

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Tuesday, 13 February 2007

(Extract from book 2)

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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.

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Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey
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Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Mr PETER HALL

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Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

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Tuesday, 13 February 2007

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

CONDOLENCES

Hon. Hector Roy Ward

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

That this house expresses its sincere sorrow at the death, on 19 December 2006, of the Honourable Hector Roy Ward, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Council for South Eastern Province from 1970 to 1988.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

BUSINESS OF THE HOUSE

Photographing of proceedings

The PRESIDENT — Order! I wish to advise the house that Jamie Murcia will take photographs of the chamber in action throughout the day. The photographs will be taken from various points in the public gallery and will be used for various official parliamentary publications.

ROYAL ASSENT

Message read advising royal assent on 22 December 2006 to State Taxation Legislation Amendment (Housing Affordability) Act.

QUESTIONS WITHOUT NOTICE

Preschools: accessibility

Mr P. DAVIS (Eastern Victoria) — I direct my question without notice to the Minister for Education. I refer the minister to the policy of the federal opposition leader, Kevin Rudd, to provide universal access to preschool for four-year-olds. After this blatant rebuke from the federal Labor leader, can the minister advise in relation to ensuring a decent start to our children's education whether he will now follow the Liberal Party's policy of abolishing fees for four-year-old kindergarten in Victoria and consolidate the governance into the Department of Education?

Mr LENDERS (Minister for Education) — I have always welcomed questions on education from the Leader of the Opposition. I am interested in his talking about the Liberal Party's policy. I have this grand, A4 document about what the Liberal Party believes in. Interestingly the party's platform does not even mention the word 'education'.

An honourable member — It does not mention education?

Mr LENDERS — It does not mention education. It does not mention it at all; it does not exist. It is an act that has been in place since 1872, yet the great document outlining the things the Liberal Party believes in — its standard, its platform, its 'what we believe in' — does not even mention the word 'education'.

Leaving that aside, I move on to the question of the Leader of the Opposition about Kevin Rudd. I am pleased that the Leader of the Opposition is talking about Kevin Rudd. He is a great Australian, and I look forward to his being in the Lodge before the end of this year and actually restoring some sense to the education debate. I look forward to his putting a focus on the education debate and providing support for the Bracks government's great initiatives under the national reform agenda to improve our human capital, or in plain English terms to make education the no. 1 priority and invest in the future of our kids. I welcome that.

Mr Davis also raised the issue of where preschool is located — I think that is what his question was. The Bracks government has looked at many of the issues in this area, and these are more appropriately issues that the member should direct as part of a question on notice to my colleague the Minister for Children in the Legislative Assembly, Lisa Neville. However, as far as the question relates to the education portfolio, I will remind the Leader of the Opposition that this government has invested more in kindergartens than any other government in the history of this state. If we move to the next level of early childhood development, we see that we have invested more in primary schools in the early years than any other government in this state. I proudly recall being a candidate in the 1999 election when all we Labor candidates had our pledge cards. There were six pledges that every Labor candidate signed up to in 1999, and one of those six, among our top priorities, was reducing class sizes in P-2 to 21 students or less in every school in Victoria.

The Bracks government is proud of its record on education. We have delivered a lot, and there is a lot more to be done. We welcome at any time a debate on education. I look forward to the day when we have a

debate with Kevin Rudd as Prime Minister and Stephen Smith as federal education minister, rather than the comedy duo of John Howard and Julie Bishop, who talk a lot, rant a lot, rave a lot, put wedge politics in place but do not deliver a lot for education in Victoria or Australia.

Supplementary question

Mr P. DAVIS (Eastern Victoria) — I direct a supplementary question to the Minister for Education. Can the minister assure the house that no information on negotiations between state and federal governments on the Council of Australian Governments agenda on early years learning was leaked by his office to the federal opposition?

Mr LENDERS (Minister for Education) — I am quite gobsmacked by Mr Davis's question. One thing I pride myself on is that if anything is given to me in confidence, that confidence will be respected. The suggestion of a leak implies that somehow or other a confidential document has gone astray. I say to the Leader of the Opposition that I will respect any conversations I have with the federal Minister for Education, Science and Training, Julie Bishop, or the federal Minister for Vocational and Further Education, Andrew Robb, who deal with education matters. I will talk to them.

In fact I talked to Andrew Robb at the Australia Day ceremony in the city of Bayside, which is part of my and Mr Thornley's electorate. It is also the electorate of David Davis, Mrs Coote and Ms Pennicuik, who was with me at that ceremony. It was a very pleasant Australia Day ceremony. I was quite happy to talk to Andrew Robb and suggest to him that a dialogue with the states would be quite good, rather than just unilaterally building tech schools on an ad hoc basis without consulting parents, communities or the state, which is not good. I am happy to work with the federal government, and I hope there is a new federal government in a few months. I am happy to work with the opposition, federal or state, to get better educational outcomes for our students.

Forensicare: security

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Community Services, Gavin Jennings. I congratulate the minister on his new portfolio. Can the minister inform the house of measures that have been taken to strengthen the capacity of agencies to deal with situations in which a client leaves a secure disability service without authorisation?

Mr JENNINGS (Minister for Community Services) — I thank Ms Mikakos for asking me this question and for providing me with the first opportunity since the beginning of this Parliament to allay concerns that may be prevalent within the community about the circumstances surrounding the absconding of three residents of the statewide forensic service in Fairfield in January this year.

I learnt a salutary lesson. I had decided to take leave that week and had gone to Wilsons Promontory, only to discover that there were a number of administrative practices, protocols and police operational procedures that perhaps were more cumbersome than they should have been. I instigated a number of reviews to deal with those matters immediately on my return the following week. I am pleased to be able to provide the house with a number of substantive responses to the issues that have been raised.

There is an external security review surrounding the quality of security provided at the statewide forensic service, which is a small service attached geographically to the Thomas Embling facility in Fairfield. It provides accommodation for somewhere in the vicinity of 15 to 18 intellectually disabled clients who have a range of complex care needs and who have arrived at the service through a variety of means. Some of them are there on the basis of direct supervision orders that have been directed by the courts or the parole board. Some of them are residents who have come into the service voluntarily.

When three residents absconded we discovered there was some imprecision about the relative roles and responsibilities of the police in relation to apprehending these residents. The most substantive thing I can report to the house is that there is a legislative framework in the Disability Act 2006 which will come into full effect on 1 July this year and which will provide clarity in the circumstances where there was some imprecision and lack of clarity in the early weeks of January. In such circumstances in the future the police will very clearly be responsible for the apprehension of anybody who leaves a facility without permission or without authorisation, so there will be no confusion. The police in these circumstances in the future will make very clear determinations on the disclosure of information about the residents concerned. The police will make an operational decision about the appropriate disclosure of information in terms of providing for public safety or to facilitate the apprehension of these absconders.

These are the circumstances that raised some alarm during January. This issue will not be evident in the future, and the police — rather than the media, rather

than the Department of Human Services, rather than the Department of Justice, rather than anybody else — will be making the decision about the disclosure of that information into the future. I am very pleased to say that there will be a degree of clarity about the protocols in relation to the sharing of information between the departments of human services, justice, corrections and Victoria Police and the transference of that knowledge. Those protocols will be much clearer than they have been previously.

In fact it has led us to examine the whole nature of who should be in this facility in the first instance. I have asked the department to undertake a review as to whether there is an appropriate mix of clients at this service so that we as a community will have greater confidence about the nature of the people who go into it and the degree of security that is available to make sure they are held securely and so that we have a great deal of clarity about police operations and their being covered by statute into the future. These unfortunate circumstances will not arise again. We have taken the opportunity to remedy the situation at the earliest opportunity.

Schools: fire-detection systems

Mr HALL (Eastern Victoria) — I am going to ask Mr Lenders, the Minister for Education, a question today. He would be well aware that already this year there have been several major fires that have destroyed school buildings, the most recent of those being at Moe Primary School last Saturday morning. In response to these events, I ask the minister: are early fire-detection systems installed in all Victorian school buildings, and if so, who monitors those systems?

Mr LENDERS (Minister for Education) — I thank Mr Hall for his question. I will take the details of his question on notice, because I do not know the answer as to who monitors those systems or whether it is done, and I will get back to him with a response, but I can assure him that the government's \$1.9 billion reinvested into schools will address these issues.

Mrs Coote interjected.

Mr LENDERS — Mrs Coote says I should have known the names of the children. I inform Mrs Coote that when I was at Monash University the motto of the university was *ancora imparo*, which means 'I am still learning', and my old Trafalgar High School motto was *quant je puis*, which means 'as much as I am able'. Those two slogans sum up where I am at on day 74 in my portfolio.

In response to Mr Hall, we are investing \$1.9 billion in school facilities at the moment, the biggest investment since World War II. In addition to the 400 schools that are being rebuilt or modernised by the Bracks government, a further 500 schools will be done during this term. Given that there are 1597 government schools in the state, almost one-third will be done in this term. That will pick up many of the issues Mr Hall has raised. I take on notice the specific issue of the alarms and warning systems, and I will get back to him promptly on that.

Supplementary question

Mr HALL (Eastern Victoria) — I look forward to the minister's response to my question that he has taken on notice. Perhaps in his response to me the minister could also inform me on this point. I noted from the 2005–06 annual report of the then Department of Education and Training that approximately 94 per cent of Victorian schools have intruder alarm systems fitted throughout their buildings. My supplementary question to the minister is to ask whether these intruder alarm systems can be modified to also provide early fire detection warnings.

Mr LENDERS (Minister for Education) — I will take that on notice, as I did with the substantive question.

Melbourne Convention Centre: progress

Mr PAKULA (Western Metropolitan) — My question is for the Minister for Major Projects. Can the minister advise the house of the progress of the Melbourne Convention Centre project and whether the project is being delivered on time and on budget?

Hon. T. C. THEOPHANOUS (Minister for Major Projects) — I thank the honourable member for his question and his interest in this very important new facility for Melbourne and for the people of Victoria.

In the last couple of weeks there have been ill-conceived efforts by some people in the Liberal Party to talk down one of the greatest projects currently being undertaken in Melbourne — the Melbourne Convention Centre project. It is a fantastic project. You had David Davis, who is the failed candidate for the Liberal deputy leader position in the upper house — he failed to get that — or who was successful for —

Mr P. Davis — A very good man.

Hon. T. C. THEOPHANOUS — You say that with a straight face.

He was accused by his leader of being treacherous. This man went out, hand in hand with the failed Liberal candidate for Warrandyte, Peter Clarke, who is from the Melbourne City Council, to bag another big and important project for the people of Victoria.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — That is what you did, you went out to bag it! You have absolutely no idea about the project, and you did not come and ask.

In fact let me inform the house that what did happen was that the honourable member set up an appointment to come and be briefed by my department. We arranged for senior people in the department to go to that briefing. They sat around for an hour — five senior people in the department sat around for an hour — and guess what? David Davis did not turn up! He did not turn up to be briefed, because he is not interested in finding out what is going on and the truth about these matters. He is not interested in any of that. He is only interested in getting his face in front of a TV camera, irrespective of the truth and irrespective of whether it does any damage to Victoria or to what we are trying to achieve.

Let me make some points about this important project. It is a \$1 billion major redevelopment, which will include a 5000-seat convention centre, a 5-star hotel, an office and residential tower, a riverfront retail promenade, a premium-brand homemaker retail complex and a revitalised maritime museum. This is a massive project. It is a project which will boost the Victorian economy by an estimated \$197 million every year for 25 years. This is the size of the project that we are talking about. It is a project which involves 2500 jobs, including 1000 during the construction period. It is an exciting and very important project — it is important for our economy and it is important for Melbourne to have a world-class, 5000-seat convention centre — and it is running on time and on budget.

What happened was that David Davis was going out and bagging the project, bagging Melbourne and bagging what we are trying to do with job creation in this state. This project is not only on time, we have bookings for conventions at the new convention centre which will bring in \$100 million. It is exciting — and he should get on board!

Disability services: commonwealth-state agreement

Mrs COOTE (Southern Metropolitan) — My question is for the Minister for Community Services,

Minister Jennings. The Senate inquiry into the commonwealth-state/territory disability agreement (CSTDA) highlighted that suboptimal organisation and provision of disability services underscores an immense personal, social and economic burden affecting hundreds of thousands of Australians. What is the Bracks government going to do to address the unmet need in the disability sector in Victoria?

Mr JENNINGS (Minister for Community Services) — I thank the member for her question. I hope she asks not only me but also the federal minister responsible for his part in the equation of the commonwealth-state disability agreement in rising up and meeting the expectations. Because, unlike the federal minister, who was quoted in the *Age* today as saying that he is not going to fund any growth in disability services in the upcoming agreement, and unlike what the federal government did yesterday at the Senate estimates committee, when it clearly said that the growth factor was going to be somewhere in the order of 1.8 per cent going forward — it has already said that it is not going to rise up and meet the needs identified by that inquiry across bipartisan lines in the federal Parliament last week — I can say that the Victorian government does not share that view.

We will embark upon the renegotiation of the commonwealth-state disability agreement with full vigour and in the full expectation that together we will allocate resources on an equal footing, if we can. We will rise up and meet those expectations in the future. I can tell members that the outgoing practice is that at the moment the commonwealth government contributes less than 12 per cent of the total disability services in the state of Victoria. That is right: of the over \$1 billion that is allocated to disability services in the state of Victoria, only \$139 million comes from the commonwealth contribution. Less than 12 per cent of the total payments come through the commonwealth.

The commonwealth should be embarking upon an enthusiastic and respectful response to the report that was tabled in the federal Parliament. I remind members that it was tabled on a bipartisan, multiparty basis in the federal Parliament and there was unanimous agreement that there needs to be additional allocation of resources to disability services in the years to come. Immediately — within days — the federal government indicated through estimates and the public statements of the federal Minister for Families, Community Services and Indigenous Affairs, Mal Brough, that it is not prepared to put additional funding into disability services.

I say that the state of Victoria is prepared to walk the talk in relation to this investment. We are prepared to enter into the renegotiations of the commonwealth-state disability agreement to rise up and meet those needs into the future. I am prepared to eyeball people with disabilities and their carers in this state and say that we are interested in responding to their needs now and into the future.

Mr Finn interjected.

Mr JENNINGS — Mr Finn may shake his head. The state of Victoria puts in over \$675 million beyond its matching requirements. Mr Finn is well and truly out of touch. He has no idea about who cares about this matter. His side of the political fence is on very dodgy ground in relation to its bona fides on meeting the needs of people with disabilities in this community. The federal minister has already discounted the opportunity of matching funding with the state of Victoria or allocating additional funds beyond the paltry growth figure of the commonwealth-state disability agreement.

I challenge the federal government and the opposition, including Mr Finn, who is clearly out of his depth in relation to any idea about this issue, to stand up with the Victorian government and look after the interests of people with disabilities in Victoria; to be mindful and respectful of their needs into the future; to work with their carers and those who provide care in the community and to rise up to meet those needs into the future.

Supplementary question

Mrs COOTE (Southern Metropolitan) — How much actual funding does the Bracks government intend to provide to address the unmet need over the next four years?

Mr JENNINGS (Minister for Community Services) — The critical issue is that over the life of the Bracks government we have virtually doubled the amount of allocation of funding. We have already doubled the allocation to disability services in the state of Victoria. We have shown consistent growth in disability services. I am very confident that the state of Victoria will more than match the commitment of the commonwealth government in relation to rising up and meeting the needs of people with disabilities in this community into the future. The Bracks government took to the people commitments to increase funding in disability services. I will work with my colleagues to provide for that support in the years to come. I will be very keen to see whether in fact the commonwealth

comes anywhere near matching the contribution by the state of Victoria in the four years ahead.

GM Holden: exports

Mr THORNLEY (Southern Metropolitan) — My question is to the Minister for Industry and State Development. Can the minister advise the house of details of the recent announcement by GM Holden Ltd that it will export Commodores to the United States of America and the likely impact on the Victorian economy?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I thank the member for his question. I note again that the opposition wants to be negative about something as important as jobs for Victorians. It is a phenomenal achievement by GM Holden to be able to export into the United States of America. Holden Commodores are to be rebadged under Pontiac G8 or G6 and sent into the United States. Think about this: you could have Americans driving around Los Angeles, Detroit or New York in GM Holden cars which would be rebadged but which were born right here in Melbourne. The opposition ought to be very thankful that the government is able to bring these kinds of things about.

The Leader of the Opposition tried to bag what the government has done. Let me make it clear that this was a partnership involving the South Australian government and the Victorian government in providing the conditions so that GM Holden could compete in the world market with this product. I can inform that house that the government provided significant financial assistance to GM to enable it to do research around the rear wheel architecture used in this model.

