The Prime Minister and Kevin Andrews defended WorkChoices straightaway. They defended a company like this. They should hang their heads in shame. It is no wonder Kevin Andrews lost his portfolio.

Police: Purana task force

Mr THORNLEY (Southern Metropolitan) — I was planning to speak on the rule of law, which is a great Westminster tradition, a great tradition of our society and a great tradition that we all support. I appreciate that Mr Finn has raised a question about the rule of law, but let me tell members where I stand on it. I believe that if someone has done something wrong, they should be brought to trial, but the primary area of the rule of law I want to raise is to congratulate Victoria Police on obtaining the confession and conviction of Carl Williams and on the outstanding work of the Purana task force in bringing that about.

After being pilloried from the sidelines and being the subject of cheap shots by people who said it should and could have done more, the Purana task force has done the job — it has convicted the crooks and put them in jail, and it is chasing down the rest of the crooks. It is about time those members in this house who have problems with women being in powerful positions in our society and who want to have a go at our men and women in uniform when they are doing their job apologised.

Aboriginals: Gateways to Justice calendar

Ms MIKAKOS (Northern Metropolitan) — Indigenous Australians, including Victorian Kooris, continue to be overrepresented in our criminal justice system and are affected by the underlying issues identified by the Royal Commission into Aboriginal Deaths in Custody. Those issues are land needs, the legacy of dispossession, and disadvantage in the areas of employment, health and education. The Bracks government is committed to addressing the underlying issues that lead to the overrepresentation of Kooris in the criminal justice system. This includes addressing the very important issue of increasing employment opportunities for the Koori community. The 2007 Gateways to Justice calendar was developed as one of the many initiatives to address this issue under the umbrella of the Victorian Aboriginal justice agreement that I have spoken about in this house on a number of occasions.

Last week I was very disappointed to hear Mr Finn criticise the calendar. I do not pay much attention to what Mr Finn says, and I was not in this chamber to respond to it. This calendar has been provided to members of Parliament and those people working in government as a way of encouraging members of Parliament to promote positive career paths for Koori youth within their electorates. I would encourage members of Parliament to proudly display the calendar their electorate offices, instead of knocking it, and to get behind the Aboriginal justice agreement.

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

David Hicks

Mr VINEY (Eastern Victoria) — Yesterday I had the honour of attending a briefing of members of Parliament by Major Michael Mori in relation to the incarceration of David Hicks for five years without trial. Mr Finn raised this matter in his members statement this morning. I think it is worth putting on the record where I stand in relation to this issue.

I believe that the men and women of the Australian armed forces have traditionally fought for justice. My grandfather fought for justice in World War I and my father fought for justice in World War II. They did not fight for a system that sends people to prison for five years, including two years of solitary confinement, without trial or a prospect of one, while often not knowing what they are going to be charged with. They fought for the concept that people ought to know what they are being charged with and that they ought to face

a proper hearing. I think simply that if David Hicks has committed any offence —

Honourable members interjecting.

The PRESIDENT — Order! If Mr Thornley and Mr Finn want to have a conversation — and I know it is a hot topic for both of them — they should have it outside the chamber.

Mr VINEY — If David Hicks has committed any sort of offence, he should be charged and punished. If there is not an offence he can be charged with, then he should be released. The principles of habeas corpus have existed for a very long time. It is time that the Australian government pushed for the release of David Hicks.

Australia/Israel and Jewish Affairs Council: leadership

Mr SOMYUREK (South Eastern Metropolitan) — I rise to commend the Australia/Israel and Jewish Affairs Council (AIJAC) for displaying good leadership and maturity by disassociating itself from the visit by Professor Raphael Israeli. Professor Israeli's thesis on Islam and Europe is, to be polite, alarmist. It seeks to exploit the insecurity and vulnerability felt by the Western World due to acts of mass murder committed by terrorists claiming to act in the name of Islam.

I find it offensive for a foreigner to come into this country and lecture us on how Australians should mistrust and question the loyalty to Australia of other Australians. According to Professor Israeli, Australian Muslims need to be monitored and controlled because they have a subversive agenda. Professor Israeli's views border on the conspiratorial and have close resemblance to the sinister conspiracy theories perpetuated against Jewish people over the centuries. Despite what the crackpot Ahmadinejad might say, the whole world knows what the corollary of demonising the Jewish community in the 1930s and 1940s was.

By disassociating itself from Professor Israeli, AIJAC has enhanced its bona fides with respect to interfaith and intercultural goodwill, and demonstrated to the rest of Australia just how in touch the Jewish community is with Australian values. This commendable action by AIJAC should set an example for other religious, ethnic and cultural minorities living in Australia that they must not promote or be associated with any forms of intercommunal agitation.

The PRESIDENT — Order! The member's time has well and truly expired.

STATEMENTS ON REPORTS AND PAPERS**Medical Practitioners Board of Victoria: report 2005–06**

Mrs KRONBERG (Eastern Metropolitan) — By way of background, this statutory authority, the Medical Practitioners Board of Victoria, was established by the Medical Practice Act of 1994 to protect the community by ensuring doctors maintain professional standards and practice ethically and competently.

Complaints from the community to the board are referred on the basis of a doctor ‘providing poor standards of practice, inadequate care, poor communication, missed or wrong diagnosis, failure to provide medical reports, and boundary violations’. An overarching aim of the board is to ensure that its processes are objective, transparent and fair. According to the board’s president, Dr Joanna Flynn, this report reflects the activities of a productive year. Reference was made to the July 2006 Council of Australian Governments (COAG) agreement whereby a national registration scheme for health practitioners is to be established by July 2008. We will then see a single cross-professional national registration board covering nine professions, including medicine. This representation in each state will focus on complaints and discipline matters.

The COAG agreement also brings into being a national accreditation scheme for health professionals’ education and training. These initiatives represent major changes for our health profession’s peak bodies. However, the question now arises as to the timing of the Victorian legislation — that is, the Health Professions Registration Act 2005 — which is due to come into operation in July 2007.

The major changes would include separate boards, their major functions being the protection of the public by ensuring the maintenance of professional standards in each of the respective professions.

In most diplomatic language the report explains that the expected changes are likely to manifest themselves as follows and including awarding:

greater powers and flexibility in some areas while creating increased rights of review for those who are unhappy with the way the board has investigated their concerns.

Any serious matters, especially those involving a practitioner’s registration, are to be referred to the Victorian Civil and Administrative Tribunal — yes, to VCAT! Matters will be heard by a tribunal of at least

three members, two of whom can be drawn from a relevant health profession; and it is worth noting that the individual health professions board ‘will be required to refund VCAT for the cost of these tribunals’.

The prevailing concern now is that under the COAG agreement the boards will no longer continue in their current form. Questions therefore arise again about the timing of the proposed major changes in Victoria — namely, our Victorian legislation becoming operational in July 2007. Accordingly approaches will now need to be made to the Victorian Minister for Health seeking the deferment of the proclamation of the Health Professions Registration Act 2005. This will be necessary until all stakeholders have a clearer picture of the impact of reforms emanating from the COAG agreement.

The board’s chief executive officer, Mr Ian Stoney, has reported that the board has again operated profitably. The profit for 2005–06 was \$488 102, which is to be compared with \$442 998 for the previous year. Mr Stoney reports that there has been a substantial reduction in the number of outstanding preliminary investigations into the professional conduct of medical practitioners, down from 298 at the beginning of the year to 196 at the end of the year. He points to an increased workload on a number of indicators, which inter alia include the number of registrants with general registration having increased by 15.4 per cent, and the receipt of 690 notifications of professional misconduct by medical practitioners, which is to be compared to 414 in 1999. Other elements of the report include a professional performance report, a professional conduct department report and the Auditor-General Victoria report, which includes an audit opinion.

Office of Police Integrity: corruption and serious misconduct

Ms MIKAKOS (Northern Metropolitan) — I am very pleased to be able to make a contribution in relation to the Office of Police Integrity’s report *Past Patterns — Future Directions: Victoria Police and the Problem of Corruption and Serious Misconduct*. This is going to be regarded as a very significant report going into the future. It is a report that seeks to review the whole history of police corruption in the more than 150-year history of Victoria Police, including the responses that have taken place by various governments over the years in relation to this issue.

Looking at the findings of that report, I draw members’ attention in particular to the letter of transmittal set out on pages 2 and 3 of the report. The letter from the

director, police integrity, Mr Brouwer, states that there have been:

... many (19) reviews, royal commissions and inquiries set up by successive governments over the 150 years of the Victoria Police's existence. Most such bodies made recommendations for government action, few were implemented and fewer reforms were sustained. Many of these bodies were established hastily in response to a particular revelation or political imperative and given limited tenure and restricted terms of reference.

It goes on to say:

Attempts to address misconduct or corruption on an ad hoc basis made little or no contribution to building a corruption-resistant culture within Victoria Police.

Inquiries into police corruption in other local and international jurisdictions demonstrate that in addition to a strong, well-supported management, a further element is required to maintain a modern ethical force resilient to corruption and misconduct. It is a permanent body, independent of the force and at arms-length from government with inquiry powers and resources to apply continuing pressure to maintain and improve standards of police conduct and performance. Victoria is now equipped with such a body.

I particularly want to emphasise this because I remember when we had the debate about the establishment of the Office of Police Integrity in this house the opposition parties opposed it and engaged in a political process of seeking to denigrate our police force without actually putting forward any viable solutions to tackle this issue.

This government regards the issue of police corruption as a very serious one. It is important that the police are able to maintain the community expectation that they conduct themselves with the highest integrity and professionalism. In the report Mr Brouwer says that the vast majority of the members of our police force are honest individuals who conduct themselves in this way. However, even one corrupt police officer is one too many given the position of trust that police hold in our community and the vast powers that we as a Parliament have placed in their hands to keep our community safe.

The powers and resources that have been given to the Office of Police Integrity (OPI) are very important ones. It is a reflection of this government's commitment to weeding out those rotten apples in Victoria Police who seek to tarnish its good name. Members would be aware that the government has provided over \$31 million in new funding in the 2006–07 budget to allow the Office of Police Integrity to initiate its own investigations, conduct police intercepts and undertake a range of other covert investigative techniques.

The report will form a very important basis for helping the OPI and the community understand the work of the

OPI in the future. I commend the OPI for the work it has done to date. I take this opportunity to also congratulate the Purana task force for the very important revelations made in the last 24 hours. That shows it is producing results for the community by weeding out organised crime in this state. I think all Victorians would feel very pleased with those results. I commend the report to the house.

Ombudsman: Greater Geelong planning department

Ms HARTLAND (Western Metropolitan) — I wish to speak on the Ombudsman's report on his own-motion investigation into the planning department of the City of Greater Geelong. Having read this report and the report of the local government inspector, a number of things concern us greatly about the lack of process within local government and the fact that its advertising processes are incredibly poor. Having been a local government member before coming here, I was quite shocked at some of the things that I read, but what really concerned me the most was the fact that generally there are no strong disclosure laws for local government in terms of donations.

During the election campaign the Greens put out a number of media statements. They said that we should look at a system such as the one in the United Kingdom, where quarterly statements that are required from all parties must disclose when the donations have been made to them and where they have come from.

The local government regime is weakened by this kind of report. The 79 local councils actually control the disclosure laws themselves; that should be covered by the Victorian Electoral Commission. The Greens would support a new disclosure regime being introduced which would be run by the VEC and cover local and state elections. We believe all parties should support such a move.

Mount Baw Baw Alpine Resort Management Board: report 2005–06

Mr O'DONOHUE (Eastern Victoria) — It is a pleasure to speak on the Mount Baw Baw Alpine Resort Management Board 2006 annual report. It is a pleasure not just because Mount Baw Baw falls within the beautiful region of eastern Victoria but also because Mount Baw Baw is an integral part of the tourism industry in Gippsland. Like all ski resorts, Mount Baw Baw has many exciting challenges and opportunities moving forward. The report highlights some of these issues.

The report submitted by the chair and the chief executive officer of the board covers the period from 1 November 2005 to 31 October 2006 — in effect, the summer period of 2005–06 and the snow season of 2006. Some of the highlights of the year include further works being completed on the village central area, extensive use of snow-making facilities in a challenging snow year, and the finalisation of the strategic management plan which is now sitting on the minister's desk awaiting his approval.

Revenue was down as a result of the poor snow season. In fact, last year at Mount Baw Baw only 46 centimetres of snow fell naturally, compared to 174 centimetres in the previous year. The maximum snow depth reached only 15 centimetres, compared to 46 centimetres the previous year. Revenue from operations, therefore, was down from \$1.658 million to \$1.026 million. This decline in revenue was partly offset by an increase in government funding.

One of the opportunities presented to Mount Baw Baw is its close location to Melbourne and in particular its close proximity to the growth corridor of Officer, Pakenham, Warragul and Drouin. Over the next 20 years, tens of thousands of people will move into this area; Mount Baw Baw is only an hour or an hour and a half drive from this growing market.

This puts it in a much better position than the Mount Buller, Mount Hotham or Falls Creek resorts. It is also an affordable location. Snow resorts, by their nature, are quite expensive places but Mount Baw Baw has cheaper lift tickets, is family friendly and has an emphasis on beginner-to-intermediate skiers. It is a great way for families to introduce skiing to young people in a time-effective, cost-effective fashion.

But as at most ski resorts, the future for natural snow is in question. I congratulate the Mount Baw Baw board for promoting the 'green season' — that is, the summer season and non-snow season. Some of the things that have been initiated as part of its green season are the hire of mountain bikes, the availability of picnic hampers for day packages and increased publicity of the opportunities that exist in the non-ski season such as bushwalking, bike-riding and the like. To that effect, the Mount Baw Baw cycling classic was held in April last year.

We can learn a lot from overseas ski resorts, such as in Queenstown, New Zealand, which has roughly the same number of visitors in the off-season as it does in the ski season, with adventure holidays and the like attracting a diversity of people. That is something which Mount Baw Baw is working on but which can be

improved. I think the government could do more to assist that. We all know that the adventure-tourism market has been strangled by regulations imposed by this government, and that makes it difficult for resorts such as at Mount Baw Baw to develop the off-season into the future.

Another issue facing Baw Baw is its lack of infrastructure. It does not have mains electricity and relies on power from generators. The imminent completion of the south face road, which will link Baw Baw through Erica, Walhalla and the Latrobe Valley, will give it greater access from the valley and Gippsland, but unfortunately the government has not committed to make it an all-weather road. I call on the government to make that an all-weather road so that tourism can be encouraged in the winter. I commend the report to the house.

Victorian Gene Technology Review Panel: statutory review

Mr SCHEFFER (Eastern Victoria) — I wish to make some remarks on the statutory review of the Gene Technology Act 2001. The development and commercialisation of biotechnology research is an important policy imperative of the Victorian government. Research and development in this field is vital if Victoria is to be one of the world leaders of the knowledge economy.

In 2001 the Victorian government launched its biotechnology strategic development plan with the intention of positioning the state to benefit from emerging discoveries in biotechnology. The strategic plan focused on strengthening Victoria's existing research and development competence through further investment in infrastructure and capacity building. The overall objective was to make Victoria one of the top five biotechnology locations in the world by 2010. The Department of Innovation, Industry and Regional Development made significant investment in the infrastructure necessary to foster the developments in biotechnology. It also put work into building professional relationships amongst governments, industries and research organisations in Victoria and overseas. The department also promoted Victoria's achievements through fostering public discussion on many of the issues that the growth in biotechnology was pointing to.

In 2001 the government introduced the Gene Technology Bill in recognition of the need for a transparent legal framework that was capable of protecting the environment and the community's health and safety from risk. In introducing the act the

government enunciated its understanding that the use of gene technology involved a level of potential risk and that community views on the issues, including the ethical issues associated with the new biotechnologies, needed to be incorporated into the management response to those risks.

The Gene Technology Act 2001 is the Victorian part of a national system that regulates all activities that involve genetically modified organisms. The act made sure that the national regulator of genetically modified organisms — an office that had been created under the commonwealth's Gene Technology Act 2000 — was empowered to act in Victoria to regulate gene technology research, development and manufacture of products. The commonwealth did not have the constitutional power to regulate everything to do with gene technology and required the state to legislate to ensure that there was one national scheme. The national regulatory scheme was informed by extensive community and expert consultation, and it enjoyed bipartisan support.

The national gene technology regulator was established under the act as an independent statutory office-holder with powers akin to an auditor-general or an ombudsman, and the act describes the regulator's functions and powers. The act also provides that the gene technology regulator will authorise every dealing with a genetically modified organism, register the dealing and assess the public and environmental risks that are attached to that dealing.

Last year the Minister for Health in the other place, Bronwyn Pike, appointed the Victorian Gene Technology Review Panel, asking it to report to her on the operation of the Victorian Gene Technology Act. The minister wanted advice from the panel on whether the regulation regime concerned with gene technology was appropriate and functional. The panel produced the *Statutory Review of the Gene Technology Act 2001* which is before us today.

There were three panel members: Professor Bob Williamson, Dr Diane Sisely and Professor Peter Sallmann. Professor Williamson is a human molecular geneticist specialising in gene and environment interaction, population genetics, ethics and social policy; Dr Sisely is chair of the Victorian Department of Human Services Human Research Ethics Committee and immediate past equal opportunity commissioner; and Professor Sallmann is a lawyer and social scientist. The panel members possess formidable expertise and are eminently well fitted to have undertaken this task for the minister. The report of the statutory review contains a short but — —

The ACTING PRESIDENT (Mr Somyurek) — Order! The member's time has expired.

Office of Police Integrity: corruption and serious misconduct

Mrs COOTE (Southern Metropolitan) — I have pleasure in speaking today on the Office of Police Integrity's report, *Past Patterns — Future Directions: Victoria Police and the Problem of Corruption and Serious Misconduct*, tabled yesterday. At the outset I would like to put on the record my praise of the Victorian police force and the excellent work that most police do. They are to be commended. They are frequently seen in positions of danger, protecting all of us, and I believe each and every one of us in this chamber would like to commend the police force on the excellent work it does.

I do not feel that the *Age* or the *Herald Sun* are arbiters of decision making, but they certainly reflect issues of importance within our community, and if we look at this morning's editions of both of those newspapers we can see some very worrying comments made in response to this report. This has become the issue of the day, and it is an issue that is of grave concern to all Victorians. First of all I would like to quote from the editorial of today's *Age*:

That police corruption has become a matter of enduring interest in Victoria would surprise earlier generations, since this is a state that for a very long time persisted in the notion that its police were less corruptible than their colleagues elsewhere.

It goes on to say:

The release yesterday by the Office of Police Integrity of its historical study of corruption in Victoria Police should lay to rest any lingering delusions that this state is somehow immune from the risks and temptations that confront all police forces.

It is very concerning. An article by Keith Moor in today's *Herald Sun* under the title 'Corrupt cops revered as heroes' states:

Some allegedly corrupt officers have been allowed to remain with Victoria Police because their high arrest rates have impressed superiors.

The Office of Police Integrity yesterday claimed these suspect officers were revered as heroes by other police.

It said most of them continued to be promoted despite mounting evidence and intelligence of corrupt behaviour.

The report of the Office of Police Integrity is very comprehensive. In fact if you look at the contents, most of it is about the history of the police force in this state. Quite honestly, interesting as this may be, I believe it is

the other issues that are raised within this report that are of grave concern for the ongoing integrity of police in this state.

George Brouwer, director, police integrity, in his letter of transmittal at the beginning of the report, said:

Corruption and serious misconduct in Victoria Police has a long pedigree and the circumstances which have triggered it have been remarkably persistent. The patterns of misconduct and corruption depicted in the report are confirmed by our current investigations and will remain a source for the focus of our work.

As Victorians and as parliamentarians we certainly hope this is the case and that Mr Brouwer will get on with making quite certain that these issues his office is investigating do lead to prosecutions and a cleaning up of our police force.

It is an extremely worrying aspect of this particular report — for example, it actually says police have been involved in manufacturing illegal drugs; the police force continued undesirable ties between serving police and convicted criminals; police were stealing property and cash from the public; and that there was improper and illegal management of informants by police, including committing crimes with them. One of the most worrying things that I found was this notion that some crimes are more noteworthy than others. I think this is a cultural issue that really needs to be addressed properly. It is well documented in this report. I believe we will see a lot more of it. It certainly needs to be fixed as a matter of urgency.

Finally, there is an article on page 135 that I do not have time to read out in full at the moment, but there is an excellent quote, once again from an *Age* editorial. In part it says:

None of this implies that police brutality, intimidation and officiousness in dealing with criminal suspects or ordinary citizens are widespread, and it must be recognised that police are vulnerable to false complaints.

However, it goes on to say that what is needed still is a 'willingness by all police to accept a collective responsibility for the good name of their force'. This was an editorial that was written on 22 February 1988, much of which can apply today. I commend the report to the house. I think we shall see a lot more of it. I commend George Brouwer's comments, which I think were very courageous in many aspects.

Auditor-General: financial statement audits for agencies with 30 June 2006 balance sheets

Mr EIDEH (Western Metropolitan) — I would like 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 sheets. I would like to report on the infrastructure section of the report. The background is that the infrastructure sector comprises the Department of Infrastructure and other agencies that are responsible for providing for the safety and security of transport services and infrastructure, policy on information and communications technology and energy, and large-scale development and construction.

The Auditor-General issued 21 audit opinions on financial statements of agencies, all of which were clear. The timeliness of financial reporting by sector agencies was similar to the previous year, with 20 of the 21 agencies with a 30 June 2006 balance date achieving a 12-week statutory deadline. Agencies generally took longer than in the previous year to complete their financial statements, with only 9 agencies achieving this milestone within eight weeks of the end of the financial year. In 2004–05 it was 14 agencies.

The audits found that the control environments of sector agencies were generally sound but that improvements could be made to systems access, the reconciliation of key account balances and disaster recovery. The quality of financial reporting by sector agencies was generally satisfactory, although it was considered that the Department of Infrastructure and V/Line Passenger Pty Ltd could improve their financial reporting processes.

Under the heading 'Audit conclusions' the report states that the infrastructure sector comprises 21 agencies that were required to prepare financial statements at 30 June 2006 and submit them for audit. The Auditor-General issued 21 audit opinions and all of them were clear. Twenty agencies met the statutory reporting deadline for completing their audited financial statements, the same number as in the previous year. However, agencies generally took longer than in the previous year to complete their audited financial statements, with only 9 agencies achieving this milestone within eight weeks of the year end as against 14 agencies in 2004–05. The added complexities and reporting requirements arising from the first full implementation of Australian equivalents to international financial reporting standards and inadequate resourcing of the financial reporting functions by some agencies due to the unexpected departure of key staff in both the Department of Infrastructure and V/Line Passenger Pty Ltd were the key factors contributing to this deterioration in the timeliness of reporting.

While the quality of draft financial statements submitted for audit was generally satisfactory, the Auditor-General considered that two agencies — the Department of Infrastructure and V/Line Passenger Pty Ltd — could improve their financial reporting processes to help ensure high-quality financial reports are prepared for both management and audit purposes. This could be achieved by enhancing internal quality assurance processes which involve the detailed checking of draft financial statements before they are submitted to audit for completeness, internal consistency, presentation and disclosure, and the conduct of rigorous analytical review procedures.

The audits of 2005–06 financial statements confirmed that overall agency control environments and their systems of internal control were generally satisfactory. However, there were opportunities to strengthen agency controls and better manage risks in the areas of information technology systems access, the reconciliation of key account balances and disaster recovery.

Under the heading ‘Sector overview’ the report states that the infrastructure sector comprises the Department of Infrastructure and 20 other agencies with a 30 June 2006 balance date. The Department of Infrastructure, either in its own right or through the other agencies and private-sector providers, is responsible for Victoria’s road and rail transport services and infrastructure, for ports and marine facilities and services, for information and communication technology policy, for energy policy, for large-scale development and construction projects and for the safety and security of essential transport infrastructure. The Department of Infrastructure and the agencies support four ministerial portfolios: transport, major projects, information and communication technology, and energy industries.

Victorian Gene Technology Review Panel: statutory review

Mr BARBER (Northern Metropolitan) — The report of Victoria’s statutory review of the Gene Technology Act 2001 was tabled late last year. The review panel notes that the order prohibiting the cultivation of certain genetically modified canola crops in Victoria expires on 29 February 2008. At that stage the moratorium will have been in place for five years. The Greens support a further extension of the moratorium for at least another five years as the market, public health and environmental risks of genetically modified (GM) crops have not yet been resolved.

In 2003 the commonwealth Office of Gene Technology Regulator licensed Bayer and Monsanto to sell the

seeds of several genetically manipulated herbicide tolerant canola varieties. Canola-growing states, together with the Australian Capital Territory, to their credit used their powers to introduce a moratorium. That included both GM-free zones and a moratorium on certain GM crops.

The panel report notes that Biotechnology Australia, ABB Ltd and AWB Ltd gave evidence of continuing and substantial community resistance to GM crops and the marketing of GM foods. AWB also said that growing GM wheat and other cereals would threaten Victoria’s markets. This provides good grounds for extending the moratorium for at least another five years.

