

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Wednesday, 14 March 2007

(Extract from book 4)

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Wednesday, 14 March 2007

The PRESIDENT (Hon. R. F. Smith) took the chair at 9.33 a.m. and read the prayer.

Mr Lenders — On a point of order, President, I draw your attention to section 19(1) and 19(2) of the Constitution Act, which quite specifically outline the powers of the Legislative Council — what those powers are and how they relate to the powers of the House of Commons as at the start of the self-government of Victoria in 1855. I ask you to take this matter on notice and consider those sections, because I would contend that the powers afforded to this house are far less than are purported to it by a motion that is before the house in general business today. I ask you to take that on notice and seek legal advice so that, assuming this motion is carried by the house today, you and the house are fully informed as to whether the house is acting *ultra vires* or not.

The PRESIDENT — Order! I will take that on notice, but I want to express a view I have expressed previously when asked to do so on something similar. I do so without prejudice. I do not want either side of the house to use me as a legal sounding board or legal reference or resource in any way, but I think given the circumstances that surround this particular issue I will take the minister's request into serious consideration.

Mr Atkinson interjected.

The PRESIDENT — Order! I say to Mr Atkinson that I take that as an offensive and inappropriate remark, particularly coming from him as Deputy President. One more remark like that and he will find himself on the outside looking in.

Mr Atkinson — I am sorry.

PAPERS

Laid on table by Clerk:

Parliamentary Committees Act 2003 — Treasurer's response to recommendations in Public Accounts and Estimates Committee's Report on 2006–07 Budget Estimates.

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

Cardinia Planning Scheme — Amendment C80.

Greater Shepparton Planning Scheme — Amendment C69.

Hepburn Planning Scheme — Amendment C36.

Manningham Planning Scheme — Amendment C50.

Mansfield Planning Scheme — Amendment C7.

Moreland Planning Scheme — Amendment C77.

Whitehorse Planning Scheme — Amendment C57 Part 1.

MEMBERS STATEMENTS

Minister for Industry and State Development: conduct

Mr D. DAVIS (Southern Metropolitan) — I would like in my contribution today to indicate my strong support for the Victorian fashion industry and the Melbourne fashion festival. But I also draw the attention of the house to the behaviour of the Minister for Industry and State Development, Theo Theophanous, who appears to have absconded with a great bag of fruit. I wonder if it was the one we saw in this chamber yesterday. It was a bag of fruit that I think anyone would be proud of, but a costly one at \$2000. An article in the *Herald Sun* makes the point that Mr Theophanous's wife was also provided with two dresses on loan. I hope they were on loan, as they have not yet been returned.

This is a minister who is part of a government that has its snout deep in the trough. This is a government with its snout right in the trough and a minister with his snout in the trough. Everybody knows what is going on here. This minister clearly planned to get access to the suits. I wonder who initiated the exchange that occurred — and exchange is a very generous way of describing it. The truth is that this minister wanted to have a loan from the fashion festival; he wanted to have a loan from Myer.

This is a matter of standards and this is a — —

Ms Darveniza — On a point of order, President, I take offence at the language being used to describe Minister Theophanous and his wife.

The PRESIDENT — Order! I would suggest that if there were one person in this house who could withstand the withering attack being made by Mr Davis, it would be Minister Theophanous. I have not heard anything I could describe as offensive. The member, to continue.

Mr D. DAVIS — I note that I am not allowed to call the minister a feathered bird.

Mr Theophanous is not noted for being a clothes horse, but on this occasion he should return the merchandise. I

know thousands of Victorians would be thinking that this is a great bag of fruit if you can get it.

Cann River P-12 College: science facilities

Mr HALL (Eastern Victoria) — I want to remind the government this morning about part of its education policy at the 2006 Victorian elections, when it said that it would:

... ensure students are taught in science rooms with up-to-date facilities. Under this program up to 200 science rooms will be refurbished, replaced or built at an average cost of \$250 000 per room and a total cost of up to \$50 million.

This morning I call on the government to put the science room for Cann River P-12 College at the top of that list. I have in my hand a letter from the school council president, Raphael Mills, who informs me that the ceiling of the one science room the college has is covered in mould. This was identified during an audit in 2005, but the school has received no funds to replace the ceiling.

Mr Mills goes on to say that the fume cupboard has failed a safety test and is now decommissioned. The cost of replacement is in the order of \$10 000, something the school cannot afford, and the students are not able to take part in a number of experiments because of the decommissioning of that cupboard. He also points out that the science room needs complete refurbishment, including painting and the replacement of sinks and bench tops.