Those who are into motor vehicles would know what rear wheel architecture is — it allows you to go down the street and do spin-outs, as some people do. However, it is also something GM specialises in. It has the latest technology, which has been able to be developed as a result of direct assistance from the Victorian government. This technology is very popular with a particular niche group in the United States of America, and in Australia I might add, because it is used in the Holden Commodore range here. It is very important technology, and it would not have happened without the assistance of the Victorian government in getting it up. I might add that that federal government also assisted in this process. It was very much a partnership to try to get something of real value to this industry.

It is important to note that, notwithstanding that there are people in the opposition who want to bag the automotive industry and the manufacturing industry generally, the fact of the matter is that 2500 new jobs have been created in the automotive industry in Victoria since 1999. That has happened because we are committed to Victoria being the centre of automotive manufacture and automotive excellence. Many members would be aware of the centre for automotive excellence being constructed in Docklands as part of building that profile for Victoria. This is all part of what we on this side of the house are trying to do — that is, provide a manufacturing future which will provide jobs and investment in this state.

Aboriginals: Yorta Yorta agreement

Mr BARBER (Northern Metropolitan) — My question is to the Minister for Aboriginal Affairs. The Yorta Yorta cooperative management agreement is a legally binding agreement between the government and the Yorta Yorta nation the aim of which is to facilitate the active involvement of those people in decisions about the management of their traditional lands. Is the government acting in accordance with the terms of this agreement?

Mr JENNINGS (Minister for Aboriginal Affairs) — I am very pleased Mr Barber has taken the opportunity to ask me a question about Aboriginal affairs. It demonstrates his commitment to and concern about the wellbeing of Aboriginal people. Generally I thank the member for the question, and I will answer it to the best of my ability in accordance with my responsibilities, which are to provide for the overall wellbeing of Aboriginal people within my responsibility in government and to keep an eye on and maintain an active involvement in the responsibilities of other ministers. I put that to the member and the house because the agreement the member referred to is an agreement between the Minister for Water, Environment and Climate Change in the other place on the basis of his land management responsibility and the Yorta Yorta nation, as the member correctly identified.

Without trampling on the precedents in this chamber or traversing ministerial responsibility, which may get me out of favour with my ministerial colleagues or the chamber, I am particularly mindful of the need to ensure that the integrity of that agreement is maintained. I have certainly intervened on a number of occasions to try to facilitate the ongoing establishment and maintenance of the consultative arrangements around that agreement. I have intervened on behalf of the Yorta Yorta nation to try to ensure that there is appropriate involvement of Yorta Yorta people in land

management issues along the Murray and the Goulburn rivers. In fact the agreement the member refers to relates to 50 000 hectares of land abutting those river systems, and I can probably volunteer that the ultimate delivery and satisfaction of that agreement has been thoroughly fulfilled as we speak.

We all know that this is a parcel of land and a catchment that has been the subject of consideration by the Victorian Environmental Assessment Council in relation to ongoing recommendations about the tenure of these lands in the river red gum area along the Murray and along the Goulburn. Their ongoing land tenure has been the subject of intense scrutiny. That may have played a role in getting in the way of tangible results from this agreement, but I continue to be optimistic about the potential for this agreement and indeed about the appropriate involvement of Aboriginal people in land management issues in that area.

Supplementary question

Mr BARBER (Northern Metropolitan) — With respect to the wood utilisation plan for the forest management area, the individual logging coupe plans, the 10-year review of the Code of Forest Practices, the identification of sites to be temporarily or permanently excluded and the special forest audit conducted following the 2005 logging of endangered species, are these all activities that the government has presented for the consideration of the Yorta Yorta joint management body in accordance with the terms of the agreement?

Mr JENNINGS (Minister for Aboriginal Affairs) — I went out of my way to try to help Mr Barber with the answer to his substantive question. I am not able to satisfy the technical nature of this question. In fact I suggest Mr Barber should put that question on notice for the attention of the minister responsible for sustainability —

Mr Barber — On a point of order, President, the minister appears to be relying on the standing orders to say that this is a question he does not have to answer and that I should put it on notice. I would like to be heard on that particular point. The standing orders say that questions may be put to ministers of the Crown relating to public affairs with which the minister is connected or to any matter of administration for which the minister is responsible. We would not have those two wings, if you like, so as to provide two alternative descriptions of the same thing; we would not allow that redundancy in the standing orders. They are intended to expand the scope of questions which can be asked. On the question of public affairs with which the minister is connected, obviously public affairs are —

The PRESIDENT — Order! I ask Mr Barber to be succinct and not debate his point of order.

Mr Barber — They are public affairs with which the general public has been concerned, and the word ‘connected’ is obviously a question of a link or relationship. On previous occasions, in fact in a media release put out on 10 June — —

The PRESIDENT — Order! There is no capacity for Mr Barber to debate his point of order, and I ask him to get to his point of order.

Mr Barber — On three separate occasions in the public domain, including in questions in this chamber both from the government and from the other side and in public media releases, the minister has connected himself with this public affair as described in the standing order.

The PRESIDENT — Order! I am struggling to find a point of order here. The member needs to understand that the minister has the capacity to answer the question or not, as the minister chooses, and to answer it in any way the minister sees fit, although once the minister has started to answer the question the supplementary question is automatic and has to be answered as well. I cannot find any point of order here, and since the supplementary question has been asked, I request the minister to answer it.

Mr JENNINGS — I think it is pretty rich for any member to suggest that there was not a legitimate intention to answer the substantive question. I think it is pretty rich for that suggestion to be made to the Chair, because in fact in answering I bent over backwards. I indicated that it is not my ministerial responsibility but said that I do have an interest and have played a role, and I have described the circumstances of that role.

If anybody in this chamber has the expectation that I should be responsible for the detailed implementation of any wood allocation plan in relation to the state of Victoria, then I point out that that is way beyond my responsibility in terms of Aboriginal affairs, and I am trying to indicate to the member where he can best get that answer.

Heritage Victoria: grants

Mr TEE (Eastern Metropolitan) — My question is directed to the Minister for Planning. Can the minister update the house on the Bracks government’s strategy to preserve and protect Victoria’s diverse heritage for future generations to enjoy?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Tee’s question. I know how much he appreciates heritage within the state, so I am pleased to be able to answer his question.

Last Thursday I had the good fortune to announce the latest round of heritage grants. This was a great announcement in a number of ways: not only are we preserving Victoria’s heritage but we are also complementing those communities that are particularly committed to preserving Victoria’s heritage. It is worth noting by members of the chamber that we have many community groups and many volunteers who dedicate endless hours to making sure we maintain and preserve our heritage.

The PRESIDENT — Order! The member of the public gallery using the flash camera needs to be aware that no cameras are permitted within this chamber without my express permission.

Hon. J. M. MADDEN — Many of these community groups are particularly committed to preserving the state’s heritage, which includes collections that have been collated over many years that need to be preserved, catalogued and managed. These grants, worth \$1 million, have a theme in this particular year of identifying many of those collections and groups and complementing and supporting them.

It was great testimony to the work of firefighters in this year, when we have seen the worst bushfire season on record, that the latest round of those heritage grants was launched at the Fire Services Museum of Victoria. I know the President has a great love of the fire services in Victoria and would appreciate this in particular. It was a great tribute to their proud history, and included a \$5000 grant to the museum to make sure that it can catalogue and preserve its memorabilia. Visitors to the museum will see that it has a spectacular collection, and to see how proud the volunteers are of the work they do was inspiring to all of us. I recommend taking the kids if members get a chance, because it is worth seeing.

I also had a great opportunity to visit Clunes last Friday to announce a \$10 000 grant to the Clunes community to restore the original stage backdrop at the Clunes town hall. If members of this chamber have not been to the Clunes town hall, I say to them that they should go, because it is a beautiful building and has been well cared for inside. The idiosyncratic nature of the building itself is worth seeing, particularly the old stage setting and the way in which it was produced many years ago. There is a commitment by the community to look after it and preserve it. It is a spectacular setting. I enjoyed the hospitality of the locals and the great

atmosphere they provided. This is part of our commitment to the community, particularly complementing the work of those volunteers.

I also made a number of other announcements. I know members of the chamber would be very supportive of this: I announced \$20 000 for the restoration of works at the Kensington scout hall. I know Mr Guy on the other side of the chamber would appreciate it, because it is in his electorate. I know Greg Barber would appreciate it, because it is in his electorate. I also know Jenny Mikakos and Theo are very committed, because it is in their electorate.

The PRESIDENT — Order! The minister may not take this as seriously as I do, but in reference to the Minister for Industry and State Development, the Honourable Theo Theophanous, it is not appropriate to use his first name only in the chamber.

Hon. J. M. MADDEN — I am sorry, President, I called him Theo because we get on so well, but I should have said ‘Minister Theophanous’. I also announced \$3000 for the repair and display of the original Ballarat Botanic Gardens designs, and I know many of our regional members would appreciate that. As well as that, over \$36 000 will go to building repairs at the former Buchan butter factory. This would be appreciated, particularly by members such as Philip Davis, Peter Hall, Mr Scheffer, Mr O’Donohue and Matt Viney, who represent the local community. These are great community announcements to please not only the community but everybody in this chamber.

Air services: stamp duty

Mr D. DAVIS (Southern Metropolitan) — My question is to the Honourable Theo Theophanous, Minister for Industry and State Development. I refer to the government’s extension of the state stamp duty on insurance contracts to contracts signed by international inbound airlines in their home countries. Is the minister aware that foreign airlines are very concerned about the impact of this tax hike on the number of international flights into Victoria and on business activity in general?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I thank the member for his question. It is part of my responsibility to look after aspects of the aviation industry and to seek improvements in the number of carriers that come to the state and the way in which we deal with them. We have an active program aimed at getting a larger number of carriers to come to Melbourne as opposed to Sydney or other parts of the commonwealth. That is a duty which I take very seriously. I have been engaged

in a number of briefings in relation to this issue, and I can tell the honourable member that I have a number of meetings coming up to see whether we can find a way to increase the amount of air traffic that comes into Victoria.

The single biggest set of issues associated with our attracting airlines to the state have nothing to do with state taxes, as the honourable member suggested in his question. What they have to do with is the attitude of the federal government, which is of course a Liberal federal government. It might be useful if the honourable member were to contact his Liberal counterparts in the federal government and ask them to help us here in Victoria by releasing all the rules and conditions they have which do not allow carriers to come into Melbourne. I know Mr Davis is not a team player. He is certainly not playing on the Victorian or the Melbourne teams — he is playing on its own team. That is the only team that he is interested in, as members of his own party have found out.

The fact of the matter is that it is possible to get additional loads and additional carriers coming into Melbourne. I want to congratulate Qantas for one action it has taken, which is to put the headquarters of Jetstar in Melbourne. That has been a positive contribution towards increasing the amount of air traffic coming to the state. I also make the point that there are considerable constraints at the federal government level, which I as minister am trying to deal with in order to allow a much greater flexibility for other carriers to come here from various parts of the world, particularly those that Qantas is either not serving or is not serving adequately. That is the only way to get those carriers back into Melbourne.

David Davis wants to deflect attention away by talking about things that are not relevant to this debate, the debate about how we bring other airlines into the state. It is about time he tried to do something positive rather than taking his normal narking and negative approach.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — What the minister has in effect confirmed is that he is not on top of the detail and is unaware of the impact of this new tax his government has imposed on inbound flights.

The PRESIDENT — Order! To your question, please, Mr Davis.

Mr D. DAVIS — My question is: has the minister assessed in detail the impact of this new tax on Victoria’s aviation, tourism and airfreight industries,

and if so will he release to the house and the community the result of that assessment?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I will tell the member what I have assessed in detail. I have assessed in detail what the prospects are for us to bring into this state additional capacity for other airlines, including Qantas, to service Victoria. That is what we are focused on. In doing that, one of the things I have also looked closely at is the conditions of sale being proposed in relation to Qantas, because they have a bearing on this.

Mr D. Davis interjected.

Hon. T. C. THEOPHANOUS — I notice that David Davis is not interested in whether Qantas is being sold off and the conditions under which it is sold off, and whether that is going to have an effect on flights into Melbourne. He does not care about the real detail or the real issues in relation to airline traffic in this state. What he does is come up with a niggly little thing and try to pretend he knows something about this, when he knows absolutely nothing.

Schools: South Morang

Mr ELASMAR (Northern Metropolitan) — My question is to the Minister for Education. The start of the school year is an exciting time for students, especially if they are being welcomed into new facilities. Can the minister inform the house of the new facilities that greeted the students at Mill Park Lakes P-9 school and the South Morang primary school for the start of the 2007 school year and the sentiments expressed by the principals about their schools.

Mr LENDERS (Minister for Education) — I thank Mr Elasmarr for his question. I understand his great interest in schools in his electorate, and I have great pride in talking about two great state schools in that area. The Lakes-South Morang P-9 School has opened. It is an \$11.2 million project being built over two stages. The first stage is open and 255 students started school on day one and enjoyed the benefits of the new facilities at the school, which were invested in by the Bracks government. Down the road at South Morang there is a further \$1.7 million refurbishment of another school in the area which will basically improve general purpose classrooms, staff work spaces, student toilets and other needs.

I am interested in Mr Elasmarr's comment about what the schools thought about these improvements. The schools were extremely excited that from day one 255 students could walk into a new school. Sadly,

though — and I quote from page 12 of the *Whittlesea Leader* of today's date — some critics had a different view and talked down the school. In fact one of the principals referred to one of the critics as a downright liar because that critic said the school was not open and that students had to be bunked down in the adjoining South Morang primary school, which was an outright lie. That principal also said that this spokesperson was 'a goose' and that 'he ought to get his facts straight'.

Hon. J. M. Madden interjected.

Mr LENDERS — My colleague Mr Madden asks, 'Who is that?'. It is Philip Davis, the shadow Minister for Education, who is described by a local principal as two things which, if I said them in this house, would be quite unparliamentary — calling someone a goose or a liar. The important thing here is that if a person goes out and makes a comment on the public record and is talking down state education, you would think as rule no. 1 they would at least check their facts.

Returning to page 12 of the *Whittlesea Leader* of today, Mr Davis is quoted as referring to the school as Mill Park Lakes primary school. In fact it is called Lakes-South Morang P-9. If he had actually read the material, he would have known that the school changed its name. That was on the public record in the local newspapers, and I hope that his colleague, Mr Guy, pays some forensic attention and holds him to account for this, because I would be extremely embarrassed if that were happening on my part.

Finally, Mr Davis talks about the students being required to bunk down at South Morang primary school. He is obviously getting excited about the Liberal Party's love-in, where its members are going to bunk down at a farm near Mansfield which is owned by a former member for Central Highlands Province, Graeme Stoney. I assume Mr Davis will be in the bunkhouse and not the tent — maybe he will be in a tent. He might be in his fatigues ready for warfare with his factional colleagues — I mean enemies. It will be fun and games for all. I could go through the roles people will play, but I will spare the house.

My main point is that the local paper says 'Libs cop a blast' — and rightly so because the shadow minister got wrong the name of the school and whether the school was open or closed. If he goes to the school, he will see eight equivalent new classrooms and 255 students. Later this year a second new wing will open for the year 9 students and the more senior levels that are not yet there. He will find that the students are happy. The *Whittlesea Leader* talks about two anonymous parents. I am happy to speak to any parent, and I am happy to

go to the school, because I revel in our investment in state education and welcome the Leader of the Opposition paying attention and not getting caught again.

QUESTIONS ON NOTICE

Answer

Mr LENDERS (Minister for Education) — I have an answer to the following question on notice: 29.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 1

Mr EIDEH (Western Metropolitan) presented *Alert Digest No. 1 of 2007, including appendix.*

Laid on table.

Ordered to be printed.

Mr EIDEH (Western Metropolitan) — I move:

That the Council take note of the report.

The report covers the Control of Weapons Amendment (Penalties) Bill 2006, the Justice Legislation (Amendments) Bill, the Murray-Darling Basin Amendment Bill 2006, the Public Prosecutions Amendment Bill, the Road Legislation (Projects and Road Safety) Bill, the Senate Elections Amendment Bill 2006 and the Water Amendment (Critical Water Infrastructure Projects) Bill.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Alexandra and District Ambulance Service of Victoria — Minister's report of receipt of 2005–06 report.

Anti-Cancer Council of Victoria — Report, 2005.

Australian Crime Commission — Report, 2005–06.

Border Groundwaters Agreement Review Committee — Report, 2005–06.

Calvary Health Care Bethlehem Limited — Report, 2005–06 (two papers).

East Wimmera Health Service — Report, 2005–06 (two papers).

Mallee Track Health and Community Service — Report, 2005–06.

Melbourne City Link Act 1995 —

City Link and Extension Projects Integration and Facilitation Agreement Fourteenth Amending Deed, 20 December 2006, pursuant to section 15B(5) of the act.

Exhibition Street Extension Tenth Amending Deed, 20 December 2006, pursuant to section 15B(5) of the act.

Melbourne City Link Twenty-third Amending Deed, 20 December 2006, pursuant to section 15(2) of the act.