In 2005 GM contamination was found in conventional canola on a farm near the South Australian border, so the Gene Technology Ministerial Council comprised of ministers from all Australian governments, set thresholds of contamination of 0.9 per cent in harvested grain and 0.5 per cent in seeds for planting. They did not want to accept the economic and political costs of a clean-up to totally remove those genes so they set thresholds instead. They also continued the foolhardy practice of exempting Bayer from the law so it can bulk up GM canola seeds for export to Canada on sites along the state border. The Greens are concerned that they may also have committed the nation to higher GM contamination levels.

To soften public outrage, the Victorian government promised to bring the seed contamination threshold down to 0.1 per cent this year. I would like to hear from the Minister for Health about what practical steps have been taken to ensure that that is what will happen at the next ministerial council meeting.

Evidence that canola cannot be contained is evident along roadsides, railway yards and parks in the Western District where feral canola plants and related weeds, such as wild radish and wild turnip, already pose major weed management problems. If Roundup or Liberty herbicide tolerance was to cross over into those weeds from GM varieties, the costs of weed management for land managers, including local government, will be huge. Australia already spends over \$6 billion a year on weed management.

Segregation of GM and GM-free crops has not been possible in the United States, Canada or South America where most are grown. Yet a letter to the Australian Grain Harvesters Association from the industry front group Producers Forum reveals that bulk grain handlers only intend to attempt GM canola segregation for the first two years of commercialisation, for political

reasons. What I am saying is that under the current policy settings we are basically committing ourselves to a GM industry.

The panel report says many witnesses, including AWB and ABB, agree there is still a good case for retaining features of the Victorian Control of Genetically Modified Crops Act 2004. Keeping the GM moratorium on for five more years would give Victoria the flexibility to respond to market conditions, if they change. I note that no other GM crop appears likely to be ready for commercial use within the next 5 to 10 years, so there is no need for a hasty commitment to GM herbicide-tolerant canola. Meanwhile, Australian grain exporters continue to enjoy favoured access to all GM-free markets globally, especially in Europe, and earn a premium of over \$100 per tonne over the world benchmark.

Ombudsman: Greater Geelong planning department

Mr VOGELS (Western Victoria) — I want to comment on the Ombudsman's report into his investigation into the policies and procedures of the planning department of the City of Greater Geelong. I raise this issue because there has been a litany of claims and counterclaims over the past 18 months as to what is happening with the Geelong council.

Approximately 12 months ago a group of Geelong businessmen, as we now know, donated \$71 000 to ensure Labor candidates were elected to the City of Greater Geelong. The then Minister for Local Government, Ms Broad, asked Mr Whelan, the Municipal Inspector, to have a look at what was going on in Geelong. The Whelan report was completed with the result that one councillor, Cr Saunderson, was charged, but Merv Whelan went on to say that due to the limited terms of reference he was unable to investigate whether there were any conflict-of-interest matters with those councillors who had received donations and how they voted on certain planning issues.

The Ombudsman took up that request and has tabled in Parliament his report of his investigation of conflict of interest matters at Greater Geelong City Council. As happened with the investigation at the Surf Coast shire about four years ago, in respect of this one at Geelong, George Brouwer, the Ombudsman, has been nobbled by the Bracks government's Whistleblower Act. Basically the Ombudsman can investigate council staff but cannot investigate electorate offices — and even if he could, he would not be able to name them under the Whistleblower Act. It is a whitewash.

The people of Geelong would like to know whether councillors who received donations from certain businessmen then voted for certain planning issues. The people of Geelong deserve to know whether councillors who received funding declared that before they voted. The Ombudsman highlights about 10 projects, but there would be many more than that. He highlights the Westfield \$150 million redevelopment of the Bay City shopping centre, which is a huge issue in Geelong. He highlights the application by Terminals Pty Ltd to store butadiene at the port of Geelong. One wonders why the heritage-listed Mill Markets at Mackey Street, North Geelong, are being forced to move by 30 March. Mill Markets is on the southern end of the port land and is not interfering with, restricting or hampering port development presently or into the future. If anything, the 14-acre site provides an ideal buffer zone between public and private land.

We also know that the multinational company, Toll Holdings, is very interested in that land, but no-one except the councillors has seen the latest application and what that company intends to do with that port site. Here is a wonderful heritage site being used for what it should be used for, but the people using it have been told that they have to be out of that site by 30 March. I am suspicious of what is happening. Toll Holdings, a multinational company, is very interested in that area, as is Terminals Pty Ltd. I believe that behind the scenes councillors are again having their arms twisted to make sure they vote the right way when this strategy is brought forward.

It also concerns me that although there have been two investigations — one by municipal inspector Merv Whelan and one by the Ombudsman, George Brouwer — the current mayor says basically that they intend to take notice of the report. The Ombudsman's report noted that the council agreed to his recommendation, but Cr Harwood said that it was not true and that the council had not had time to read the report. If you read through the comments in the *Geelong Advertiser* over the past 12 months or so — —

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

Medical Practitioners Board of Victoria: report 2005–06

Ms PULFORD (Western Victoria) — I am pleased to see that David Davis has joined us in the chamber. I was concerned that he might have missed his opportunity when earlier he was given the call to speak on a report.

It is with pleasure that I rise to speak on the Medical Practitioners Board of Victoria annual report. The board guards the integrity of medical practitioners and has had a busy year meeting a lot of new challenges. One of the things the board has been busy with this year is preparing for recently announced reforms arising out of the Council of Australian Governments meeting and the Productivity Commission's report on Australia's health workforce. The recommendation will lead to, as Mrs Kronberg reported earlier in her contribution, a new national regulatory framework with a single process for doctors across the country. This is not dissimilar to the national trades registration that was recently agreed to by the Council of the Australian Federation and championed by the state government. Accreditation of health professionals that is nationally consistent can only be a good thing.

The year's work of the board included an assessment of international medical graduates; developing a guide for doctors and patients called *Good Medical Practice*, which is about managing expectations between parties; ongoing work in investigations; continuing improvements in communications and information technology systems; and evolving the role of the Community Consultative Committee. The financial report is incorporated in the report. The profits of the organisation for the year were up slightly from \$442 998 to \$488 102. The report details the activities of the registration department, which has continued its work. The rigorous registration process ensures that medical practitioners in the state have appropriate levels of qualification, verifies their identity, provides certificates of good standing and ensures that our medical practitioners have sufficient command of the English language. There are 19 188 medical practitioners registered in Victoria in three categories: general registration, specific registration and provisional registration.

The board does a great deal of work in managing the standard of health practitioners through a variety of different programs. It manages notifications from members of the public and from the medical profession in matters of conduct and capacity when required. There is a health program which is separate from disciplinary procedures but supports doctors who may be suffering an impairment in their ability to provide excellent health care, although it is a program that focuses more on the welfare of the doctors rather than specifically on disciplinary matters.

On the matter of professional performance, in the year to September 2006, 582 notifications were received, which is 108 fewer than in the previous year. What is notable is that there are over 19 000 doctors practising

in the state. Interestingly notifications are down by 27 per cent in medico-legal practice due to an effort by the Medical Practitioners Board to assist doctors to understand their role and obligations in preparing reports and in medico-legal consultations, where sometimes the role of treater and the role of examiner can be a little less than clear to all involved.

The board, its staff and executive are to be commended on their work. It is consistent with the health objectives of the state government that we have an excellent health service and that the professionals are regulated. This is entirely consistent with the Bracks government's approach of opening more hospitals and training and employing more nurses, which is in stark contrast to the opposition, which we know liked to sack nurses and close hospitals.

Auditor-General: financial statement audits for agencies with 30 June 2006 balance sheets

Mr D. DAVIS (Southern Metropolitan) — I am pleased to make a contribution today and in particular to talk about the financial statement audits for agencies with 30 June 2006 balance dates. I wish to make a few short points today about the Auditor-General's comments. In particular I am looking at the innovation, industry and regional development section of this important report, and I direct the attention of the house to page 64, section 6.3.4, regarding issues requiring attention. I note that the section on the Monash University joint venture states:

DIIRD entered into an unincorporated joint venture agreement in 2005–06 with Monash University for the purpose of establishing and funding the Australian Regenerative Medicine Institute.

That is an important step and one that we strongly report. The auditor goes on to say:

We reviewed the joint venture agreements and identified that the investment will be held in an entity that may be subject to taxation. If this is the case, part of the government operating funding could be used to pay any income tax owed by the entity. DIIRD is currently seeking advice on this matter.

On page 64 recommendation 6.2 of the auditor is:

DIIRD should assess joint venture agreements prior to signing, to determine the taxation consequences of the proposed joint venture arrangements.

I think this is quite an important point, and it may well require some discussion with the federal government too. I think that DIIRD has to be careful to ensure that the arrangements with entities of this nature are clear and that the taxation arrangements are clear. It is certainly the case that government grants should be

used for the purposes for which they are intended and that there should not be a case where government grants could be used to pay for income tax. I do not want to be critical in any sense, because I think this is a point of clarification, and I think the auditor has done well to bring this to the attention of the house.

I was also interested in the health section of the report. This has been an ongoing issue with a number of hospitals and their foundations. I draw the attention of the house to chapter 4 of the report, which is about the Department of Human Services, and in particular to appendix 4A on page 49. There are a number of qualifications on the audits that were conducted on 30 June of major health institutions. These qualifications are made for a variety of reasons, but the one in particular that I want to draw the attention of the house to is the qualification, for example, to the Royal Women's Hospital Foundation Trust. I quote the auditor's qualification:

Inability to verify the completeness of cash donations.

There is an issue with related but significant entities that are important fundraising vehicles. For broader confidence in that fundraising and donation process we need to clarify this situation — get it sorted, as it were — to the extent that people in the community can have the highest level of confidence when they make donations. Again, these are matters of clarity and of sorting out detail.

I also note on page 48 that Mercy Public Hospitals has a qualification:

Failure to consolidate a 'controlled' entity.

I understand that the Catholic health system, which makes such an important contribution, has a range of issues with that controlled-entity approach. Of course these are public hospitals delivering public hospital services, but I strongly support the contribution made by Mercy Health and Aged Care, and I do think that the government has to look through this in a thoughtful and indeed cautious way so that a conclusion can be found.

They are the main points I wanted to make today. The Auditor-General has also made a useful contribution in chapter 5, which is about infrastructure. In paragraph 5.1 on page 52 he talks about audit conclusions and, in a sense, tags a note of warning. The report says:

Our audits of 2005–06 financial statements confirmed that overall agency control environments and their systems of internal control were generally satisfactory.

So far, so good. He then goes on:

However, there were opportunities to strengthen agency controls and better manage risks in the areas of information technology ... access, the reconciliation of key account balances and disaster recovery.

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

PARLIAMENTARY COMMITTEES

Membership

Mr LENDERS (Minister for Education) — I move:

1. **Drugs and Crime Prevention Committee**

That Mr Leane and Ms Mikakos be members of the Drugs and Crime Prevention Committee.

Education and Training Committee

That Mr Elasmarr, Mr Finn and Mr Hall be members of the Education and Training Committee.

Electoral Matters Committee

That Ms Broad, Mr Hall and Mr Somyurek be members of the Electoral Matters Committee.

Environment and Natural Resources Committee

That Mrs Petrovich and Mr Viney be members of the Environment and Natural Resources Committee.

Family and Community Development Committee

That Mr Scheffer and Mr Somyurek be members of the Family and Community Development Committee.

Law Reform Committee

That Mrs Kronberg, Mr O'Donohue and Mr Tee be members of the Law Reform Committee.

Outer Suburban/Interface Services and Development Committee

That Mr Elasmarr, Mr Guy and Ms Hartland be members of the Outer Suburban/Interface Services and Development Committee.

Public Accounts and Estimates Committee

That Mr Barber, Mr Dalla-Riva and Mr Pakula be members of the Public Accounts and Estimates Committee.

Road Safety Committee

That Mr Koch and Mr Leane be members of the Road Safety Committee.

Scrutiny of Acts and Regulations Committee

That Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford be members of the Scrutiny of Acts and Regulations Committee.

2. That contingent upon the royal assent being given to the Parliamentary Legislation Amendment Bill 2007 —

Economic Development and Infrastructure Committee

That Mr Atkinson, Mr D. M. Davis, Mr Tee and Mr Thornley be members of the Economic Development and Infrastructure Committee.

Public Accounts and Estimates Committee

That Mr Rich-Phillips be a member of the Public Accounts and Estimates Committee.

Rural and Regional Committee

That Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels be members of the Rural and Regional Committee.

It is a fairly procedural motion. Discussions have been held across the Parliament about filling these positions. The special investigatory committees of the Parliament have been established over many years. It is a feature of the Victorian Parliament that these are set up, and the procedure for them to be set up has been for resolutions nominating members to be carried in each house.

The list of members being nominated in the motion means that on most of the committees — 11 of them — there will be four government members, leaving aside the Public Accounts and Estimates Committee, and the Scrutiny of Acts and Regulations Committee, and there will be generally two members of the Liberal Party, generally one member of The Nationals, and, where the five members of the two houses are not from any of those three parties, an option has been offered to them to be an extra member on any of the committees. That sort of formula is not out of character or out of the ordinary, and certainly in various forms has been the case in most of the last few parliaments.

There has been discussion with parties as to who the best people would be. Presumably there will be some disagreement as to exactly the nature of how these committees go, but it is a motion that I am proposing. The motion proposes lists of Legislative Council members of the joint investigatory committees, and the reason I say that is because committee membership needs to be put into the context of the two houses.

The motion is in two parts. The first deals with the joint investigatory committees, and there is no proposal on the table to change the committee structure. As we are aware, a bill is on our notice paper which proposes

some changes, and some members — particularly the Greens — have expressed concerns about where the committee structure will be going and why the current practice may be changed.

Firstly, this motion proposes to excise two committees — the Rural and Regional Committee and the Economic Development and Infrastructure Committee — and to address that issue. The Parliament is discussing the names of those committees and the size of one of them, therefore the proposal in response to the Greens' concerns is to defer consideration of those two until that bill has been considered, one way or the other, by the house. Obviously if the bill is not passed or not dealt with, then the house would come back to consider the situation under the existing legislation. Clearly if that bill were further amended in this house and the Assembly agreed to it, those matters would be revisited.

That is the first part of the two-part motion. The second part of the motion deals with the Rural and Regional Committee and the Economic Development and Infrastructure Committee and with an additional member of the Public Accounts and Estimates Committee. A format has been dealt with to take into account the concerns of the Greens as to what would happen and why we are rushing to do this.

From the government's perspective this matter is about why the government is keen for this motion to be carried by the house today. Two weeks ago we proposed that this motion should come into the Legislative Council for discussion, but at the request of the Liberal Party we delayed moving it. It was a reasonable request. Members of the Liberal Party were saying, 'We need more time. It has all been a bit of a rush'. It is in the spirit of the operation of the house that a week's notice be given. As a potential mover of the motion, I deferred doing so to take into account the request of the Liberal Party for more time.

I anticipate that there will be some debate from the Greens and Liberal Party and that they will seek more time still, but the case I would put for why the house needs to fill committee membership now is that, firstly, there has been a two-week period for further consideration, which was reasonably requested by the Liberal Party. Secondly, the Greens party still has not nominated all its members, and it is its prerogative to do so. I have said that, in accord with the original formula, when the Greens party agrees on its final allocation I would be delighted to move a motion — which would certainly get government support — to fill that remaining position. In no way does that prejudice the process.

However, the most significant reason is that this Parliament has already sat for 6.25 per cent of its term. Some may think we have only been in office for three months, but we have already sat for 6.25 per cent of our term. We have approximately 40 staff who answer to these 12 joint investigatory committees and who, to be blunt, are trying to find things to do until the committees are set in place to give direction. That is just the nature of what happens. I think I can read Philip Davis's mind. He is thinking, 'Why did you not bring this bill forward last — —

Mr P. Davis — You didn't have to read my mind. That is what I said to you before.

Mr LENDERS — I am being charitable to Mr Davis by saying I was reading his mind and that he was thinking it. My point is that we already have waited three months and delayed it for two weeks. Firstly, my argument is that if 40-plus staff are engaged to service these committees, we have already waited three months and ultimately we ought engage those staff and get in place the references that the Parliament can refer to these committees. This is not just about references. Both the Scrutiny of Acts and Regulations Committee and the Public Accounts and Estimates Committee — particularly SARC — have ongoing obligations. We had given SARC a particular brief with a sunset clause that took effect yesterday. One option is to extend the reference for that committee one more time, but because approximately 6 per cent of the life of this Parliament has passed and 40 staff are waiting for direction, my view is that it is appropriate that the committees be established so they can get on with the work that needs to be done.

A formula has been proposed. It was circulated to all parties in this place on the Friday before the last sitting week of Parliament, which was approximately three and a half weeks ago. There have been some minor iterations of that proposal. All the parties have the names of those members who are ready to be elected to the committees, although I believe the Greens are still determining one position. The time is right for joint investigatory committees to go forward. I have the right to sum up this debate, but in anticipating debate on this motion I would like to say that two weeks ago this house rushed forward to set up an investigatory committee, which is a prerogative of the house, and it was done in a remarkably fast time. So be it; it was the will of members of this house to do that. I would like to put forward a proposal to members in a similar vein.

We have waited three months to set up these joint investigatory committees, and there are 40 staff waiting to take guidance from those committees to get on with

the work they are paid to do. Approximately 6 per cent of the life of this Parliament has already passed and these committees have not commenced. We have already delayed the setting up of the committees at the request of the Liberal Party, and I think in a reasonable response to a request from the Greens and the Liberal Party, because there is legislation that potentially affects two of the committees, this proposal is that that be delayed for those committees until the legislation is passed, and if it is not passed the house will come back to it. For all of those reasons, I urge members to support my motion.

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

That the debate be adjourned for two weeks.

I think it is pre-emptive of the government to move a motion to appoint members to committees because only this morning it introduced, for the first time, legislation into this place — the Parliamentary Legislation Amendment Bill — which proposes to substantially amend the Parliamentary Committees Act. It seems extraordinarily pre-emptive that members of this house are asked to appoint members to committees, because we are uncertain of the nature of them in terms of their structure as defined under the Parliamentary Committees Act. More to the point, the government, on its own initiative is seeking to amend that act subsequent to the passing of a motion which appoints members to committees. In terms of process, I find that extraordinary.

I bow to the advice I have received from higher authorities about the procedures of this chamber. The government's motion is not out of order. It is not technically out of order, but it is out of place. The government could have brought in legislation to amend the Parliamentary Committees Act in December. If the government had done so, that legislation would have been considered by the Parliament by now. Therefore the government's motion that is before the house for the appointment of members to committees could have been in order. The committee arrangements could have been clear, unqualified and reserved.

I note there has been considerable debate in the other place about the Parliamentary Legislation Amendment Bill, of which notice has now been given in this place. It would not surprise me if there were considerable debate on that bill in this place. During the debate in the other house several amendments were considered. It would not surprise me if amendments to the bill were considered in this chamber. Therefore it is beyond my ken to understand why it is that the Leader of the

Government wishes to proceed with the adoption of a committee structure that has considerable uncertainty.

This is a continuation of the approach of the government, in terms of the order of business in this place, to ordain and expect the house to dance to the beat of its drum. It may surprise the government to find that there are other members of this house who do not necessarily share the view that everything must work according to the government's timetable. With respect to the minister's comments about the request of the Liberal Party to delay the government's motion by two weeks, I make the point for the edification of members of the house that that delay was sought for the explicit purpose of discussing with the government and other parties the establishment of an independent structure for the Public Accounts and Estimates Committee and Scrutiny of Acts and Regulations Committee, and in particular to ensure that the membership of those committees could be structured so that they could operate without a government majority, given that those committees are the most senior committees of Parliament in terms of the scrutiny of government business.

The fact is the government's motion before the house pre-empts its own legislation and any consideration of members of the house of alternative committee arrangements, which clearly indicates that the government is contemptuous of the scrutiny processes which are available to the parliamentary committees. I urge members of the house to delay consideration of the government's motion. I foreshadow that in the event that my procedural motion is successful, I will seek by leave to move the appointment of the membership of the Scrutiny of Acts and Regulations Committee because it needs to be appointed, but that could be done by this house quite separately from the government's motion which is before the chair. I ask all members to consider the adjournment of this debate for two weeks.

Mr HALL (Eastern Victoria) — I rise to indicate that The Nationals do not support a two-week adjournment of the government's motion. We think the government's motion should be dealt with today. I want to spell out the reasons for our decision.

Firstly, I became aware of some of the concerns that were expressed by the Greens. I think some of their concerns are right; the logic and order of things that were proposed to be done was not correct. The Parliamentary Legislation Amendment Bill, particularly the proposed amendments in part 2, is still before the Parliament and has not been passed. Therefore it is inappropriate to deal with the appointment of members to the Public Accounts and Estimates Committee and

the Scrutiny of Acts and Regulations Committee while those particular committees are the subject of legislation before the Parliament.

Indeed, as the Leader of the Government has pointed out, that issue has been attended to in part 2 of the motion, which says quite clearly that members of three committees will not be appointed until such time as, and if, the Parliamentary Legislation Amendment Bill 2007 receives royal assent. My understanding is that without membership, those committees cannot meet, and that will not occur until that legislation receives royal assent.

However, 10 other parliamentary committees are listed in part 1 of the motion, and it seems extraordinary that the paid staff of each of those 10 committees have not been working on any useful functions of the committees. I hope I am correct in saying that. I certainly had a conversation with the executive officer of one of those committees, and that particular person indicated to me that since the proroguing of the previous Parliament they have been working but on work that is not really relevant to the workings of the committee and the jobs they are paid to do. Therefore it seems more than appropriate that, because 10 of those committees are not subject to the passage of that legislation, there is no reason why we should delay the appointment of membership to the committees and enable them to get started on their work.

This motion seeks to establish membership of the committees, and I think all parties have been given fair notice about nominating their members to particular committees. We have certainly taken advantage of that and discussed it among our ranks in The Nationals for some months now, and we are finalised on the composition in terms of our participation in those committees.

Given that this motion addresses the issue of legislation still before the Parliament and separates those three committees from the other 10 which are not the subject of passage of that bill, I think this is a fair way of dealing with concerns that have been expressed; but moreover the compelling reason why we will support the motion today and not support a two-week adjournment is that the paid staff of the committees should be employed on meaningful tasks related to their committees' work, and the passage of this motion will enable them to do so.

Ms PENNICUIK (Southern Metropolitan) — I thank members who have already spoken on the motion. I have listened to the arguments put by the government, and I note it has attempted to allay the

concerns I mentioned when a proposal was first put to appoint members to the committees even before the house debated the Parliamentary Legislation Amendment Bill, which has arrived here today from the other house.

I am new to this place, but it seems to me — and I expressed this when the proposal was put to me by the Leader of the Government — that if an amending bill that deals with the establishment of committees is to come to this house, we should deal with that first and then appoint membership of the committees.

I hear that there are staff who are not working because the committees have not been established, and that is regrettable, but I still believe that when such a bill on that very subject is to be debated here, there may well be concerns about it, and we may wish to move amendments to it; therefore, until the bill is dealt with we should not be appointing members to the committees.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I rise to support the motion for the adjournment of the debate, as moved by Philip Davis. I do so for two reasons: firstly, to take up the issue of presuming what the house is going to do with the legislation that has been introduced this morning, the Leader of the Government said that already 6 per cent of the Parliament's sitting schedule has elapsed. In raising that point, Mr Lenders seems to overlook the fact that there has been substantial opportunity for the government to have brought this legislation to the house earlier.

As members of this place know, we have sat for almost three weeks now; we have dispatched only three bills in the course of those sitting weeks, and therefore, if the government wanted to ensure these committees were appointed as expeditiously as possible, the opportunity has certainly existed for the government to have brought forward its legislation to amend the structure of committees under the Parliamentary Committees Act.

Therefore I do not think it is appropriate for the house to deal with a bill to change the structure of committees, that bill of course being subject to whatever amendments members of this place may choose to move. Such a bill is now before the house while at the same time there is an expectation by the government that the house will appoint members to committees that may well be changed in the near future.

The second point I would like to make relates to comments by Mr Hall in noting that The Nationals will oppose the proposed adjournment moved by Mr Davis.

Mr Hall indicated that the reason The Nationals will support Mr Lenders' motion is because 10 existing committees will be given membership and be able to dispatch business. But that statement by Mr Hall is not entirely correct in that 1 of those 10 committees to have members appointed will, under Mr Lenders' motion, subsequently have a further member appointed to it if the Parliamentary Legislation Amendment Bill is passed.

Then we would have the situation where one of the standing committees will be able, if Mr Lenders' motion is agreed to, to proceed to the dispatch of business with only some of the members of that committee appointed; and then a further member — and I place on the record at this point that according to Mr Lenders' motion, that member would be me — would be appointed following the passage of that amending bill that the government has introduced here for the consideration of the house.

From the perspective of a would-be member of the Public Accounts and Estimates Committee, who would be temporarily precluded from joining that committee until that bill receives royal assent, I do not think it is acceptable for the committee to proceed to business with only some of its members appointed.

I understand why I am the member whose appointment to that committee would be delayed, but the fact is that a member's appointment would be delayed at a time when that committee needs to appoint a chairman and deputy chairman. In the case of the Public Accounts and Estimates Committee, a new executive officer needs to be appointed as well, as the previous officer has resigned.