I call on the government, particularly the Minister for Education, who is in the chamber this morning, to put Cann River P-12 at the top of the list. It is most urgently in need of a refurbished and renewed science room.

Neighbourhood Justice Centre: opening

Ms MIKAKOS (Northern Metropolitan) — On 8 March I had the pleasure of joining Richard Wynne, the Minister for Housing and member for Richmond in the other place, and many other Labor Party colleagues for the launch by the Attorney-General of the Neighbourhood Justice Centre in the city of Yarra.

This is Australia's first community justice centre. It incorporates a multijurisdictional court that offers services to victims, defendants, civil litigants and the local community. It offers a groundbreaking approach in attacking the causes of crime through intensive case management and monitoring a defendant's participation in programs they have been referred to by the court.

The centre includes drug, alcohol, mental health and financial counselling. It has potential benefits for everyone in the community by reducing reoffending and crime levels, building greater confidence in the justice system and strengthening that community. I wish the Neighbourhood Justice Centre staff and magistrate David Fanning every success for the future in what will be a two-and-a-half-year trial period.

Rail: Northern Victoria Region

Mrs PETROVICH (Northern Victoria) — I rise to speak on the appalling track record of late arrivals on the Bendigo to Melbourne \$130 million fast rail disaster. Along with 150 or so of my friends I regularly travel by train to Melbourne often arriving up to half an hour late. The train is not even considered late if it is within 15 minutes of the designated time of arrival. Try explaining that to your employer every day! This is causing enormous stress to commuters, particularly those from the Macedon Ranges.

Every day for the last fortnight the evening train from Melbourne to Macedon has been 15 minutes late. Worse than that, last Friday evening the brakes caught fire on the passenger train to Woodend and the train had to be unloaded just out of Woodend, which is not good in a fire-prone area. It is even worse for those travelling from Macedon station because this train now stops only at Gisborne, causing Macedon travellers who have a car to drive to Gisborne. It is too bad for those Macedon residents without a vehicle.

It may come as a surprise to Ms Broad, who was singing the praises of the Echuca train service last week, that the climate in the Northern Victoria Region is often above the 30-degree mark.

I would like to read a letter which appeared in the Bendigo *Advertiser*. It is titled 'Echuca train service is just a poor joke'. It states:

What a joke the new passenger train service to Echuca is!

Travelling at 80 kilometres an hour, and 60 kilometres an hour on a hot day, I could ride to Echuca faster!

Get it up to 120 kilometres an hour, and get it right.

That means two or more return services a day.

Wyndham: community awards

Mr EIDEH (Western Metropolitan) — On Friday, 2 March, I was fortunate enough to attend the Wyndham awards ceremony that was held at the Wyndham Cultural Centre. Guests included local members of Parliament, councillors, a judging panel,

previous winners and their families. The Wyndham community awards program was developed to recognise the efforts of people in the community who contribute towards making Wyndham a quality place in which to live both now and in the future.

Awards presented on that evening included the volunteer of the year award to Les Porter who has been passionately involved with the Salvation Army for over 20 years raising money and awareness for many disadvantaged people in Wyndham. The young achiever award was won by James Kilpatrick for his outstanding achievement in providing charitable assistance and volunteer work in a Ugandan orphanage. The most prestigious award — the citizen of the year award — was awarded to Ms Christina MacGregor for her outstanding business and community practices that have not only benefited her local community but also set best practice standards around the world.

Overall I was very honoured to have attended this special event and to have met these fine and inspirational individuals who are working hard towards the betterment and enhancement of their community.

Housing: affordability

Mr GUY (Northern Metropolitan) — Yet again I wish to raise the issue of home affordability and the Labor Party's head-in-the-sand approach to it. However, what may be of surprise to some is that my criticism this morning is not directed to Mr Football, the Minister for Planning, the Honourable Justin Madden. It is actually directed toward a mouth from Queensland, the federal shadow Treasurer, Mr Wayne Swan.

On Monday Mr Swan produced a Labor Party analysis claiming that Victorians needed to earn over \$100 000 a year in order to repay an average Melbourne home purchased for \$391 000. 'Soaring house prices made it harder than ever to meet repayments', bleated rent-a-comment Mr Swan. But true to Labor Party values, Mr Swan appears to have omitted a few key facts from his argument, and I have pleasure in enlightening the house about them.