National Parks Act 1975 — report in relation to the Great Otway National Park pursuant to section 17(2A) of the Act.

Parliamentary Committees Act 2003 — Minister's Response to recommendations in Outer Suburban/Interface Services and Development Committee's Inquiry into Building New Communities.

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

Alpine Planning Scheme — Amendment C18.

Ballarat Planning Scheme — Amendments C39 Part 2, C74, C86 and C106.

Bass Coast Planning Scheme — Amendments C55 and C62.

Baw Baw Planning Scheme — Amendments C33 and C38 Part 1.

Brimbank Planning Scheme — Amendment C89 Part 1.

Campaspe Planning Scheme — Amendments C35 and C48.

Cardinia Planning Scheme — Amendments C70, C82 and C87 Part 1.

Casey Planning Scheme — Amendment C89.

Colac Otway Planning Scheme — Amendment C28.

Glenelg Planning Scheme — Amendment C27.

Greater Bendigo Planning Scheme — Amendments C44, C73 and C92.

Greater Dandenong Planning Scheme — Amendment C76.

Greater Geelong Planning Scheme — Amendments C102 and C107.

Greater Shepparton Planning Scheme — Amendment C82.

Hobsons Bay Planning Scheme — Amendments C34 and C56 Part 2.

Horsham Planning Scheme — Amendment C22.

Kingston Planning Scheme — Amendments C59, C64, C66 and C70.

Maribyrnong Planning Scheme — Amendment C35.

Melton Planning Scheme — Amendment C50.

Mitchell Planning Scheme — Amendment C32.

Moira Planning Scheme — Amendment C24 Part 2.

Mornington Planning Scheme — Amendments C75 and C80 Part 1.

Nillumbik Planning Scheme — Amendments C25 Part 2 and C41.

South Gippsland Planning Scheme — Amendments C9 Part 1 and C21.

Warrnambool Planning Scheme — Amendments C28, C31 and C43.

Whittlesea Planning Scheme — Amendments C9 and C53 Part 2.

Wodonga Planning Scheme — Amendments C12 and C30.

Wyndham Planning Scheme — Amendment C31.

Yarra Ranges Planning Scheme — Amendment C55.

Project Development and Construction Management Act 1994 — Order in Council of 19 December 2006 of amendments to nomination orders.

Rural Finance Act 1988 — Treasurer's directive of 29 December 2006 to the Rural Finance Corporation.

Seymour District Memorial Hospital — Report, 2005–06 (three papers).

Special Investigations Monitor's Office — Report for the period to 20 December 2006, pursuant to section 30Q of the Surveillance Devices Act 1999.

St Vincent's Health [incorporating the financial statements of Caritas Christi Hospice Limited, St George's Health Service Limited and St. Vincent's Hospital (Melbourne) Limited] — Report, 2005–06 (four papers).

Statutory Rules under the following acts of Parliament:

Building Act 1993 — No. 2/2007.

Infringements Act 2006 — No. 173/2006.

Magistrates' Court Act 1989 — Nos. 170, 178 and 179/2006.

Mental Health Act 1986 — No. 174/2006.

Livestock Disease Control Act 1994 — No. 172/2006.

Road Safety Act 1986 — Nos. 175 and 176/2006 and 1/2007.

Supreme Court Act 1986 — No. 171/2006.

Water Industry Act 1994 — No. 177/2006.

Subordinate Legislation Act 1994 —

Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 170, 171, 178 and 179/2006.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 173 to 176/2006 and 1/2007.

Victorian Environmental Assessment Council Act 2001 — Minister's withdrawal of request made on 8 December 2005 for the Victorian Environment Assessment Council to investigate the Goolengook Forest, pursuant to section 16(1)(a) of the Act.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Courts Legislation (Neighbourhood Justice Centre) Act 2006 — remaining provisions (other than Part 6) — 2 January 2007 (*Gazette No. G51, 21 December 2006*).

Water (Governance) Act 2006 — sections 3 (other than paragraphs (a) to (j) and paragraphs (l) and (m)), 5, 7 to 20, 27 to 33, 35 to 36, 38 to 46, 48 to 53, 68, 69(2) and (3), 95 to 97, 121, 123(1), (2), (3) and (4), 124, 129(1), 130, 137 to 147, 160, 166 to 172 and Part 5 of that act and Schedule 2 to that act — 21 December 2006 (*Gazette No. G51, 21 December 2006*).

Water (Resource Management) Act 2005 — section 58 — 21 December 2006 (*Gazette No G51, 21 December 2006*).

NOTICES OF MOTION

Notices of motion given.

Mr P. DAVIS having given notice of motion:

Mr Viney — On a point of order, President, I have a number of issues I wish to raise with you. I will do my best to put them in order, and I imagine you will want to consider these matters and advise the house accordingly before the debate tomorrow. The first issue is in relation to a number of words in clause 1 of Mr Davis's notice of motion, and in particular 1(g) which states 'any other associated matters dealing with gaming licensing issues'. In almost every other subclause there are words such as 'not limited to' and 'any related matter'. I draw your attention to the ninth edition of *Odgers' Australian Senate Practice* —

Mr P. Davis — That's the old one!

Mr Viney — It is the only one the library could lend me to take out.

An honourable member interjected.

Mr Viney — You would not be able to get it either! I refer to page 369, which is the part of the chapter on

select committees relating to the limited purpose of select committees. It says:

Select committees are established for a particular purpose.

It goes on to make particular points, which I will come to, in relation to one of the other concerns I have.

The PRESIDENT — Order! Mr Viney is, unfortunately, not able to debate his point of order.

Mr Viney — I am not seeking to debate, I am seeking to give the basis of my concern.

The PRESIDENT — Order! What I am saying to the member is that he is starting to go on a little bit, and I would really appreciate it if he could get to his point of order.

Mr Viney — On the point of order, President, I am seeking to give the basis of my concerns. My point of order is that the terms in clause 1 are very general in nature and that both *Odgers' Australian Senate Practice* and *House of Representatives Practice*, fourth edition — —

The PRESIDENT — Order! So that I can keep track of where we are going, because I dare say we are going to have a number of questions and queries being raised, I have to tell Mr Viney that, in reference to his first point of order, it really is a matter for the house to decide the scope.

Mr Viney — On the point of order, President, I am seeking your advice, which you may wish to give the house tomorrow. Clearly from *Odgers* and from *House of Representatives Practice* at page 610, the usual practice in Australia is for select committees to be established for a very specific purpose. I put it to you that the terms of reference of this proposed select committee are very general and would open up the committee's capacity to investigate a number of things.

Mr P. Davis — On the point of order, President — and I do not intend to respond to every point of order, so I will make my comment and then leave it to the Chair — quite clearly the opposition has proposed a motion for consideration by the house. The government is opposed to this motion and has publicly flagged that it will oppose it. The points that are being raised by the honourable member are in relation to the terms of reference and the detail of the motion, which will be subject to debate and determination by the house. It is a matter for the house to decide the basis upon which a select committee shall be appointed. While there are procedures and practices in other houses of Parliament, the practice in this place is for it to make its own

determinations in relation to select committees. That has been the case for 150 years.

Mr Viney — My second point of order, President, is in relation to — —

The PRESIDENT — Order! Before we get to that, I will rule on Mr Davis's point of order. I rule him in order. His point is correct.

Mr Viney — I raise a further point of order, President, in relation to clause 8, which I call the Ken Starr clause. The clause would give the committee the power to appoint persons to investigate and report to the committee on aspects of its inquiry. In *Odgers*, at pages 370 and 371, a standard resolution for appointment of select committees is set out. It includes point (11), which is:

That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

There is also a section on page 409 about the appointment of consultants, which says:

With the approval of the President, a committee may agree to engage the services of a consultant to advise on matters of technical complexity associated with or arising from an inquiry ... A contract of engagement is drawn up —

and so on. There are further similar comments in both *Odgers* and *House of Representatives Practice*.

What I am putting to you, President, is that there is no example that I can find in any of the texts that in any way would allow a select committee to appoint a person as an investigator. I ask for your advice as to whether or not that provision in this motion is in fact an improper provision. In my view it is not appropriate for any committee of this house to be delegating its investigatory powers to another person.

The PRESIDENT — Order! I have to say, firstly, that I will take that point on notice. It is quite a complex query that the member has raised. I do not mind flagging to the house that I am inclined to the view that the government has already demonstrated its willingness to provide necessary resources to both the Legislation Committee and the committee that is being proposed through this motion, but I am not prepared to make a ruling on that until such time as I have extensive advice.

Hon. T. C. Theophanous — On the point of order, President, in considering the advice you get on this particular point of order, may I ask that you also consider this issue: there is a very important line

between the capacity of a committee to go and investigate, in which case the chair and members of the committee can themselves investigate particular issues, and the capacity to appoint somebody to investigate for the committee. I would urge you, President, to consider that the latter has never been done, to my knowledge, because that would suggest that the committee is giving over power to another investigator because committee members are not prepared to go and do the work themselves.

Mr P. Davis — On the point of order, President, can I just make an observation?

The PRESIDENT — Order! I am on my feet; Mr Davis is not. In response to Mr Theophanous, I hear what the minister says, and I am sure the advice I seek will cover every aspect of what is being put before us today.

Mr P. Davis — On the point of order, President, I was just going to add that in terms of the processes involved in inquiries by the Parliament, whether those be carried out by a select committee of the upper house or indeed by a joint investigatory committee, there are precedents of this house and in relation to the Parliamentary Committees Act for delegations to appoint expertise that is beyond the capacity of the Parliament to provide.

Mr Viney — On a further point of order President, I raise a matter that relates to paragraph (9) of the motion, which reads:

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

Again I cannot find examples where select committees, as opposed to standing committees, do not have a finish date.

House of Representatives Practice specifically says on page 610 that the creation of a select committee is for it to meet for a particular purpose and short-term need. It repeats on page 611 that:

On presenting its final report the committee ceases to exist.

Similarly there are provisions in *Odgers* on page 369:

Select committees are established for a particular purpose. When they have presented their final report to the Senate, they cease to exist.

I seek your advice, President, in relation to the precedent being set here by a select committee being established with no end date — in other words, being entitled to sit for the entire duration of this Parliament. I

believe that it breaches all precedent and all references in texts that I can find in relation to the time frames of a select committee.

The PRESIDENT — Order! In response to Mr Viney, I will again take advice on this matter. He makes a valid point that it is at the very least unusual to have no finish date for a committee, but whether or not it is impossible to have is a matter on which I will take advice.

Hon. T. C. Theophanous — I raise a point of order, President, in relation to the last clause that has been put up, clause 10. I do so in the full knowledge that there have been committees that have been established in the past which this side of the house opposed — the Reeves committee and the Seal Rocks committee, to name two — which had similar provisions in them and which at the time we thought were not appropriate either. Nevertheless, I would like to raise this matter with you for consideration since you are considering a number of other things. I point out that the effect of clause 10 is that where there is anything in this motion which is inconsistent with the standing orders that have been adopted by this house, the motion and not the standing orders of the house prevails. That is what clause 10 in this motion says.

I am aware that standing order 25.03 indicates that any or all of the standing orders and rules of practice may at any time be suspended or dispensed with by the Council. That is part of the standing orders. The problem I have, President, is that we do not have specified which particular standing orders clause 10 is seeking to overcome. It does not tell us. It is open ended. Let me give you an example. It could well be that there may be matters which are sub judice — —

The PRESIDENT — Order! I remind the minister that he does not have the capacity to debate.

Hon. T. C. Theophanous — I will not debate the matter, but I want you, President, to consider the issues associated with it, because it means that the standing orders of the house become subject to this motion without the house knowing. I have been told, in inquiring into this matter, that ultimately if there was a conflict or there was an issue in relation to an inconsistency, it would come back to the President for the President to decide whether there was an inconsistency. If we are talking about the forms of the house, I can understand how that could happen. What I do not understand is how it happens in the context of a committee, where the committee would make decisions rather than the President about the question of inconsistency. At the very least I would want you,

President, to give directions to this committee that if there were an inconsistency or perceived inconsistency within the committee, the committee ought to refer the question of whether there was an inconsistency for the President to decide rather than simply it being rammed through by the Liberal Party.

The PRESIDENT — Order! I will take into consideration the points the minister has made, but I need to point out that in recent times this clause has been the norm. However, to the extent that it now moves into a different area or there are questions being raised about it in the context that the minister has already mentioned, I will certainly take that into consideration and get advice and respond.

Further notices of motion given.

MEMBERS STATEMENTS

Nessie Hardy

Ms PENNICUIK (Southern Metropolitan) — Colleen Hartland and I have worked on urban environment issues for many years, and in that time we both came to know Nessie Hardy. Today I am speaking on behalf of myself and Colleen Hartland, and we would like to tell the house about Nessie and to express our great respect and admiration for her inspirational work as a community activist over many years. Nessie died on 17 January.

Nessie Hardy was a highly respected community worker in Altona, involved in environmental groups and the interfaith dialogue. Nessie was a modest and humble person, a quiet achiever, who preferred negotiation to confrontation. She was also a lot of fun to be around and always had time for people and was devoted to her family and friends.

In 2001 Nessie was awarded the Australian honours Centenary Medal for her service to the local community and the environment. She also served on community consultative groups liaising with industry to ensure local residents and the environment were protected. She was a key member of the Altona community consultative committee and was instrumental in achieving fundamental reforms and improvements to the operation of the companies in the Altona petrochemical complex.

Nessie was also involved with the Friends of Cherry Lake, the Altona groundwater group, the Hobsons Bay Interfaith Community, the Hobsons Bay Sustainable Transport Advisory Committee and Greenpeace. At her funeral —

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

Middleborough Road, Box Hill: rail grade separation

Mr LEANE (Eastern Metropolitan) — On 19 January I was fortunate enough to be given an extensive tour of the Middleborough Road road/rail separation project in Box Hill during its construction stage. Hundreds of workers were in the process of relocating the train tracks and a pedestrian crossing under Middleborough Road, thereby allowing the removal of the boom gates and a signalised pedestrian crossing to greatly improve the traffic flow and pedestrian safety.

While their colleagues in the construction industry were enjoying the annual industry shutdown, these workers were working on this project 12 hours a day, 7 days a week, in very hot conditions to deliver a project that greatly advantages the whole community.

I am happy to report that the project was officially opened on 28 January, in time for school and two weeks ahead of schedule. This \$56.5 million project funded by the Bracks Labor government also included the reconstruction of the Laburnum train station, improving facilities particularly for rail patrons with a disability.

I would like to commend Box Hill High School for cooperating with the project in supplying the use of some of its facilities. I also congratulate everyone involved in the project on achieving an amazing amount of work in such a short period of time.

Disability services: commonwealth-state agreement

Mrs COOTE (Southern Metropolitan) — Last Thursday the Senate Standing Committee on Community Affairs released a comprehensive report into the funding for the commonwealth-state/territory disability agreement (CSTDA). In July this year the fourth CSTDA will commence. It was originally established in 1983 to reform services for people with disabilities in response to the growing number of people with disabilities.

The committee took submissions from across Australia, with many Victorian agencies represented. They included submissions on young people in nursing homes by Bronwyn Morkham, a submission on the Gippsland Carers Association by Jean Tops, and a

submission on the Victorian Office of the Public Advocate by Julian Gardner.

People with a disability who are ageing have a major problem, and in its submission ACROD, the Australian council for rehabilitation of the disabled, said:

The needs that arise from ageing do not displace the needs associated with a long-term disability; they are additional. Yet the existing funding arrangements and policy rules mostly deny a person simultaneous access to services from the aged care and disability service systems.

The Bracks government must address this as an urgent matter. It has been recognised by this Senate report into the CSTDA funding, and it is vital that the Victorian government address a number of the recommendations made in the report. There were 29 recommendations in all, many of them pertinent to disabilities in this state, and I believe it is imperative for the government to follow them through. I urge every member of this Parliament to refer to the report.

Australia Day: Darebin and Whittlesea awards

Mr ELASMAR (Northern Metropolitan) — On Australia Day I attended two Australian citizenship presentations in Darebin and Whittlesea. It was good to see my colleague Matthew Guy there as well. One hundred and eighty people — young boys and girls and men and women — from about 70 different countries became Australians. When I welcomed them to the electorate and spoke to some of them, one of them made the comment that he was happy to have citizenship from the heart and that he did not have to go through any test. It is important that citizenship should be judged on the quality of people's beliefs and loyalty to the country, not on the quality of their skill in the English language.

At the same time I would like to congratulate both councils for the way they conducted the ceremonies, which were done professionally. I would like to welcome the people to my electorate.