All of these are important machinery functions that need to be undertaken by the committee immediately upon its formation, and they should be undertaken with the full committee membership, not with only partial committee membership.

It is for that reason, and the earlier reason, that the government had ample opportunity to bring this legislation forward in what has been an extremely light sitting period, that I support the Leader of the Opposition's motion that debate on Mr Lenders' motion be adjourned for two weeks so that the legislation can be considered by the house first.

Mr LENDERS (Minister for Education) — On the issue of time, I make two comments: the first is the premise of Ms Pennicuik that we should not consider this issue while there is any motion or bill around that may affect the nature of the committees.

The case I would put as to why this motion deals with this point adequately is that notice of motion 5, under general business, is a private members bill of Ms Pennicuik to amend the Electoral Act. It does specify preferential voting, but for all we know that particular motion could also have something to do with the joint committee on electoral matters. Also, any other matter could be brought before this house by any member over any period of time that proposes to deal with joint investigatory committees.

Using the logic that the house may be considering something when and if a member were to place a notice of motion on the notice paper to deal with the appointment of extra members and that until that was concluded we should not deal with any of the committees — I understand where Ms Pennicuik is coming from, she is looking at this particular instance — we could conceivably go the entire length of the Parliament before we could appoint members to parliamentary committees, but — —

Honourable members interjecting.

Mr LENDERS — The logical extension is what I am arguing. That is the first point I make. I do not accept Mrs Coote's and Mr Rich-Phillip's claim that it is ridiculous. If the argument is that when the house may be or is considering any change to the number of members on committees, it is the option of any member of this house to introduce a private members bill to change the nature of any of the 12 investigatory committees, on that logic, until that is dealt with and extinguished — and a private members bill can stay on this paper for the full four years; in the last Parliament some did stay on the notice paper for a long period of time — we would not consider any of the joint investigatory committees. I would argue the point on that basis alone, although I understand where Ms Pennicuik is coming from. Her intention is not to filibuster; she wants to see this through, but we need to look at the logic.

The second point I raise is in response to Mr Rich-Phillips's proposed membership of the Public Accounts and Estimate Committee. To accommodate the Greens party the proposal has been that both the Labor and Liberal parties have one less member on the committee — so there would be four Labor and two Liberal members on this committee. This was the specific motion, and originally it was going to apply to the Scrutiny of Acts and Regulations Committee as well if there had been a Greens nomination. On the question of time, this motion is designed for the transition so that all parties which seek to be represented on the committee are represented and so

that the membership of two members from the two major parties — in the form of Mr Rich-Phillips in this place and the member for Mordialloc in the Legislative Assembly, Ms Munt — is delayed. That is the purpose of it — to facilitate the committee going forward and the Greens being represented on it. That is the reason for it.

The second point on the issue of time is that the committee can be constituted by anything up to nine members. If the two houses choose by resolution to set up a committee of eight members, which is proposed, that will be the make-up of the committee. I am sure the case for Mr Rich-Phillip to be on the committee would probably be argued eloquently and, I imagine, successfully by the Liberal Party, which has a strong view on that. It is a logical argument that is made. But the point I make is that the committee is constituted for what is — the last Parliament increased the number on the Law Reform Committee during the life of the Parliament, and no-one questioned whether what the first seven members of that committee did was in any way invalidated by the fact that the two houses each added another person.

Mr Vogels interjected.

Mr LENDERS — People may argue about why that happened. I take the point; it was a colourful and long debate about getting a former member for Western Port Province, Mr Hilton, from this place on it. Leaving that aside, the principle is that increasing the committee by two in no way diminishes the committee. It is no different to when a by-election is required for the Legislative Assembly or when there is a vacancy in this house; it does not preclude this house going about its business. The committee is what the house has set it up to be.

I understand the arguments that have been made by Ms Pennicuik and the two speakers from the Liberal Party, but the arguments do not stand up to logical scrutiny for the reasons I have given. Therefore I oppose the motion to adjourn the debate for two weeks. There is a valid proposition before us that takes into consideration the major issues that have been raised in this debate already. The motion to defer debate should be rejected.

House divided on Mr P. Davis's motion:

Ayes, 19

Atkinson, Mr	Koch, Mr
Barber, Mr	Kronberg, Mrs (<i>Teller</i>)
Coote, Mrs	Lovell, Ms (<i>Teller</i>)
Dalla-Riva, Mr	O'Donohue, Mr
Davis, Mr D.	Pennicuik, Ms

Davis, Mr P.
Finn, Mr
Guy, Mr
Hartland, Ms
Kavanagh, Mr

Petrovich, Mrs
Peulich, Mrs
Rich-Phillips, Mr
Vogels, Mr

Noes, 21

Broad, Ms
Darveniza, Ms
Drum, Mr
Eideh, Mr
Elasmar, Mr
Hall, Mr
Jennings, Mr
Leane, Mr
Lenders, Mr
Madden, Mr
Mikakos, Ms

Pakula, Mr
Pulford, Ms
Scheffer, Mr
Smith, Mr
Somyurek, Mr (*Teller*)
Tee, Mr (*Teller*)
Theophanous, Mr
Thornley, Mr
Tierney, Ms
Viney, Mr

Motion negated.

The DEPUTY PRESIDENT — Order! As there are no further speakers on Mr Lenders's motion, I will put the question.

Motion agreed to.

**PUBLIC PROSECUTIONS AMENDMENT
BILL**

Statement of compatibility

**For Hon. J. M. MADDEN (Minister for Planning),
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 Act, I make this statement of compatibility with respect to the Public Prosecutions Amendment Bill 2006.

In my opinion, the Public Prosecutions Amendment 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 the bill

The proposed bill will amend the Public Prosecutions Act 1994 to:

Enable the directors of public prosecutions from other states and territories (and staff from their offices) to be appointed as Victorian Crown prosecutors. This will enable them to prosecute Victorian offences where e.g. a conflict of interest issue arises. The act already enables the commonwealth DPP and his staff to be appointed as Victorian Crown prosecutors so that the commonwealth can prosecute both Victorian and commonwealth offences e.g. drug trafficking and importation offences.

Make clear that the Victorian DPP and Crown prosecutors can receive the authority and exercise the

powers to prosecute offences in other Australian jurisdictions. While this currently occurs (particularly in relation to commonwealth offences), there is no explicit statutory foundation to receive the conferral and exercise it. The bill will address this gap and bring the act into line with the equivalent statutes in other jurisdictions.

Human rights issues

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

The provisions of the bill do not directly affect any human rights protected by the charter.

However, the bill indirectly supports the right to a fair hearing (section 24) by:

ensuring that, in cases of a potential conflict of interest, an impartial prosecutor from another Australian jurisdiction can be appointed to prosecute Victorian offences; and

providing that the Victorian Director of Public Prosecutions or a Crown prosecutor can receive the authority and exercise powers under it to prosecute offences against the law of another Australian jurisdiction in cases where there may be a conflict of interest.

The bill also indirectly supports the minimum guarantee to trial without unreasonable delay [section 25(2)(c) of the charter] through facilitating co-operative arrangements between the Victorian and commonwealth directors of public prosecutions. These arrangements enable alleged offences against both Victorian and commonwealth offences to be dealt with through a single trial where appropriate.

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

The provisions of the bill do not impose any limitations 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. Indeed, the bill supports and enhances certain human rights under the Charter, particularly the right to an independent and impartial court or tribunal (s 24) and the right to be tried without unreasonable delay (s 25(2)(c)).

JUSTIN MADDEN, MLC

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:

Under longstanding cooperative arrangements, the Victorian Director of Public Prosecutions and commonwealth Director of Public Prosecutions have been able to prosecute offences against the laws of the other jurisdiction. This power is typically used to prosecute drug offences involving both commonwealth (e.g., importation) and Victorian (e.g., trafficking) offences. It is a practical arrangement, which has worked effectively. It avoids the need for two prosecutions to be run by two separate prosecution agencies in relation to the one case for their own jurisdiction's offences.

To facilitate those arrangements, the Public Prosecutions Act 1994 (Vic) enables the commonwealth DPP and his or her staff to be appointed as Victorian Crown prosecutors so that they can prosecute Victorian offences. Conversely, the Victorian DPP and Crown prosecutors are authorised under the commonwealth's Director of Public Prosecutions Act 1983 to prosecute commonwealth offences. However, unlike the commonwealth act, the Victorian act does not contain an explicit basis on which the Victorian DPP and Crown prosecutors can receive and exercise this commonwealth authority. The bill will remedy that gap.

On occasions, the Victorian DPP or Crown prosecutors may be authorised to prosecute another state or territory's offences. Such authorities may be given where, for example, there may be a perceived conflict of interest in the other jurisdiction prosecuting one of its own staff. There is currently no explicit basis in the Public Prosecutions Act 1994 on which the Victorian DPP or Crown prosecutors receive such an authority or exercise powers under it. The bill will make explicit their ability to do so.

There is also a possibility of such a conflict-of-interest situation arising in Victoria. Currently, there is no explicit means under the Public Prosecutions Act 1994 of authorising another jurisdiction's DPP or staff (other than the commonwealth) to prosecute a Victorian offence in this situation. The bill will provide that another jurisdiction's DPP or his or her staff may be appointed a Crown prosecutor to enable them to initiate and conduct the prosecution of Victorian offences.

These amendments will provide an explicit statutory foundation for these cooperative arrangements to operate and assist to avoid any technical legal challenges in cases conducted under them.

I commend the bill to the house.

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

Debate adjourned until Thursday, 8 March.

**PARLIAMENTARY LEGISLATION
AMENDMENT BILL**

Statement of compatibility

**Mr LENDERS (Minister for Education) 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 Act, I make this statement of compatibility with respect to the Parliamentary Legislation Amendment Bill 2007.

In my opinion, the Parliamentary Legislation Amendment Bill 2007, 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 will amend the Parliamentary Committees Act 2003 to:

rename two joint investigatory parliamentary committees. It is important to introduce this legislation to ensure that the Parliament has an effective committee structure; and

increase the maximum number of members of Parliament who may serve on joint investigatory parliamentary committees to 10 members.

The bill will amend the Parliamentary Salaries and Superannuation Act 1968 to:

entitle the leader of the third party in the Legislative Council to an additional salary prescribed by this act; and

increase the additional salary payable to members of Parliament serving as chairpersons of the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee, and entitle the members of Parliament serving as deputy chairpersons of those committees to an additional salary.

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 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 any human rights issues.

HON JOHN LENDERS MP
Manager of Government Business Legislative Council

*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:

The proposed bill amends the Parliamentary Committees Act 2003 to refine the structure and constitution of joint investigatory parliamentary committees. The proposed bill also amends the Parliamentary Salaries and Superannuation Act 1968 to increase the remuneration of certain members of Parliament serving in senior positions on joint investigatory parliamentary committees.

The proposed bill will amend the Parliamentary Committees Act 2003 to address the current structure of joint investigatory parliamentary committees to allow the committee system to focus on the government's commitments to the state's economic and infrastructure development and rural and regional Victoria. There will be at least one committee broadly responsible for each government department.

It is important that Parliament has an effective committee structure. Parliament works better with all-party parliamentary committees considering a range of issues of interest to Victorians.

The bill will:

amend the title of the Economic Development Committee to the Economic Development and Infrastructure Committee; and

amend the title of the Rural and Regional Services and Development Committee to the Rural and Regional Committee.

The renamed Economic Development and Infrastructure Committee will have the added function of inquiring into infrastructure matters. It is considered timely to enable this committee (which currently inquires into matters related to economic development and industrial affairs) to examine infrastructure matters as such matters are closely aligned with economic development.

The renamed Rural and Regional Committee will continue to undertake reviews that will enhance economic and infrastructure development, investment attraction, job creation and community development in regional and rural Victoria.

The proposed bill will also increase the maximum number of members who may serve on a joint investigatory parliamentary committee from 9 members to 10 members. This will allow for greater representation of the parties represented in Parliament on committees such as the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee.

The Parliamentary Salaries and Superannuation Act 1968 formally recognises the third party of Parliament, which is a party that has at least 11 members in the Parliament. The leader of the third party in each of the Legislative Assembly

and Legislative Council is entitled to an additional salary under this act.

The bill proposes to amend the requirements for the leader of the third party in the Legislative Council to qualify for the annual additional salary prescribed in the act. This change will enable the Leader of the National Party in the Council to continue to qualify for an additional salary of 18 per cent of his or her basic salary. This is an appropriate recognition of the status of the National Party as the 'third party' of this Parliament.

The proposed bill also recognises the valuable work performed by members serving in senior positions on the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee.

The bill proposes to increase the annual additional salary payable to the member serving as the chairperson of the Public Accounts and Estimates Committee from 10 per cent to 20 per cent of his or her basic salary. This increase recognises the intensive workload of that committee and the crucial role it plays in ensuring that government is accountable to the Parliament. The bill proposes to increase the additional salary of the chairperson of the Scrutiny of Acts and Regulations Committee from 10 per cent to 15 per cent of his or her basic salary. The bill proposes to amend the act to entitle the deputy chairpersons of those committees to an annual additional salary of 4 per cent of his or her basic salary. These changes recognise that these committees have a greater workload than other joint investigatory parliamentary committees.

These changes will refine the structure and operation of parliamentary committees to ensure the continued delivery of effective committee processes and outcomes, focused on the government's commitments to the state of Victoria.

I commend this bill to the house.

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

Debate adjourned until Thursday, 8 March.

MURRAY-DARLING BASIN AMENDMENT BILL*Second reading***Debate resumed from 15 February; motion of Mr LENDERS (Minister for Education).**

Ms LOVELL (Northern Victoria) — Deputy President, may I take this opportunity to congratulate you on your appointment. So far we have had a fairly good year in the Legislative Council with the President and your in the chair; the adjudication seems to be much better than it was in the last Parliament.

Today we are here to debate the Murray-Darling Basin Amendment Bill. The purpose of the bill is to resubmit

to the Parliament the Murray-Darling Basin (Further Amendment) Bill, which was not proceeded with in 2006 after an error was discovered in schedule 3. The overall purposes of the bill are to amend the Murray-Darling Basin Commission agreement as approved by the commonwealth government and participating state and territory governments — that is, Victoria, New South Wales, Queensland, South Australia and the Australian Capital Territory. At the outset I would like to say that the Liberal Party supports this bill, as it did the previous bill when it was brought into the Parliament. It gives me particular pleasure to talk on the Murray-Darling Basin, not only because I live in the Murray-Darling Basin but because Victoria's share of the Murray-Darling Basin is largely in my electorate.

The provisions of this bill were previously advised in the Murray-Darling Basin (Further Amendment) Bill, but, as I said, that bill contained an error, was not proceeded with after 24 August last year and has now been resubmitted. This bill will amend the financial management arrangements for River Murray water, it will implement a Queensland request for indemnity to protect Queensland from liabilities relating to the basin where it has played no role and it contains a list of the joint salinity works that are to be carried out by the various state authorities. As I have already said twice, it will amend the corrections that needed to be made in schedule 3 of the bill.

The Murray-Darling Basin is a very important area of Australia. It covers 1 061 469 square kilometres, or roughly 14 per cent, of Australia's total land mass and more than half — around 130 000 square kilometres — of Victoria. As I said, the majority of that — 108 000 square kilometres — is within my electorate, so it is a very important part of Victoria for me.

The Murray-Darling Basin is often referred to as Australia's food bowl. The basin includes nearly 1.9 million hectares of irrigated crops and pastures and accounts for 75 per cent of the total area of irrigated crops and pastures in Australia. The basin is Australia's most important agricultural region and accounts for 34 per cent of the gross value of the nation's agricultural production. In my local area four catchment management authorities (CMAs) cover the area in Victoria that is encompassed in the Murray-Darling Basin. They are the North East Catchment Management Authority, the Goulburn Broken Catchment Management Authority, the North Central Catchment Management Authority and the Mallee Catchment Management Authority.

I would like to talk briefly on both the North East and Goulburn Broken CMAs because you will see how important this part of Victoria, the north-east, is to the Murray-Darling Basin. In the area covered by the North East CMA, which is only 2 per cent of the geographic area of the Murray-Darling Basin, there are three primary river basins: the Ovens, the Kiewa and the Upper Murray. Those basins contribute 38 per cent of the total water to the entire Murray-Darling Basin system. The Goulburn Broken catchment area, although it also covers only 2 per cent of the Murray-Darling Basin, contributes 11 per cent of the basin's stream flow. So between those two CMAs, 49 per cent of the stream flows into the Murray-Darling Basin are captured.

It is also a very important area as far as output goes; the economic output in the Goulburn Broken catchment area is \$4.5 billion and in the North East catchment area it is about \$3.24 billion. The Goulburn Murray area produces around 30 per cent of the nation's milk, and the average production of fruit exceeds 250 000 tonnes, representing the bulk of the nation's deciduous and stone-fruit crops. Although dairying and fruit production are not the only two agricultural pursuits in the area, they are very important agricultural commodities. Our area has an output at farm gate of about at \$1.4 billion, but that actually underpins an \$8 billion regional economy, so irrigated agriculture is very important to the region where I live, as is the Murray-Darling Basin.

In discussing this bill it is important to look at the history of how the Murray-Darling Basin agreement has come to its modern-day form. There have been various intergovernmental agreements relating to water resources within the Murray-Darling Basin, and particularly on the River Murray, that date back to 1914. But the current Murray-Darling Basin agreement was signed in 1992 and it was given full legal status by the passing of the Murray-Darling Basin Act in 1993. The Murray-Darling Basin agreement provides a process and substance for the integrated management of the Murray-Darling Basin. Clause 1 sets out the purpose of the agreement, which is:

to promote and coordinate effective planning and management for the equitable efficient and sustainable use of the water, land and other environmental resources of the Murray-Darling Basin.

The Murray-Darling Basin agreement established the Murray-Darling Basin Ministerial Council, the Murray-Darling Basin Commission, which is the council's executive arm, and the community advisory committee, which advises the ministerial council. I was fortunate recently to have dinner with the ministerial

advisory committee when the members visited Shepparton earlier this year.

River Murray Water is the business unit within the Murray-Darling Basin Council which operates and manages the River Murray system. River Murray Water commenced operations on 1 January 1998, and the primary services provided by River Murray Water are water storage and delivery, salinity mitigation, navigation, recreation and tourism, and other services including hydro-electricity production.

I would now like to talk a little more about the bill and what it will actually provide. It makes changes to the way River Murray Water, which is the business arm of the Murray-Darling Basin Commission and which runs the systems and structures, will undertake its financial arrangements. This will include allowing the commission with the approval of the ministerial council to borrow money to pay for major maintenance costs and for investigation, construction and administration costs.

Clause 67(2) of schedule 3 provides that:

The Ministerial Council, on the recommendation of the Commission, may from time to time determine that a Contracting Government ... must make an annual annuity contribution in respect of either or both of:

- (a) investigations, construction and administration costs; and
- (b) major or cyclic maintenance costs ...

The annuity contribution will be calculated based on:

... the Commission's estimate of costs which will be incurred during the next ensuing 30 years ...

The annuity contributions will reduce fluctuations which might otherwise occur in a government's annual contribution and give a better reflection of the long-run costs of providing water business services within the basin.

Clause 78(1) of the schedule provides that the accounts of the commission must now be audited by an auditor appointed by the ministerial council or by a commonwealth auditor. Previously this was just a commonwealth auditor who would have the ability to audit the accounts. This is where the error occurred in the first bill. Clause 78(3) was not taken out of the bill, and that had the effect of leaving some requirements on a commonwealth auditor even if the ministerial council had decided to appoint another auditor.

Clause 75(1) of the schedule also provides that any unspent moneys paid to the commission by contracting

governments for implementing measures in any financial year may be available for expenditure in a subsequent financial year; otherwise they may be used to reduce the amounts which would otherwise be payable by a contracting government. That is to do with the annuity contributions that I spoke of before. I apologise, I have probably put clause 78 ahead of clause 75, and it does not make a lot of sense. Clause 67 provides for the payment of the annuity contributions, and clause 75 then makes provision that any unspent money can be spent in subsequent years or used to reduce those annuity payments to a contracting government in future years.

The bill also provides that the Queensland government, on request, can be specifically removed from any costs that may be incurred as a result of any other projects taking place downstream. It indemnifies Queensland from any form of act, omission or loss due to execution of powers in which it is not involved. That would particularly revolve around River Murray Water operations, because obviously the River Murray is between Victoria and New South Wales, not in Queensland. It is believed that the previous act covered this, but Queensland did not feel that the wording was quite strong enough and wanted that included in this bill.

Clause 25 of the bill inserts new appendix 2 in schedule C. It deals with salinity works to be undertaken and gives the description and location of the works and the nominated responsible government for the works that are to be carried out in the basin. I note that two of them are in New South Wales, three in South Australia and three in Victoria. The first Victorian works included in the appendix to the schedule are the Barr Creek drainage diversion scheme, which is saline water diversion from Barr Creek, with disposal to the Tutchewop Lakes in north Victoria, located approximately 20 kilometres north of the township of Kerang. The Victorian government will be of course the nominated responsible government for these works.

The second Victorian works listed is the Mildura-Merbein salt interception scheme, which is to do with groundwater pumping, with disposal to Wargan evaporation basins. It is also in the north-west of Victoria on the southern side of the River Murray between Mildura and Merbein, and the responsible government is the Victorian government. The last is the Pyramid Creek salt interception scheme which initiates groundwater pumping with disposal to a salt harvesting pond complex for 12 kilometres along Pyramid Creek from Flannery's Bridge to the Box Creek regulator.

Again the Victorian government is responsible, because it is within Victoria.

We are debating this bill in the context of a quite interesting period for the Murray–Darling Basin because, as we know, on 25 January the Prime Minister announced a \$10 billion plan for national water management, which included the commonwealth assuming management of the water resources within the Murray–Darling Basin. This would mean an end to the 1992 Murray–Darling Basin agreement with the states and territories, and of course the states and territories would then hand over control of the Murray–Darling Basin Commission and its assets to the commonwealth.

The commonwealth is also asking the states to hand over management of the Goulburn River here in Victoria and the Murrumbidgee River in New South Wales. It is important to note that even if this proposal by the commonwealth goes ahead, the existing shares of water within the Murray–Darling Basin will be honoured under any new agreement, so the sharing of water between Queensland, New South Wales and Victoria et cetera will be honoured in the same form it is today.

It is also interesting to note that Victoria is the only state to have not yet signed up to that agreement after a meeting of all heads of government that was held on Friday of last week. The other premiers have all indicated they are in agreement with the proposal by the Prime Minister. The Victorian government is the only one that has not yet given an indication that it is willing to sign up to the plan.

We must question why it is that Victoria does not want to sign up. I have a theory about it; people can call me a conspiracy theorist, it may be a conspiracy theory, but I think it is because the Premier knows that later this year there is going to be a federal election, and in any two-horse race, either of those horses has a possibility of winning. I think Steve Bracks is actually scared of the remote possibility that the Labor Party may just win that federal election, and that would put Peter Garrett as environment minister in charge of the Murray–Darling Basin — something that would scare most Australians, I would imagine. I think it scared Steve Bracks, and that is why he does not want to sign up to the proposal by the Prime Minister.

The DEPUTY PRESIDENT — Order! I ask that the member refer to Mr Bracks as the Premier and not use first name and surname in that way.

Ms LOVELL — Thank you, Deputy President. This bill had to be agreed upon by all governments that have an involvement with the Murray–Darling Basin Commission. Bills have gone before the federal Parliament and the Victorian Parliament, but I believe the corresponding bills are not yet before the parliaments of South Australia, New South Wales and the Australian Capital Territory.

These amendments cannot come into being until all those governments pass legislation agreeing to them. When the amendment bill was introduced into the House of Representatives on 7 December there was actually a recommendation by the Senate Selection of Bills Committee that the bill be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report by 26 February. It is only this morning that the report of the Rural and Regional Affairs and Transport Committee has been posted on the government website.

The report raises a number of concerns. The issues section of the paper starts out by saying:

The majority of amendments contained in the bill are supported by relevant industry organisations, and several stakeholder groups indicated that they did not have any concerns with the bill. However, some submitters did recommend various modifications to enhance the bill, particularly emphasising the need for further transparency and public consultation.

Some of those concerns were around the annual annuity contributions. Some submitters welcomed the concept of annual annuity contributions but suggested that measures to ensure transparency should be provided by the bill. Stakeholders in particular would have more confidence in River Murray Water if it were required to report regularly and comprehensively on its performance against specific business management benchmarks.

The NSW Irrigators Council proposed a regular review of annuity contribution levels and any consequent reserve levels. The Ricegrowers Association of Australia queried how the annuity concept might affect the ministerial council's agreement of May 2006 to maintain jurisdiction contributions at the 2006–07 levels for the following four years. This is an agreement that has already been made to maintain those levels. The association was particularly concerned that if the new annuity were set lower than the current contribution levels, or that it decreased below these levels over time, contracting governments would be required to continue paying at the current level because of that agreement. There was further concern that in some states this cost may be borne by irrigators, as

commission costs are handled differently in various states. The association also voiced its concern that the annuity initiative may be front-end loaded due to the difficulties in predicting long-term expenditure.