On a \$391 000 home the Bracks Labor government stings the average home buyer over \$45 000 in fees before a single mortgage repayment is made. That does not include the \$8000 development charge that these people opposite are going to impose on house buyers at the end of the year. It does not include the Melbourne Water charges that these people are presiding over. Melbourne 2030 — —

The PRESIDENT — Order! I am uncomfortable with Mr Guy's reference to 'these people opposite'. 'Those members opposite' would be fine.

Mr GUY — Thank you, President. As I was saying, Labor's *Melbourne 2030* document and its policy of locking up land and artificially inflating its value have been blamed by a series of respected interest groups as the key driver of rising housing costs over the last few months. Wayne Swan's Victorian Labor colleagues have found a unique way of responding to the crisis in housing affordability — introduce new taxes and up the ones that are there.

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

Mildura Wentworth Arts Festival

Ms DARVENIZA (Northern Victoria) — I want to congratulate Mildura Rural City Council and Helen Healy, the Mildura arts festival director. I had the pleasure of attending Opera by the Lock last Saturday evening in Mildura, and you could not have had a more spectacular evening or more spectacular setting for an opera.

It was a well-attended part of the festival. Hundreds of people came and packed into the grounds by the river. There were some fantastic artists — and they included local artists too. The choir was a real treat, and it was made up of local singers. The Desert Divas, six young sopranos, were also from Mildura. We also had Siobhan Stagg, a Mildura soprano, sing, along with other national and international guests.

It was a real treat, a fantastic evening, and I would like to take this opportunity to congratulate everybody involved with the arts festival and particularly those involved with putting on Opera by the Lock.

Wimmera Machinery Field Days

Mr KOCH (Western Victoria) — I was delighted last week to attend, with many of my colleagues, the 45th annual Wimmera Machinery Field Days, held at Longerenong near Horsham. Despite well-below-average rainfall and a very tough year for rural Victorians, many farmers continue to support this major event and remain optimistic about their futures. That was very much in evidence at the field days: about 27 000 people came through the gates over the three-day event.

As I spoke with farmers from all parts of country Victoria, it was clear that they were doing it tough, with the lack of water being the hot topic and the hope of

autumn rain on everyone's minds. Many were keen to see the latest developments in agricultural machinery on display. While most exhibitors have also been doing it tough, with low sales throughout the year, the general atmosphere was positive, with some exhibitors reporting wide interest in their products — and not just tyre kickers.

It has certainly been a difficult year for the farming community and all those small business operators who rely on it. The Wimmera Machinery Field Days committee, under president Greg Petrass, is to be congratulated for successfully hosting this important industry event. Along with Greg, I praise the efforts of his committee colleagues and volunteers who helped make this such a worthwhile event in these difficult times.

Women: violence

Mr SCHEFFER (Eastern Victoria) — Last Thursday, 8 March, was International Women's Day, and I draw members' attention to the 51st session of the United Nations Commission on the Status of Women, which considered the topic 'The elimination of all forms of discrimination and violence against the girl child'.

In an online report on the commission's meeting at the 'openDemocracy' website, Patricia Daniel of the University of Wolverhampton noted that the facts demonstrate that there are major problems still to be addressed. She cited economist Saadia Zahidi, who said:

... globally, the gender gap in educational attainment and health (life expectancy) has been closed by 90 per cent but in terms of economic participation and opportunity only by 50 per cent and as regards political empowerment (representation in decision-making structures) by a mere 15 per cent.

Daniels points out that violence against women occurs in all social classes and ethnic groups and is the issue that unites feminists from wealthy countries with women's movements in poor countries. Girl children in poor countries are often victims of military conflict; domestic violence, including genital mutilation; deprivation of reproductive sexual health rights; forced marriages leading to rape; economic exploitation; and prostitution. In Australia 7 per cent of women, or just on half a million women, have experienced an incident of violence, and those incidents are four times more likely to have been perpetrated by a man. Of more than 1 million women who experienced violence during a relationship with a previous male partner, 60 per cent said they lived in fear during that relationship.

The need continues for women and men the world over to work and campaign so that governments are held to account for social justice and human rights.