Rail: summer timetables

Mr DRUM (Northern Victoria) — As northern Victoria continues to swelter through another summer, with many days with temperatures of over 35 degrees, our much-maligned rail system continues to lurch from disaster to disaster. Every time the temperature goes over 35 degrees our trains in the north are forced to slow to speeds of around 70 to 90 kilometres per hour. This is our brand new regional fast rail project. Whenever our trains are forced to slow, the whole timetable gets thrown out of whack because the Bracks government has decided to rip up one of the duplicated

tracks that used to be in place between Kyneton and Bendigo. Now trains have to wait until oncoming trains reach one of the three passing loops. They normally have to wait in the Castlemaine, Elphinstone or Taradale stations.

It is worth comparing the system that we have in northern Victoria with some of the systems that are in place around the world. In Spain the extreme temperatures range between 2 to 45 degrees, yet all the trains around that country run — at any temperature — in excess of 300 kilometres per hour.

It is time the Bracks government produced a summer timetable so that people who travel on the trains on days of over 35 degrees have some idea of the times their trains are going to leave and of the times they will reach their destinations. The summer timetable was promised in November, again in December, and now halfway through February people still have no idea of what times their trains are going to start and finish.

Port of Melbourne: rail freight

Mr FINN (Western Metropolitan) — This weekend marks the death of the only rail freight service from the port of Melbourne to Melbourne's west. After almost four years of talks with the Bracks government and significant investment from the CRT Group in North Altona, rail freight from the port of Melbourne to CRT's terminal will cease this Sunday. Almost four years ago the Premier gave it his blessing, and despite numerous reports, consultancies and empty rhetoric from this government, the management of CRT has finally had to concede defeat.

The question is: what has happened to the Bracks government's policy of requiring 30 per cent of shipping containers through the port of Melbourne to be carried by rail by 2015? — a good question indeed.

As of Monday we will see an increase of at least 4000 to 5000 truck movements per year through the streets of the west — all because the Bracks government could not make a decision. I invite members of the government to go down to Yarraville, to Footscray and to Altona and explain to the people why the government's inaction and ineptitude has increased the deluge of trucks through gridlocked streets. It might be a new year, but it is the same government and the same old tired government inaction. Once again we have seen that when it matters Steve Bracks just does not care.

Australian Organ Donor Awareness Week

Ms DARVENIZA (Northern Victoria) — I want to take this opportunity to remind people that the Australian Organ Donor Awareness Week begins next week — it runs from Sunday, 18 February, through to 24 February — and to urge Victorians to consider becoming organ donors.

There can be as many as 2000 people on transplant waiting lists in Australia at any given time. Sadly many of them will die before they have an opportunity to have a transplant, because there are just not enough donors and suitable organs available. The number of people — children as well as adults — waiting for transplants simply does not match the number of donors and organs available.

I would urge all Victorians to get themselves on the Australian organ donor register. Almost 5 million Australians have registered, but only 10.5 per cent of those who are registered come from Victoria. It is important once a person decides they want to be an organ or tissue donor that their family knows of their decision to go on the register and their desire that when they die their organs be donated, because it makes the opportunity easier for families.

Drought: rate subsidy

Mr VOGELS (Western Victoria) — A few days ago, on 7 February, the Minister for Agriculture in the other place announced an easing of the eligibility rules for a municipal rate subsidy to assist drought-affected farmers and others.

In order to receive the state government's 50 per cent rate concession farmers must be in receipt of Centrelink exceptional circumstances relief payments or have applied for same before they pay any rates. We have two problems here. Those farmers who have paid their rates by instalments — that is, the vast majority — will not receive the rebate on the two rate payments already made, which is 50 per cent of the total. Also the minister's press release says that the Premier's drought task force decided nearly two months ago to allow municipal rate subsidies to apply to prima facie exceptional circumstances-declared regions. If that is the case, why were municipalities and farmers advised of this only in the last week?

In the meantime we all know that rates are due on 15 February, otherwise an interest rate of about 13 per cent is put on top of them and backdated at least six months. Many farmers have paid their total rate bill in the last week or so and are also not eligible.

I call on the Minister for Agriculture and the Bracks government to not hide behind red tape and bureaucratic speak but to announce that all those eligible farmers and businesses from drought-affected, exceptional circumstances-declared areas will have their rates subsidised by 50 per cent, with no strings attached.

Hon. Hector Roy Ward

Mrs PEULICH (South Eastern Metropolitan) — Following the condolence motion and moved by Philip Davis and passed by this chamber this morning, I would like to place on record my respect and thanks for the life achievements and service given by the Honourable Hector Roy Ward as a member for South Eastern Province, an area covered in part by me as a member for the South Eastern Metropolitan Region.

Roy gave incredible service of 18 years to this Parliament and 57 years to the Liberal Party, and remained active in the community until his death. He was born in 1923, was married at the age of 26 to Joan Mary Etherton, produced a daughter, Julie, and a son, Gregory, and was grandfather to Amy, Skye and James. I understand he was to become a great-grandfather in the near future.

He was a schoolteacher, journalist, union official and member of Parliament, and, as I said, remained active until his death. Some of his achievements and awards may summarise or give us a glimpse into his life. He received the Thailand Red Cross and Service Award in 1976, the Red Cross Meritorious Service Medal in 1977, the long service medal in 1982, the distinguished service medal in 1988 and the Queen's Jubilee Medal in 1977. He was awarded an International Order of Merit for services to journalism in 1990 and the Medal of the Order of Australia in the same year. He was inducted into the Sport Australia Hall of Fame in 1995, received the Commonwealth Medal for Services to Senior Citizens in 2000 and was a Badminton Victoria Hall of Fame inductee in 2001. We are eternally grateful for his service to this community.

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

Australian Labor Party: federal leader

Ms MIKAKOS (Northern Metropolitan) — I rise to congratulate Kevin Rudd on his election as federal Leader of the Opposition and to wish him every success in this year's federal election. I have to admit that I have not been this excited about a federal Labor leader for some time. Yesterday's poll indicating that Kevin

Rudd's support is at 65 per cent shows that many other Australians are also excited.

Kevin Rudd has the experience, integrity, intelligence and compassion to be an outstanding Prime Minister. Under the current mean and tricky federal government we have become a nation drowning in personal debt, with home ownership becoming more and more unaffordable as workers get squeezed on two fronts under John Howard's industrial relations regime and higher interest rates. At the same time the federal government is shirking its key responsibilities in funding health, education and other important government services and is busily engaging in wedge politics.

Kevin Rudd is an experienced former diplomat. He is smart enough to know not to offend congressional representatives of our most important defence ally. John Howard's diplomatic bungle is a clear indication that he is under pressure and he knows he will soon be vacating his office for Kevin Rudd and federal Labor.

Love in the Name of Christ network: funding

Mrs KRONBERG (Eastern Metropolitan) — I rise to highlight the astounding work being undertaken by affiliated groups of volunteers in my electorate, one being LiNC. LiNC stands for Love in the Name of Christ. It is a network of local churches from all denominations whose volunteers provide a non-threatening mechanism for individuals to offer their skills, gifts and charity to show love in action in their local community. LiNC receives referrals from both government and non-government welfare agencies as well as from medical practitioners, schools and service clubs. LiNC's splendid record of service is characterised by a spirit of cooperation with those agencies, and it does not compete with them for funding or recognition. In a manner typical of the volunteers I have had the privilege of meeting, it is working quietly ministering to the community.

Despite accommodating the burden of rising costs and most affiliates not having a regular funding source, this network of 150 churches throughout Australia is nourished by the efforts of 1500 volunteers, who amass up to 25 000 volunteer hours per year. The stewardship of this national body is provided by the chairman, Hal Grix, the associate pastor of the East Doncaster Baptist church. Here in Victoria LiNC's resources are stretched to the limit as it strives to supplement much needed welfare services in the Eastern Metropolitan Region. Its services represent an example of the hidden resources and the much under-recognised bodies —

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

Water: Bendigo

Mrs PETROVICH (Northern Victoria) — I rise to speak on the issue of water management — or the lack of it — in the community of Bendigo and the area serviced by Coliban Water. I would like to know what action has been taken by Coliban Water and the state government to address the emergency facing this community in the next few weeks. I am talking about on-the-ground, practical solutions.

Has Coliban Water progressed meetings with the shires of Mount Alexander and Macedon Ranges and the City of Greater Bendigo to outline the government's regional water plan? I do not think so. What action has the government taken to quantify the availability of supply of water from the Elmore deep lead aquifer, if it is required as an emergency supply? The Liberal Party wholeheartedly supports the Erskine pipeline as part of the solution to the deepening water crisis in this area. However, more immediate action is required. There are over 100 000 people in the Bendigo area depending on real water solutions.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from 20 December 2006; motion of Ms PULFORD (Western Victoria) for adoption of address-in-reply.

Mr KAVANAGH (Western Victoria) — I thank the President and offer my congratulations to him on his election to the Chair. I also congratulate all members on their election.

First, I acknowledge and thank all those heroic Australians who over the last century have risked or even given their lives in the defence of our country. I would also like to thank and pay tribute to the volunteers who have been courageously fighting bushfires in Victoria.

Today I would like to thank those people who have helped me, explain my motivations in politics, and tell members about the Democratic Labor Party (DLP) and about how I hope to make a contribution in this house.

I am very glad to have won, but I am sorry it was at the expense of Elaine Carbines, whom I know to be a very hard-working, honest and talented woman. I would also like to acknowledge Samantha McIntosh of The Nationals

and Marcus Ward of the Greens, both of whom showed intelligence and generosity of spirit during the election.

This is the first election win for the Democratic Labor Party anywhere in 36 years and the first in this Parliament in 51 years. I am strongly aware that many DLP people have deserved a seat in Parliament much more than me. I am reminded in particular of Jim Brosnan and the late, great Frank Dowling, whom it was my privilege and honour to know when I was a boy.

I recently had the great pleasure of meeting my predecessor in this Parliament, Mr Frank Scully, who was a DLP member from 1955 to 1958. He is 87 years old now, but his intelligence, courtesy, charm and goodness are immediately apparent. I will strive to be worthy of his example.

The people of western Victoria sent me here, and I am grateful. In the cities of Ballarat and Geelong, in small towns like Nhill and Camperdown and from Melton and Werribee to the border, there are people who voted DLP and people who helped. I am not a western Victorian, but I have been genuinely impressed by the people of western Victoria. They really do seem to represent the best of the Australian tradition. Noticeably western Victorians regard strangers as opportunities rather than as threats.

I thank those parties which gave me their second preferences — that is, Country Alliance, People Power and Family First. I would not have won without them.

My thanks go to the parliamentary staff, who have been welcoming and extremely helpful, and to all members who have welcomed me to this Parliament. Coming in from outside I have been impressed by the intelligence, obvious decency and dedication of many members from all sides of this chamber.

There are individuals I must thank, including my running mates, Clare and David Power and Leanne and Michael Casanova of Ballarat.

I would also like to thank Max Crockett of Geelong, my uncle Bill Barry, Jr, Alan Guilfoyle of Melbourne, Pat Healy of Hamilton and DLP stalwarts John Mulholland, Pat Crea and Bill Jansen. I thank my friend Stephen J. Williams, who contributed his expertise in public relations. His intelligence and creativity were crucial in overcoming the media's resistance to giving my campaign any coverage.

I would like to thank my parents, Mary and Frank Kavanagh. They did not have a lot to give materially, but they gave their children strong values, including a

love of learning and a respect for education. Their love, care, worry and sacrifice produced six good citizens.

My mother has been active in politics for most of her life. My mother's parents, Bill and Mary Barry, are important figures in the DLP story. My grandfather was president of the Carlton branch of the ALP from the age of 18 and a member of the other house for 23 years. He was a parliamentary secretary for 17 years and held several portfolios, as well as being a Melbourne city councillor for 16 years and Labor leader in the council. At its first election, in 1955, the DLP was often called 'the Barry Party'.

My grandfather was of convict stock. His grandfather, James Barry, was said to have been transported to Van Diemen's Land for agitating against the British occupation of Ireland. My grandfather's father — I will call him William Barry — devoted his life to improving the lives of working people. He was instrumental in establishing a number of unions, the Labor Party itself in Tasmania and the Carlton branch of the Labor Party, where he was campaign manager for F. H. Bromley, who was elected as the Labor member for Carlton in the other place in 1892. William Barry's union activities marked him in the depression that began in 1896 and he was forced to move to the Western Australian goldfields, where he worked for Federation.

My grandfather, Bill Barry, sought and used his positions to help battlers. He fought for the mentally ill and for improvements to the sustenance provided — for example, in the Great Depression. He was responsible for locating the Royal Children's Hospital where it is now. He helped greatly to win the 1956 Olympic Games for Melbourne and campaigned tirelessly against capital punishment. As Minister of Health he introduced a comprehensive range of measures which resulted in the near eradication of tuberculosis — initiatives that were copied in other states. These were among many other political achievements.

My grandmother, Mary Barry, was also a member of the ALP for decades. While still a teenager she was an activist against conscription and for Ireland's liberation. She led Labor women for many years in an honorary capacity and was the only woman on the ALP executive during the Split. After the Split she continued working for the Australian people, through the DLP, until her death. She succeeded in having women prisoners moved out of Pentridge. She fought with all she had for those condemned to execution, organised for relief during the Second World War and successfully lobbied for child endowment and other assistance to families.

My grandparents' qualities, including their enthusiasm for helping others, partly represented the times in which they lived. They worked not only within the party and the Parliament but also for the disadvantaged within their home. 'No-one will sleep outside in Carlton' campaigned my grandfather during the Great Depression. With help from many other people my grandparents housed the homeless, fed the hungry and clothed the desperate — literally. My grandmother's skills as a seamstress were often put to use altering my grandfather's suits so constituents could attend job interviews. The Barry family frequently had meagre fare while their intended dinner, and often their shoes, was given to Carlton residents who came to the door hungry. My uncles and aunts remember as small children often waking up with strange children sharing their beds, put there quietly late at night while homeless families were found more permanent accommodation.

My grandparents are effectively the people referred to recently by John Cain, Jr, as 'sectarian serpents'. As to this, I would like draw the attention of the house to the observations of Robert Murray, the most authoritative and objective commentator on the Split. In his book *The Split — Australian Labor in the Fifties*, referring to John Cain, Sr, he said:

... this might be said even of Cain — bitterness against the Barry group flowed over, all too often reinforced by deep-seated religious prejudices, which came to the surface under pressure.

The Australian labour movement of the 19th century was the true origin of the Democratic Labor Party. However, in the mid-1950s the extreme left attempted to take control of the ALP, especially to prevent the Labor Party continuing to counter communist attempts to control Australia's unions. The extremists were aided by the mental state of the ALP's federal leader, who took their side and purported to have the legitimate Labor executive in Victoria sacked. The utterly bogus and unconstitutional nature of the persecution was confirmed by the ALP's own Jim McClelland and Clyde Cameron shortly before their deaths. The eventual result was that a majority — 60 per cent — of Labor Party members in Victoria, and nearly 80 per cent of Labor Party branches, were expelled or left in sympathy to form what became the Democratic Labor Party. The DLP was then clearly anything but a splinter group. Nor was the DLP the instigator of the Split — DLP people were its victims.

Dozens of parliamentarians gave up careers. Their sacrifice was for a principle, a correct one, now vindicated by history. In my view this has given the DLP a legacy of courage and nobility. When I was a child I thought the DLP's founders were heroes who

had sacrificed so much, including their livelihoods, to oppose barbarism. I still think so.

DLP people were sometimes treated despicably, both during and after the Split, by the more extreme of their opponents. To the greatly limited extent that it is my right to respond to this, I offer the observation that the prayer which begins the business of this house each sitting day makes it perfectly clear that we dare not even ask for forgiveness for ourselves without first forgiving others.

Anti-communists are almost invariably portrayed in our media as misguided lunatics. Whatever the ridicule and derision, however, the DLP's assessment of the nature of communism was accurate. The DLP saw communism for what it was — economically primitive, inherently brutal and expansionist, and by its nature murderous on a mass scale. I have experienced it firsthand and even felt, painfully, some of the practical manifestations of communism in other parts of the world. It was partially in tribute to the DLP that I joyfully joined with thousands of others in physically knocking down the Berlin Wall 17 years ago.

The DLP has been correct not only in what it has opposed, however, but also in what it has supported and what it has initiated. The DLP was the first party to recognise the importance of Asia to our future and the first parliamentary party to oppose the White Australia policy.

The Democratic Labor Party pioneered votes for 18-year-olds and equal pay for equal work; it supported unions which advanced the interests of its workers without destroying the businesses which employed them; whilst also recognising responsibilities to the broader Australian community.

The DLP initiated child endowment for large families and government assistance for families to buy a home. It also struggled for and achieved a measure of justice in education funding and pushed for genuine decentralisation and environmental protection. Little wonder then that even Sir Robert Menzies, the founder of the Liberal Party, voted DLP after his retirement.

The DLP's initiatives of decades ago continue to benefit the lives of thousands of Australians, the majority of Australians, to this day. Why did almost 60 000 Victorians vote for the DLP at the last election after it had been ignored for so long? I think it was at least in part because the voters of the generation before me, and before most members here, knew how much had been sacrificed by DLP people and knew how hard

DLP people have worked to implement new ideas for the benefit of their community and their country.