The issues that were raised regarding the recovery of water business costs included the provision allowing the ministerial council to recover water business costs from contracting governments. The concerns raised were about the consequences of such a measure, particularly the potential impact, as I have already said, that it may have on irrigators in different states. This was an issue of particular importance, as the majority of submitters noted that River Murray Water costs are handled differently between the states. Concerns were also raised about the process by which the ministerial council will determine cost proportions for each of the contracting governments. Submitters recommended that a fee-for-service pricing concept be strengthened and clarified in the bill. Submitters supported a five-yearly review of the cost proportions, but believed that reviews should be conducted independently and should allow for public consultation.

The committee's comments on the issues raised included that the committee considered that the concerns raised during the inquiry regarding the need for transparency and accountability in relation to annuity contributions and cost recovery should be given further consideration. The committee report says that it would enhance existing reporting arrangements if certain information were incorporated into that annual report. The report goes on to outline how those existing reporting arrangements could be enhanced. The committee also considered that any reviews which took place should be conducted independently and incorporate public consultation processes. The committee noted that, notwithstanding the comments it had made, the Prime Minister's announcement on 25 January 2007 regarding national water management would impact on the operation of the bill. Therefore the committee recommended that the bill not be proceeded with. That was quite an interesting report from the Senate that was brought down this morning.

This is a narrowly defined bill. We indicated our support for the legislation in the previous Parliament and we indicate our support for this bill now. We note that the management of the Murray–Darling Basin will continue to attract a high level of interest, particularly in the light of the commonwealth proposed takeover of the Murray-Darling Basin Commission, which was announced on 25 January 2007. This agreement of 2006 to amend the 1992 Murray-Darling Basin agreement will not formally come into force until it is approved by the parliaments of New South Wales,

Victoria, Queensland, South Australia, the Australian Capital Territory and the commonwealth.

In conclusion I note that if the Prime Minister's proposal is implemented and the commonwealth takes over the running of the Murray–Darling Basin, all those water resource matters will transfer to the commonwealth government and it will render obsolete the current Murray-Darling Basin agreement, including the amendments contained in this bill.

Mr DRUM (Northern Victoria) — It is with pleasure that I rise to talk on the Murray-Darling Basin Amendment Bill. The bill has three purposes, which are all aimed at trying to improve the business management and practices around the running of the River Murray and the River Darling. A bill amending this legislation was before the house in September last year. At that stage The Nationals supported the amendment and will be supporting this bill.

The bill has three main aspects to it. It has been brought into Parliament primarily to fix up or rectify some numerical errors that were not omitted and typographical errors that have led to some inaccuracies.

The second aspect of the bill is how we go about maintaining and fixing up some of our water infrastructure projects. We currently rely very heavily on money in the bank — we are only spending money in the bank to fix up and return the projects to the standard they were at when they were built. As technology improves we have vastly different ways of building pipelines and storages, of holding and storing our water, so it is not feasible to just return the infrastructure to the standard it was when it was built.

It is also good business practice not just to use the money in the bank to look after our infrastructure but to use borrowings so we can get the best projects that are available to us at the time, providing we do so responsibly. Using borrowings is a better way of managing our water infrastructure and water projects. We support that part of it, and we believe if the water authorities or governments have that capacity to improve our systems, they should be doing that even if it means not using money set aside in the annuities fund but using borrowings that can be repaid later.

Thirdly, the bill puts in place a joint authorisation so we can move forward with some salinity diversion projects going on around the country. Ms Lovell said there were a number of projects listed in the bill in South Australia, Victoria and New South Wales. The three Victorian projects are interesting. There is one in the Merbein

region, another north of Kerang and one that I have something to do with located at Pyramid Hill.

The Pyramid Hill salt diversion project involves pumping groundwater up to the surface into evaporative ponds, separating the salt from the freshwater, letting the freshwater evaporate and using the salt produced from this operation as rock salt, which is then exported to some prestigious markets. It is a viable business. It is also having a dramatic positive effect on the salinity in that region.

Since this operation has been working we have had examples where E. coli levels of those waters of about 800 ppm in previous testing have come down to below 500 ppm. That is a positive story to tell. As a by-product we have an established rock salt industry, and they are also growing shrimp in the salt evaporative ponds. It is amazing what results you can get from what was a significant problem. Pyramid Hill is a great example of what can happen when you turn a serious threat into an opportunity to create industry.

The Nationals have looked at the various aspects of this legislation and support it, as we did when the principal legislation was previously before Parliament. We take the opportunity when talking about the Murray–Darling Basin to refer to the caps that apply to the extractions out of this area. It was a sticking point in relation to the stormwater plan that I put forward and have mentioned in this Parliament many times. There are still angles we can work through with the Murray–Darling Basin cap. If water authorities are serious about moving in the area of stormwater, we cannot let the controls around the cap cause these projects to stall and go nowhere.

It will be imperative in the future, with diminished rainfall — and everyone acknowledges that is likely to be the case — that we will have to look at different ways of capturing our water. Our storages may never return to their normal inflow patterns. If that is to be the case — we cannot prove it will be — cities that have the opportunity of capturing stormwater could be an important part of our future water capturing processes.

If we have to purchase licences on storages that are not very productive and historically may not ever reach their strong percentages of allocation, we may look at transferring them to other waterways where they are getting strong allocations. That is something we can possibly do in the Bendigo region by taking water away from the Loddon or the Campaspe areas and putting it into the Bendigo Creek. We are assured that every time we get an inch of rainfall in Werribee, the Bendigo Creek surges.

I am surprised that we have not done more work with stormwater in places like Werribee and Hoppers Crossing, which have a massive sea of roofs, concrete pathways and culverts. The water that lands in Werribee, Hoppers Crossing and Wyndham Vale flows into the Werribee River and runs 10 kilometres from Werribee South into the bay. The stormwater would not have any positive impact on the bay but it is an enormous waste of resource that we are letting go. Geelong is only a short 50 or 60 kilometres up the road. We have an abundance of rainwater that is getting out into Port Phillip Bay. What is the government doing about these type of projects?

When you look at the answers to our problems not just with the Murray–Darling Basin cap but all our water problems, we continually face the fact that catchment management authorities have a role to play. Groundwater management is conducted or controlled by these water authorities; some share storages and have trouble dealing with each other. We have local government playing a role in relation to stormwater and the Department of Sustainability and Environment has a role to play.

When you deal with recycled water you have to go through the Department of Human Services. It seems because there are so many different government bodies involved in water management, nothing ever gets done. We cannot get these authorities to work together or even have a minister to come over the top and say, ‘This is what we need to do’ in relation to water management. They are the steps we need to take. Let us cut through some of the bureaucracy and red tape, and put in place plans and processes that will achieve outcomes. This government is having real trouble working through the various issues that are holding the government back on significant initiatives that might help the water crisis that has been inflicted on many parts of the state.

Queensland apparently will have enshrined that it will not bear any liability or pay any compensation should there be problems with the lower flows in the Murray, and we hope Queensland takes a very responsible approach to the extractions they have in the upper Darling system. What happens in Queensland has a very strong impact on what happens in Adelaide, and what happens in Adelaide has a strong relationship with what happens in the Goulburn system in the east and north-east of our state. We need Queensland to act responsibly in all of its water policies because it has a direct influence on what we provide for users in the lower part of the Murray. This legislation sets it out clearly. We support it, and we look forward to it going through Parliament.

Mr BARBER (Northern Metropolitan) — My comments on this bill will be wide ranging, which I gather is permissible. I have certainly listened to the comments of Ms Lovell and Mr Drum, so I shall comment generally on the issues that affect the Murray–Darling Basin and how the Greens see those. The Greens will be supporting the bill, which is minor tinkering with the current arrangements, but if I were the government I would be withdrawing the bill in the current political climate. I am not aware of other states having introduced a similar bill. Last time I checked, the federal version of this bill had been introduced but had not progressed to the Senate committee that was going to look at it. I wonder whether the measures being implemented today will ever be introduced and put in practice.

The reason we are in this situation is the climate change crisis. Others may have their doubts about whether there is any connection between climate change and the drought, but Mike Coughlan, head of the Bureau of Meteorology National Climate Centre, said in the *Sunday Age* of 4 February:

There's evidence that rainfall across southern Australia is consistently decreasing...

...

These trends, which we have seen over the last 10 to 15 years, are built into the system.

We need to understand one thing. What he means when he says that these impacts are built into the system is that climate change will not reverse itself even on the day that we go to zero emissions. The longer we continue emitting greenhouse gases, the higher the parts per million of CO₂ in the atmosphere and the bigger the impact on the climate. On the day we reach zero emissions then that will be our new climate, and that is the climate we will have to live with for a very long time. If we were to continue increasing the level of CO₂ in the atmosphere the results would be unthinkable.

At the moment we have a number of competing proposals about what to do with the Murray–Darling Basin. It is \$1 billion here and \$1 billion there. As the man from the Pentagon said, 'It is all right talking about \$1 billion here and \$1 billion there, but pretty soon it starts adding up to real money'. The competing proposals represent the emerging cost of climate change as a result of the effects we have seen so far, but they do not cover the possible future impact.

There has been an historic overcommitment of the surface waters of the Murray–Darling Basin. There is a chart on the Murray-Darling Basin Commission website that shows how the level of water that is

committed for consumptive use increased and reached its absolute peak about 1994 at the time when the Kennett government was in power and making these commitments to water. The Kennett government shares a great deal of blame from a Victorian point of view for overcommitting Victoria's surface waters. However, it should also be given the credit for introducing a cap on further commitments in 1994. One of the difficulties we have at the moment is that the extraction of groundwater is starting to occur and increasingly it is being recommended as an alternative to the loss of water due to climate change, and currently there is no cap for groundwater extraction.

From the point of view of the state government, Victoria lacks a solid, consistent, well-understood and supported action plan, which has created a political vacuum. Because the Prime Minister is an astute politician he spotted the vacuum and has thrown himself into the middle of it, and so far he has been fairly successful. There are, however, many alternative actions that the state and federal governments and the Murray-Darling Basin Commission could have been implementing.

The Wentworth Group of Concerned Scientists have made recommendations that no-one has really disputed; it is just that we have not managed to work out the politics of them. In its 2003 blueprint for a national water plan the group recommended that we need to urgently commit to three reforms: firstly, to protect river health and the rights of all Australians to clean usable water; secondly, to establish a new, nationally consistent water entitlement and trading system, which the Prime Minister is now proposing; and thirdly, to engage local communities in ensuring a fair transition.

A specific measure that the group recommends in protecting river health is:

ensuring that the environmental needs of our river systems have first call on the water required to keep them healthy, protecting both their environmental values and ability to meet human needs into the future.

There is also a problem identified by the Wentworth group and others as to the amount of interception that is occurring before the water even gets to the rivers. In the document *Australia's Climate is Changing Australia* of November 2006 there is a chart indicating some of the ways, to a certain or lesser extent, currently unregulated, that interception is occurring. For farm dams the estimate of the likely impact is over 3000 gigalitres; afforestation, which is a good thing when talking about repairing catchments — there is also the issue of commercial afforestation — is somewhere up to 1000 gigalitres; groundwater

extraction has a similar range; and there is the issue of irrigation water management itself. That is another issue that is coming on us even as we are trying to fix the last lot of problems, but at the moment there are no strong proposals to fix those areas.

If people are interested in climate change, they should read the transcript of an exchange of a Senate inquiry reviewing water policy, an interesting exchange between Senator Heffernan of the Liberal Party, Senator Siewert of the Greens and the head of the Murray-Darling Basin Commission, Wendy Craik. In an extemporaneous discussion they were having at that meeting they discussed honestly some of the problems. If we put Senator Heffernan, Senator Siewert and Wendy Craik in charge, then the problem would be fixed quickly, but unfortunately that will ever happen.

They note that in comparison to the 500 gigalitres of environmental water that we are aiming to achieve, but have not yet achieved, for saving the major natural assets of the Murray-Darling Basin, the estimate is anything up to two to four times that amount, which shows that we are going backwards quickly.

I have been following the debate between the state premiers and the Prime Minister. I have suggested to the government that instead of us having to read about the debate in the newspapers, the state government should make more transparent the discussions it has been having with the Prime Minister. The Prime Minister now knows what the Premier has been proposing, and certainly the Premier knows what he has been proposing, but the rest of us only know what we have read in the newspaper. The government should at least be releasing publicly the official correspondence between the two jurisdictions.

I have heard that the Premier has had 44 objections to the Prime Minister's plan, but I do not know what those 44 objections are. I am also aware that the state government put together its own proposal on water reform. This document, so far as I am aware — I am happy to be corrected — is not on the Premier's website. I got it almost by accident. If the state government is really looking for strong support from the Greens and others in its proposals, then its members need to be a little bit more transparent about what they are proposing and bring some of us in.

However, environment groups in Victoria made some comments on the state government's plan, and I will quote some of the things they said. They said that the Bracks plan is trying to entrench business as usual with poorly detailed incremental changes for addressing key environmental issues; that the Bracks plan is

considerably less ambitious in its recognition of addressing overallocation and overuse than the Prime Minister's commitment; and that unlike the PM's plan the Bracks plan fails to commit to direct purchase of water for the environment.

If the state government has been unsuccessful in convincing the environment groups to back it, it is no wonder that the Prime Minister has continued to have the upper hand. It demonstrates quite clearly that if you have a mandate for a particular function of government — in this case the management of waters and management of the basin, which are largely state matters — you really need to use it or you will lose it. As I said earlier, the Greens will be supporting the bill, but I was very keen to put our position on the Murray-Darling Basin on the record. I am sure it is a matter that we will discuss many more times in this house.

Ms BROAD (Northern Victoria) — I rise to speak in support of the Murray-Darling Basin Amendment Bill 2006. The purpose of this bill is to ratify the Murray-Darling Basin amending agreement, which amends the agreement contained in the Murray-Darling Basin Act 1993. Importantly this amending agreement will achieve three purposes: it will enable improved business practices for the Murray-Darling Basin Commission's water business, River Murray Water; it will clarify the original agreement in the matter of limiting Queensland's liability for matters in which Queensland takes no part; and it will also attach supplementary details and make some minor corrections to the basin salinity management schedule of the agreement.

This amending agreement was approved by the Murray-Darling Basin Ministerial Council in September 2006 and endorsed by the first ministers, including the Premier Steve Bracks, through a subsequent exchange of letters late in 2006. However, the Murray-Darling Basin Agreement 1992 and any amendments to the agreement require ratification by the parliaments of the participating jurisdictions before they can come into effect. This process of ratifying the agreement through the Victorian Parliament is part of a process which requires six parliaments in total to ratify this agreement through amending legislation, so it is an important procedure and one which I am speaking in support of today.

I am also very pleased to take part in this debate as a result of having been an adviser on conservation to a former Labor government in Victoria back in 1987, when the first Murray-Darling Basin Agreement was made. It was an agreement between the commonwealth, the Victorian, New South Wales and

South Australian governments. At the time that very important agreement recognised that the way to secure better outcomes for the Murray–Darling Basin environment and the families and economies that depend on it was through cooperation and negotiation between relevant jurisdictions. It was certainly not the view at the time the first agreement was reached that the way forward was by signing away responsibilities and control to Canberra. Things have changed quite a lot in the intervening years in terms of some of the views which are now being put forward.

For our part Victoria has always acted in its own best interest and in the national interest when it comes to the Murray–Darling Basin and going back to that first agreement in 1987. For our part the Bracks government has a very proud record of achievement when it comes to the Murray. These achievements include \$115 million for Murray River environmental flows and Victoria being the first state to have identified its water savings for the Living Murray initiative, a considerable amount of some 214 gegalitres of water. In addition to that Victoria has also delivered an extra 18 gegalitres for Murray River environmental flows to assist with watering our very important river red gum forests. As well as that more than \$200 million has been committed for returning environmental flows to the Snowy River. I am pleased to say that the first target for extra water in the Snowy River was delivered on time, with 28 gegalitres being returned by 2005. In addition, interstate trading with South Australia and New South Wales has been established in accordance with our commitments through national water reform principles. The Victorian government is continuing to work through the issues around the unbundling of water and property rights, which is scheduled to commence from July, and there are some very important issues to work through with the affected shires and communities on that matter.

Victoria has managed its share of the Murray River responsibly. We have delivered more secure allocations to farmers this year after 10 years of drought ahead of any other jurisdiction. I am pleased to say that this action by Victoria has been recognised to some extent on a bipartisan basis, at least on the part of the Leader of The Nationals, who has acknowledged that Victoria has a pre-eminent position in water administration within Australia. It is very pleasing to have that recognised by the Leader of The Nationals.

For our part Victoria certainly stands committed to genuine reform in the national interest which delivers real outcomes. They include certainty for farmers as well as more water for the environment and extra funding to secure those outcomes. However, we do not

believe that handing over total control of rivers and flood plains to Canberra is the answer. I might add that it is not only the Bracks government's view that that is not the answer — many farmers and the Victorian Farmers Federation have joined the Bracks government in that view and have urged Victoria not to sign over total control of water to the federal government. I think it is also worth pointing out that The Nationals, who are in coalition in Canberra, have taken the view in Victoria that they are supporting the Bracks government's position on this matter, and that is very much appreciated.

We recognise that other states have their own reasons for signing up, and of course it is their prerogative to take those decisions. But for our part we are not going to be swayed or tempted to sign away responsibility for Victoria's water security, and we are not going to allow Victorians to be penalised because of our good management. That is good management by individuals, by farmers and by businesses as well as by water authorities and governments — and that certainly should not be penalised through the national arrangements that have been proposed.

The key problems with the Prime Minister's plans that have been identified include that it appears to reward past bad management by focusing on the purchase of overentitlements and the redistribution of water entitlements away from well-managed areas; that it fails to recognise the high security basis of Victoria's water allocation arrangements, which stands in stark contrast to some other jurisdictions; and that it fails to set a clear way forward for the next step of the Living Murray process.

For its part, the Bracks government is not prepared to risk leaving farmers, communities, the families in those communities, the environment and our rivers literally high and dry as a result of Canberra having unfettered control over our key rivers and dams. It is important to point out that under the Prime Minister's plan, flows in the Murray, Mitta Mitta, Kiewa, Ovens, Broken, Goulburn, Campaspe, Loddon, Avoca and Wimmera rivers would come under the unfettered control of Canberra. That is a large part of Victoria to control, and it would affect a lot of communities, a lot of families and a large part of Victoria's river environments. We think that is an unacceptable risk for the long-term environmental future of those communities and those rivers and for everyone who relies on them.

We now know that this plan was somewhat hastily put together and ill considered. We know that not only as a result of media reports but as a result of evidence that has been put before Senate committees by ministers in

the federal government. It is a great concern that the considerable expertise and advice that is available at a national level to the federal government — and I want to acknowledge that fact — was not drawn on and that this plan was put together hastily and secretly without drawing on those very significant resources at the federal government's disposal. Now that that hastily-put-together plan for a political advantage has been put out there for scrutiny, it is apparent that as a result of not drawing on that significant advice that could have been relied upon by the federal government, the plan has a lot of holes in it.

The fact is that the federal government's record on water security in Victoria gives us no reason to proceed in these matters purely on the basis of trust — not that we think that is a responsible way to proceed in any event. We think the detail of the plan that has been put forward and the evidence for it do need to be provided. If we were going to consider dealing with these matters purely on the basis of the federal government saying, 'Trust us', that government's record on a limited number of fronts in Victoria alone would give us cause for pause. The federal government's track record in Victoria includes the fact that it had to be dragged kicking and screaming to invest in the Wimmera–Mallee pipeline. It is also the case that if Canberra had agreed to help fund it the first time Victoria raised the question of investment by the federal government, it could have been almost completed by now.

As well as that, Victoria has some 20 water-saving projects sitting with the federal government and has had since 2005. We have received the continual complaint that more detail is required, despite the fact that enormous amounts of detail have already been provided. Most recently this has been an issue in relation to the super-pipe, which is a very important piece of infrastructure that will provide water security for people in Bendigo and Ballarat. Once again we have received no decision on this project from the federal government, and issues have been raised with us about detail supposedly being required, despite enormous amounts of detail being provided. The fact is that people in Bendigo and Ballarat cannot wait for the federal government to make up its mind about these projects.

Mr Koch — On a point of order, President, I bring to the Chair's attention the fact that the contribution being made by the lead speaker for the government has not yet referred to the bill before the house but rather has referred only to the federal initiative that is currently under consideration.

The PRESIDENT — Order! There is no point of order. As members of the house know, or in some cases may not know, lead speakers in particular are given a fair degree of room to expand their arguments. The house will also be aware that lead speakers now have no time limit. I am surmising that the member is taking her time to get to the heart of the matter, and I am sure she will.

Ms BROAD — For the member's benefit, I did spend some time outlining the provisions of the bill, its objectives and the connection between those matters and the matters I am now referring to. If the member does not get the connection between the Murray–Darling Basin and the super-pipe and the security of water for Ballarat and Bendigo, then I suggest he needs to go and study that piece of infrastructure, because I can assure him that it is connected.

The fact is that the Bracks government is getting on with these projects because it cannot wait for Canberra to make up its mind — and the people of Bendigo and Ballarat certainly cannot wait for Canberra it to make up its mind. We understand that there is a federal election coming later this year and that perhaps the federal government is waiting for a point in time closer to that election to make these announcements, but the fact is that these projects need to start and they need to happen now, and that is why the Bracks government is getting on with the job.

We are also aware that in relation to the environment there is great cause for concern about the federal government's views on the matter of ensuring that there are adequate provisions for water for the environment in the Murray–Darling Basin. The well-established antipathy on the part of the federal government was well recorded at the time of the negotiations for water for environmental flows for the Snowy River.

At that time a number of federal ministers made it very clear publicly that they were opposed to water being provided for environmental flows for the Snowy River and that they would not commit \$1 of federal funding for that purpose. They also made it clear that if Victoria wanted to provide funding for projects to secure water savings to ensure that environmental flows could be established for the Snowy River, then that was a matter for Victoria and other jurisdictions, but they were certainly not going to have any part of it, and they were certainly not going to provide any funding for it whatsoever.

Given that track record, I think there are good reasons to be concerned about what the federal government's

control might mean for securing water for environmental flows, not only of the Snowy River but also of many other areas. Water for towns, for farmers, for irrigation and for the environment are all areas which we believe have not been adequately addressed by the federal government. The Bracks government is going to continue to relentlessly pursue these matters in order to ensure that we achieve mutually satisfactory outcomes. The Premier has committed Victoria to doing this, and the Deputy Premier is ensuring that it occurs.

This important bill will ensure that the Murray-Darling Basin Commission can continue to operate in the best possible way, which is in line with an updated Murray-Darling Basin agreement. In line with the objectives of that agreement, Victoria will continue to ensure that we have a current agreement that not only properly reflects national water principles but also delivers in the interests of Victoria and Victorians.

Mr KOCH (Western Victoria) — I look forward to making a contribution to the debate on the bill before the house. Importantly this bill amends the existing legislation that has supported the co-management of the Murray-Darling Basin, an extremely important part of Australia. Albeit the basin has historically had various management groups, we appreciate that the Murray-Darling Basin agreement is a joint agreement between many state bodies, principally Queensland in the north of Australia, the Australian Capital Territory, New South Wales, Victoria and South Australia. In effect the Murray-Darling Basin agreement best manages all aspects of the huge area it deals with.

As was mentioned by the previous speaker, there are many rivers — I think in the order of 21 — dealt with in the agreement. There are many catchments, wetlands, dryland environments, headwaters works and water supply distribution assets that connect to the basin. They are all principally controlled under the current agreement.

I think we all recognise that the Murray-Darling Basin is the powerhouse for Australia's agriculture. The production of the basin is clearly demonstrated on the Murray-Darling Basin Commission's website. As was alluded to earlier, the Murray-Darling Basin occupies well in excess of 1 million square kilometres or 14 per cent of Australia's surface area. The Murray-Darling Basin generates approximately 40 per cent of Australia's total agricultural income, it is the home of 50 per cent of our sheep population; it contains 50 per cent of our cropping land and it contains 25 per cent of our national cattle herd. Apart from carrying many rivers, the basin constitutes 75 per cent of all aquifer

opportunities in Australia. Consequently it plays a very big part in the irrigation of our land and our agricultural production. The basin is massive; put simply, it is the engine room of Australia's agricultural output. It is one of the vital components of our national economy.

Victoria currently plays an important role, as it always has, in relation to the management and network of the Murray-Darling Basin. In turn the basin continues to make a large contribution to Victoria's viability. It provides thousands of jobs and annual export dollars which are derived from a vast range of primary produce including: horticulture, being vegetables, fruit, nuts or olives; viticulture; livestock; wool production; grains; and small seed production. All of these crops, irrigation farming and the sustainable water management of both our broad acres and the environment are absolutely vital to Victoria's ongoing viability in terms of economic success. That has always been recognised on our side of the river, particularly in terms of the management of the Murray River.

The collective management of all of the rivers is not new. The agreements — the Murray-Darling Basin agreement and its predecessor, the Murray River water agreement — have been successfully in place for nearly 100 years. The first agreement was established in 1914. As members may be aware, the current agreement is overseen by both a ministerial council and the commission. There have been many land management gains taking place across the vast region, especially in recent years.