Notable Victorians register: establishment

Mr ATKINSON (Eastern Metropolitan) — Mr President, I ask you and the Speaker to consider the possibility of establishing a register of notable Victorians. While many Victorians are recognised in a range of honours and awards, I think it is worth noting that this house plays a particular role in the state of Victoria as a people's house and that a great many Victorians who contribute to the advancement of and who have very considerable achievements in this community are not normally recognised by the state for those achievements. I believe it would be well worthwhile our establishing in this Parliament an historical record of achievements and contributions that arise from the very many different disciplines and undertakings of Victorians.

I suggest that you, President, and the Speaker consider whether there is an opportunity and a basis upon which we could establish a register of the achievements of so many Victorians both as volunteers and as people contributing in their various areas of sport, industry, community service, the arts and so forth.

The PRESIDENT — Order! I am happy to take Mr Atkinson's suggestion to the Speaker and discuss with her the feasibility of the proposal. I will talk with Mr Atkinson about the results of that discussion later.

Aged care: Parkville facility

Mr ELASMAR (Northern Metropolitan) — I rise to speak about the plight of the elderly in our community who can no longer live in their own homes due to their infirmities. This issue is becoming more urgent as the population ages and aged-care facility placements are increasingly filling up. Long waiting lists now apply, and I am sure this is deeply distressing for the baby boomers who are faced with the prospect of finding suitable accommodation for their loved ones. It is critical that we attack the shortfall of places for the elderly in a strategic way.

Housing is a major problem facing us today. Young people struggling to purchase their first home are paying higher rents than ever before while trying to save for a deposit. Some of the disadvantaged in our community have lost hope of ever owning their own home due to economic circumstances beyond their control. That is why I was pleased beyond measure to see the Minister for Industry and State Development

launch the construction of a new aged-care facility in Parkville, which will also incorporate social housing as part of its overall strategy for the needy in our community. I know we need more facilities, but I congratulate Minister Theophanous on a great start.

Victorian Honour Roll of Women

Ms PULFORD (Western Victoria) — As most in this place would know, last Thursday was International Women's Day — a day that recognises the positive influence women have had on society and the struggle that continues to this day for equal opportunity in society for women. In conjunction with International Women's Day, the Minister for Women's Affairs in the other place, Jacinta Allan, announced a further 30 women who would be added to the Victorian Honour Roll of Women, which was launched in 2001. I would like to congratulate all those women who have made it onto the list and who are still with us and extend congratulations to the families of those who are no longer with us, who are no doubt proud of the achievements of their ancestors.

In particular I would like to pay tribute to two women, one who blazed a trail for Victorian women in the past and one who continues to do so to this very day. Annette Bear-Crawford passed away more than a century ago, but her impact on Victorian women is reflected in the history of this place. In the 1890s the Legislative Council blocked a bill that Annette lobbied politicians extremely hard on regarding women's suffrage. In helping women get on the path to equality she said:

The vote would be the most effective instrument for improving conditions of life.

The other very special woman is Josie Black, OAM, who is from my electorate of Western Victoria Region. Josie, who was a sole parent and an Italian immigrant, has for more than two decades been helping educate and assist women in regional Victoria, especially those who are disadvantaged. Josie is revered in south-western Victoria for her work. It is worth noting that Josie is also very active on the issues of multiculturalism and Aboriginal reconciliation.

Major Michael Mori

Mr LEANE (Eastern Metropolitan) — The last time Parliament sat, as Mr Viney reported at the time, there was an all-party address by Major Michael Mori on his defence of one of our Australian citizens. It was good to see members of the Greens, the Liberal Party and other parties at the address. It is sad to see that since then there have been reports that the United States of

America military has flagged there could be charges against Major Mori for politicising his position.

On that day I made an effort to shake Major Mori's hand, because I think he is a very impressive person. After my interchange with him I am prepared to be a witness for Major Mori. I bowled him the best full toss, which he could have hit for a six. I said to him that there were only two Western countries that have left their citizens to rot in Guantanamo Bay, and Australia is one of them, which is a terrible indictment of our federal government. That is what I said to Major Mori. He could not have played it with a straighter bat. He did not even smile; his face showed no emotion; he did not even acknowledge it. He had a chance to politicise it then.

I will go wherever I have to go to be his witness because he is a fantastic person. He is being victimised for doing too good a job. The people who put him in place did not want him to do a good job. Call me over, Major Mori, and I will be there!