I summarise what the DLP stands for in this way: we are for life, for workers and battlers, for families and always for Australia.

The DLP lost parliamentary representation in the mid-1970s to a large extent, in my opinion, because of its steadfast support for South Vietnam. There are many significant ideas — for example, profit sharing between businesses and workers — that could have been more successful in Australia had the DLP retained its influence. The DLP would have opposed many of the mistakes that have been made by governments in recent decades. Surely DLP parliamentarians would have also done something for the 3 million unborn who have been aborted in Australia over the last 30 years or so.

I would like to tell members now how I see some present and future challenges. I believe that we could really address illness, poverty and family breakdowns, and dramatically cut crime by genuinely tackling drugs and problem gambling. Addiction, whether to legal or illegal substances, or to destructive behaviours, is a huge, avoidable threat to individual and community health, prosperity and security. Our current drug strategies are failing. We need to change our approach. We need strategies that are both compassionate and effective. Drug usage should remain illegal. Users who are not trafficking, however, should be sentenced not to jail, but to treatment. Sweden reports that 70 to 80 per cent of its non-voluntary patients are made addiction free through compulsory treatment. The current state of rehabilitation in Victoria is bad, even for those who voluntarily seek treatment. There are bureaucratic obstacles and insufficient resources. We should work with the courts and community groups to develop comprehensive programs of rehabilitation and treatment for voluntary and non-voluntary patients, and we must put up the money to pay for them.

Some users of legal drugs need help too. Those with drinking problems and tobacco addiction deserve more than an assumption of the moral high ground by those who disapprove of their habits. They have paid quite enough in taxes on their habits to fully warrant government help to get them out of the deadly traps they are in. As Minister of Health, my grandfather brought to Australia the world's best expertise in the fight against polio. I believe that now we should bring the world's best medical and psychological techniques to Victoria and subsidise the most effective programs that can be devised to help the victims of addiction.

What is loosely called addiction to gambling is destroying the lives of some people and inspiring crime. Gambling brings many millions of dollars to the government but at a catastrophic cost to some families and individuals. I believe that our present poker machine policies and practices exploit the poor, the lonely and the ignorant, and should be changed. I think we have an obligation to ensure that gambling is sensibly and effectively regulated in such a way as to minimise problem gambling.

The DLP pioneered assistance for first home buyers. It is an achievement I would like to see built on. Even after recent reforms, Victorians wanting to put an average roof over their children's heads will be taxed at almost \$15 000. I believe we should not be taxing families anything at all for buying their first home.

I have been a teacher in Victorian schools and have taught and lectured in other countries. I have views about education. Our education system needs to provide skills at a high level, whether of an academic or technical nature, which are appropriate to the interests and abilities of the students. The decision to abolish technical schools, in my opinion and experience, has simultaneously lowered the quality of academic education, even for the academically gifted, while causing the state to fail in its obligations to provide for non-academically gifted students. The current state of education in Victoria is such that even our best universities now feel the need to offer remedial English to new students.

Non-ownership of a school by the government should not mean disownment of responsibility for that school's students by the state. The parents of students in non-government schools pay taxes to the government, and their children are entitled to assistance from the government.

State schools should not teach sectarian values nor should they indoctrinate children in leftist ideology. Schools are a natural place, however, for young people to learn fundamental, positive social attitudes, particularly the expectation that we all can and should contribute to and not always take from the community that we share with other people — that is, responsibilities as well as rights.

On most social issues I believe people should be largely free to pursue their own happiness in their own way. The contrasting issue is of course abortion, because I believe, for good reasons, that human life begins at conception. This is not an article of religious faith but is a conclusion based on logic, knowledge, experience and reason.

The unborn person is admittedly human life at its most immature, its most vulnerable, its weakest, its most defenceless. Surely, however, the young, the defenceless and the weak deserve more rather than less legal protection.

In addition to the unborn requiring justice, babies who are born alive after undergoing attempted abortion procedures are as entitled to respect and medical attention as anybody else. This is not often talked about, but there are around 50 such cases a year in the United Kingdom, suggesting an annual rate of perhaps four or five in Victoria. Investigations have been held in other states into babies being neglected after surviving attempted abortions. One baby in Sydney was discovered crying in a waste bin. Victorian law should make it explicit that medical personnel are obliged to help such babies.

To me this is a central issue — the limits of government and individual power. To have no reasoned and reasonable position on the limitations of such power is to conspire silently in creating a world where the abuse of power has no limits.

I congratulate the government on making this chamber a forum for a true multitude of counsellors. I hope to be a counsellor on behalf of the unrepresented, including children in non-government schools and the unborn, who have no voice at all. I also hope to speak for those who did vote but are underrepresented, including the aged and the disabled and the supporters of minor parties. They voted — not to bring down a government, but to counsel it. They voted — not for the carefully crafted image of a major party, but for their own firmly held beliefs. They voted — not for power, but to be heard.

I share at least some common ground with every member here. I look forward to working with other members who have expressed concerns which I share on challenges including homelessness, crime, environmental protection, public transport and our water crisis.

The government has a strong mandate, so I expect to vote with the government quite often. Wisely, however, Victorians also want their government to be accountable, so I will the vote for measures which the government may not like, to put it under scrutiny which is fair, reasonable and close.

I may fail but will aspire to emulate the courage and dedication of the DLP's founders in working for the enduring ideals and values of the Democratic Labor

Party — for Australia, for workers and battlers, for families, for life.

Mr ATKINSON (Eastern Metropolitan) — President, it gives me great pleasure to extend congratulations to you on your election as President. I am sure you will discharge the responsibilities of that role with great aplomb and objectivity going forward.

I also have great pleasure in extending congratulations to the government on its historic third election. Having achieved re-election it obviously has a great responsibility to the people of Victoria to carry out the mandate it has been given based on a comprehensive set of policies, many of which are good policies. I note that those policies have been augmented of late with other policies from the opposition, and I am sure that is a process that will continue, because there is no doubt that the Liberal Party also took a comprehensive set of policies to the people of Victoria and there was a resounding endorsement of many of those initiatives. It is interesting to note that initiatives that were so vitally opposed by the government going into an election campaign, because they were clearly outside the mandate established by political advisers, are now embraced by ministers and apparatchiks in the party who recognise the wisdom of many of those new ideas.

I extend a warm welcome to the new members of this house, all of whom have spoken in this debate thus far. It is a rare privilege to have the opportunity to be a member of Parliament. There are not many people who are able to come to a place such as this with its weight of responsibility in representing and advocating for the people of Victoria. It is something that we all share and something that we all recognise as a significant responsibility. While we all come at issues from different points of view, with different perspectives and with different experiences behind us, overwhelmingly all members of Parliament come to this place with one objective: to make this state better.

I congratulate particularly the members of the Greens and the Democratic Labor Party who come to this place for the first time — the DLP not for the first time but for the first time in many years. It is a significant milestone for the Greens party, and I congratulate the three members of that party who will contribute to deliberations in this place. There is no doubt given the different perspectives we all bring that many of the issues the Greens campaigned on over a number of years are now very much issues that are in vogue. They are very much issues that some people may well have recently discovered for the first time, but many people now recognise them as being of crucial importance to this state, this country and this globe. I am sure the

contributions that each of those members and indeed Mr Kavanagh, as the DLP representative in this place, make will improve the wisdom of this place and make for better decisions.

I extend congratulations to the ministers on their election and also to the shadow ministers who will represent the Liberal Party. I am aware of the workloads that are involved for those people, and I have no doubt that each of them will contribute a great deal to the advancement of this state in those roles.

We did not have the opportunity in the last Parliament as individual members to record our appreciation of the work of a number of members on my side who of their own volition were leaving the Parliament at that time. I refer to my colleagues Andrew Brideson, Chris Strong, Ron Bowden, Graeme Stoney and Bill Forwood. I put on record that all these members joined Parliament in 1992, at the same time I did. I developed a very strong relationship with all of them over an extended period. Their contribution to this house and this state was very significant.

I also note that a number of members of the Labor Party were not re-elected. The Labor Party had a particularly brutal preselection process which left a number of members in unwinnable positions. Whilst it is terrific that we have new people in the house who will bring new perspectives to it, I am disappointed that people such as Glenyys Romanes, Geoff Hilton, Noel Pullen, Elaine Carbines and Helen Buckingham, in particular, are not with us in Parliament going forward and that they did not have the opportunity to continue their service in Parliament. I think the contribution each of them made to this place was significant. I also place on record my appreciation of the work of Monica Gould as President of this house during the last term.

There are too few men or women of courage in politics in Australia today, too few people who have the courage of their convictions — too many people compromise, too much we see a management of issues and safety-first strategies, and far too often people play the man rather than dealing with ideas. In modern politics we have perfected the talking-head syndrome. The media is quick to criticise and ridicule anyone in politics who does not fit a politically correct mould — anyone who dares to challenge conventional political wisdom. There is a fear of ideas, a fear of exploring new opportunities. Members do not want to buck the party line for fear of losing their privileges and shortening their careers. The community is so much the poorer for this trend in politics.

This Parliament has been diminished under the Labor government. Ministerial accountability is a short currency now. There is plenty of rhetoric and spin but very little substance. In seven years we have had little vision. We have had seven years of bureaucracy-driven policy and reviews, sometimes a paralysis in decision making, and certainly much short-term thinking. Labor's election campaign in 2006 hardly provided confidence in its vision for the next four years. In a valedictory speech last year, Labor's Geoff Hilton lectured the Parliament on the need for MPs to stand up and be counted on important issues. It was an interesting observation, because there were times during the last Parliament when Mr Hilton and other Labor MPs in this place did not support legislation before the house but did not stand to their feet or cross the floor to vote against it. None had the courage to speak out or cross the floor. In fact as I recall the only one who raised a voice in disagreement with the party line on any occasion was Mr McQuilten. You simply do not see Labor MPs cross the floor — they never do. Only Liberals have historically distinguished themselves by voting on conscience against their party's position, and their right to do so is accepted by the party.

My attraction to politics is based on ideas. I am not interested in playing the man in politics. The politics of mediaeval chessmen more devoted to the pursuit and maintenance of power than to using power to advance society is of concern to me. I am inspired by the community. A number of roles I have held in this Parliament have given me opportunities to move around the community. As I have done so, I have been inspired by small business owners and by sports people — and I do not just mean the people playing the games but also the volunteers who put so many people on the field of battle in sport. I am inspired by young people, and when I look at many of the young people I meet I believe the future is in good hands. I am inspired by the aged and by people who have come to Australia to start a new life.

I have drawn political inspiration from Dick Hamer; Jeff Kennett; interestingly, John Gorton; Paul Keating and Gough Whitlam. Those men did not lack courage in pursuing ideas and opportunities for Australians and Victorians. They did not believe that near enough is good enough or that safe is successful.

The current Liberal Party leader has a different view from me on my abilities and the contribution I can make to the party and the Parliament. If I may provide some gratuitous advice, to win at the next election my party needs to reaffirm its vision and demonstrate an empathy with Victorians with regard to their needs and

aspirations for the future. An increasingly aware electorate will, in my view, reject safe, managed and even populist policies. Labor will be increasingly less secure in Victoria if it continues to take the electorate for granted, believing that advertising slogans suffice for policies and creating ever-increasing expenditures rather than policies with outcomes.

My time in state Parliament will be judged by no-one as spectacularly successful. At many times it has been unproductive and unsatisfying from my point of view. However, I have had the privilege of saying what I think and believe irrespective of the consequences to my personal advancement and popularity. I have lived my entire life with less regard for what other people might think of me than for what, at the end of the day, I will think of myself if I compromise on my values, my principles and my commitments to those who rely on my advocacy of their views and concerns. I do not play, and have never played, games or engaged in self-serving deals and alliances. I do not balk at challenges for the sake of self-preservation or shirk the need to speak up on issues I regard as important. When any of us puts our personal interests and privileges ahead of the interests of those who elected us, we diminish the value and integrity of ideas, weaken the fundamental tenets of our democratic traditions and betray the confidence that voters have vested in us as their representatives.

It is my view that those who make decisions behind closed doors are weak — that those who meekly accept and defend these decisions without question or debate undermine the vitality of our democracy and its institutions, processes and conventions. Those who are captives of backroom deals and political judgements made behind closed doors empower people who all too often make decisions where their own advantage is paramount and the benefit to the community is subordinate.

This Parliament has been diminished over the years, and its failures directly contribute to its limited relevance and importance to many Victorians. Ministers fail to answer questions or account to the Parliament, debate has been limited, and most matters of import are issued by press release outside the Parliament and beyond the processes of informed debate. The media sweats on the issue of press kits, rather than matters raised in the Parliament.

The new structure of this house and its composition provides a unique and critical opportunity to address some of the issues of accountability and relevance of this state Parliament. There has long been a debate on the need for an upper house in the 21st century, and I

have frequently argued that an evaluation of that issue should have preceded the changes that the Bracks government made to this house, notwithstanding that it is now prospectively likely to play a greater role in scrutiny of government. The primary issue in respect of the Legislative Council has been the question of relevance, but I have deliberately said the work of this house going forward is not about the relevance of this house alone but of the entire Parliament and the executive and its bureaucracy.

I am concerned, as no doubt are many members in this place, about the erosion of state powers and attrition of state responsibility. The recent High Court ruling on workplace relations was one that was celebrated by many people in my party, but it represents a significant change in the relationship between state and federal governments. It is also interesting and instructive to look at the water and education debates and to see a continued move towards a centralisation of policy and policy decision making.

I put on record that there are a number of things in this current Parliament that concern me and that I would want to make a contribution about. In the first instance I indicate to the house that I will not vote in favour of nuclear power, and I would also not vote in favour of the dredging of Port Phillip Bay. I believe that both issues are of such consequence and the sorts of changes they would make to the environment are such that I cannot leave a legacy to my children and my children's children by making decisions of that nature. I do not believe in that science.

When I look at issues like skills development I am interested to see that there is a great deal of concern about the lack of people pursuing science as an area of study, and I notice there is a concern in industry about the lack of skills. It is often visited upon government about what government should do about those issues. The reality is that in fact industry itself must establish not just that there are jobs available for skills but that there is a future available in those skills, because it is my experience that many young Australians are not interested in pursuing the attainment of skills because they do not believe there is a future in the use of those skills.

I am concerned about issues like domestic violence and the impact of alcohol on our community. I am concerned about drugs in our community, and there have been incidences recently in nightclubs that indicate to me there should be a real effort made to eradicate drugs from nightclubs and entertainment venues, because the level of violence in those clubs from people using chemicals that they are simply not

able to control is becoming a very serious concern. I share the view of many members of this house that gambling is a significant issue, but I am just as concerned about those who would gamble with the short-term future of this country as I am with anybody who has a behavioural addiction.

Mr HALL (Eastern Victoria) — As the Leader of The Nationals I am pleased to lead our party in the debate for the adoption of the address-in-reply to the Governor's speech.

The 56th Parliament was addressed by the Governor at its opening sitting on 19 December last year. On that same day we elected you, Sir, as the President of the chamber for this parliamentary session and elected Mr Atkinson as its Deputy President. I wish both of you well in your tasks. From my past experience as Deputy President in this chamber I know that your respective tasks are not always easy. I think I said to you, President, on your election that I pledge my cooperation and that of Mr Drum and The Nationals in trying to make your jobs as easy as we possibly can. It is a difficult task, and we wish you both well in your endeavours.

In the course of what I would describe as a very substantial address by the Governor, he outlined the challenges the government sees ahead, the priorities of the government over its elected term and also its intended response to those challenges and priorities. It was no coincidence that at the outset of his address on 19 December the Governor acknowledged the severity of the bushfires that were ravaging much of north-east Victoria and the Gippsland area. The fires were into about day 19 at that time and were having a substantial impact on many communities, many of which I represent.

I also want to make the observation that those fires are in part still burning today. Areas in the Tambo Valley are still burning. Even though the fires have now been officially contained, there is still a very strong effort by the Department of Sustainability and Environment in particular, supported by the Country Fire Authority, to black out those fires, but they still pose a serious threat because summer is not yet over.

There were three major challenges outlined by the Governor in his speech. He spoke about bushfires, drought and the economic challenges for the new government. I want to particularly highlight in my contribution today those first two areas of challenge, that of bushfires and that of drought, so I will substantially concentrate on those two areas. But first I

want to make some comment on the 2006 election outcomes that see us all back in this chamber today.

In commenting on the election the first thing I want to do is congratulate the government on its victory. It is certainly not too often that any team wins a hat-trick of premierships. The current government, led by the Premier, Mr Bracks, has achieved that, and no matter on which side of the political fence you sit, that significant achievement deserves to be acknowledged. I congratulate the government on that win. It must have been doing something right over that period of time to be re-elected.