The final endorsement of the Murray-Darling Basin Ministerial Council agreement was presented to all those parliaments in the states and territories that are members to the agreement. The parties to the agreement are four states and one territory. The agreement, which was to be signed in 2006, was introduced into the Victorian Legislative Assembly on 9 August 2006.

The second-reading speech, finally made on 20 December last, said that the amending agreement, as I hope we are all aware, would:

... amend the Murray-Darling Basin agreement to:

enable improved business practices for River Murray Water, which is the commission's water business;

clarify Queensland's liability in relation to activities in which it has no part; and

include supplementary details and correct a minor typographical error in schedule C of the Murray-Darling Basin agreement — the basin salinity management schedule.

The first of these matters relates to the response of the Murray-Darling Basin Ministerial Council to the COAG water reform principles adopted in February 1994.

Specifically this involves enabling powers:

to establish and manage a long-term renewals annuity fund to provide for capital renewals and major cyclic maintenance. The intention of this amendment is to reduce the fluctuations in annual contributions and allow greater certainty for contracting governments in their financial planning —

and obviously auditing is a fundamental part of this —

for the commission, with council's approval, to undertake borrowings for the major renewals and cyclic maintenance previously mentioned; and

for the council to reassign the management of critical infrastructure between the relevant state governments; and

for the council to increase, from time to time, the financial thresholds above which specific council and commission expenditure approvals must be obtained.

The second matter aims to put beyond doubt the extent of Queensland's liability.

Currently, the Murray-Darling Basin agreement does not specifically ensure that Queensland cannot be held liable in damages for matters in which it takes no part.

I think that was certainly addressed here this morning in Mr Drum's contribution. The speech continues:

For example, Queensland plays no part in the management of the natural resources of the Murray and Lower Darling systems. Queensland should therefore not incur any liability in these matters.

Whilst the ministerial council has recognised this principle, the agreed view is that an indemnity should be enshrined in the Murray-Darling Basin agreement.

That was to release Queensland from those earlier liabilities that it has had to negotiate its way through.

The speech continues:

The third matter is to add to schedule C of the Murray-Darling Basin agreement, which is the basin salinity management schedule, a detailed description of the authorised joint works and measures approved and implemented by the council.

Although this is a small bill in many respects, I believe strongly that it is a significant bill. While the Liberals do not oppose it, the then shadow Minister for Water in the other place, the member for South-West Coast, brought to the government's attention at the time of the second reading that it was flawed in its current form. He also suggested on those grounds that it should have been withdrawn and re-presented.

I also bring to the attention of the house that Royce Christie, an adviser to the Liberal Party — he is very astute in legislative matters and moreover he is an expert in water — originally found this problem and brought it to the attention of the member for South-West Coast for further research.

The matter of concern principally related to clause 78(3) in that it duplicated an existing clause. Clause 78(3) relates directly to the auditing processes employed as part of the overall management strategy of the basin.

The oversight clearly demonstrates, in my opinion, the lack of understanding by the Minister for Water, Environment and Climate Change in the other place about the basic ingredients of the amending bill that was introduced to the house — that is, by not detecting these duplications he would have seen that the commonwealth auditor could have been left in the embarrassing position of not being able to attend to his duties due to the unenforceable previous clause 78(4) remaining as part of the bill. What a botch up, and why should we be surprised!

This is not the first time water legislation has been flawed when presented to the Parliament by the same water minister. The former member for Benambra in the other place, Tony Plowman, also identified areas in earlier cross-border groundwater agreements as signed off by both Victoria and South Australia.

This was also found to be flawed, necessitating its withdrawal while a new agreement was produced so that those agreements could be put in place. Again the flippancy with which the minister approached this matter gave many of us some concerns.

In relation to the border agreement between Victoria and South Australia, it must always be remembered that any of South Australia's water along the border is actually from Victoria, appreciating that underground water and those aquifers travel from east to west, and from that point of view we were very concerned that if that correction did not take place at the time, it could certainly have disadvantaged our farming communities, especially on the Victorian side.

I must say that in this very same week the Premier is now crying foul that the Prime Minister has not given the states enough information for him to make a decision on the proposed national 10-point, \$10 billion water plan that will see the Murray-Darling Basin managed under the one body. It would appear that the Premier is more happy to be a commentator when really only leadership is all that is required.

It is also important to say that the Premier has seen fit to be out of step with all his Labor colleagues in relation to the other four signatories to the Murray-Darling Basin agreement, and that in itself should give us some concern.

Having seen how lightly the government takes the water debate, even after the rhetoric and drivel over the last four years when it has had many opportunities, I remain personally disappointed that it has done absolutely nothing apart from sitting on its hands and hoping like anything that the situation will fix itself — or that it might rain.

Water management, drought and climate change are some of the most confronting challenges of our immediate future, yet the government is going nowhere. It is even unwilling to engage in any discussion, especially in the water industry, again as demonstrated not only at Laharum, where they have obviously, without any consultation at all, made water available for another industry down there — albeit a large industry and an industry essential to that area — but by the same token that proposed bore construction licence being fully costed and covered by the government could also have been aired among rural producers through the Laharum district, rather than the water being transferred to Rocklands, and going into the mining sector.

It is very important that the mining sector has this opportunity, but I do not think those opportunities should come at the cost of those participants in agriculture whom, I might add, are doing it just as hard, who have just as many jobs involved and who know it is a very difficult year for all of those businesses.

Recently the government went up to Bendigo for discussions on the pipeline and saw fit to offer many in the community an opportunity to raise some concerns and discuss how they could better pull it all together. The government representatives herded them into a room, but then went out another door, crawled into their parliamentary cars and shot out of town. I can assure honourable members that that has left a very sour taste in the mouths of the water community in the Bendigo district, and the previous situation I outlined that took place at Laharum has certainly unsettled some of the people in the Laharum district as the government has elected to manage the water district over there and keep some players out of the room.

The opposition is glad that this flaw was picked up earlier and that it has been withdrawn. We are glad that it has been rewritten to take that duplication out, and we are very thankful that it is now in a form that can be

audited. We are also happy that it has been recognised that Queensland should not carry the liability that it has for many decades. We would certainly not stand in the road of this bill. We are totally in support of the bill and wish it a speedy passage through the house.

Mr TEE (Eastern Metropolitan) — I too rise to support the bill. The Murray-Darling Basin is the pointy edge of Australian federalism. It is the test of whether the commonwealth and state governments can work through an issue in the national interest when they have competing interests. The basin requires that the commonwealth, Queensland, New South Wales, Victoria, the Australian Capital Territory and South Australia come together to manage one of Australia's most precious resources. Let us not be under any illusions about the importance of this resource. Some 35 endangered birds and 16 endangered mammals live on the basin. The basin provides for 70 per cent of Australia's irrigated agriculture, and in drought years Adelaide, which is downstream, receives 90 per cent of its water from the Murray River.

Managing this precious resource is not a new issue. For over 100 years we have seen governments and the community manage the shared resources of the basin in a cooperative way. Initially the issues were irrigation and navigation, but at least since the 1980s the focus has increasingly been on combating the environmental degradation caused by overuse. Salinity reared its ugly head, and government efforts changed to meet this new challenge. In part to tackle this problem we saw the creation of the Murray-Darling Basin agreement in 1987, and it is the further amendment of that agreement which is the subject of this bill.

As speakers have already said, climate change presents the greatest challenge for those concerned about this precious resource. Worldwide temperatures measured since 1861 show that our hottest 10 years have been in the last 12 years. We know that in Australia temperatures have risen and will continue to rise. Higher temperatures mean less inflow into streams. In 2006 south-east Australia, which includes some of the key catchment areas which feed the Murray and Snowy rivers, received the lowest rainfall on record. Inflows into the Murray in 2006 were at 9 per cent of the long-term average, which is half the previous all-time low. The Murray-Darling Basin agreement is part of the continued attempt to meet this challenge. It is fair to note that in recent years there have been some successes in management. Salinity levels have not only stopped rising but have in fact decreased by some 20 per cent, and since 1995 there has been a cap on the extraction of water, which is set at 1993 levels. While this in itself is not enough, it did halt the unsustainable

extractions. The cap has been augmented by a commitment to increase environmental flows by some 500 gigalitres a year.

This bill continues to build on that progress. Amongst other things it sets up a fund for capital renewals and asset management. This progress has been slow and incremental, and as the impact of global warming becomes apparent it is clear that more needs to be done, and quickly. How then has the commonwealth responded to this growing challenge? Unfortunately the commonwealth's behaviour is a bit like a schoolyard bully. It has turned its back on the cooperative approach that has been in place for over 100 years. It has behaved more like a petulant child jumping up and down and threatening to take their bat and ball and go home unless their bad behaviour is rewarded. It might be different if the commonwealth had a decent model or even a plan that would work, but unfortunately that is not the case. Indeed under the commonwealth plan Canberra will control rivers such as the Murray, the Goulburn, the Ovens and the Wimmera. This is an unacceptable risk for the environment, for farmers and the communities that rely on those rivers. Unlike Canberra, Victoria will not leave farmers high and dry.

It is no wonder that the Northern Victorian Irrigators president, Mr Bryant, is reported in the *Shepparton News* of 26 February as saying that his group was still concerned that there was no real detail in the commonwealth plan and was also concerned about reliability, security and compensation for irrigators. The article quotes him as saying:

I support Mr Bracks holding out for a better deal for Victoria.

The article reports the Victorian Farmers Federation as saying that 'Victoria had one of the most secure water products in the country and any attempts to change the state's water allocation policies put irrigators at significant risk' and that 'the VFF supported a "set of principles", which were water rights, existing plans and sustainable flows'. It is clear that the VFF knows that under the commonwealth plan there is no guarantee for irrigators, there is no guarantee for water suppliers of towns such as Swan Hill and Mildura, there is no guarantee for the water entitlements of farmers and there is absolutely no guarantee for the environment. I urge all members in the house, including those opposite, to join with the Bracks government and stand up — —

The PRESIDENT — Order! Unfortunately for the member and the house — I was listening intently to his brilliant contribution — it is now an opportune time to go to lunch.

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

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Schools: national curriculum

Mr P. DAVIS (Eastern Victoria) — I direct a question without notice to the Minister for Education. I refer the minister to his comments last month made on the ABC program *The World Today* with respect to a national curriculum, where he said:

One size does not fit all, you cannot have a syllabus that you treat exactly the same way in a remote community in the Northern Territory and somewhere in Victoria.

I ask: given that Kevin Rudd pledged to create a consistent national curriculum, does the minister now support this approach?

Mr LENDERS (Minister for Education) — I am delighted that Mr Davis has asked me the question. I stick absolutely by my comments in this place, every single comment I have made on the record. Because what I have said from day one is that the Bracks government has always been supportive of a collaborative approach with the commonwealth.

Mr P. Davis — You have not always said that.

Mr LENDERS — No, we have supported the harmonisation, provided we do not dumb down Victoria, provided we do not get caught up in some ideological agenda of Julie Bishop's. Julie Bishop is the federal Minister for Education, Science and Training. In every single public statement I have made I have had the phrase in there that we do not oppose harmonisation, provided — provided — it is one that does not dumb down the state of Victoria, and secondly, that it is a collaborative approach, because one size does not fit all.

Kevin Rudd and Stephen Smith of the federal opposition have gone light years ahead of Julie Bishop by saying their entire premise is that they will aspire to a national curriculum. We will talk to them about our standards versus a national curriculum — we will talk about those particular items — but I would not get too excited if I were Mr Davis by what he read in the *Age* today. He should not believe everything he reads. Sometimes what is reported is a little bit selective. But my comment has been quite specific from day one. Perhaps Mr Davis should read the entire document put out by Mr Rudd and Mr Smith; he would probably learn something.

For one thing, they do not talk of a curriculum in all subjects in all areas; they suggest four key areas. They talk of working with the states in a collaborative approach, they talk of not dumbing down, and most significantly — most significantly — the stark difference between Kevin Rudd and Julie Bishop is that Kevin Rudd actually talks about the entire education system. Kevin Rudd talks about getting the eight state and territory education ministers involved. I am a minister responsible for 2297 schools in this state, and my department will actually be consulted on this. It is a bit different from the position of Julie Bishop, who has 700 public servants but none of them teach anybody. Secondly — and this is most significant — Kevin Rudd is proposing that his body that will work with the states also includes representatives of the Catholic and independent education systems.

The Liberal Party mouths off and bags public education, bags Catholic education, bags the Catholic system mercilessly at every possible juncture, and talks about a model put forward by Julie Bishop and her 700 public servants in Canberra. But that group does not teach a single person and its numbers have multiplied fourfold in 10 years without teaching a single person.

In Kevin Rudd's model he will work with the eight states and territories, he will work with the Catholic Education Office and he will work with the independent education sector. Kevin Rudd is trying to engage the actual people who deal with those approximately 10 000 schools across Australia, talk to the people who prepare curriculums, talk in a way that does not dumb it down, talk in a way that does not run on a federal ideological agenda and talk in a way that brings out the best in a devolved education system.

Julie Bishop threatens, bullies and cajoles while she sits in her ivory tower in Canberra with her 700 public servants sitting around her — people who do not teach a single person — and focuses on her 'so-called' big picture. She focuses on whether her logo should be placed higher than a state logo. This house might remember — I recall mentioning it in an answer to a question some weeks ago — that my first correspondence from the federal minister was a letter addressed to 'Dear Lynne' from Julie Bishop. The first third of the letter was taken up explaining why the commonwealth's coat of arms on a Flying Fruit Fly Circus School sign should be higher than the state's logo. Then she insisted on flagpoles in every school, and then she insisted on more bureaucracy and red tape. Julie Bishop's regime does nothing but generate red tape in schools.

I stand by every comment I have made on a national curriculum. Every comment has been that Victoria supports a harmonised approach where we can, with the caveats that I have put forward every single time. I am confident that the proposal put forward by Kevin Rudd meets those caveats. But Victoria will look closely at what federal Labor proposes. If we think there are aspects that can be improved, we will tell our federal colleagues, as will the other states, as will the Catholic system and as will the independent system. Unlike Julie Bishop, who knows everything in Canberra, with her 700 public servants sitting around her, the federal Labor Party is consulting and is listening.

I am confident Labor will strike the right balance that will get the outcomes in key areas that people want, but its plan will also respect the diversity of schools and not treat the Catholic and independent systems with the same contempt with which the commonwealth has been treating the government system for a long time.

Supplementary question

Mr P. DAVIS (Eastern Victoria) — I thank the minister for his answer. I would like to tease out — —

Hon. T. C. Theophanous interjected.

Mr P. DAVIS — I have got quite a long time to ask this question. In light of the Australian Education Union's policy, which states:

... the AEU firmly believes that variations must and will continue within and between states and territories. Schooling must be locally responsive, flexible and democratic in both the content taught and the way schools operate —

is the minister cutting out the AEU in the consultation process for the development of a national curriculum?

Mr LENDERS (Minister for Education) — I love Mr Davis's question. It is lovely that he has this new-found interest in education. It is lovely that he has an interest in the Australian Education Union. I just love Mr Davis's question. What I hope, though, is that, being a very helpful person, Mrs Peulich takes him aside quietly after question time — —

Hon. J. M. Madden — On a point of order, President, I seek clarification on a current issue in the chamber. I notice that Mr Gordon Rich-Phillips is up in the press gallery at this point in time, during question time. He is not in the chamber on the front bench, and he seems to be in the ear of journalists up there — —

Honourable members interjecting.

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

Mr LENDERS — It appears that Mr Atkinson has lost his job of being the journalist in the Liberal Party as well.

An honourable member interjected.

Mr LENDERS — He is still a poet! Perhaps Mrs Peulich should take Philip Davis aside and explain some terms, like what the difference is between ‘a standard’, ‘a curriculum’ and ‘a syllabus’, to assist him in this debate. What Victoria has done under the fine stewardship of my predecessor is to bring in — —

Honourable members interjecting.

The PRESIDENT — Order! Ministers know better than to address people in the gallery. The Minister for Education, to continue.

Mr LENDERS — What Victoria has done under the fine stewardship of my predecessor, Ms Kosky, now the Minister for Public Transport in the other house — —

Mrs Peulich interjected.

Mr LENDERS — An exemplary education minister, Mrs Peulich. Under the fine stewardship of my predecessor Victoria led the way with the establishment of the Victorian essential learning standards which put in place core areas by which the curriculums of individual schools were judged. There was some certainty there. These are the standards that I am confident will be ones that will be adopted across the country, and I welcome any stakeholder who wishes to participate in that.

The key stakeholders for us, unashamedly, are parents, teachers and any other person with goodwill who wants improve the education system. We will talk to anyone, but our key stakeholders, unashamedly, are parents and teachers as we go forward with better curriculums in schools.

Aboriginals: Portland development

Ms TIERNEY (Western Victoria) — My question is to the Minister for Aboriginal Affairs. Could the minister please inform the house of the resolution of the Convincing Ground issue near Portland?

Mr JENNINGS (Minister for Aboriginal Affairs) — I thank Ms Tierney for her question and her concern about a very important planning matter that has

had a longstanding and very sorry history in recent times in the Portland area.

Mr Vogels interjected.

Mr JENNINGS — It is very shameful, Mr Vogels. You are quite right, and I am certain that you agree with my view about the sorry circumstances that led to this situation. Yesterday I was asked a question by Mr Scheffer about the proclamation date of the Aboriginal Heritage Bill in Victoria, a bill which is designed to prevent exactly the circumstance that occurred in Portland from ever occurring again.

The reason I say that with a great degree of confidence is that the current commonwealth legislation dealing with Aboriginal heritage has no integrated timetable and process with the planning regime in Victoria, and despite the fact that the Auditor-General in 2005 tabled in this Parliament a damning report of the planning processes within the Glenelg shire, his report sat in this Parliament for about 15 months. It condemned the planning regime within Shire of Glenelg, and one of the cases cited was the case of the Convincing Ground.

The reason it was cited was that, despite the Glenelg shire having a heritage overlay within its municipality for at least two years prior to issuing a planning permit over an area known as the Convincing Ground, it proceeded to issue a permit. The Convincing Ground is an area covered by the heritage register in Victoria and by the relevant acts in relation to the commonwealth registration of the site.

What subsequently happened involved a protracted set of negotiations, which ran concurrently with the Victorian Civil and Administrative Tribunal consideration of this matter, which led ultimately — —

Mr Vogels interjected.

Mr JENNINGS — Mr Vogels, you are quite right that this is an appalling situation. Mr Vogels, you know that this is a damning indictment of the planning regime that operated within the Glenelg shire.

The PRESIDENT — Order! Through the Chair!

Mr Vogels interjected.

The PRESIDENT — Order! Mr Vogels!

Mr JENNINGS — You know from your interaction — —

The PRESIDENT — Order! Through the Chair.

Mr JENNINGS — Mr Vogels does know because of his close association with the local community that it was embarrassed and ashamed about the calibre of the planning process with the Glenelg shire, and there needed to be a resolution of this matter.

I am very pleased to report to the house that in January of this year that matter was concluded. Now, for the first time, the appropriate planning controls have been implemented in this area to provide for the ongoing protection of the site known as the Convincing Ground. That ground will be subjected to public management, to incorporate an understanding of the cultural heritage and significance of that site and to ensure that that land is maintained for public purposes in the years to come.

The agreement which has been struck and which is now subject to planning controls allows for appropriate development on part of the site outside the areas that are sensitive areas and of most significance. It will enable some development and subdivision to take place. At the heart of the Victorian legislation is our intention to allow for appropriate development to take place within Victoria so that developers and local councils can actually proceed with planning decisions with confidence into the future and so that we will not be bedevilled by planning blights and planning oversights — in the correct sense of the word ‘oversight’, in that someone took their eye off the ball at the most critical moment when planning decisions were made. It will not happen again because it will be subject to Victorian law, and Victorian law will demand that that cultural heritage assessment is undertaken and a management plan is put in place before a planning permit is granted.

I am very confident that with the new act we will not again see the sorry planning situation of the Convincing Ground. I am very pleased to report to the house there has been a satisfactory resolution of that matter which will allow some development to take place but which, most importantly, will preserve for all time in public hands the Convincing Ground.

South East Water: outsourcing

Mr D. DAVIS (Southern Metropolitan) — My question is to the Minister for Small Business. I refer to the decision of South East Water to change its outsourcing practices and to compete through its own company, Priority Plumbing, directly against private-sector plumbers. What action has the minister taken to see that this arrangement does not lead to anticompetitive practices harming small business?

Hon. T. C. THEOPHANOUS (Minister for Small Business) — I am happy to answer in relation to the general question about anticompetitive practices, but as the member would very well know, I am not the minister responsible for South East Water. That would be a question he could more appropriately ask of a minister in another place. Can I say — —

Mr D. Davis — On a point of order, President, the minister is required to answer questions on his portfolio area, and the actions of South East Water are directly harming small business in that area, so he should take some responsibility.

The PRESIDENT — Order! In response to Mr Davis’s point of order, I remind the member, who has been in here for quite some years, that the minister is not required to answer the question, but if he chooses to, that answer should be relevant and reasonably responsive. If the member is seeking an answer on a portfolio that the minister does not hold, then there is an issue. However, he has chosen to answer, and as long as it is relevant that is fine.

Hon. T. C. THEOPHANOUS — As I was saying, we are very proud of the record that we have in this state of reducing red tape for small business — and not only for small business but for business generally. If the member’s question is directed at what are the obstacles to small business in a competitive environment, he knows very well that the Victorian government has had a program in place for many years which involves the reduction of red tape as a priority.

Mr P. Davis — It is not working very well.

Hon. T. C. THEOPHANOUS — It is working, because we are in fact reducing red tape. We have a number of objectives and goals in relation to reducing red tape. In surveys that have been conducted, some of which the honourable member is aware, small business itself has said that it believes doing business in Victoria is better now than it has been in the past. As I have said before, this government is committed to reducing the regulatory burden, and we have an initiative — a target that state regulation will be reduced by 15 per cent over the next three years and by 25 per cent over the next five years. We have an actual target of reducing red tape by 15 per cent over the next three years and by 25 per cent over five years. That is part of the program of making small business far more competitive. It is part of the commitment we have as a government. It is the reason, as I said in answer to a question yesterday, that in response to the Sensis survey, 68 per cent of small businesses in Victoria expressed confidence about their business prospects in Victoria. We have a

program to reduce red tape by 25 per cent over the next five years.

Mr D. Davis — This is hopeless, Theo.

Hon. T. C. THEOPHANOUS — The environment that the Bracks government is creating for small business in this state is like chalk and cheese compared — —

Mrs Peulich — Theo, you had better swot up.

The PRESIDENT — Order! I remind members of the house that it is inappropriate to address other members in the chamber by their first names, and ministers in particular. I have made this comment before, and I hope this is the last time I need to do so.

Hon. T. C. THEOPHANOUS — I want to indicate to the honourable member that we are absolutely committed to having a competitive environment in Victoria for small business and to reducing costs for small business — and we have done so. I have already given the house information about reduced taxes — far lower taxes than we had under the Kennett government. I have already given the house information about reduced WorkCover premiums — far lower than they were under the Kennett government. We are now reducing red tape as well. The confidence of small business is up according to the Sensis survey. Mr Davis can come in here and continue to bag business in this state, he can continue to bag small business and he can do the job of trying to stop people getting employment in this state, but we are going to do the opposite. We are going to get on with the job of creating jobs.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — That was hopeless. I am not allowed to refer to the minister as a certain feathered bird. Although the minister did not want to address this problem, his predecessor small business minister in the other place did refer this issue to the small business commissioner, who has commented on its negative impact on independent plumbing businesses. Will the minister now refer this matter of anticompetitive practice by a government instrumentality to the competitive neutrality unit of the Department of Treasury and Finance?

Hon. T. C. THEOPHANOUS (Minister for Small Business) — If a company has an issue of the sort that the member has identified, the appropriate place to go is the small business commissioner. That has occurred, as I understand it from what the member opposite said. It is a body which, incidentally, was established by this government in order to deal with issues for small

business. It is interesting that opposition members come in here and raise these kinds of issues. They find an issue which they distort as much as they can in order to present a negative image for small business in this state. Then they have the cheek to say that they have gone to the small business commissioner. There would not have been a small business commissioner under their government, because they were not interested in having a mediation service for — —

Mr Atkinson interjected.

Hon. T. C. THEOPHANOUS — It might have been your policy, but it was a Labor government that put a small business commissioner in place. The small business commissioner hears complaints from and disputes between businesses and is able to act accordingly. There have never before been the sort of actions that have been taken to reduce costs for small business, to reduce red tape for small business and to create a more competitive environment. It has never been the case more than it is currently under the Bracks Labor government.

Member for South Eastern Metropolitan Region: notice of motion

Mr VINEY (Eastern Victoria) — My question is to Mr Rich-Phillips and relates to standing order 8.01 under the heading of questions seeking information. In relation to item 8 on the notice paper, the motion in his name, I ask Mr Rich-Phillips, given the urgency of the matter, when he intends to bring the motion on for debate in the house.

Mr P. Davis — On a point of order, President, the member would well know that — —

Hon. J. M. Madden — These are your sessional orders.