Women: rural industries award

Ms TIERNEY (Western Victoria) — Last Thursday International Women's Day in Ballarat was celebrated by the announcement of the 2007 Rural Industries Research and Development Corporation rural women's award. Gathered at the historic Mining Exchange in Lydiard Street, Ballarat, women from all over Victoria were brought together to recognise the vital contribution that women make in rural Victoria.

Deborah Bain was announced the winner of the 2007 rural women's award for her farm day concept. Seventy-five families were matched across Victoria during the first farm day in May 2006. The program is aimed at breaking down the country-city divide, and at families so they can more readily understand each other's lives. It provides city folk with an insight into country life and the positive experience of seeing and actually touching stock and crops, and seeing first-hand the roles rural communities play in providing vital food supplies.

Runner-up was Vera Fleming from Shepparton, who was recognised for her project called 'Spirit of the Valley', which involved the making of fruit liqueurs with raw fruit also produced on her farm. Both women will attend the Australian Institute of Directors course in Canberra which will assist in the next stages of their business plans.

The International Women's Day morning was full of warmth, determination and well-researched and

beautifully presented speeches which captured the spirit of rural women without relying on Vera's delicious fruit spirits, which are 22 per cent proof!
 Congratulations to all.

International Women's Day: celebrations

Ms LOVELL (Northern Victoria) — I also rise to acknowledge that last Thursday was International Women's Day. As the shadow Minister for Women's Affairs I travelled around Melbourne attending many events on that day to celebrate International Women's Day. I take this opportunity to wish all the women in the Parliament a very belated but happy International Women's Day.

One of the functions I attended last Thursday was a luncheon to honour those women who had been inducted on to the women's honour roll, and I congratulate each and every one of them. I was unfortunately unable to attend the rural women's award in Ballarat because there was not enough time to travel between the two functions, but Mrs Petrovich of the Liberal Party represented the party at that event. I congratulate Deborah Bain on winning the award.

The best function I attended that day was the Unifem breakfast held at the Park Hyatt on Thursday morning. It was well attended and included federal Senator Lynn Allison of the Democrats, Greg Hunt, the federal Parliamentary Secretary to the Minister for Foreign Affairs, Ms Hartland and Ms Pennicuik from the Greens, and me. It was an interesting day. The topic was the plight of indigenous women throughout the world. The disappointing thing was that there was not one member of the parliamentary Australian Labor Party at that event. It was a significant event for International Women's Day. Despite all its rhetoric, the Labor Party failed to show.

BUSINESS OF THE HOUSE

Production of documents

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

That, unless otherwise order by the Council —

Production of documents

The following arrangements will apply in relation to the production of documents:

1. The Council may order documents to be tabled in the Council. The Clerk is to communicate to the Secretary, Department of Premier and Cabinet, all orders for documents made by the Council.

2. An order for the production of documents must specify the date for the documents to be provided.
3. When returned, the documents will be laid on the table by the Clerk.
4. A return under this order is to include an indexed list of all documents tabled, showing the date of creation of the document, a description of the document and the author of the document.
5. If at the time the documents are required to be tabled the Council is not sitting, the documents may be lodged with the Clerk, and unless executive privilege is claimed, are deemed to have been presented to the Council and published by authority of the Council.
6. Where a document is claimed to be covered by executive privilege —
 - (a) a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of executive privilege; and
 - (b) the documents are to be delivered to the Clerk by the date and time required in the resolution of the Council and —
 - (i) made available only to the mover of the motion for the order; and
 - (ii) not published or copied without an order of the Council.
7. The mover may notify the Clerk in writing, disputing the validity of the claim of executive privilege in relation to a particular document or documents. On receipt of such notification, the Clerk is authorised to release the disputed document or documents to an independent legal arbiter, for evaluation and report within seven calendar days as to the validity of the claim.
8. The independent legal arbiter is to be appointed by the President and must be a Queen's Counsel, a Senior Counsel or a retired Supreme Court judge.
9. A report from the independent legal arbiter is to be lodged with the Clerk and —
 - (a) made available only to members of the Council; and
 - (b) not published or copied without an order of the Council.
10. The Clerk will maintain a register showing the name of any person examining documents tabled under this order.

This motion seeks to incorporate a procedure for the production of documents as a sessional order.