I also want to congratulate the Liberal Party on the additional seats it won at the election. Some significant wins were achieved by the Liberal Party, and it also deserves commendation for what it has achieved.

In particular I want to congratulate the people who sit behind me in this Parliament, and they are the members of the Greens and the Democratic Labor Party, on all they have achieved. First of all I congratulate the Greens. Being elected for the very first time to the Victorian Parliament is a significant achievement and to have three members in this place is an outstanding foray into Victorian politics. I wish them well in their endeavours. They have certainly made a good start in the four days of sitting that we have had to date.

I congratulate Peter Kavanagh on his election as the first Democratic Labor Party representative in the Victorian Parliament for 51 years. Again it is a significant achievement. While we all anticipated that there would be some changes to the Victorian upper house, I do not think we predicted with any certainty what those changes would be or what the final composition of the chamber would be. The fact that we now have people representing five political parties making up the Legislative Council is different and challenging, and we will see how it transpires over the next four years.

I also want to congratulate my colleagues in my own party and the team that supported The Nationals at the 2006 election because our effort was also a very commendable one, and many people ought to be thanked and congratulated. Before the election, the media, the government and others were talking very strongly about the demise of The Nationals, saying we would no longer retain party status. It was often said in this chamber that my colleague Mr Drum would be the only remaining member of The Nationals in this place, and it was suggested that we would lose many members. We have proved them wrong. History will show that across Victoria The Nationals increased its primary vote by

10 per cent on previous election results, and that was an outstanding result for us. We also took the lower house seat of Morwell from the Labor Party, a seat that had been held consecutively by the Labor Party for 36 years. It first took that seat in 1970 and had held it since then. For The Nationals to triumph in the seat of Morwell is a commendable effort, and we now have an outstanding young man in Mr Russell Northe as the member for Morwell in the other place. We took the Legislative Assembly seat of Mildura held by an Independent and previously held by Liberal Party representatives. It is back in the hands of The Nationals for the first time in 15 years or thereabouts. We significantly increased our primary vote in Assembly seats like Rodney and Shepparton, where we faced some very serious challenges. Again the pundits said we were likely to lose those seats.

As I said before, I am pleased to be back here to provide company for my colleague Mr Drum, who did so well in the Northern Victoria Region. I am delighted to be back here for another term, and I look forward to working with my colleagues — two from the Liberal Party and two from the Labor Party — representing the Eastern Victoria Region. I think we have some challenges in that part of the world, but I am sure the five of us will be up to those challenges.

As I said before, the election also delivered a new upper house, with representatives of five political parties, and 18 of the 40 members are new to this chamber. During the time I have been here I do not think there has ever been such a turnover in membership, with 45 per cent of the members being new to the Victorian Parliament. I commend each of them on the contributions they made in their inaugural speeches. We had 17 speeches prior to Christmas and Mr Kavanagh's speech today. I had the privilege of listening to most of them in person, and I read those I could not listen to here. Each of those 18 new members brings a new perspective to this Parliament. As a former footy coach I always enjoyed having new recruits in the team; it always made for a better performance from the team overall. I am sure that with the experiences they bring to this chamber the 18 new people will keep us older members on our toes and provide us with the benefit of their different backgrounds. So I say well done to all those people on their inaugural speeches, and I wish them well in their future parliamentary careers.

Having said that, I turn now to one of the substantive issues I indicated I wanted to canvass, and that is the issue of bushfires. I want to start where the Governor started in his address on 19 December — that is, by commending the extraordinary effort and bravery demonstrated by the people who were fighting fires not

only on 19 December but who have continuously been fighting fires right up to this point. As I also said previously, some are still involved in that activity. The fact that more than 1 million hectares of Victorian countryside has been burnt during the recent spate of bushfires has meant that literally tens of thousands of firefighters have been out there at various times fighting the fires. One just has to look at the television coverage or go and inspect some of the country that has been burnt by the bushfires to imagine the ferocity with which those fires burnt and the danger they presented to the people combating them on the front line.

I begin by congratulating the Department of Sustainability and Environment employees who primarily undertake that difficult task. The fires started on public land, so the department had the responsibility of coordinating the fire effort. One only needed to visit some of the incident control centres established in different parts of the state to understand the enormous complexity of fighting the fires. If anybody ever has the opportunity to do so, they should visit an incident control centre to get an understanding of the magnitude and complexity of effort required to coordinate all the various aspects of responding to wildfires like the ones we have just experienced. I pay homage to the people employed in that activity and to those from the department who have been fighting on the fire front.

Equally I have great respect for and express gratitude to volunteer members of the Country Fire Authority (CFA), who really came to the fore at various times. I know from some of my visits to bushfire areas in East Gippsland that you meet brigades from Horsham, the Mornington Peninsula and indeed from all over the state. They rally to support their country neighbours. That spirit is to be commended, especially when you see those people — all volunteers — leaving their families and jobs at home to support the firefighting effort. Again to the CFA volunteers I give my strongest commendation and say thank you.

Often other organisations are forgotten when we extend our gratitude to those directly involved in the fires — for example, organisations like the Red Cross, which is out there providing extremely valuable and necessary services and support to our firefighters. Members of St John Ambulance are up at the mustering centres, where their focus is on looking after any firefighter who may have sustained an injury at the fire front. I am probably going to be criticised for missing others, because there is a wealth of community organisations that participate in the support effort, and they should not be forgotten either.

The last group of people I want to commend is the land-holders themselves, because in my experience private land-holders are now better prepared for and focused on the threat of bushfires than they have ever been. I know that generally they have their fire preparation plans well in place and they know what they are doing. In part that is because of the efforts of both the CFA and the department, which have promoted the need for people to have their fire preparation plans in place. I think people now have them in place, and they have done them well. We are probably seeing more people staying and defending their property in the face of bushfire, and because of those preparation plans they are successfully doing so. They tell me now that in the majority of cases where houses or property are lost people have decided to leave — and that is no criticism of people deciding to leave a property, but generally speaking there is a better chance of success if people remain at a well-prepared property to defend it. I really want to pay my respects to all the private land-holders in bushfire areas who are so well prepared and who made such commendable efforts in combating the fires that put them at risk.

A lot has been written about Victoria's recent spate of bushfires. I read a good article in the *Age* of 18 January headed 'Nightmare to worsen, says Bracks'. It quotes the Premier as suggesting then that we still had a lot of concern ahead of us with bushfires in Victoria, and he was right. On 18 January we were one and a half months into the fires, but we have had almost another month since that time. The article lists the impact of the fires after 50 days and says that 1.1 million hectares of land had been burnt, as well as 33 houses, 153 sheds and outhouses, 2 tourism and recreation structures, 3 bulldozers and other machinery, 1700 kilometres of fencing and 30 000 bales of hay. It says that 17 000 hectares of pasture had been lost, as well as 2000 head of livestock and 1400 tonnes of grain. That is just part of the impact. We also had of course the loss of one life in the Heyfield region, and again I send my sincere condolences to Heyfield's Dosser family, which lost a husband and father in the recent fires.

The fires had an enormous impact. Of course the fires burned beyond 18 January, and we have seen some significant further loss of property and stock since that time. As many of the fires were in my electorate, I have had the opportunity to go back and visit people in the Toongabbie, Cowwarr and Heyfield areas, for instance, areas where fires tore through on 16 December. I happened to be in Heyfield on that morning and in Glengarry until 1.45 p.m. that afternoon. Over the hills I could see the deliberately lit Coopers Creek fire growing rapidly. I could feel on my face the enormous wind that was blowing that day, and I felt certain the

fire was headed in that direction. By 3 o'clock, less than an hour and a half later, the fire had swept through that area, taking something like 11 houses in the Toongabbie-Cowwarr area.

I drove around that area a couple of days later to see the impact of that fire. It was certainly a savage fire that burnt through on that day, taking a lot of property with it — and almost a lot of townships. In the case of Toongabbie, for example, there were small fires either side of the Toongabbie Primary School, which is right in the centre of town. So the impact could have been a lot worse.

People will commend the firefighting efforts, in particular those of the personnel on the helicopters, which were on hand to protect property at that time. They were extremely busy, as were local Country Fire Authority brigades.

Since Christmas I have also had the opportunity to spend a day with the local community in Licola. I also spent a day — the first day I was able to do so — travelling the Great Alpine Road to have a look at places like Tambo Crossing, Swifts Creek and Omeo — particularly Tambo Crossing, which was devastated by fires. The day I went was the day the road was opened, and we went by escorted convoy up that road. People were grateful to at least be able to access that road for the first time in a period of almost two weeks. I think the road was closed for 10 or 11 days and because of the fires supplies could not get through to some of those communities. But that was a great opportunity for me to visit, attend a community briefing by the authorities in Swifts Creek and talk to people who were directly affected. Last week I also had the opportunity to travel to Dargo, another community that has been severely affected by bushfires, and talk to people there.

I mentioned before some of the physical losses brought about by the fires. I still say that the greatest impact on people is not just the physical impact but the psychological and the emotional impact that bushfires have on those communities. It is not just the day the fire arrives; it is the two or three weeks prior to the fires, the preparation that those people are going through and the fear and uncertainty of their not knowing when the fire is going to hit them that has a terrible impact on their health. Often it is also all the time they spend breathing smoke and polluted air is also a factor. The water quality is not so good either. Physically, mentally and emotionally they go through hell for the period of time when the fire is approaching. You can see on their faces and in the way people carry themselves that it has

imposed a strain on them. I still claim that that has been the biggest impact of the bushfires.

Of course there are other more material effects — for example, the impact on businesses has been very significant. I know the government has put together a ministerial task force — a bushfire recovery task force — and I have written to it on three occasions now. I am going to continue to pester it, because some people have desperate needs arising out of the bushfires which I think the government needs to address.

In regard to the impact on businesses, I know that that ministerial task force was down in Gippsland, I think it was on 23 January, listening as East Gippsland shire and Wellington shire representatives outlined some of their concerns. I note that the Wellington Shire Council submission to the task force gave some background to the impact of the bushfires on some of the businesses within Wellington shire — for example, the Licola general store normally has December takings of \$55 000, but this year it banked only \$5100 during December. Its January takings are normally \$65 000, yet as of 22 January it had banked just \$1300 for the summer. I know that Ray Winter and his wife, who run that store up at Licola, have been devastated by the financial impact. Other businesses are mentioned. In the document I have before me there is reference to the Dargo Hotel; to Wallaby Rise, which is a camp oven restaurant; and even to the hardware store in Heyfield. They have all been significantly affected. These are just a few examples of the direct impact on businesses.

Paul and Judi Sykes, two of my constituents at Gelantipy, up north of Buchan, run a general camp up there. Even though they were not directly affected by bushfires, they border the Alpine National Park, and the message had got out to people that the Alpine National Park was on fire. In fact it was, in part, but it is such a big park that that area around Gelantipy was not affected. Yet they suffered a \$25 000 loss through cancellations of bookings to their camp over the summer period. Those cancellations included international visitors who did not come because of those fires.

We all expect some periods of adversity. When you live in country areas you learn to live with the weather and with emergencies — with drought, floods, bushfires and things like that — but let us not forget that many of those people who provide businesses in those areas have suffered a tremendous financial impact as a result of the fires. There has been a direct impact on businesses.

Tourism has also been very much affected. I know the government has put forward some funds already for a particular marketing campaign to get tourism back to those areas; however, I have a lot of doubt about whether that will achieve its objectives. To take tourism figures, by way of another example, the East Gippsland Shire Council submission to the ministerial task force suggested that visitor numbers fell by over 21 per cent during the pre-Christmas fire-activity period across all of East Gippsland shire. That includes places like Lakes Entrance, Paynesville and Metung. In all of those areas that were not impacted at all by fire the average reduction in visitors numbers was still 21 per cent. Even places like Lakes Entrance suffered a significant impact on tourism and business-related activity because of the fires.

I want to mention water quality, because that is also a major issue that has come out of the fires. When I was in Dargo last week the main issue people raised was water quality. Dargo is a small community, but it still has, for example, a pub and a tavern, so it has two licensed premises. It has a winery, a school, a store, a caravan park, a public hall, a Department of Sustainability and Environment office, a motel, a bush nursing centre and approximately 50 houses. Every one of those draws water directly from the river. There is no reticulated, treated water supply in that small township. One can imagine the quality of that water now, after the fires, where a lot of sludge and ash has washed down the river and where the bodies of both dead stock and dead native animals have been polluting the river.

All the people in Dargo are still having to draw water from that river. The treatment system is whatever they can provide for themselves — in most cases I suggest they probably pump from the river and let it settle in a tank for a while. I think the government can directly help and support townships like Dargo, and it is a matter I intend to raise during the adjournment debate this week. I will seek a direct response from the government as to whether it will support a reticulated, treated water supply and sewerage system for places like Dargo. I think that is one way in which the government can respond and help these small communities recover from this period of devastation.

I also wanted to mention the impact on the timber industry in particular. These fires have absolutely ravaged timber supplies across this state. A recent circular sent by VicForests to all its customers notes that since the 2002–03 fires 47 per cent of Victoria's state forests have been burnt. I know just in the Licola area alone, for example, the loss of timber resources was estimated by VicForests to be 700 000 cubic metres, whereas the normal take under their harvesting

regime for one year would be about 100 000 cubic metres. In the fires the timber industry has lost seven times the annual harvesting take from that area alone. Right across the north-east and Gippsland — I do not think the final figures have been released yet — there is going to be significant dislocation to the timber industry because of these fires.

In its report VicForests estimates that 3 million cubic metres of fire-affected ash timber can be salvaged from these fires alone. That provides some opportunity, but also some long-term problems, for the timber industry. The opportunity is that there is likely to be a flurry of activity to take that salvaged material while it is still good enough to be used. That is a window of opportunity of about 18 months, so there is probably going to be a relocation of a lot of harvesting activities from green forests into timber salvaged areas into fire-affected areas. That in itself poses a few problems because the technique for salvaging timber is not identical to the technique for harvesting in a green forest.

I know one of the candidates for The Nationals in the seat of Gembrook was involved in salvage harvesting from the 2002–03 fires, and he was still salvage harvesting at Mount Beauty at the time of these fires. I will tell a little story about him in just a minute. He uses what is called a mechanical harvester because of the risks associated in harvesting salvaged timber product. Because the limbs are more likely to fall, the predictability of harvesting takes special skills, and that is why it is best to mechanically harvest that sort of timber rather than do it manually.

There is going to be a need for reinvestment by the industry to ensure that we pick up that 3 million cubic metres of harvestable salvage timber in the very short term. I have written to the bushfire recovery task force to suggest that the government could well support the industry in investing in some special equipment to achieve that purpose of timber salvage harvesting.

I want to tell the story about Peter McConachy because I think it is typical of the selfless attitude demonstrated by Australians. Peter runs his own company. He has a crew of about six people who work for him. They were involved in timber salvage harvesting up at Mount Beauty prior to the fires. When the fires arrived they were asked to put aside their equipment, and they did it willingly and left to fight the fires with departmental people. They had some bulldozers and other equipment, and as some members may know, under the previous timber licensing system that sort of equipment was commandeered. It was part of the licence requirements that you had to give it over to the department or use it

with the department to fight fires. I am not sure that is the current arrangement with the change in licence conditions, but Peter McConachy and his crew willingly left some of their equipment at Mount Beauty in a supposedly safe spot and took other equipment to Mount Buffalo to help with the fire effort. While they were away fighting other fires the fires approaching Mount Beauty took a sudden turn, and at the end of the day they found they had lost \$1 million worth of equipment that they had left in the bush. It had been destroyed by fire. A mechanical harvester that had been imported from Canada had gone, as well as another excavator — \$1 million worth of equipment.

By the time they collected on insurance, which only pays replacement on those products and their lost wages over the period of the fires, the company was about \$800 000 out of pocket. This is a particular instance that I have raised with the bushfire recovery task force. They are people who left their jobs and used their equipment to help in the firefighting effort. Yes, they were employed and were paid to drive their bulldozer to help clear tracks — I am not saying they were not well treated in that regard — but the fact of the matter is that their willingness to go and help fight fires to protect the Victorian community has cost Peter and Joy and his family, who own that company, \$800 000 out of their own pockets. I say that we need to support those people. I have written to the government, and I look forward to its response with respect to that because they thoroughly deserve our support.

In terms of the response to the bushfires, there are lots of other issues I could talk about, but I know my time is limited and I want to mention some of the things that are desperately needed as a means of getting some of these communities back on their feet, because they have certainly been dealt a terrible blow. If you talk to people in the high country, and it is probably true of people in most country areas, you find that one of their prime issues is roads. When you talk to people up in the Tambo Valley or up through Dargo or Licola, they say the best way to encourage people to get back into the area is by opening up roads. That is why I was interested in the comment in the members statement earlier this afternoon seeking a guarantee that some tracks would be reopened promptly, particularly before Easter, to encourage some of the four-wheel drive enthusiasts and the hunters back to the area. That will be a great help for tourism over the next month or two leading up to Easter. But more importantly, over the longer term communities in the Tambo Valley are looking to have roads like the Omeo Highway sealed all the way through and have sealed roads connecting the north-east and Gippsland, as well as the Buckety Plain road, which will connect Omeo through to Falls

Creek. In Dargo they are talking about the High Plains road, which will go through Dargo and beyond to the snowfields in the north-east. If we can open up and seal some of those roads, it will provide a great network for tourists to visit the high country in Victoria, and it will certainly help to get those fire-affected communities back on their feet.