Mr P. Davis — No, they are not. I will take the interjection later. The point of order is that the member would well know a question — —

Honourable members interjecting.

The PRESIDENT — Order! Mr Davis will resume his seat. I advise all members of the house that a point of order has been raised and that I, in particular, want to hear what it is about because I have to adjudicate on it. I ask for the indulgence of members. Mr Davis, to continue.

Mr P. Davis — The point of order of course is, firstly, that a question can only be directed to a member who is present in the house. If a member is not present,

a question cannot be directed to them. Secondly on the point of order, Minister Madden's interjection is incorrect: they are not my standing orders, they are the house's standing orders.

The PRESIDENT — Order! The irrefutable fact is that Mr Rich-Phillips is not here to answer the question; therefore the question cannot be asked. The point of order — which I must say I will have to take some time to reflect on again — seems to be unnecessary.

Hazardous waste: Lyndhurst

Mrs PEULICH (South Eastern Metropolitan) — My question without notice is directed to the Minister for Planning. Hopefully it is one that he will make some endeavour to answer, in view of the fact that over 2500 Victorians have signed a petition on this matter and that it has been tabled in the other place this week. I refer to the government's announcement that the Lyndhurst toxic dump will continue operating until 2020. Given that this landfill has no buffer from the residential areas, will the minister assure concerned Lyndhurst residents that the facility complies with all of the government's requirements for similar landfills?

Hon. J. M. MADDEN (Minister for Planning) — I welcome the member's question in relation to this matter. We appreciate and recognise the importance of this facility to Victoria. I am sure that the opposition would also recognise the importance of this facility and its strategic importance to business in Victoria. It is important that we deliver certainty to the community in relation to prescribed waste, particularly the business community but as well to communities right across Victoria. As well as that, it is important to provide certainty in relation to the responsible, safe and efficient handling of that waste and its storage.

I have become the responsible authority for the landfill site following a recent Victorian Civil and Administrative Tribunal decision. On 5 February 2007, VCAT ordered that the planning permits be amended to reflect the fact that the Environment Protection Authority (EPA) is the appropriate body for administering the management of material deposited at the landfill. I will administer the existing and any future planning permits in relation to that site. This is a matter that arose from an inconsistency between the planning permits issued by the local council and a licence issued by the EPA. I am pleased that it has been clarified. That will provide certainty in the future in relation to the operation and the responsible procedural use of that particular landfill site.

In its reasons VCAT noted the importance of the landfill site to the safe and efficient management of prescribed waste in Victoria; the strictness of the EPA licence conditions, which should certainly hearten the locals in the area; and the absence — and this is very important — of evidence to substantiate any unacceptable amenity impacts from the landfill.

I reinforce to the member that the independent umpire has heard the respective cases in relation to this matter. This gives certainty in terms of the operation of the site and also gives certainty to businesses that rely on this facility being as it is, so that they can maintain and operate their businesses accordingly.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — In view of the minister's answer, can he assure Lyndhurst residents that he will review the safety of the facility in light of the recent revelation that the facility is sited on a fault line?

Hon. J. M. MADDEN (Minister for Planning) — Whilst I welcome any questions in relation to planning matters from respective members, the EPA is the responsible authority in relation to that. I know that its responsibility is to monitor the operation of it. I am yet to be provided with the respective advice in relation to that — that is, quantifiable and qualitative evidence in relation to the fact that the member presupposes.

If we ran off and acted on every front page article in the paper, how could we ever operate government on anything other than rumour and innuendo? If there is such evidence, I am happy to have that considered by relevant experts in relation to this matter and to receive appropriate advice. I also appreciate that the EPA is the responsible authority. Until I hear from the respective authority and agency, and until I hear otherwise in relation to the following operation, then I expect that the EPA will manage any issues in relation to this particular operation of the venue, as opposed to the planning authority issues that rest with me.

Planning: Cedar Woods development

Mr EIDEH (Western Metropolitan) — My question is to the Minister for Planning. Can the minister advise the house of the actions that have been taken by the Bracks government to create development opportunities and ultimately economic and social benefits in the western suburbs?

Hon. J. M. MADDEN (Minister for Planning) — I welcome the member's question and his particular interest in these matters, in Melbourne's west in

particular. Mr Finn might also appreciate this, because we know that he does not move too far around the west. He tends to locate a lot of his time, I understand, on the Calder Freeway, judging from the number of questions he has asked on that matter. If he actually used some of the other roads in the area, he might find there is more of that electorate to get around than where he currently locates himself.

It is worth appreciating — and I am sure many members of the chamber would be aware — that the Royal Australian Air Force base airfield at Laverton, which has not been used for many years, will be the site of one of Melbourne's largest urban infill projects. It will be a major boost to Melbourne's west. This will be of great benefit in an array of areas, and I am happy to talk about those. I recently approved an amendment to the Wyndham planning scheme for a transit-oriented town centre adjoining a master-planned residential community in and around what has been known until this time as the Cedar Woods development. It is in the order of 275 hectares and is a long-term project for the Cedar Woods developer.

The project will deliver a well-located town centre to service existing and new growth areas in the west. One of the great things about this, as Mr Finn would appreciate, is that being less than 20 kilometres from the central business district the site is easily accessible not only by road but also by rail. That is a great benefit because we have existing rail infrastructure and this can be linked into that community. The community will benefit from direct roads into Melbourne and the development is also strategically located close to access areas to other regions. The project will be of benefit to the surrounding suburbs as well as to the community itself and the Wyndham municipality.

Mr Drum interjected.

Hon. J. M. MADDEN — Mr Drum will appreciate that there is unprecedented growth across the state, which I mentioned yesterday and which was depicted on the front page of yesterday's *Age*. This project will bring additional households and jobs into the region and will be supported by infrastructure, housing and employment across the region. It is part of our government's plan for Melbourne's growth areas. As well as providing employment and major activity centres, it well and truly complements Melbourne 2030 as a planning policy. That will mean more retail, more bulk goods stores, more commercial floor space, more entertainment and more residential facilities. This is a great announcement not only because it will provide jobs, prosperity and economic opportunity but also the planned railway station will service an interchange in

this community — the bus interchange that will be linked to it — and in the order of 2000 dwellings.

The demand is there, the growth is there and people are coming to Melbourne and Victoria in droves, so we have to allow for that. Also there will be four integrated neighbourhoods across the development, which will be within walking distance of the town centre. Mr Finn might not walk much, but we would encourage that, because if he walked every now and then he would not have to spend so much time in his car. There will also be easy access to bus services in and across the region.

Basically what is important with the new urban precinct, as we made plain in our policy document — because we have a policy document on planning and a plan — is that you will not need to use a litre of petrol to buy a litre of milk. Under the Liberal Party's policy you would be using more than a litre of petrol to buy a litre of milk — you would probably use 2 or 3 litres of petrol. Not only do the Liberals not have much vision for planning, they do not even have a plan.

This is a great announcement, but there is more. It gets better. One of the great things is that the Cedar Woods developer has committed to retaining 55 hectares of the site for conservation purposes. I know this was a contentious issue about the development for locals and environmentalists, who may have been concerned about this. We will have a system involving three reserves which will protect native vegetation. Everyone is a winner.

The project was reviewed by the state's priority development panel and will operate under a priority development zone. While this has been a long time coming, it is a great announcement and a great outcome. It is good news for everyone in the chamber, and it is good news for all Victorians. It shows that we are getting on with the job of doing what we need to do to provide prosperity and growth in this state and to make Victoria a better place to live, work and raise a family.

Office of Planning: executive director

Mr GUY (Northern Metropolitan) — My question is to the Minister for Planning. Can the minister advise the house what qualifications twice-failed Labor candidate Robyn McLeod holds to be appointed one of the new executive directors in the Office of Planning?

Hon. J. M. MADDEN (Minister for Planning) — Mr Guy, or, as I understand Mr Barber refers to him, Matty, is very predictable when it comes to these matters. Unfortunately that predictability will not

necessarily allow him to be the leader of this chamber, as he may aspire to be. I know people in the Liberal Party may think he has the talent, and maybe he has, but Philip Davis will make sure he never gets to use the talent that he has in that area.

Ms McLeod, who Mr Guy referred to, has been appointed to the respective position through the normal bureaucratic process. She has worked in the public service for many, many years and has been employed on merit. She has been appointed through the normal public service processes.

Honourable members interjecting.

The PRESIDENT — Order! Mr Guy! Ms Broad!

Hon. J. M. MADDEN — I understand the conspiracy theories that the opposition will try to mount in this place. When you do not have a policy, what else do you have to go on but rumour, innuendo and a good conspiracy theory. As I heard this morning, there is not enough room on the grassy knoll for the conspiracy theories that come from the opposition. I cannot claim that line because I heard it on the radio this morning. I can understand why the opposition has conspiracy theories around cronyism. It is because it practised that for many years when in government. Opposition members are such sceptics that they do not believe people within the Labor Party can be appointed on their own merit. In the Liberal Party it does not work that way.

Supplementary question

Mr GUY (Northern Metropolitan) — Noting that Ms McLeod's only qualification — again from that answer — appears to be that she is just another Labor mate, I ask: did the minister and the government conduct recruitment for this position following standard departmental processes and was the position publicly advertised?

Honourable members interjecting.

The PRESIDENT — Order! I have mentioned Ms Broad before. The member has been making an extraordinary amount of noise, so much so that I have heard her over everyone else. I did not hear the supplementary question, and I am not sure that the minister did. I ask Mr Guy to repeat his supplementary question, and I ask the house to understand that members want to hear it.

Mr GUY — I will repeat the question. Noting that Ms McLeod's only qualification appears to be that she is another Labor mate, I ask: did the government

conduct recruitment for this position following standard departmental processes and was the position publicly advertised?

Hon. J. M. MADDEN (Minister for Planning) — Mr Guy would appreciate that ministers are not involved in the employment process within the department in any fashion. Members should appreciate that there are standard departmental procedures for appointing people, under which they apply for appointment to positions. I understand, and my expectation in this situation, as I understand would be the case with all positions in this department, would be that people employed in the department are employed under that regime. Any minister in the chamber can tell you that they do not employ people in the public service; the public service employs those people, and that is done through the respective departmental secretaries.

Planning: coastal strategy

Mr LEANE (Eastern Metropolitan) — Unlike the previous member, I have a sensible question to ask the Minister for Planning. Will the minister update the house on what action is being taken to manage development pressures along Victoria's coastline?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Leane's question in relation to this matter. I know many members of Parliament have been very conscious of the resurgence in demand in coastal areas across Victoria. There have been an enormous number of sea changes across the community, and there is a real attraction for people in moving into coastal areas. I note in yesterday's statistics that there is growth right across the state. People are coming to the state in droves — and why not? We can understand that. There is huge demand in those coastal communities. No matter how much the opposition might talk down the state, that will not deter those thousands of people who just cannot get here quickly enough.

The sea change phenomenon has seen virtually every shire along Victoria's coastline recording healthy growth over the past 12 months. Hand in hand with this population growth, the local economies in Victoria's coastal communities are growing strongly, whether it be in terms of tourism, industry or the generation of jobs. We are very proud of the success, but we must make sure that in a sense we do not love the coast to death. There is the possibility that the qualities that have drawn people to these regions can be diminished or destroyed by such high demand. We have to be very careful in the way in which we manage this, which is why we have our Victorian coastal strategy.

That strategy is clearly articulated, as opposed to the opposition's lack of articulation on anything much these days when it comes to planning statements. This strategy recognises what sets Victoria's coastline apart from other states. What is important about that is the discrete settlements with distinct natural breaks between each of the settlements. Our strategy is to focus urban development within those established settlements, retain the non-urban landscapes in between, and promote diverse experiences and opportunities associated with the public use of coastal areas.

We are making sure we have in place a strategy through which we are encouraging people into those communities but of course also managing that demand. The coastal spaces framework launched last year identifies settlements capable of sustaining future growth as well as those with limited capacity — David Davis would know about that — to accommodate growth. For example, Portland and Warnambool — I know Mr Vogels has interests in that area as do a number of members in this chamber — have a clear capacity to accommodate growth, while places like Port Campbell and Loch Sport are much more limited.

The strategy does not identify a need for any new urban settlements across our coastline.

Mrs Peulich interjected.

Hon. J. M. MADDEN — Mrs Peulich might be interested in this. I reinforce that we do not need any more settlements across the coastline, but we must make sure that we enhance what we already have. As part of that simple and clear message, in January I was called upon to decide whether to place on exhibition a very substantial urban development proposal between Golden Beach and Loch Sport in the Shire of Wellington. The proposal, known as Wellington Waters, comprises a complex of canals, a marina, around 1400 residential lots, a 200-room resort, a golf course, a town centre and an equestrian facility.

While on the surface that might sound a very attractive proposal, the project is essentially a new town in a remote coastal location next to the environmentally sensitive Gippsland Lakes Coastal Park. I decided not to authorise the exhibition of the proposal because the project was clearly not consistent with the government's coastal policy. The proposal failed to meet this very basic test against state policy, because we have a policy.

Honourable members interjecting.

Hon. J. M. MADDEN — I know that The Nationals made statements in relation to the project, and the project was not supported by the settlement strategies within the council's own planning scheme. It is worth appreciating that while the council was endorsing it, its planning scheme did not reflect that. It is one thing to say that you support a proposal, but if you do not seek to support it by having a policy or a planning scheme to reflect that, then of course it will face a bit of trouble.

The fundamental issues had been clear to the project's proponents over a number of years. We had made it clear to the proponents over a number of years what they had to do. Nevertheless they chose not to pursue those fundamental elements. After six years of the proposal there was still very little convincing evidence, because studies that were asked to be conducted were not completed to an acceptable level. These studies needed to address concerns such as flooding, acid sulphate soils and salinity, as well as the impacts of canal development in such an environmentally sensitive area near a state park and the Ramsar-listed Gippsland Lakes.

The lesson to be learnt from this experience, and I reinforce this to members in this chamber, is that before you support a project publicly, you should be very aware of what is being delivered by the proponent as opposed to the spin the proponent might put on that project. The lesson to be learnt from this experience is that you need to do the homework before you support a proposal. The days of 'almost anything goes' along our coastline in particular are long gone.

Mr Atkinson interjected.

Hon. J. M. MADDEN — The coastal developments, Mr Atkinson, must now stack up against rigorous environmental and planning criteria. Victorians do not want to see our beautiful and fragile coastline damaged, and this government takes the responsibility to protect our coastline very seriously. Indeed we have a clear strategy, or a clear plan. We will address the needs of the community, and we will employ the rigour that we need to.

Mr Hall interjected.

Hon. J. M. MADDEN — In particular I reinforce to members of The Nationals the need to put some rigour into their analysis before they publicly support a project of this nature.

Mr Hall — All we asked was for it to be advertised instead of you making the decision unilaterally.

Hon. J. M. MADDEN — I am happy to remind Mr Hall that the substantial criteria involved in providing an environment effects statement were not completed sufficiently by the proponent. The basic fundamentals of any proposal need to be there; if they are not, how can you advertise a project of this nature that is so substantial and so wide reaching?

In terms of planning — and I love to reinforce things, if the house has not worked that out — —

Honourable members interjecting.

Hon. J. M. MADDEN — We have a fair amount of time, and I can reinforce it all day if you want. But we have policy, we have the plans, we are implementing them, and we have got the strategy. That is in direct contrast to opposition, members who would have laissez-faire, free market greenfield development right across the state. They would destroy the things we love about Victoria and, in the same sense, love our coastline to death. We are getting on with the job. We are making Victoria a better place to live, work and raise a family, in direct contrast to the opposition.

The PRESIDENT — Order! For the interest of the house, while there are no limits on the time taken by ministers to answer questions, there is a standing order with regard to tedious repetition. I remind the house of that.

Hon. J. M. Madden — On a point of order, President, I would be interested in seeking some clarification of what ‘tedious repetition’ may be.

The PRESIDENT — Order! I will read it for the minister, word for word, because he came very close to it during his answer. Standing order 12.14 states:

Any member may call attention to continued irrelevance or tedious repetition on the part of a member addressing the Chair, and the President or the Chair, as the case may be, may direct such member to discontinue his or her speech.

I hope that clarifies the matter.

Footscray: transit city program

Ms HARTLAND (Western Metropolitan) — My question is to the Minister for Planning, or it may be to the Minister for the Most Popular Questions Today. I was interested yesterday to listen to Minister Madden on the wonders of the transit city project at Ringwood, and I think transit cities are fantastic. My question is in relation to the fact that residents and the local council have been waiting for over six years for work to start on the transit city project at Footscray.

Footscray station is falling to pieces, yet three major suburban rail lines and V/Line services run through it. Thousands of people, including me, use it every day.

The pedestrian overpass has fallen into a state of disrepair. The overpass is made of ancient wood that is rotting. It has been patched up by rusting metal trusses and is covered in a bitumen coating that is cracking off. It is a death trap. In fact, there was a media release just before the election saying that the government would spend \$1 million on the overpass, but no work has commenced and nor has a date being given.

Could the minister tell us what funding has been put in place to redevelop the railway station and when work will commence?

Hon. J. M. MADDEN (Minister for Planning) — I welcome the member’s question, which is quite a pertinent one, because there are quite a number of transit city projects. Yesterday I mentioned the one at Ringwood, which is well and truly supported by the local community and the local council. Recently I had a briefing from a group which is collaborating to ensure that the transit city project in Footscray is also progressed significantly.

The project provides a unique opportunity, because one of the great attributes of Footscray as a transit city is — whilst I am not the public transport minister I am happy to reflect on the public transport system for a moment — that I understand from the briefing I received from officials from the department and the local council that Footscray station is one of the busiest outside the metropolitan system, along with the North Melbourne Richmond and Clifton Hill stations. The other great advantage is that predominantly V/Line services on the major three V/Line routes run through that station.

There is a great opportunity at Footscray not only to build on the transit city theme in that location but also to make sure that we have a centre that connects to regional locations either by the use of public transport or through business opportunities in that location, because you would not have to cross the West Gate Bridge and get to the heart of Melbourne. There is a nice opportunity in the future to make sure that is a unique transit city in every sense of the world.

One of the major components of the transit cities is that although I am the responsible authority in many of the aspects of the transit city program, and I work in conjunction with councils to make sure that between us we work through the issues of authority, the actual technical physical delivery of components of that

program rests with my colleague the Minister for Major Projects. Major Projects Victoria will oversee the on-the-ground delivery of the projects, but I will be involved in the operation of managing the authority issues with respective local councils.

The project is also a great opportunity because one of the universities is talking about maybe locating some of its operation into the heart of the Footscray shopping centre to enhance the centre there as well. I know the council has already done a great job by providing pieces of infrastructure in conjunction with the funding that has been provided to it through VicUrban. There are some unique opportunities there.

In the briefing I received the other day I was advised that one of the critical components in the development is the pedestrian bridge Ms Hartland mentioned. I anticipate that in coming months we may have some announcements in relation to that project. One of the most impressive things about that project, in the same way as it happened at Ringwood, is not only the degree of collaboration between the council, VicUrban and the respective authorities in and around that precinct but the consultation work that has been done with the community to the point where the community is thoroughly supportive of the project. That also reflects very strongly on the ability of the particular local councils involved to use collaboration and consultation as effective means to ensure that we generate activity in these centres.

I look forward to further positive announcements and to the member's interest in these projects. If the member has any more specific technical issues about the on-the-ground physical delivery, I suggest that she refer them to Mr Theophanous, who sits next to me.

Supplementary question

Ms HARTLAND (Western Metropolitan) — Can the minister please set a date for the announcement of money for this project? Having been involved for six years in this project I totally agree with everything that has been said, but because the minister did respond to yesterday's question about transit cities, I think it is reasonable for me to be able to ask when a date for a funding announcement will occur?

Hon. J. M. MADDEN (Minister for Planning) — The depth and breadth of all of these transit city projects is quite extensive, and I look forward to making announcements as the budget streams come on line. It is worth appreciating that funding for these projects will not just be in any particular year — it will be in a series of years — and that the initial funding for

many of these projects is predominantly for either land acquisition or extensive design development and documentation. I look forward to making those announcements when Treasury allows us to make them, and I am sure that they will not be too far away.

Hon. T. C. Theophanous — On a point of order, President, by way of clarification of responsibility to the house, in order that these questions will be directed to the appropriate person, because there is a — —

The PRESIDENT — Order! That is not a point of order.

Hon. T. C. Theophanous — I seek leave to explain to the house the differences in responsibilities.

Leave refused.

Aboriginals: youth awards

Ms DARVENIZA (Northern Victoria) — My question is to the Minister for Aboriginal Affairs, Mr Jennings. I ask the minister to inform the house about the Ricci Marks Aboriginal Young Achiever awards for 2007?

Mr JENNINGS (Minister for Aboriginal Affairs) — Despite the Deputy Clerk not hearing the question, I thank the member for her question and her concern about the wellbeing of Aboriginal people, particularly young Aboriginal people. This is a time of year when quite often members of our community think generally about young achievement within the Aboriginal community. They see tens if not hundreds of Aboriginal footballers coming out on the football field, and there is quite a degree of enthusiasm around sporting achievements and the potential achievements of young Aboriginal people. Even though Essendon lost over the weekend, I am quite enthusiastic that there were half a dozen Aboriginal players in the team. We had a bit of a dip and a spring in our step, and I feel a bit enthusiastic about that.

But that is not the only reason, because sporting achievements are not the only achievements that occur within Aboriginal communities. I want to take this opportunity in the lead-up to Youth Week to seek out and provide support for young Aboriginal achievement in the Victorian community. We have again announced the applications and sought endorsements for the Ricci Marks Aboriginal Young Achiever awards. We are hoping that community organisations, schools, local communities and families may nominate young people within the Aboriginal community aged between 16 and 25 years who are showing commitment to a particular field of endeavour or participating in community life

and who need a degree of encouragement and support to take those opportunities further.

For the last few years we have provided scholarships and bursaries to these young achievers. In the last two years two \$5000 bursaries have been granted each year. Last year we provided one of the scholarships to Allan Murray, a young footballer from St Kilda, who actually spends a bit too much time in the 2s for his and my liking, but in terms of his contribution to community life he is no. 1. There is no doubt that he is no. 1, because each and every week he undertakes a breakfast program for young kids in the local area. He encourages them to be enthusiastic about school and provides their parents with some parenting skills. Another indigenous young man, Isaac Haddock from Morwell, was a winner in last year's Ricci Marks young achiever awards. He plays a great role in his local community. He has nurse training. He participates in community organisations and is demonstrating great leadership capacity.

But the awards are not only for blokes and for sporting leaders. In 2005 they went to Nayuka Hood, a young Aboriginal woman who has great academic achievement through the University of Melbourne and who has contributed to youth work, and Joleen Ryan, who is a student with great qualifications from Deakin University. She has published her own book and works within community organisations. They have made great contributions to community life. These are the types of young indigenous leaders we want to support in the future, and we are supporting such leaders through the Ricci Marks Aboriginal Young Achiever awards, which will be announced during Youth Week.

MURRAY-DARLING BASIN AMENDMENT BILL

Second reading

Debate resumed.

Mrs PETROVICH (Northern Victoria) — I rise today to support the Murray-Darling Basin Amendment Bill 2006. Clause 3 of this amending bill addresses an error in the original bill. I wish to acknowledge Royce Christie, a Liberal Party adviser, who was instrumental in discovering the error.

After nearly 10 years of the worst drought in living memory, rural Australia is in dire need of water. The country is waiting for the opportunity to once again be a leader in the production of food and fibre. Our export economy relies on this aspect of Australian life,

particularly because so much of our manufacturing industry is going offshore to Asia.

There are some interesting facts about the Murray–Darling Basin. It encompasses the Murray and Darling rivers and all of the rivers and creeks which flow into them. The area of the basin is 1 061 469 square kilometres, or 14 per cent of Australia. More than 2 million people live in the basin. Almost 13 billion litres of water is taken from it each year, a total of 95 per cent of which is used for irrigation. The basin is home to at least 51 endangered birds and mammals species and 20 of its mammal species are now extinct. The basin contains 30 000 wetlands including some migratory bird sites of international importance. With clean air, fertile soil and dedicated primary producers, we have all the ingredients, bar one, to be world leaders and with a highly marketable label — that is, 'Australian grown' — you can almost taste the sunshine. At the moment for most of the country that missing ingredient is water.

Rural Victoria has been operating in a void of disparate information, failing and aged infrastructure, and a lack of a comprehensive overview of the total situation brought about because water authorities have an unusual approach to controlling rural Victoria's patch. The water authorities often rob Peter of a finite resource, which is in demand, to pay Paul.

Clause 2 of new schedule 3, to be inserted by clause 5 of the bill, refers to the construction and maintenance of renewal works. An example I would like to refer to, although it is not in the Murray–Darling Basin, highlights the importance of infrastructure and water management.

It is appalling that a large rural community of nearly 100 000 people can nearly be at the point of having no water. At the 11th hour, the community is waiting for critical pieces of critical infrastructure, the goldfields pipeline from Bendigo to Ballarat, which in the end may prove to be too little, too late. I am not knocking the pipeline that was to service Bendigo, as the Victorian Liberal Party was the first to promote it. We called it the Erskine pipeline.