The notion of responsible government rests on the convention of accountability of the executive to Parliament and therefore the people, and we need to take that as the text for the debate today. I found

interesting the fact that even before this debate commenced in the house today the Leader of the Government came here beating his chest about the powers of the house to hold the government to account and to put the executive under scrutiny. I predict that through the course of the debate we will hear all these reasons, indeed more reasons than I can imagine, advanced by the Leader of the Government and his colleague Mr Viney, who I am sure will quote extensively from *Odgers' Australian Senate Practice*, the *House of Representatives Practice*, Erskine May's *Parliamentary Practice* and other sources. All of that will be smoke to disguise the reality that the government is terrified of scrutiny. If it were serious about scrutiny, it would support the motion before the house.

Mr Lenders — You hate proportional representation.

Mr P. DAVIS — Let us have a debate on the motion before the Chair.

The PRESIDENT — Order! I wish to hear the contribution of the Leader of the Opposition, as I am sure most people do.

Mr P. DAVIS — Let us be clear on what this motion is about. The motion is not calling for documents to be tabled; it is seeking to regulate the way the house calls for documents. It is not a motion about particular matters that are currently the subject of examination of the government; it is about how at a future time we will deal with calls by the house for the tabling of documents. In effect, it is dependent on the goodwill of the house to support propositions which come forward. Every request for documents would require the concurrence of the Council — that is, support by a majority of the members in this place — and no request for deliberative documents of cabinet is likely to be made and certainly would not be complied with.

The motion before the house, which in the first instance states that 'The Council may order documents to be tabled' clearly asserts the right of this house to require that the executive produce documents that are relevant to the business of government. I specifically cite as an authority in relation to this motion and the power for the house to move such a motion the Constitution Act 1975, division 2, section 19 'Privileges powers etc. of Council and Assembly':

- (1) The Council and the Assembly respectively and the committees and members thereof respectively shall hold enjoy and exercise such and the like privileges immunities and powers as at the 21st day of July, 1855,

were held enjoyed and exercised by the House of Commons of Great Britain and Ireland and by the committees and members thereof, so far as the same are not inconsistent with any Act of the Parliament of Victoria, whether such privileges immunities or powers were so held possessed or enjoyed by custom statute or otherwise.

The Constitution Act is quite explicit, and I will come back to that later. It makes a significant commitment and says that the way the respective chambers of the Parliament of Victoria operate shall be premised on the notion of the convention of the executive or government of the day being accountable to Parliament and individually to each separate chamber. It is a matter for this house to govern itself and to make the rules that would best afford orderly conduct of the business of this chamber in undertaking its legislative function as well as its scrutiny of government function.

The regulation of those matters is laid down in the standing orders. I make the point that the standing orders under which the house is presently operating were remade in the last Parliament. They were adopted last October by virtue of the government voting in favour of them. As I recall, the opposition and The Nationals voted against them.

Standing order 24.10 headed 'Power to send for persons, documents and other things' states:

A select committee may send for persons, documents and other things.

That is a reference to the powers of select committees. I refer to it specifically because it is quite clear that the house has no capacity to make such a delegation to a committee of its own unless it holds the power in the first place. I believe the standing orders are a clear acknowledgement by the house, and certainly by the government, that the authority, the power and the independence of the Legislative Council exist such that it can order papers to be produced.

I turn now to some recent experience in this place in relation to consideration of the matters before the house — that is, the production of documents. I turn to the issue raised in the house on 16 October 2002 during a debate involving my predecessor as Leader of the Opposition, Bill Forwood. As I recall, Mr Theophanous was also involved in the matter. According to *Rulings from the Chair*, on that occasion:

The President ruled that the Council possessed unfettered power to require the production of documents, a power provided under the Constitution Act 1975. This constitutional power emanated from the United Kingdom and the Bill of Rights of 1689.

It is important for us to understand that there are conventions in relation to the way parliamentary practice and procedure operates. Indeed those conventions are well-established. Select committees of this house have over a long period of time called for documents to be tabled, and they have been tabled. I make the point again that for the house to discharge its function as a parliamentary chamber it must have the capacity to hold government accountable and therefore to act in the interests of the people in ensuring that we have responsible government.

This was established in a recent issue concerning the New South Wales Legislative Council. When I say 'recent', it goes back to 1995, which in parliamentary terms is relatively recent. The issue was determined first by the High Court of Australia's judgement in *Egan v. Willis* and subsequently by the New South Wales Court of Appeal's decision in *Egan v. Chadwick and Others*.

Mr Lenders — There is no link to the House of Commons in their constitution. Read the judgement.