Beyond that, the water issue is an important one which I have already indicated I will raise by way of the adjournment motion during the course of this week. The tourism marketing strategy is important, but we need to make sure we have the infrastructure to accommodate tourism — those tracks, water supplies and the like. I would also claim that there are people who deserve some direct assistance to enable them to recover from the fires — people who have lost vast kilometres of fencing, people who have lost a lot of stock and people who had their properties insured but who have found that, given the replacement value under their insurance policies, it is going to cost them far more to replace equipment or property that they had insured than it would cost them to build new facilities. I think some direct financial assistance would be of advantage there, too.

There is no doubt that the bushfire issues are far from resolved. Today I have given notice of a motion for a parliamentary inquiry to look at ways in which we could better reduce the intensity and frequency of bushfires in Victoria.

I do not think the government can turn its back on this issue. We had a government-initiated inquiry by the Emergency Services Commissioner, Bruce Esplin, after the 2002–03 fires. That was helpful, but a parliamentary committee now needs to see at first hand what the impact of wildfires in Victoria is and to examine fully ways in which we can mitigate the frequency and intensity of such fires in the future. That is why I moved a notice of motion today — I hope to debate it in the next few weeks in this Parliament — to give a reference to the parliamentary Environment and Natural Resources Committee. It is appropriate that all parties look at this issue — and I hope they do it in a bipartisan way. That is why I have moved to have it referred to an all-party parliamentary committee rather than to a select committee. I would be disappointed if the government were not prepared to support a parliamentary committee looking into this issue of bushfire risk, given the impact it has on so much of Victoria.

I turn briefly to the issue of water, which was the second of the three challenges outlined by the Governor in his speech. I note in particular that at page 6 of his

address the Governor spoke about the challenges of the environment and water. I want to make a couple of comments about some of the issues canvassed by the Governor. I acknowledge at the outset that the Governor could not have canvassed fully in the time available to him all the issues associated with water, so I will not be critical of anything I think was deficient in his comments about water. One of the things he mentioned was the provision of a rebate of up to \$1000 for water tanks to be connected to toilets and laundries to help households reduce water usage. The tank water rebate was a good initiative of the government. The disappointment that I and my colleagues in The Nationals experience is that it applies only to people on reticulated water systems, yet it is those people who live in the country who do not have a tap to turn on every day of the week to get mains supply of water who are the ones who really need to conserve water. There are no rebates offered to those people. We have said for a long time now that those rebates need to be extended to all Victorians and not just those on reticulated systems.

The other comment in the Governor's speech was about the eastern treatment plant. He said:

The eastern treatment plant will be upgraded to treat wastewater to class A standard.

I do not know how much that is going to cost. I do not think the government has ever outlined clearly how much it is going to cost and who is going to pay for it. It is an interesting proposition and one that I fully support. The Nationals fully support the position that across Victoria we should be reusing more of our water in various ways. One thing that annoys us in our party, and particularly The Nationals in Gippsland, is that there seems to be little effort by Melburnians to reuse their own water. I do not see any evidence that Melbourne water is treated and reused for industry, gardens, recreation, or even alternative household use.

A couple of new estates are being developed where there will be a requirement to have infrastructure to pipe reusable greywater back to those estates, and I commend that, but there are a lot of opportunities for Melburnians to reuse some of their own water rather than taking an easy option and suggesting that it be redirected to Gippsland. I do not mind the Gippsland catchment being used to supply some of the needs of Melbourne. After all, the Gippsland catchment already supplies 60 per cent of Melbourne's water needs, and if need be I am sure Gippslanders would be happy to supply more at times of need. What we would also like to see is Melbourne making a better effort to reuse some of its own water and therefore reduce its reliance

on water from catchments in country Victoria. It is a challenge that the government has, and we will wait to see how it develops.

As to the Governor's comment that a business case will be completed for the eastern water recycling proposal, we look forward to that business proposal. We do not know how much the proposed venture is going to cost and who is going to pay for it, so we need to have a look at it before we make any commitment towards it. By way of an example, I am aware of one project which has some dollars attached to it. It is in Gippsland at what the government calls the Gippsland Water Factory, which will treat some 8 million litres per day of wastewater from the Latrobe Valley of some 35 million litres per day of wastewater to a standard that can be used by Australian Paper at Maryvale.

That project is going to cost \$160 million, of which \$50 million will be contributed by government. The people of Gippsland and the customers of Gippsland Water will also contribute to the substantial cost of a process for treating and then reusing the water. We should do that, but equally Melbourne people should do that too — they should pay for the treatment of their water, and they should reuse their own water as well. Across Victoria we all need to share in this problem. We all need to contribute to the program for the treating and reusing of water.

The other thing I noticed about the comments of the Governor — I made a preliminary comment that I do not want to be critical of an omission, he may have left something out — is that in the debate on the whole issue of water we do not see anything from the government that looks towards harvesting additional water supplies. The Nationals have a very clear policy: we are prepared to look at new sites for dams, but the government has said it will not.

What amazes us in our party is that the government is not even prepared to harvest stormwater. It seems to me that that is one of the greatest resources we could be looking at — that is, collecting stormwater and piping it to treatment facilities for reuse at a later time. We understand that there are going to be some costs involved in doing that, but Melbourne has a perfect catchment for stormwater, with thousands of hectares of concrete and bitumen around this place where we could collect stormwater from, pump it to a central point, treat it, and put it back into the system. We could even do it in country towns. I know my colleague Mr Drum has suggested that that is part of the solution for Bendigo and should be considered.

It disappoints us that there seems to be only one solution being considered by government to address water supplies — that is, to use the eastern water treatment plant to pump treated water to Gippsland and to replenish Melbourne's supplies by taking fresh water from Gippsland. As I said, a whole range of options should be considered, and Melbourne making greater use of reuse water should be looked at. That having been said, I have had sufficient time to canvass the two issues I particularly wanted to canvass this afternoon. I am sure that both issues will be the subject of much further debate by this 56th Parliament of Victoria. I hope we can all look at them fairly and in a balanced way to try to find real solutions rather than making political comments about the real issues and challenges that face all Victorians.

I again thank the Governor for his time in making his presentation to Parliament on 19 December 2006. I reiterate that I wish the 18 new members in this chamber well in their parliamentary careers and trust that we shall all work together in this place for a better Victoria.

Mrs COOTE (Southern Metropolitan) — At the outset I congratulate you, President, on your election to your office. I believe you will bring to this place a status and a level of scrutiny and objectivity that will be welcomed. I am sure the chamber will respect your rulings.

At the end of last year we listened to the Governor's speech. It was his first address to Parliament, so this is the first opportunity we have to commend and congratulate him on his role and his elevation to that position. The Governor had an esteemed research career in which he specialised in men's health, which will be an important issue for us in the future. I have had the privilege on many occasions of listening to the Governor speak about the problems and challenges involved with men's health in our contemporary community. I believe having a Governor with such skills bodes well for making certain that these issues are raised at every opportunity in the future.

The Governor's speech last year was delivered with dignity and professionalism. But I must make everyone understand once again that in reality a Governor's speech is not his own speech; he is outlining for the chamber and for the people of Victoria what the government wishes to do. They are not the words of the Governor himself. They are the words of the government, which he reads out and which outline the blueprint for the strategies and outcomes the government wishes to achieve in its coming term of Parliament.

The address-in-reply debate is an opportunity for newly elected members to make their inaugural speeches and for other members to respond to the speech of the Governor. I congratulate all new members on their inaugural speeches. The speeches were of an especially high standard, which bodes well for future debate in this place. I was particularly impressed with the depth of the lifetime experience of the new politicians and with the passion with which they have come to this chamber. We learnt a lot about the new members. I believe they will have very successful parliamentary careers, and I look forward to working with them closely in the future. I am certain we will have vigorous debates. I hope we can conduct those debates with diplomacy and dignity, because I believe that is what is expected in this chamber.

This speech is an opportunity to acknowledge the contributions of former members of this house, some of whom we knew would depart and some of whom lost their positions in their quest to return to this place. I would like to particularly acknowledge the contribution those people have made to this chamber and to put on record my praise for the work they did. They came in here with a conscience, they conducted themselves well, and I think some of us can learn from how they acquitted themselves in debate.

I refer in particular to Bill Forwood, a former Leader of the Opposition, Graeme Stoney, Andrew Brideson, Chris Strong, and Ron Bowden from the Liberal Party; Elaine Carbines, Geoff Hilton, Helen Buckingham, Noel Pullen, Glenyys Romanes, Lidia Argondizzo and Carolyn Hirsh from the Labor Party; Bill Baxter and Barry Bishop from The Nationals; and Andrew Olexander, initially a Liberal and then an Independent. I wish them well in whatever they have chosen to do post their careers in Parliament. I thank them, as should the people of Victoria, for the contributions they have made. A person from the Labor Party I forgot to mention is John McQuilten. I came in at the same time as John. He made infrequent contributions to debates in this house, but whenever he did make a contribution the house stopped and listened to him.

We in this 56th Parliament of Victoria are all part of an historic change. For the first time in 150 years there is proportional representation in the upper house, and no doubt other members will also talk about the relationships in and the configuration of this Parliament. At the outset I would like to welcome the three members of the Greens: Sue Pennicuik, who is here, Colleen Hartland, who is here, and Greg Barber, who is not in the chamber at the moment. We expect some very interesting debates. I believe they will put this government under the scrutiny it deserves. I think

that is what the people of Victoria will expect from the contributions they make here from time to time. I also welcome Peter Kavanagh of the Democratic Labor Party. His contribution today gave us an outline of the history of the DLP and its involvement in the Parliament of Victoria. It was refreshing to be reminded of that history. I was particularly interested to hear of his personal involvement with the DLP and its history. I look forward to working closely and cooperatively with all in this chamber.

The election seems like it was a long time ago, and it is incumbent on me to remind the chamber of some of the policies that were put up at the time. It is interesting to look at the number of recommendations and policies the Liberal Party put up, particularly those with an emphasis on water, to remember how the government was so scathing of them and to find that now it is in power it is implementing some of those. On the one hand the opposition can take it as a compliment but on the other hand we will continue to remind government members of the comments they made at the time of the election. They were obviously made for political expediency, because the government is now implementing many of our policies.

We had some excellent policies. We had a number of policies that were very well received. I would like to remind this chamber of some of those policies were. In the disability area the Liberal Party would have provided \$4.8 million for vehicle modification for children and young adults with a profound or severe disability. The government has also promised vehicle modification, but it has not been specific in the amount it will spend and how that will be distributed. I will watch with great interest to see what it does, because when a vehicle is modified for a family with a child or adult with a disability it gives them a whole new outlook on life and enables them to integrate with the community and engage in all the sorts of normal activities that other people take for granted. So vehicle modification is very important. It is expensive — in the vicinity of \$20 000 per vehicle — and I hope and expect to see the government identify exactly how it will spend the resources it puts up.

We were also going to review the Disability Bill. As I have said in this chamber before, the Disability Bill was a great step forward. I welcomed it at the time, and I continue to say how well received it has been throughout the community. But it did not recognise carers and a proper consultation process was not gone through with all the relevant stakeholders. That is essential as we move into the future, certainly in the disability area. Let me remind the chamber that we can talk about transport, we can talk about water, we can

talk about the environment and we can talk about health and education — all of those aspects of our community are important — but the people with a disability are often the people within our community who are the least heard. It is really important for us in this chamber to be their voice, to make certain that they are heard and to make certain that we as a community assist them to lead the types of lives that we all take for granted. I intend to scrutinise the government at every turn to make certain it adheres to its election promises and that people with disabilities in this state have a voice in this place and beyond its walls.

Our Liberal policy concentrated on raising the standards of shared supported accommodation and community residential units. Shared supported accommodation is probably the largest issue facing the disability sector. It is expensive and difficult. It is something I believe the government should have an opinion on and embrace. After listening to the minister's responses to my questions today, I believe it is going to be another case of cost shifting. The government is going to make certain it blames the federal government and it is not going to take responsibility. That is not good enough. The situation has to be addressed into the future and I will make certain the minister does that.

The kindergarten policy the Liberal Party put up was comprehensively embraced by many including the education unions. It was a very important policy that would have made kindergarten attendance possible for 3000 four-year-old children in this state who cannot afford to go to kindergarten. The policy was to reallocate the School Start bonus to fund kindergarten grants. It would have meant all of those children could have attended kindergarten.

We were also going to provide extra funding towards the running costs of country kindergartens with fewer than 10 children. This government has made no acknowledgement of those children in small communities who are severely disadvantaged. I call upon the government to make certain it addresses this urgent issue. Children who live in the country should not be jeopardised in any shape or form.

Our arts policy was to encourage eisteddfods and young people to engage with the arts. I call upon Ms Kosky, the new Minister for the Arts in the other place, who would have to be 1 million times better than the former minister, to make some big changes in this area. We were to fund all eisteddfods throughout Victoria which would have resulted in supporting young students to experience all aspects of performance and encourage them into a lifelong engagement with the arts.

I remind this chamber, and indeed Victoria at large, that it is a scandal that the National Gallery of Victoria has to close its doors on one day of the week. The Liberal Party policy was to have provided an extra \$1 million to keep the doors of the National Gallery of Victoria open every day. Now that Ms Delahunty, a former member for Northcote in the other place, is no longer the Minister for the Arts, I hope that Minister Kosky might revisit this. I am sure she will endeavour to copy the Liberal Party's policy and open the gallery to benefit all Victorian and international visitors.

As I have said already in this chamber today, this week we have seen the publication of the report of the federal Standing Committee on Community Affairs on the funding and operation of the commonwealth, state and territory disability agreement. It is a comprehensive document and I suggest members read it in its entirety, or at least the 29 recommendations. They are relevant not only to members in the chamber but to all the people they represent throughout their constituencies.

My concern about the Governor's speech, which, I remind members again, was written for him by the government, was that issues of disadvantage and children did not come into the address until pages 12 and 15 of a 16-page address. This shows the government's priorities regarding disability and children. All the other issues were put at the front of the address. It is simply not good enough to have the disadvantaged and most vulnerable in this state mentioned last. They should be a first priority. I imagine all members who are new to this Parliament will hear the voices of the disabled and vulnerable children and they should make certain their voices are heard.

There have been a number of deaths of vulnerable children in our state. We saw the abuse of baby Ben last year. More recently we saw the death of a child whose parents allegedly were affected by the drug ice. No vulnerable child should die in this state. We put in place mandatory reporting procedures in the years of the Kennett government and each subsequent government has put sufficient funds into making certain these vulnerable children are protected by all of us. The community finds child abuse unacceptable and we certainly find it unacceptable.

The last report of the former Minister for Children in the other place, Ms Garbutt, was *The State of Victoria's Children Report 2006*. Sadly, it was distributed at the time of the election. There are a number of issues in it that I am going to continue to raise in this house, particularly the fact that Aboriginal and indigenous

children are still a very long way behind other children in this state.

In summary, the 56th Parliament has now begun in earnest. There have been changes in portfolios and ministers but the election policies will continue for the next four years. They will be scrutinised and analysed by a vigilant opposition and the minor parties. As this parliamentary term proceeds we must all be mindful that as members of this place we ultimately have a responsibility to the Parliament and the people of Victoria. We are here to represent all Victorians. We are making laws on behalf of all the people in this state. I charge all of us to remember this as we get to our feet and to ensure that our speeches reflect the views of the constituents we serve.

**Debate adjourned on motion of
Hon. J. M. MADDEN (Minister for Planning).**

Debate adjourned until next day.

INTERPRETATION OF LEGISLATION AMENDMENT BILL

Introduction and first reading

Received from Assembly.

**Read first time on motion of Hon. J. M. MADDEN
(Minister for Planning).**

ADJOURNMENT

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

That the house do now adjourn.

Disability services: public toilets

Mrs COOTE (Southern Metropolitan) — My adjournment issue tonight is for the Minister for Community Services, Gavin Jennings. Scope Independence Community Opportunity Network (ICON) in Bendigo is to be commended on the launch of its new facility. *Horizon* is the official magazine of Scope, which is a peak organisation for people with disabilities in this state. In its December issue *Horizon* says:

Scope ICON will be a hub of activity for Scope clients, including opportunities for involvement with a small printing business, jewellery making, woodwork, paper and card making, and paper shredding. It's also a booking agent for the Long Gully Community Centre ...

Scope ICON also has an accessible bathroom that will be available to others in the community ...