The water from the Murray–Darling system will eventually find its way into the goldfields pipeline, once it is built. I commend the government on the adoption of another Liberal policy. I remind the government that this pipeline was only the first part of a comprehensive plan. This is why I have risen to speak on this bill and hope that it will be passed.

As most country people know, drought is cyclic in this great country of ours. We are hopefully on the tail end of this dry part of the cycle. After the Second World War our country went through rapid development. Coinciding with this was a wet climate cycle when we built dams and irrigation schemes and more than doubled our population. With this growth came an increase in pressure on our water resources and an expectation regarding our water availability for a range of stock-related, domestic and irrigation uses.

Despite our knowledge of cyclic wet and dry periods in rural areas, we are also faced with the reality of global warming and the prospect of changing rain patterns. Some areas are catching more rain than others, some are getting very little rain. The evidence shows that if we are to address and manage the effects of global warming, we cannot remain indifferent. The jury is no longer out. Our average rainfall has become increasingly hard to predict and cannot be relied upon.

I have long supported sustainable land and water management principles. I have demonstrated this through my involvement in the Woodend sustainability group, of which I am an immediate past president. The focus of the group is the education of those who build and manage land. It also supports groups such as Landcare and catchment management authorities. Its focus is sustainable living in sustainable communities. As the chair of the Hanging Rock advisory committee, I have worked very hard with the committee to plant over 30 000 trees on the Hanging Rock reserve. We also collate information from a Koala count each year about the environment of that great reserve.

I believe sustainability principles need to be looked at in a more global way. In the case of water management, it is important to make every drop count, but because of the current aged and inefficient water infrastructure, this has not been possible. This has been the responsibility of water authorities and the state government, but to date little has been done.

Over the last eight years the Bracks Labor government has had had myriad opportunities to support rural and regional Victorians. These opportunities include recycling, desalination and stopping the leaking from and water evaporation of old and inefficient open water channels. If we, as a nation, are to effectively use our land and support our farmers, we need to know how to best manage our water resources in a holistic way.

This is a monumental task to achieve. Even in the region I represent, the issues for communities and farmers in Mildura are very different from those issues faced by the community and farmers in St Arnaud.

There are notable differences in the issues that are faced in Shepparton and in Bendigo even though those two areas are a short geographical distance from each other and are separated by only 1 hour of travelling time. In all of these areas, there is an incredible diversity of community, land capability and geography.

I am pleased to see the joint projects listed in proposed new schedule 3, in clause 5 of the bill. It lists three Victorian projects. They are the Barr Creek drainage diversion scheme, which is located in northern Victoria and is just 20 kilometres from Kerang; it diverts saline water from Barr Creek to the Tutchewop Lakes. The second is the Mildura-Merbein salt interception scheme, which is also a salinity project in northern Victoria; it involves groundwater being pumped into the Wargan evaporation basins. The third is the Pyramid Creek salt interception scheme, which also involves the pumping and disposal of groundwater into a salt harvesting pond complex.

These are very important works in looking towards desalination and salinity in the Northern Victorian Region. In this case that is why the business phrase, 'If you can't measure it, you can't manage it' is relevant to not only water but also land capabilities and good planning for industries in certain areas. It is exciting to think that by improving infrastructure on 20 per cent of our channels we can save 80 per cent of water being lost to evaporation and leakage.

The choice is clear: we can keep going the way we are with no clear direction whilst our irrigation sector goes into decline and our environmental and water quality does not improve, or we can take action. I fully support the improvement of channel capacity at the Barmah Choke, which will provide more effective delivery of water for irrigators and for environmental water. I will be ensuring that this is a win-win for the environment and the wetlands of the Barmah Forest, but also for the irrigators — and that is the key to sustainable land management.

We live in an increasingly urbanised world, which has lost its connectivity to the land, the bush and primary production. That is why we currently have such an appalling track record of public land management. This government has increased national park land masses, while at the same time it has reduced Department of Sustainability and Environment and Parks Victoria staff and abrogated its responsibilities for land management.

I was recently in the high country of Victoria with my Liberal parliamentary colleagues. The Howqua River was running black on the day we arrived, with the ash from the north-east fires. The trout are dead, as well as

the ecosystem. Only the carp survive. This is certainly not good environmental management and it will take many years to recover. The day after that we had heavy rains. The river ran orange with the clay that had been washed down from the hills. The significance of the colour change is that the understorey plants that held the soil together are now gone. That will affect the water quality for residents in the local catchments every time it rains until the understorey can regenerate.

I trust that by supporting this amendment we will now think locally, globally and logistically. Unfortunately, in opposing the federal government's Murray-Darling Basin initiative the Bracks government may have isolated Victoria from a worthwhile national initiative. It seems to me that seven years has been plenty of time to look after water in Victoria. To date nothing has been done.

I am pleased to see works mentioned in appendix 2 to schedule C, but not one on-the-ground initiative has been achieved. No desalination projects, no new dams, no pipelines and no water infrastructure projects have been started. There has been no comprehensive plan or even any information released to the public. In the absence of a considered plan and based on the track record of the Bracks government's inability to deliver on any infrastructure project, I am sceptical that this is another smoke-and-mirrors political stunt.

The Murray-Darling Basin is home to unique species of plants, animals and fish in and around the vast waterways. The balance has been disrupted through 10 years of drought and the effects of climate change. If we are to ensure the survival of our rivers, wetlands and native species, we need a comprehensive plan. This basin spans four states and all of the Australian Capital Territory.

The time to act is now. It is not the time for cheap politics. I hope the government will support the federal plan and for once be considered and not reactionary. We now have the opportunity to support sustainable communities and support the production of 40 per cent of Australia's food from the Murray-Darling Basin. The time for spin and token gestures is over. This is an exciting opportunity to be part of something big for Australia in ensuring that we protect the most valuable assets. I commend the bill to the house.

Mr SCHEFFER (Eastern Victoria) — The Murray-Darling Basin Amendment Bill makes some technical amendments to the Victorian Murray-Darling Basin Act 1993, in the light of changes that were made last year to the Murray-Darling Basin agreement, among the participating states — Victoria, New South

Wales, Queensland, South Australia — the commonwealth and the Australian Capital Territory, which is also a party.

The main purposes of the bill are to enable the Murray-Darling Basin Commission's internal business unit, River Murray Water, to operate on commercial principles so that it can strengthen its operations. The bill also legally indemnifies Queensland against liability for damages that may occur in downstream sections of the basin that are not under Queensland's control.

By way of background, the Murray-Darling Basin Commission established River Murray Water as an internal business unit to operate and manage the River Murray system, and it operates quite separately from the commission. The intention underpinning the establishment of separate business units is to make clear distinctions amongst the commission's various functions, and at the same time maintain what the commission calls the essential basin-wide integration values that lie at the heart of the Murray-Darling initiative.

River Murray Water, as a business unit, operates water storage and delivery services to New South Wales, Victoria and South Australia. It manages infrastructure assets, and ensures that the services it provides to the states are based on sustainable costs that are transparent and accountable. River Murray Water also is required to protect and maintain the natural environment that is affected by its operations. River Murray Water is also expected to plan, construct, operate and maintain salinity mitigation schemes, and to provide some other services that relate to recreation and tourism or to energy sale for power generation insofar as these activities are of benefit to its customers and do not run against its core operations.

The bill therefore gives legal effect to the amendments that were made to the Murray-Darling Basin agreement last year, and it enables the governments that are a party to the agreement to contribute financially towards future capital replacements and for cyclic maintenance costs incurred by River Murray Water. The amendments also enable the Murray-Darling Basin Commission to accumulate, invest and borrow funds, and enables the Murray-Darling Basin Ministerial Council to recover water business costs from participating states. The bill enables the ministerial council to reassign responsibility for the management of significant River Murray Water infrastructure from one government to another. Under these provisions the Murray-Darling Basin Ministerial Council can vary the cost-sharing arrangements and vary the threshold of the

financial levels necessary for works to be done that need the approval of the commission.

Finally, these amendments will enable River Murray Water to operate in compliance with the 1994 Council of Australian Governments national water reform principles, and the 2004 national water initiative in areas of asset management and financial reforms. Under the current Murray-Darling Basin agreement no allowance is made that enables or requires River Murray Water to plan for the future costs of asset replacement or refurbishment. One result of this is that participating governments are subject to unpredictable demands on the level of contribution they are expected to make from year to year, and this is why it is important that the Murray-Darling Basin Commission should be allowed to borrow, invest and manage renewal annuity funds.

The minister indicated in the second-reading speech that the bill has come back to the Parliament after having been first introduced in August last year. But it did not proceed at that time due to a technical error, as members would remember. So the bill is now being reconsidered against a background of even greater public interest in the future of the Murray-Darling Basin. Previous speakers have said — but it is worth underlining again — that this vast basin covers an area of more than 1 million square kilometres, some 14 per cent of the continent's land area, extending from Queensland, through New South Wales to Victoria and South Australia. The Murray-Darling Basin contains only 6 per cent of the nation's water resource but more than 60 per cent of the value of irrigated agriculture and about 40 per cent of Australia's agricultural product. About 3 million people are directly or indirectly reliant on the Murray-Darling system for their water resources. So we are talking about big things here.

Public attention has focused on the serious impact of the prolonged drought on the southern sections of the basin, where in recent years river flows have been close to the lowest on record. Water storages in the Murray-Darling Basin are effectively empty, and next year the expectation is that the only water that will flow into the system will not come from reservoirs, but from whatever is actually produced in the system during that time.

Victoria, New South Wales and South Australia have been wrestling with the Murray for more than 150 years. The Victorian colonial government took direct control of water management so that it could direct the establishment of new towns and irrigation systems and build the economy. The River Murray Commission was established in 1919 and engineered a system of weirs and locks to regulate the flow of the

river so that water could be released into the Victorian and New South Wales irrigation systems.

The states developed a complex system of water entitlement through licensing arrangements. There were hundreds of different licence types issued, and irrigators applied for the licences, expecting that they would only use their full entitlement in drought years. This meant that most irrigators had unused water that they could not sell. The system intentionally overallocated water because it was believed at that time that all the water could not be used. This ultimately became very difficult to administer and proved to be a big obstacle to eventually bringing about a uniform system across the different jurisdictions.

The Murray-Darling Basin Commission was established in the mid-1980s in response to the recognition that the whole basin needed to be managed by a single entity, especially as efforts by the states to address salinity issues separately were proving to be unsuccessful. The governments responsible for the basin were also in agreement that water, land and environment management organisations needed to work together to achieve basin-wide sustainable outcomes.

By the late 1980s there was also agreement that there needed to be a continually improving knowledge base to deal with the salinity impacts that resulted from vegetation clearing. There was also great concern about the unsustainable increase in the volume of diversions, the declining health of rivers and the loss of biodiversity in the basin. The commission implemented strategies to tackle salinity and drainage, it set agreed limits on water diversions, adopted the integrated catchment management strategy, and by 2003 had established the ongoing Living Murray initiative.

Overallocation is a very urgent issue. In the early 1990s the commission argued that if allocations continued to go on uncapped, more water would be allocated than existed in the system. The problem has been high on the commission's agenda, and, despite efforts made through the Living Murray First Step, success has been modest. The Murray-Darling Basin Commission worked out that a reduction of 1500 gigalitres would be needed to ensure the sustainability of the river system. The ABC's *Rear Vision* program of 18 February reported that so far only 13 gigalitres has been recovered.

In January the Prime Minister announced the commonwealth's national plan for water security, which focused on the Murray-Darling Basin. Amongst other things, the plan aims to fund farmers and water

authorities to upgrade irrigation infrastructure, address overallocation and put resources into capping and piping bores. The commonwealth wants the participating states to refer their powers in relation to the commission to the commonwealth, and Victoria was required to refer its water management powers over the Goulburn River to the commonwealth, and New South Wales was required to refer its powers over the Murrumbidgee River.

Victoria's position was very clear. The Premier said that Victoria wanted guarantees on three things before it would sign up to the plan. The first is that Victorian irrigators should not be disadvantaged. As I outlined earlier in my contribution, Victoria has always taken a strong line on the state's role in water management, and we will not allow the benefits Victoria enjoys through its good water practices to make up for poor performance on the part of the other states.

The second is that the plan should not be a device that will lead to water privatisation. The Victorian government and the people of this state are very clear about this as they have always stood against water privatisation.

The third issue that the Premier wanted the commonwealth to commit to is that it will speed up its funding of water projects. Victoria submitted projects to the commonwealth for funding one and a half years ago, and they have not yet been decided. Victoria has 22 projects waiting for the commonwealth to act on. We want determinations and to see these projects started.

Victoria thinks the national plan is short on the detail needed to fully assess its impact. The Premier has confirmed that Victoria could not sign up to the national plan as it stood last Friday. In early February the Premier sought clarification from the Prime Minister on a range of fairly important issues that should have been listed for discussion at the 8 February national water summit. There are basic questions arising from 44 matters to do with the geographical scope of the proposed arrangements, such as what are the borders of the Murray–Darling Basin insofar as the national plan is concerned, and what process will be followed when setting the borders?

The Premier also sought details on the time line for developing the strategic plan, how to deal with the potential for regulatory overlap between the commonwealth and state authorities and the funding model for water reform and infrastructure projects, and clarifications relating to river flows, water entitlements and trading, floodplain and water quality management,

land-use planning, urban water supply in the basin area, the property rights of irrigators and so on. These are not insubstantial matters.

Last week, just prior to the water summit on Friday, the Premier announced that the inadequacy of the commonwealth's response to Victoria's concerns left Victoria with no choice but to reject the national plan. Let us be clear — there is no disagreement with the objectives of the national plan, but the commonwealth has not answered Victoria's concerns. What is the position in relation to the security of existing water for Victorian irrigators? Under its proposals the commonwealth would have significant planning powers that would have an impact on almost 60 per cent of Victoria, and the commonwealth would control the water going to towns even though it would not directly control urban water. These are matters that Victoria is obliged to get answers on before it signs up.

The Victorian Farmers Federation supports the Premier's rejection of the Prime Minister's national plan and says that Victoria should not sign up at this stage. Its president, Simon Ramsay, says that Victoria has a secure water allocation system and that the commonwealth's plan would put Victorian irrigators at significant risk. On 7 February the Minister for Water, Environment and Climate Change in another place is reported in an article in the *Age* as saying:

We have been a leader in the Living Murray initiative and we are the first state to identify projects to deliver our share of water back to the mighty river.

We have managed our share of the River Murray responsibly — as shown by our ability to deliver 95 per cent allocation to Murray irrigators this year after 10 years of drought.

Victoria's record of reliability and preparedness to work for the benefit of both farmers and the environment must be recognised in any new system.

In his article in last Friday's *Age* the Premier set out the reasons for Victoria being unable to sign up to the commonwealth plan — in essence, as I have already canvassed, because there is insufficient detail on important matters such as water trading arrangements and flows into our rivers in Victoria, and also because surrendering too much of its power with no firm commitment from the commonwealth would leave Victoria exposed.

Victoria's alternative proposal, which the Premier announced last week, includes commitments to protect environmental water entitlements, the creation of national water entitlements, protection for irrigators by providing certainty on ownership and market rules, making the operation of the Murray–Darling more

accountable and effective and giving Canberra a greater say while maintaining proper checks and balances. These commitments are in the main line of progressive thinking around water policy and are consistent with the objectives of environment groups such as the Australian Conservation Foundation as well as organisations such as the Victorian Farmers Federation.

I do not believe the provisions in the bill before the house will be rendered obsolete by any amendment to the Murray-Darling Basin Act. I commend the bill to the house.

Ms DARVENIZA (Northern Victoria) — I am pleased to rise to make a contribution to this debate and to speak in support of the Murray-Darling Basin Amendment Bill 2006. This bill will amend the Victorian Murray-Darling Basin Act 1993 to approve an amendment to the Murray-Darling Basin agreement 1992.

The bill amends the Victorian Murray-Darling Basin Act 1993 to give effect to the Murray-Darling Basin amending agreements 2006. These amending agreements will enable improved business practices for the Murray-Darling Basin Commission's water business, River Murray Water; clarify the original agreement in the matter of limiting Queensland's liability for matters in which it takes no part; attach supplementary details; and make a minor typographical correction to the basin salinity management schedule, which is schedule C of the agreement.

There has been quite a lot of discussion of and consultation about the bill before us today. More broadly, there has been a great deal of involvement from state governments, our own as well as those of New South Wales, Queensland and South Australia, which all have a particular interest in the Murray-Darling Basin. We have all read and seen on television the way that it has played out recently, with the Prime Minister's proposal to take over the responsibility for and management of these waterways and to allocate some \$10 billion worth of funding that would come with that proposal to take control over the Murray-Darling Basin.

Some of the other state governments have, after some time, agreed in principle that that is a good way to go. But the Victorian government does not believe that is the best way to go. We have a long history of commitment to the interests of our waterways and we have always acted in the very best interests of the state as a whole and in the national interest when it has come to the Murray-Darling Basin. We have a very proud record — a record that we are prepared to stand by — when it comes to the Murray.

This is an area that is quite close to me, because it covers an area that I represent. While the Murray River falls into New South Wales, it is a river that we have a great deal to do with and a great deal of responsibility for because we rely on it not only for our waterways but for irrigation that takes place in Victoria. Northern Victoria, particularly areas such as the Goulburn Valley, where I am from, is a huge producer of food. The Goulburn Valley is known as the food bowl of Australia, not only because of the large amounts of fruit which are grown and produced there but also because of the market gardens which produce tomatoes and other fruit and vegetables. With the new hydroponic ways of growing and producing particularly vegetables, the amount that is produced in that region will continue to grow.

You only have to have a brief drive through that area to see that it has a lot of irrigation, not only for horticulture produce but also for dairying, which is another very big industry and a big exporter for Victoria and for Australia. In fact billions of dollars worth of food products are produced and exported from those areas.

In more recent times the area has suffered the effects of the drought. Whilst the areas around the Goulburn Valley have certainly been affected by the drought, they have not been affected to the same extent that some other areas across Victoria have been affected. If you take a trip out to the west of the state you can see real devastation, where they rely not on irrigation but on rainfall to be able to put in and grow their crops. That has not been able to happen. Some crops were put in late last year. Whilst there was a very small amount of growth, those crops were never able to be harvested and often had to be simply ploughed back into the ground or given over for feeding stock.

I get to observe the impact of the drought and of the bushfires that have affected parts of northern Victoria. The bushfires have also had a big impact in Gippsland. For many areas in rural and regional Victoria it has been a real double whammy. Those areas have suffered the effects of the long-term drought, and then on top of that have had significant and intense bushfires running through parts of the state. As a member of both the drought task force and the bushfire task force I have had the opportunity of travelling around the state and speaking first hand to people about the effects that the drought and bushfires have had on their local communities, on their environment and on their ongoing ability to prosper and earn a livelihood.

As I said, the government has had a proud record of achievement in its dealings with the Murray River. This

government made a \$115 million commitment to Murray River environmental flows to ensure that we were contributing to a healthy Murray. Victoria was the first state to identify its water savings for the Living Murray initiative, which was 214 gegalitres; an extra 18 gegalitres for Murray River environmental flows was delivered, which assisted with river red gum watering; and more than \$200 million was allocated for returning Snowy River flows. These are really very significant and important achievements that I am proud of, and I know the rest of the government is proud of as well.

Our first target for extra water in the Snowy was delivered on time, with 28 gegalitres returned by 2005. Interstate trading with South Australia and New South Wales was established, and we have unbundled water rights and property commencing on 1 July 2007. We have very adequately managed our share of Murray River responsibilities and we have delivered more secure allocations to farmers. This is particularly significant in the area for which I am responsible, Northern Victoria Region. The regions around Goulburn Valley, Sunraysia, Swan Hill, Robinvale and Mildura, Wodonga, Wangaratta and King Valley are very highly productive areas and many of them rely on irrigation. We have delivered more secure allocations to farmers this year, after 10 years of drought, and we are way ahead of other states in the way and to the level that we have been able to achieve that. As Peter Ryan, the Leader of The Nationals in the other place, acknowledged recently, 'Victoria has a pre-eminent position in water administration within Australia'.

The Prime Minister's proposal for the takeover of the Murray–Darling Basin was made in haste and with no real consultation. Indeed two of his own departments were not even consulted on the proposal: the department of heritage and environment and the department of treasury and finance. It was done on the run, there is no doubt about that. It is a position that we have not been able to accept, and we have not been able to accept it for good and solid reasons. We just do not believe that the deal being put forward by the federal government is going to save the Murray. We do not believe it is going to secure future water supplies for our irrigators, for our regional cities or for rural towns. We do not think it is going to be good for the environment.

Given that we do not think it is going to deliver on those things it was absolutely important that we did not sign up for it. We do not trust that what the federal government is putting in place will look after water security for northern Victoria. Letting the federal government take over total control in such haste with such an ill-thought-out plan is definitely not the best

thing that we can do for our farmers, our irrigators, our regions, our rural towns and our communities.

If we had signed away total control we would have risked leaving our farmers and communities, the environment and our rivers literally high and dry, and we have not been prepared to do that. We do not know whether under the plan that has been put forward by the federal government Victorian river irrigators or communities would receive enough water to survive. The flows in the Murray, Snowy, Mitta Mitta, Kiewa, Ovens, Broken, Goulburn, Campaspe, Loddon, Avoca and Wimmera rivers would come under the unfettered control of the federal government in Canberra. Farmers could lose water entitlements because of that, and their security is not guaranteed in any way under the proposal that is being put forward. Communities such as Ballarat and Bendigo could not be assured about the pipeline we have undertaken to build to deliver them water. You just have to look at the situation in Bendigo — we have members in this chamber, including me, who represent people from that area — to know that they have no water and need this pipeline to deliver much-needed water to them.

We also believe the plans being put forward by the federal government would add another layer of administration and red tape that would make it more difficult for our farming communities. It would mean that everything from farm dams and bores, tree plantation and irrigation to development would be that much more difficult because of those new layers of administration that would be put in place.

Canberra has failed to provide details on the new trading rules, on arrangements for how and where funding would be allocated and on the pricing developments. These are very real to people who are having to carry out their business, whether they are looking at bringing in a crop, and most crops have been brought in by this time of year, whether they are looking at watering fruit trees so that they will be right for next year or whether they are looking at the number of cows that they will run on a dairy farm. All of those very important decisions about how farmers should run their businesses and how much water they are likely to get are having to be made now.

We do not like the Prime Minister's plan at all. We do not believe it would fix the Murray–Darling Basin or deliver water security. As I said, it would mean more red tape and more complex governance issues, and in the end would delay much-needed reform. We have put together a comprehensive proposal which has been strongly supported by some of the people who are not always quick to come out and support the government.

The Victorian Farmers Federation (VFF) is one of those bodies. Its president, Simon Ramsay, says that we run the most responsibly managed water system in Australia. He says that we are using less water than New South Wales but earning twice as much for every litre of water that we use. He is not just supporting the fact that we are not signing up to the federal government's Murray–Darling proposal, he is also standing up and supporting the way that we have conducted ourselves and the money we have put into preserving water, providing water to irrigators and farmers and providing water for the environment.

The Northern Victoria Irrigators chairman, Dudley Bryant, is also reported in the *Shepparton News* of 26 February as saying his group was concerned that there were still no real details in the commonwealth plan and that it was concerned about the 'reliability, security and compensation for irrigators'. He said:

I support Mr Bracks holding out for a better deal for Victoria.

The VFF president, Simon Ramsay, is reported in the *Shepparton News* as saying that Victoria has one of the most secure water products in the country and any attempts to change the state's water allocation policies puts irrigators at significant risk.

We do not support signing up to the commonwealth proposal but are prepared to continue to have discussions about it. We have put up a comprehensive proposal and are prepared to negotiate around it. The Murray-Darling Basin Amendment Bill is a good bill, which deserves the support of and should be supported by all members of this chamber.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

**PAY-ROLL TAX AMENDMENT
(BUSHFIRE AND EMERGENCY SERVICE)
BILL**

Introduction and first reading

Received from Assembly.

Read first time for Mr LENDERS (Minister for Education) on motion of Hon. T. C. Theophanous.

Statement of compatibility

**For Mr LENDERS (Minister for Education),
Hon. T. C. Theophanous 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 Act, I make this statement of compatibility with respect to the Pay-roll Tax Amendment (Bushfire and Emergency Service) Bill 2007.

In my opinion, the Pay-roll Tax Amendment (Bushfire and Emergency Service) 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 purpose of the Pay-roll Tax Amendment (Bushfire and Emergency Service) Bill 2007 is to amend the Pay-roll Tax Act 1971 in order to provide an exemption from payroll tax for wages paid or payable to employees who are absent from work on volunteer firefighter or emergency services duty.

The payroll tax exemption is being introduced to compensate those employers who normally pay payroll tax for loss of paid work time, if employees are forced away from their workplaces to respond to emergencies.

Human rights issues

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

The 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 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 does not raise a human rights issue.

JOHN LENDERS MP
Minister for Education

Second reading

**Ordered that second-reading speech be
incorporated on motion of
Hon. T. C. THEOPHANOUS (Minister for Industry
and State Development).**

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

That the bill be now read a second time.