Mr P. DAVIS — I take up the interjection from Mr Lenders; I am delighted to have the interjection. That judgement dealt with the capacity of a parliament, and a house of parliament, to deal with its functions and the implied powers that relate to the scrutiny of government. Far be it from me to pretend that I am a constitutional lawyer, I defer to the learned members of the High Court bench in regard to their judgement, which clearly upheld the capacity of the New South Wales Legislative Council to undertake the proper functions of its obligation to hold the government to account.

I turn now to a discussion paper released on 8 August last year by the Australasian Study of Parliament Group, notably under the guidance of the group's convenor, Ken Coghill, a former Speaker of the Victorian Parliament. I refer to an interesting discussion of how information should be made available and the reform of freedom of information going to the issue of accountability and the reform of Parliament. What informed me particularly were these comments:

... not every document that goes to cabinet is deserving of protection from disclosure. It cannot be sufficient to exempt a document that is merely passed across the cabinet table. Rather, a document must be such as to disclose either the deliberations of the cabinet or its decisions to qualify for exclusion. So, for example, an attachment to a cabinet document providing factual or statistical information to assist in cabinet decision making should not be exempt. This is because such raw material cannot, by definition, disclose cabinet's deliberations.

It is interesting further to note the following commentary on what exemptions should apply under freedom of information. They include:

A document that is an official record of any deliberation of the cabinet.

A document that has been prepared by a minister, or his or her staff, for the specific purpose of submission for consideration by cabinet.

A document the disclosure of which would involve the disclosure of any deliberation of the cabinet.

I refer to that just for what I would describe as guidance — that is, guidance on the nature of the inquiries that may be made by members of this house as to the capacity to understand the processes of government, the expenditure of public funds and the public policy outcomes, and how they are measured. Therefore, just as in the proposals to reform FOI laws in Australia, necessarily this house of Parliament should have the capacity to call for any documents that do not go to cabinet for deliberation. That is certainly a convention that has been observed in other parliaments where documents are regularly called for: documents that relate to cabinet deliberations are not called for.

Mr Lenders interjected.

Mr P. DAVIS — Indeed to give the government some comfort about concern over documents which may be requested and which the government may be apprehensive about releasing, the process we have proposed will enable the government to reserve a document.

Honourable members interjecting.

Mr P. DAVIS — There is also a process that will enable the member of the house who has moved any motion about the tabling of that document to advise the Clerk that the document is regarded as disputed, and therefore it would be referred to an independent arbiter.

Honourable members interjecting.

Mr P. DAVIS — Mr Lenders and other members of the government can interject all they like, but at the end of the day what they are disclosing is their absolute fear of scrutiny by the Parliament.

Mr Lenders — Rubbish!

Mr P. DAVIS — Mr Lenders, if that is the case and you are not afraid of scrutiny, why do you not just support this motion, which seeks to regulate a power which clearly exists — —

The PRESIDENT — Order! Mr Davis, through the Chair.

Mr P. DAVIS — That power has been exercised previously by this Parliament. The motion seeks to do no more than regulate how the power to call for papers is exercised. It is clear that in the *Egan v. Chadwick* decision the court effectively found that the production of documents which would disclose deliberations of cabinet is generally inconsistent with the notion of responsible government based on cabinet. It is quite clear that the power that exists under the Victorian constitution is similar to the power that exists under the commonwealth constitution. Again the reality is that the Senate has a standing order which is not in similar terms but effectively achieves the same thing: it allows members of the Senate to seek recovery of documents. That of course is a matter for reasonable consideration.

However, I make the point that we do not believe that was a satisfactory model because in that case it meant that the executive, if it wished, could refuse the tabling of a document, which would create a contest — if you like, a political contest — between the house of Parliament, the Senate, and the executive without resolution. What we have proposed in the motion before the house is a mechanism for dealing with disputes in relation to documents which the government believes — indeed may reasonably believe — should not be released publicly. If the government is afraid of an independent adjudication of that process, again I would suggest it is because it is afraid of scrutiny.

Mr Lenders — So the opposition can leak it.

Mr P. DAVIS — I think it is clear that I have made the case in relation to the power that is inherent, which is implied because of the standing orders provision, that no power can be delegated which does not exist already. The power to call for documents is given to select committees and clearly that is a function that this house has itself. This motion does not itself bestow a power at all. In fact it is simply an attempt to regulate what is an existing power, and a unilateral motion by the house at any time to call for documents could be dealt with without reference to such a sessional order. However, it is the view of the opposition that it would create greater certainty for the government, the opposition and the other parties in this house, but more importantly for members of the house, if there were a clear process to be adopted in the event that they wished to seek the tabling of documents.