One of the most impressive and practical features of this facility is a public toilet with a hoist and change table. I spoke in my contribution to the debate on the address-in-reply to the Governor's speech of the need for vehicles to be modified so that families with members who have a disability can have the mobility the rest of us enjoy. I remind members that access to a public toilet with a hoist and change table is also absolutely imperative. This initiative will allow carers and family members a great deal of flexibility. Scope has been at the forefront of developing this feature, and I commend it for that. However, I ask the minister whether the government will introduce public toilets equipped with hoists and change tables into every municipality in Victoria and whether it will do so as a matter of urgency.

Lygon Street, Carlton: speed limit

Mr BARBER (Northern Metropolitan) — The matter I raise is for the attention of the Minister for Roads and Ports in the other place. The City of Melbourne has on a number of occasions requested a 40-kilometre-an-hour speed limit for Lygon Street, Carlton, south of Elgin Street, an area of cafes, shops and entertainment. Extensive research in Australia and overseas has indicated that where impact speeds can be reduced from 50 kilometres an hour, which is currently the speed limit in Lygon Street, to 40 kilometres an hour, the likelihood of a pedestrian dying from an impact with a motor vehicle falls from 80 per cent to 20 per cent. The 85th percentile speed for vehicles travelling in this section of Lygon Street is 48 kilometres an hour. That means that 15 per cent of vehicles are travelling right on or above the current 50-kilometre-an-hour limit. That is too fast for an area like that.

The requests from the council were made both before and after the tragic death of a young man, Damian Cooper, who was hit while crossing Lygon Street with a group of friends. His father, Mark, tells us that his son was a fun-loving, kind-hearted person. He says Damian was a proud Australian who loved Australian sport, his friends, his family, his music, cooking and life. It was therefore fitting that his funeral was on Australia Day. Damian was a fantastic chef who brought his cooking home, and his father says his family will miss his meals. He loved his hard music — Trance, House, Electric. He had a full disc jockey (DJ) set-up, with turntables, mixers, amplifiers, speakers — the lot. He had a local business as a DJ, a part-time profession he

would have loved to make his full-time job. His DJ name was DJ D-TOX.

I ask the minister to immediately direct VicRoads to approve the request of the City of Melbourne and to provide me with information on what other municipalities have requested 40-kilometre-an-hour speed limits in their shopping strips and whether those requests have been considered, approved or are being implemented.

First Stop program: funding

Mr LEANE (Eastern Metropolitan) — I direct my adjournment matter to the Minister for Skills, Education Services and Employment in the other place. Recently I visited Swinburne University of Technology's Croydon campus to look at a fantastic program being run there called First Stop. This program won the award for training initiative of the year at last year's Victorian training awards. First Stop is a free service that acts as a first point of contact for advice about further education, training and employment pathways for young people who have, for various reasons, left school at an early age. Some of them have completed only year 9. The pathways are predominantly into year 10 equivalent programs and then into Victorian certificate of education (VCE) and Victorian certificate of applied learning (VCAL) programs that incorporate pre-apprenticeship courses.

Part of the success of First Stop is that 80 per cent of VCAL pre-apprenticeship students are employed in an apprenticeship at the completion of their study. This program is not only assisting young people to find a purpose in life but a fortunate by-product is that it is assisting in certain skill shortage areas. In the past two years it has given pathway advice to approximately 1200 young people in the area. Last year alone First Stop had over 300 one-on-one consultations resulting in well over 200 of these young people being successfully linked to and engaged in training programs.

Some of these young people have unfortunately experienced homelessness and mental health issues. I was particularly impressed by First Stop coordinator Trevor Bayle's strategy of not just dropping these young people straight back into a classroom but encouraging them to attend a three-month initial program to try to sort through the problems that led them to leave school in the first place. One example given to me was of a young woman who was in this situation in 2004, having left school at the age of 15, and found herself homeless. Since being helped by First Stop she has completed her VCE and has been offered a place in an advanced diploma of business course at

Swinburne University. First Stop has been so successful at its Croydon campus that last year Swinburne introduced the program at its Prahran campus.

The action I am seeking is for the minister to investigate the ability of the Department of Education to fund this program in the future and the capacity of the government to extend the program to meet the needs of young people in my electorate.

Police: chief commissioner

Mr FINN (Western Metropolitan) — I direct a matter to the attention of the Minister for Police and Emergency Services in another place. Members will remember that in my inaugural address to this house on 20 December last year I called for the removal of the Chief Commissioner of Police from her position. Since that time I have been inundated with mail from police officers from all over this state and interstate supporting that view. It might be instructive for this house, and indeed the government, to listen to some of the comments that have been made by members of Victoria Police about their chief commissioner.

A retired acting commissioner said:

Vicpol has been decimated ...

Honourable members interjecting.

Mr FINN — I do not know how you can defend her. She is a disgrace. He said:

Vicpol has been decimated in terms of service to the community and what is more concerning — efficiency!

A senior constable from the metropolitan area said:

Your comments on the disaster that is Christine Nixon have enormous support among the wider police force. The recent actions of the OPI have shown us all how vulnerable police can be at times. It's at times like these when you would expect some leadership and support from your boss. She has never afforded us either of [these] things during her tenure thus far.

Three retired superintendents said:

The Victoria Police is being 'managed' — not commanded — by Snow White with the Marx Brothers supporting her.

An honourable member — That was you.

Mr FINN — It was not. A detective inspector, I think from memory from the country, said:

You should also note that Nixon's softly softly approach has also failed at the recent display of anarchy at Noble Park. Apparently the police are going to get tough — so far their tough approach has been to sit down and talk with the council

and blame McDonald's for not closing their car park. The thugs must be shivering in their shoes.

A detective sergeant from the metropolitan area said:

Never in my career (25 years of operational policing including stints at the homicide squad and armed offenders squad) have I seen morale at such a low ebb. It is due entirely to the fact that an inexperienced academic was appointed to the top job.

Ms Mikakos — On a point of order, President, it is a longstanding convention of this house that when members are quoting from another source, they name that source. The member could well be making up the quotes he is referring to in his cowardly attack on the Chief Commissioner of Police, who has overseen an historic drop in crime rates in this state.

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

Mr FINN — It is interesting to note just how keen the government is to close me down on this one, but it will not! Another comment was:

Just a short note to add to the chorus of disapproval regarding Nixon's attitude to complaints made against the members at the G20 protests.

Her silence is deafening. Anything I can do to get her out of the job I'd be glad to oblige. She has destroyed the morale of all members and is a disgrace.

I can only say a hearty hear, hear! to those comments. I ask the Minister for Police and Emergency Services in the other place to do Victoria and every law-abiding Victorian a huge favour and get rid of Christine Nixon. Give her a consultancy if you have to, but — —

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

Abalone: virus

Mr VOGELS (Western Victoria) — I raise for the Minister for Agriculture in the other place, Joe Helper, an issue concerning Victoria's abalone stocks, which are under threat of being wiped out by a deadly virus. At a crisis meeting held in Port Fairy last week we were told that not enough has been done to prevent the spread of this deadly abalone virus off the south-west coast. A leading abalone ecologist, Associate Professor Jeremy Prince, told the industry meeting that the virus has killed up to 95 per cent of abalone in some abalone beds from Portland to Warrnambool. Professor Prince also said the virus is now out of control and the government's response has been too little, too late. Since the outbreak of the virus the capital value of western zone licences has dropped by \$45 million in

12 months. The impact is causing financial hardships to service providers, divers, deckhands and those who work in the aquaculture industry in south-west Victoria.

The action I seek from the minister is to urgently instruct Fisheries Victoria to work closely with the industry to get on top of this epidemic, to put in place a quality assurance regime in the first instance to prevent the disease spreading right along coastal Victoria and wiping out \$70 million worth of abalone, and to develop a test to determine how and why the molluscs are dying. What we all know at the moment is that basically nobody knows anything, which is very concerning. We need answers. We also need to understand whether this virus could spread from one mollusc to another mollusc and thereby wipe out many other species in the ocean. Urgent action is required.

Water: Dargo supply

Mr HALL (Eastern Victoria) — I raise a matter for the attention of the Treasurer in his capacity as chairman of the ministerial task force on bushfire recovery, and it concerns water quality at Dargo. I visited Dargo last Thursday. I inspected bushfire-affected areas and spoke to a range of local residents. We spoke about the impact of bushfires, and their immediate and long-term needs in terms of recovering from those fires. At the top of their list was water quality. Currently the community has to rely either on pumping water directly from the local river or totally on rainwater tanks for its water.

As a result of the fires the river has become heavily polluted, particularly with ash and sludge from the fires and with dead animals. For those people who rely on rainwater tanks for their water, those tanks are largely empty. The tanks that have collected a little bit of rain since the fires have also been contaminated with a lot of ash that has run directly into those tanks. Consequently water quality in the township of Dargo is of real concern.

There are many users of water in the township of Dargo: it has a local hotel, a tavern and a winery. There is also a school, a general store, a caravan park and a motel. There is a Department of Sustainability and Environment centre, a bush nursing centre and about 50 privately owned houses. Each of those are relying on the collection of their own water supply. Currently it is very difficult because of the recent bushfires. The best thing the government could do to help Dargo recover from the fire would be to assist it to improve its water quality. That could be achieved by the installation of a central water treatment facility and the installation of a wastewater system for the township.

I have contacted East Gippsland Water since my visit and this issue has been looked at from time to time. The cost is prohibitive. It can be anything up to \$5 million to install a reticulated water and wastewater system. However, if we are going to assist these small communities, then that is the sort of assistance they require from the government. My request tonight to the Treasurer in his capacity as chairman of the ministerial task force on bushfire recovery is for the government to provide the up-front capital funding required to put in place a reticulated treated water and wastewater system for the township of Dargo.

Planning: rural zones

Mr KOCH (Western Victoria) — My matter is for the Minister for Planning and concerns the need to modify the recent changes to Victoria's rural planning zones. Rural councils have expressed their concern that changes to the planning scheme were forced upon them without considering the wider implications and the cost that would be imposed on local government.

Under Victoria's new planning scheme, rural areas are now identified by one of four zones. These are the farming zone, which caters for agriculture as an industry and encourages the use of land for agriculture; the rural activity zone, which caters for areas where agriculture and other uses coexist; the rural living zone, which is applied to rural residential areas; and the rural conservation zone, which covers areas with a strong environmental focus.

Of concern to councils and farmers is the farming zone which prohibits activities that were allowable under the old rural zone. These activities include operating bed-and-breakfast accommodation, commercial grain storage businesses and small mechanical repair shops. Many farmers were able to diversify their farming businesses with these non-farming ventures.

The minister would know that councils like the West Wimmera Shire Council and other small shire councils have expressed concern about the planning scheme changes and their effect on implementation and administration. The only option available for councils if they refuse to accept the transition to farming zones from rural zones, is for them to engage consultants to undertake their own transition process. Councils have expressed dismay that this is the only option available to them. It would cost most councils many thousands of dollars to administer. Like many rural shires, the West Wimmera shire, although large in size has a small rate base that cannot accommodate these expenses.

I understand the Municipal Association of Victoria is also pursuing this matter with the minister on behalf of rural councils. While councils are currently forced to accept the current arrangements, the Grampians regional management forum has sought amendments to these planning restrictions.

Councils are looking for more flexible planning that allows for value-added activities such as biofuel development and those that have minimum impact under the farming zone. If these amendments are successful, farmers would be able to diversify without councils having to declare special zones every time a different complementary use is sought.

The action I seek from the minister is for him to investigate and support the proposed amendments to planning legislation, reflecting the needs of local government that make it simpler to implement and administer their farm zone planning policies.

Middleborough Road, Box Hill: rail grade separation

Mrs KRONBERG (Eastern Metropolitan) — I direct my question to the Minister for Public Transport in another place. Many of us in the Eastern Metropolitan Region are frankly mystified as to why the government chose to undertake the grade separation at Middleborough Road, Box Hill, ahead of other level crossings along the Ringwood–Lilydale and Belgrave lines. This is especially troubling for the people of the Eastern Metropolitan Region, as this project was announced way back in 2002, thus giving the government ample time to properly prioritise a grade separation program for the lines.

According to the Public Transport Users Association level crossings such as the Springvale Road crossing carry 39 000 vehicles per day. It is the conduit for 21 000 vehicles that travel on Springvale Road in order to turn into Whitehorse Road or other streets.

The Ringwood–Lilydale and Belgrave lines carry 250 trains per day. There are 21 trains per hour, 14 in the peak direction and 7 in the counter-peak direction. This means that it is possible for the boom gates at Springvale Road to be down for up to 10 minutes at a time, yet the Middleborough Road grade separation was given priority. My interest in the grade separation now centres on the overburden from Middleborough Road, which was temporarily held on the Whitehorse Reserve adjacent to Box Hill Secondary College. Will the minister inform the chamber where the overburden from the excavation of the Middleborough Road grade

separation was finally relocated and how is it to be used?

**Office of the Victorian Small Business
Commissioner: mediator**

Mr D. DAVIS (Southern Metropolitan) — My matter for the attention of the Minister for Small Business concerns processes inside the Office of the Victorian Small Business Commissioner, particularly the ability of the small business commissioner to employ people as mediators and in other offices within his purview.

Mediation is an important role that the small business commissioner undertakes, a role that seeks to deal with disputes that relate to small business. In many cases this provides a cost-effective alternative. I certainly support the principle of what the small business commissioner does, but on this occasion it has been brought to my attention by Mr David Messenger, a solicitor in Lime Avenue, Mildura, that the small business commissioner has employed a person who was struck off the roll of barristers and solicitors some decades ago. It has been confirmed to me that that person is now being employed as a mediator.

It is not a matter of hounding the individual, who appears to have been involved in a case of defalcation as a barrister and solicitor. I draw the facts to the attention of the minister by putting on the record what Mr Justice Lush said in the case in 1973. The records of the Supreme Court of Victoria in *Baker v. Law Institute of Victoria* show that he concluded by saying:

There will accordingly be judgement for the plaintiff. Under section 67 the appropriate terms of the judgement are as follows: —

I declare that on 7 July 1969 Todd Trevaks, a solicitor within the meaning of the act, committed a defalcation from which the plaintiff suffered a loss of \$43 800.

My point is not to make it difficult for that individual, who appears, after having gone to jail for an extensive period, to have rehabilitated himself and made a decent fist of his life. I congratulate him on that. My point is that the small business commissioner appears to have employed this individual without the proper checks and probity processes to ensure that the person he is employing is a person of a certain standard.

I would be less concerned if the small business commissioner had employed this person with an understanding of the criminal record and the processes that occurred previously, but the evidence put before me indicates that the small business commissioner was

not aware of that history. Certainly those with whom the mediator was dealing were not aware of it.

The minister went into hiding today and yesterday, as the press has begun to ask questions, and the small business commissioner will only issue a statement. My concern is the processes being followed in the Office of the Victorian Small Business Commissioner, and I ask the minister to investigate them to ensure that the small business commissioner's office is sound and can rely on the quality of its processes.

Responses

Hon. J. M. MADDEN (Minister for Planning) — I thank members for their respective inquiries. Mrs Coote raised a matter for the Minister for Community Services, and I will refer it to him, concerning local municipalities and the services they provide in relation to various activities.

Mr Barber raised the matter of speed zones in and around the Carlton area, and I will refer that to the Minister for Roads and Ports in the other place.

Mr Leane raised the issue of First Stop and the potential for future funding, and I will refer that to the Minister for Skills, Education Services and Employment in the other place.

Mr Finn raised a matter for the Minister for Police and Emergency Services in the other place, and I will refer that to the minister.

Mr Vogels raised the matter of the abalone virus, and I will refer that to the Minister for Agriculture in the other place.

Mr Hall raised the matter of Dargo water infrastructure, and I will refer that to the Treasurer.

Mr Koch raised the matter of rural planning schemes. As was the case with me in the last Parliament as Minister for Sport and Recreation, as Minister for Planning my door is always open to local councils to raise matters with me. I appreciate the difficulties faced by the West Wimmera Shire Council with the small administration it has because of the size of the municipality. I was made well aware of that at meetings with the council on a number of occasions, but in particular with the community cabinet that was held in that area in recent years.

I am happy to discuss the impact of those matters with the West Wimmera shire, but I also flag the fact that we made an election commitment to assist councils that may be underresourced in dealing with matters of a

strategic nature in developing overlays or planning policy. I will be making a further announcement relating to the council's future, but I am happy to look at it in relation to the West Wimmera shire, and I look forward to meeting that council. I am trying to get around to as many local governments as I can in as short a time as possible, and I look forward to getting out there and talking to my colleagues at that council.

Mrs Kronberg raised the matter of a grade separation in the eastern suburbs, and I will refer that to the Minister for Public Transport in the other place.

David Davis raised issues relating to the small business commissioner, and I will refer that to the Minister for Small Business.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 5.48 p.m.