Incorporated speech as follows:

The severe fire conditions Victoria has faced for many months now are likely to continue for some time. The Bracks government will continue to work with the community to ensure we are as well prepared to face these and other emergency situations as can be.

One of the most extraordinary and selfless examples of how our community responds to these emergencies is the number and commitment of our volunteer firefighters. Beyond the bravery and work of these volunteers there are further acts of support and selflessness from the families, friends and employers of these volunteers.

The Bracks government is introducing an exemption from payroll tax for employers who support employees away from work as volunteer firefighters or responding to other emergencies. New South Wales and Victoria are the only states to provide such an exemption. The exemption is designed to compensate employers who would otherwise pay payroll tax for paid work time where those employees are away responding to emergencies. The government appreciates the actions of those employers who demonstrate their community mindedness in this way, especially in the context of the long and difficult bushfire season still upon us.

The exemption will cover Country Fire Authority and VicSES volunteers responding to fire and other emergencies, such as storm damage, flooding, and search and rescue.

It will also apply to other voluntary emergency workers as defined in the Emergency Management Act 1986 which include St John Ambulance, Red Cross, Volunteer Coast Guards and Life Saving Victoria who provide emergency services under the auspices of a coordinated response under the state emergency response plan.

The exemption applies to employees not on official leave such as recreation or long service.

Whilst applicable to all Country Fire Authority and VicSES volunteers the exemption will especially benefit rural and regional employers who are located in bushfire prone areas.

This measure is a small part of the support and commitment of the government to our emergency services and those behind them. Nonetheless it demonstrates the determination of the Bracks government to play its part in applauding and assisting our bushfire and emergency service volunteers and those behind them.

I commend the bill to the house.

Debate adjourned for Mr RICH-PHILLIPS (South Eastern Metropolitan) on motion of Mrs Coote.**Debate adjourned until Thursday, 8 March.****ADJOURNMENT**

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

That the house do now adjourn.

Bushfires: volunteers

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for the attention of the Minister for Police and Emergency Services in the other place. Since the devastating impact of the north-east fires we have on many occasions congratulated and warmly thanked our Country Fire Authority members for their unselfish, brave and tireless efforts during this most difficult six-week period. I conducted meetings recently with brigades across the Northern Victoria Region, and the issue of remuneration for volunteers has been soundly rejected by those members I have spoken to, who are very proud to be volunteers and very happy to give up their time freely.

These volunteers who give up many hundreds of hours of their time in community service and training are also required to fundraise for specialist equipment and clothing such as tankers and wet-weather gear. This does not seem to be either fair or encouraging to the philosophy and ethos of volunteers or the role they play. My question to the minister is: what action has been taken to alleviate the need for volunteers to fundraise for items which equip them for the performance of their roles?

Agriculture: tobacco growers

Ms BROAD (Northern Victoria) — The matter I wish to raise in this adjournment debate is for the attention of the Minister for Agriculture in the other place. The matter concerns assistance to former tobacco growers in the state's north-east and future use of horticultural land which has been used for tobacco growing in the north-east. I am very pleased that on a recent visit as part of the Bracks government's bushfire recovery ministerial task force, the minister met with growers affected by the challenges which they now face and was able to discuss those challenges and also to consider future opportunities for that community.

One of the matters which I am also pleased that the minister has been able to assist with as a follow-up is a study which is going to be funded to look at options for the use of this land, and that assistance is going to be provided through the minister's Department of Primary Industries. The action I am seeking from the minister is that he advise me and growers as to the funding that is going to be provided for this study and the opportunities that will exist for growers to put forward their views, that he ensure that all relevant stakeholders have opportunities to engage in this very important undertaking and that he advise me and growers of those details.

These growers are confronting a lot of uncertainty right now, particularly around what actions the federal government is going to take in terms of assistance and tax arrangements which will apply to these growers, a matter which they are very concerned to have resolved. In the face of that uncertainty I am very pleased that the Bracks government is getting on with the job of sorting out how this land might be put to productive use in the future. I would be very grateful if further detail could be provided of the actions that the Bracks government is taking in this direction.

Eisteddfods: funding

Mr HALL (Eastern Victoria) — Today I wish to raise a matter for the attention of the Minister for the Arts in the other place. It concerns funding for eisteddfods. Eisteddfods provide wonderful opportunities for young people to express their respective talents across a broad range of performing arts. They are very popular in country communities where it is not uncommon for them to run over several weeks and involve many hundreds of participants. Local volunteer eisteddfod committees are forced to work extremely hard to raise funds to cover the costs of running the eisteddfods. Such fundraising is becoming increasingly difficult, especially in country areas where the drought has impacted significantly on business prosperity and also personal incomes.

During the election campaign last year the Australian Labor Party released a policy document entitled *Arts — Opportunities for Everyone* in which it said it would provide \$400 000 to support and strengthen eisteddfods across Victoria. The policy goes on to list a number of places where eisteddfods are held. I could certainly add some more, because it is not comprehensive by any means at all.

Mrs Coote — We had a good one, too. Our policy was very good.

Mr HALL — Did you promise money? I am going to try to get some money for my eisteddfods here.

The policy acknowledges the importance of eisteddfods, saying that they provide an essential training ground for new talent and often stimulate a lifelong love of the arts. I would agree with that entirely. The Nationals strongly support the concept of providing some financial assistance for the running of eisteddfods across Victoria. As communities are now gearing up to hold their 2007 eisteddfods, I am asking the Minister for the Arts if she would immediately outline the process that the government will use to

distribute the promised \$400 000 and, in particular, when and how local eisteddfod committees can apply.

Calder Freeway: traffic congestion

Mr FINN (Western Metropolitan) — This might seem like adjournment matter take 2, because I seek action from the Minister for Roads and Ports in the other place to alleviate traffic congestion on the Calder Freeway, particularly in the Taylors Lakes and Keilor areas. Members might never have to travel on the Calder Freeway or, for that matter, on the West Gate Freeway, but for thousands of people in Melbourne's north-west, peak hour on the Calder Freeway is a daily nightmare. Speaking as someone who does use the Calder, I can certainly back that up.

It is all very well for the government to crow about growth in the west and to talk about people moving into the west of Melbourne in such large numbers, but without the necessary infrastructure to support those people moving in, it is a very hollow crow indeed. Hundreds of thousands of hours each week are wasted by people sitting in their cars in gridlock between Sunshine Avenue and Keilor Park Drive in the morning and the Western Ring Road and Green Gully Road in the afternoon. Again, I can personally vouch for that.

The frustration of 80-kilometre-an-hour speed limits well past the Calder Park Thunderdome adds to the misery of those commuters on their way home. This is an issue that has been going on for quite some time now. Why we would have 80-kilometre-an-hour speed limits on a major freeway is beyond me. I am sure Mr Drum will back me up on that one as well.

I ask the minister to act now. I am not an expert on road infrastructure. I do not know exactly what needs to be done. The minister, within his job capabilities, should know what to do, so I am asking him to do whatever is necessary — commission whatever report or hire whatever consultant. Surely it should not be too hard for this government; it has after all had plenty of practice. The problem needs urgent attention. It is something that is affecting hundreds of thousands of people every day.

Mr Thornley — On a point of order, President, I am new to this place, but my understanding is that you have to ask the minister for a specific action.

Mrs Peulich — He has. You were not listening.

Mr Thornley — It was a very general question to do anything necessary — commission any report or do whatever is necessary. That does not seem very specific.

The PRESIDENT — Order! The member had in fact asked for action at the start of his contribution. He has not finished yet and he has more time to elaborate on that.

Mr FINN — I take that point of order from Mr Thornley as another show of contempt by the Labor Party in this state for the people of the west of Melbourne. You would think I would be used to it by now, but it never ceases to amaze me.

Perhaps we do need another lane on the Calder Freeway. That is something that we can see the minister bringing in. We need overpasses. We need a whole range of measures which will make it easier for people to get to work and to get home in the afternoon. I sincerely hope the minister will take this on board and act immediately to fix this. Otherwise we can only assume that when it matters in the west, Steve Bracks just does not care.

Bushfires: biodiversity

Ms PENNICUIK (Southern Metropolitan) — My adjournment matter is for the Minister for Water, Environment and Climate Change in the other place. The 2003 bushfires and this year's fires have had a devastating impact on Victoria's biodiversity, which is already under enormous stress. Victoria's Flora and Fauna Guarantee Act currently lists some 40 mammals, 78 birds, 28 reptiles, 11 amphibians and over 400 plants as threatened or endangered. I mentioned in my inaugural speech that animals are not able to speak for themselves and they need us to speak for them. We have heard a lot about the fires and the threats to private property, which are terrible, but the fires also have had a devastating impact on our native wildlife. Much more public land, where our native wildlife habitat is found, has been destroyed by the fires than has private property.

Not only were animals killed in the fires but many animals were injured, which was reported in the press. My request to the minister is that he give our wildlife a chance to recover by imposing a moratorium on the control or shooting of wildlife, by protecting the remaining habitat from the logging of remnants and salvage logging and by increasing funding for wildlife rehabilitation and refuges.

Australian Synchrotron: inspection

Mr LEANE (Eastern Metropolitan) — My adjournment matter is for the Minister for Innovation in the other place, Mr Brumby. During the last sitting week I was very perplexed when some members of the

opposition interjected in a very negative fashion when the Minister for Major Projects was reporting on the Australian Synchrotron. I was so perplexed that I went back to the synchrotron last week, thanks to the organisation of the Parliamentary Secretary for Industry and Innovation in the other place, to confirm in my own mind that the beams of extremely intense radiation that are now being produced by the machine have the same capacity as the beams produced by similar machines around the world to X-ray images with such a fine level of resolution that, unlike conventional X-rays, they can clearly reveal fine details of soft tissue.

The advanced scientists I spoke to last week confirmed that that is absolutely the case. They told me that it will be used to develop advanced mammography techniques for breast cancer detection and for the treatment of brain tumours and other cancers. The machine will also be used to further develop medical systems to help premature babies breathe easier. I was told that other spectrums of these beams of light will be used in pharmaceutical development. The drug Relenza, which is used in the treatment of bird flu, was developed recently using a synchrotron. These are just some of the medical applications of this machine.

The synchrotron will also be used to make giant advances in the agricultural, mining and manufacturing fields and in crime scene investigation. Australian scientists are returning to Australia after working overseas because they can utilise the synchrotron for their important research. Scientists will be doing experiments using this machine next month. For members opposite to be so negative about something like the synchrotron, which we are very fortunate to have in this state and which will do such great things for our society, their mindsets must be in a very sad, dark place.

I ask that the minister make available tours of the synchrotron for members of all parties in the Parliament so that they can give an educated report and firsthand advice to their constituents on how great this machine will be for the next couple of generations of Victorians.

Frankston Hospital: surgery delay

Mrs PEULICH (South Eastern Metropolitan) — I raise a matter for the attention of the Minister for Health in the other place, Ms Pike. Access to health care is a critical need for people irrespective of where they live but it is particularly important in South Eastern Metropolitan Region given the large number of people who are on fairly low incomes or on social security, as is the case in patches of the electorate. One such person is Ms Elisabeth Leigh of Frankston.

Ms Leigh has contacted my office regarding a very serious matter — the delay in her having an epigastric incisional hernia repair operation at the Frankston Hospital, which is part of the Peninsula Health network.

Mr Viney interjected.

Mrs PEULICH — I did share Mr Viney's office briefly, and I was delighted to represent the people of Frankston, but the sad thing is that there were so few constituents coming in the door. Clearly he is weaning himself away from that, but I will get back to the matter at hand.

Ms Leigh's recent medical history includes her having a stroke due to kidney problems in 2003 and 16 months later having her right kidney removed and the repair of two aortal aneurysms. In May 2006 a hernia appeared just below Ms Leigh's sternum and was growing rapidly. The hernia caused a couple of internal stitches that were holding stomach muscles together to part. In August 2006 Ms Leigh consulted an abdominal surgeon who organised for her to go on the waiting list. Six months later Ms Leigh is still waiting for category 2 surgery, not elective surgery.

On 4 September 2006 Ms Leigh received a letter from Frankston Hospital advising that she had been listed for surgery as a category 2 patient — and she is still waiting. She has not been given a date for this to occur despite the hernia continuing to grow and becoming very visible. Ms Leigh is on a disability support pension and cannot afford to attend a private hospital. She is seeking an urgent resolution to her wait for surgery. Elective surgery waiting lists are extensive — often up to two a half years — and in many cases the surgery is not elective. This is category 2 surgery and the wait has been longer than six months. It is an unacceptable situation. I call on the minister to immediately intervene to have this case reviewed.

Climate change: heritage register

Mr THORNLEY (Southern Metropolitan) — My matter is for the Minister for Planning. I would like the minister to create an addition to the heritage register — a register for living and natural persons.

Mrs Peulich interjected.

Mr THORNLEY — No, I want one of yours on it. If the minister establishes such a register I would like him to induct Mr Ray Evans as part of the living heritage, because members of future generations, when the consequences of climate change are fully invested on them, will want to understand what in heaven's name people who pretended the thing was not a

problem were thinking. If we do not preserve people like Mr Evans on such a register, if we do not keep such vital cultural and historic treasures, how will people possibly understand how anyone could seriously question that this was one of the greatest threats facing the human race and that hundreds of millions of people would have been likely to be displaced, have their lives ruined and lose their jobs had we not addressed it?

Mr Evans recently published a book that was welcomed, I gather, by many members of the federal cabinet. He mentioned in passing that most members of the federal cabinet were climate change sceptics. They do not like saying so in public anymore but they were certainly all there to support him when he launched his book. This book used to be called *Nine Lies about Global Warming*, but Mr Evans is trying to take a more objective tone and it is now called *Nine Facts about Climate Change*. I will quote from one of those so-called facts.

Apparently the world is no longer getting warmer. Apparently the world was going through a small warm phase from 1976 to 2000 but that is now over and it is getting cooler again. That may be news to the rest of the house. It may be news to farmers suffering from the drought. It may be news to people suffering from the effects of extreme weather events. It may be news to people who have looked at the numbers —

The PRESIDENT — Order!

Mr THORNLEY — and seen that 11 of the 12 hottest years in history —

The PRESIDENT — Order! Mr Thornley!

Mr THORNLEY — have been in the last 12 years.

The PRESIDENT — Order! Mr Thornley!

Mr THORNLEY — It may be news to — —

The PRESIDENT — Order! I am really concerned that Mr Thornley's ears may be painted on. I have called him four times; he should resume his seat. The member's time has expired.

Mr P. Davis — On a point of order, President, I am a little confused about the matter raised by Mr Thornley, and I give him some leeway as a new member, but I notice that he used the opportunity in the adjournment debate primarily to castigate the author of a new publication, Mr Ray Evans. Mr Evans is a man of great distinction. I happen to know him and can testify to that. It was not clear to me that the member was following the appropriate protocols regarding the

adjournment debate in seeking to place a deliberative matter in the competence of the minister he raised the issue with.

The PRESIDENT — Order! I have to say that, like Mr Davis, I was interested in what the contribution was all about. The subject matter raised was certainly a little different, a little innovative if you like. However, I checked and I am satisfied it was within the scope of the rules governing the adjournment debate. The member was asking the relevant minister to do something that was within the scope of his portfolio, and there is nothing I can think of that precludes Mr Thornley from asking for that action.

Fairhills Primary School: disabled facilities

Mr ATKINSON (Eastern Metropolitan) — I wish to raise a matter with the Minister for Skills, Education Services and Employment in another place. I wish to read from a letter that has been sent to me by Josh Eyssens, who said:

My sister had to move to a new school this year because she has osteogenesis imperfecta and might need a wheelchair sometimes. Fairhills Primary School has not got wheelchair ramps, so she cannot go there any more. The school told mum they could not get ramps and said she might be better at another school. My sister thinks Regency Park is great, but I do not think it is fair that my mum has to drive four kids to three different schools. Next year I will be in high school with my big brother, but little brother will probably have to change to Regency Park to make it easier for my mum.

Why don't all state schools have disability access and disabled toilets in case they are needed? Kids like my sister do not ask for what they have, and they should be treated the same as everyone.

I have to agree with Josh Eyssens, who is in grade 6 at Fairhills Primary School. In the context of his letter and plea, I ask the minister to investigate the circumstances of the Eyssens family in connection with both Fairhills Primary School and Regency Park Primary School because of the split in their family as a result of the lack of availability of suitable facilities to cope with Mr Eyssens's sister at Fairhills Primary School.

Rural and regional Victoria: health services

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

Health, like education, is dear to all of us. Having healthy education and health systems are key indicators in any developed democracy, as is the provision of these services beyond Melbourne. One of the key

concerns of people in Western Victoria Region is the proper provision of health services.

Rural communities were described as 'the toenails' of the Victorian economy by the Liberal Kennett government, and services were ripped out of the regions. I remind members that rural hospitals such as those at Macarthur, Clunes, Elmore, Mortlake, Lismore and Beeac — that is, at least eight — were shut and many others have been operating at a knife's edge, I might say, given the cuts to their budgets.

We all want health services to be available to our families, whether we require operations, medical tests, obstetrics or rehabilitation. This is why it is important to ensure that Victorians, regardless of where they live — in metropolitan Melbourne or country Victoria — are not treated differently. Geographical distances should not and cannot be a deterrent. It is evident that the Bracks government is committed to health services and regional development in country Victoria.

We made an announcement during the election period that \$90 million would be allocated to rebuilding the Warrnambool hospital. I ask the minister to provide information on the current situation with respect to the rebuilding of the Warrnambool hospital.

Schools: voluntary student fees

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the attention of the Minister for Education, who is not available immediately. Recently it was revealed that students at particular schools in Victoria were being victimised by principals and teachers because of the failure of their families to pay voluntary student fees.

The Department of Education confirmed that the Boneo Primary School withheld books and materials from students because some parents had not paid the voluntary fees, and these children were named and shamed in front of their peers.

We also received information from parents in other parts of Victoria who were distraught because their children had been similarly victimised, left out of school activities and coerced into selecting subjects with a lower voluntary fee — that is, they were forced into different academic courses. This is quite clearly shameful and unacceptable behaviour by schools, and it highlights the fact that government schools are relying heavily on the payment of voluntary fees to fund core curriculum.

I ask the minister to advise what he has since done and what further action he will take to discipline schools that have been indulging in this inappropriate bullying

behaviour towards students. I note it is clear that this action is the result of a failure to provide sufficient funding to schools for their necessary core curriculum. It is totally inappropriate in our current environment that children from families who cannot afford voluntary fees be victimised and shamed in any manner, especially in front of their peers at school.

Alcohol: education programs

Ms DARVENIZA (Northern Victoria) — I wish to raise a matter for the attention of the Minister for Health in the other place. The matter I wish to raise concerns recently released statistics showing that almost 200 young Victorians have suffered alcohol-related death between July 2001 and June 2005. Those startling statistics reveal that binge drinking is rife among our young people, particularly in regional Victoria. Some 51 per cent of Victorians aged between 16 and 24 put themselves at risk or higher risk at least once a month through binge drinking, and 76 per cent, an even higher percentage, of Victorians aged between 16 and 24 put themselves at risk or higher risk at least once a year.

Alcohol is second only to tobacco as a drug that causes high levels of disease and death, which puts enormous pressure on our hospital and health systems, and on our health budgets. Some 300 000 people have risked serious injury or possible death at least once a month through drinking irresponsibly.

Mrs Coote — Neither Kaye nor I drink, therefore it does not affect us.

Ms DARVENIZA — You are absolutely right; we'll be okay. Not only do we not fit into that age group, but we do not drink. Alcohol abuse among young people is having a very serious impact. Statistics show that as a result there are more than 11 000 hospitalisations over four years and something like 2000 hospitalisations from serious car injuries.

This is something that we need to be looking at very closely. That does not deal with the aggression, confrontation, outbursts and violence that are a spin-off as a result of excessive alcohol abuse among young people. It is not only directed at their own circle but also within families, which can cause all sorts of terrible problems. Rural regions rate very highly in a comparison of people affected by this sort of alcohol abuse.

I ask the minister, or her department, to take action both at a community level and within the hospital sector to ensure that resources and support are made available, in

light of these new statistics, through our drug and alcohol programs.

Tertiary education and training: skills training

Mr DRUM (Northern Victoria) — My adjournment question is directed to the Minister for Skills, Education Services and Employment in the other place and concerns skills training. The government, for the fifth year in a row, has recorded the worst level of funding for vocational education and training of any state in the commonwealth. In the six years to 2005 government investment in this training sector has risen by a paltry \$11.9 million.

Around the nation it costs an average of \$14.50 per student contact hour to train young people in vocational education. In Victoria, in the resource-starved TAFE sector, it gets by on \$12.50 per student contact hour, and TAFE in this state has to make up the shortfall by selling services on the open market, such as roadworthy testing, wine and restaurant sales.

If that is not bad enough, the state pays private vocational education trainers, the registered training organisations, just \$9.75 per student contact hour to deliver exactly the same outcome.

The registered training organisations (RTOs) system is enormously successful in the community, as evidenced by the fact that people undergoing training love it. It is much more popular than the TAFE sector, and it has a much lower rate of attrition. Only some 16 per cent of their trainees fail to complete their courses compared to approximately 50 per cent in the traditional classroom approach. The evidence is that industry loves it, and why should it not when training at registered training organisations is available for some 47 weeks of the year as opposed to 40 weeks of the year in the traditional sector?

It should be said that whilst it might not be popular with the unions, which have asked the government to turn its back on registered training organisations in favour of the TAFE sector, the unions have acknowledged that the Victorian government is still funding RTOs at a level 15 per cent lower than the rest of the nation. If the state Labor government wants to continually use education and training as its no. 1 priority, then maybe it has to stop with the rhetoric and actually start getting out there with the funding.

One RTO in Bendigo had 195 places last year. It started with 98 places and the number was increased three times, ending up at 195. You would have thought that the level would be kept the same this year, but it was

not. It was put back to 118 places. Therefore I call on the minister to initiate an allocation process that more accurately reflects demand and the ability of the specific RTOs to meet that demand with the highly qualified training methods that are popular with both trainers and employers.

Responses

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — Mrs Petrovich raised a matter with the Minister for Police and Emergency Services in another place. The question related to volunteers and their role and sought assistance. I will pass on her request to the relevant minister for response.

Ms Broad asked a question of the Minister for Agriculture in another place. It pertained to assistance in relation to former tobacco growers and the use of land. I will pass that question on to the relevant minister for response.

Mr Hall asked a question of the Minister for the Arts in another place. It related to funding for eisteddfods. I will pass that on to the Minister for the Arts for response.

Mr Finn asked a question of the Minister for Roads and Ports in another place in relation to the Calder Freeway. Mr Finn is concerned about traffic congestion on that freeway. I will pass that question on to the relevant minister, although I note that the Calder Freeway has been freed up considerably by the changes at the Tullamarine exit.

Mr Finn — Been out there lately, Theo?

Hon. T. C. THEOPHANOUS — I have, actually.

Mr Finn — Obviously not!

Hon. T. C. THEOPHANOUS — I have.

Ms Pennicuik asked a question of the Minister for Water, Environment and Climate Change in another place. It related to a moratorium on shooting animals. Again, I will pass that question on to the relevant minister for response directly to Ms Pennicuik.

Mr Leane asked a question of the Minister for Innovation in another place. It relates to the synchrotron. He asked the minister to facilitate more visits by members of Parliament to the synchrotron. In response I might say to the honourable member that my office would also be very happy to accommodate people who want to visit the synchrotron.

Mrs Peulich interjected.

Hon. T. C. THEOPHANOUS — Including Mrs Peulich, or any other member for that matter.

Mrs Peulich asked a question of the Minister for Health in another place. It related to a specific request for a particular individual and his need for an operation. I will pass that request on to the Minister for Health.

Mr Thornley asked an innovative question of the Minister for Planning. I was not quite getting it until the end when you, President, stopped him. I now understand the purpose of the question. It related to Ray Evans, and notwithstanding the objections of the Leader of the Opposition, I will pass that matter on to the relevant minister for response.

Mr Atkinson asked a question of the Minister for Skills, Education Services and Employment in another place in relation to disability access at a particular school. Again, I will pass that matter on to the relevant minister.

Ms Tierney raised a matter for the attention of the Minister for Health in another place. It related to rural health and the government's record and achievements in that area. I will pass her request in relation to that area on to the relevant minister.

Philip Davis asked a question of the Minister for Education. It related to his assertion that there was victimisation of students in relation to the voluntary payment of fees. I do not know whether the honourable member has any evidence in relation to this, but I will pass his request on to the relevant minister anyway.

Mr P. Davis interjected.

Hon. T. C. THEOPHANOUS — If it is evidence based on press reports, I am not sure that it is actually within the standing orders to make a request based upon a press report anyway. In any case I will simply pass the request of the member on to the minister.

Ms Darveniza asked a question of the Minister for Health in another place related to alcohol-related deaths and binge drinking. This is an issue that all members are concerned about, and I certainly will pass that question on to the Minister for Health for response.

Mr Drum asked a question of the Minister for Skills, Education Services and Employment in another place. It related to skills training investment and his concerns in that area, and I will pass that question on to the relevant minister.

The PRESIDENT — Order! The house stands adjourned.

**House adjourned 4.31 p.m. until Tuesday,
13 March.**