Mr Lenders — Get your document, then you leak it — that is your process to date.

Mr P. DAVIS — I think Mr Lenders is going to enjoy the debate, because he has got a lot to say while I am attempting to make my speech. I look forward to reciprocating generally when I have the opportunity to hear what he has to say.

I say in conclusion that this motion in itself does not limit or override an existing power which is vested in the Council by the constitution. The motion before the house is but a small measure to introduce a mechanism to regulate the processes of the house and to assist in the orderly discharge of the obligations of the Parliament in its scrutiny of the executive. I commend the motion to the house.

Mr VINEY (Eastern Victoria) — The government will be opposing the motion before the house today —

Mr P. Davis — That is a surprise! The member opposed it before I moved it.

Mr VINEY — Mr Davis likes to come in here, rise to a great height of pomposity and start lecturing this house about its role in the scrutiny of the executive, yet in all the years of the Kennett government not once did the opposition in this house refer anything to a select committee or oppose any bill. I think there was hardly a single amendment to legislation that came through the house because the then government had control of both houses. In fact it had control of both houses for about 150 years, and it was the Labor Party that exercised scrutiny of the executive by reforming this house and making it a house based on proportional representation.

It was the Labor Party that put the people on the crossbenches in here, because we believe in democracy and appropriate scrutiny of the executive. That is why it was the Labor Party that introduced reforms to the freedom of information legislation after the Kennett government attacked it, and that is why the Labor Party protected and enshrined the powers of the Auditor-General, which the Kennett government tried to nobble. To come in here and start lecturing this side of the house about scrutiny of the executive is just the typical height of pomposity we see from the Leader of the Opposition — it is the way he behaves in this place all the time.

What the Liberal Party is proposing in the motion before the house today is essentially that the house delegate its capacity to resolve a difference to somebody else. It will delegate the house's function of dealing with a problem, if it occurs, when the house calls for a document and the executive says it is exempt. This proposal delegates that function to a third person. That is a bad development, a bad process and a

bad practice. We are the elected representatives of the people, and we should resolve differences in this chamber. It is ludicrous for this house to say, 'We will codify the way we will deal with these things', when we know this is about the continuation of the political witch-hunts and fishing exercises that the opposition has started now that this house has been reformed and the government has 19 out of 40 members. That is the process.

If you want any evidence of this, have a look at today's *Herald Sun*, which reported almost in full a meeting of the select committee yesterday.

Mr P. Davis — Did you leak it?

Mr VINEY — Did you leak it, Mr Davis? Did Matthew Guy leak it?

The PRESIDENT — Order! Through the Chair!

Mr VINEY — That is the prime suspect, Mr Davis — the bloke sitting next to you on the left.

The PRESIDENT — Order! Mr Viney, through the Chair.

Mr VINEY — The article is not in any way friendly to the government. It proves the point that the select committee is nothing more than a witch-hunt and a continuation of — —

Mr Guy — On a point of order, President, Mr Viney has accused me of pretty offensive conduct. I ask him to withdraw the accusation.

The PRESIDENT — Order! Mr Guy is correct. Mr Viney made an allegation against him, at which Mr Guy has taken offence. I ask the member to withdraw.

Mr VINEY — I withdraw. It is interesting to note that it is okay for members of the opposition to throw accusations across the chamber but the moment one goes back the other way the old glass jaws come out. I have never sought a withdrawal in this place — not once. I know I throw a few spears; members of the opposition love to throw them but cannot take it when they are thrown back.

To my knowledge in the seven years we have been in government there have been three select committees. One select committee was after the Premier, the current one is after the Premier and David White, and the other one was after me. I reckon I am in pretty good company. I am quite happy to be standing in that company because I believe we can face scrutiny and

deal with it. I am also happy to be a member of the select committee put in place by this house. What I object to is the constant attempt to turn this process into a political witch-hunt.

During the debate on the establishment of the select committee, which has all these powers relating to the calling of documents, we said the select committee should not be investigating the public lotteries process at this stage because we do not believe that these things should become public during the course of a tender. The now chair of the committee, who was involved in the debate, said the committee could be trusted with the documents and discussions. Yet each meeting the committee has had has been reported in the next day's media, proving the government's point. We have another example of this today.

Members on the other side are happy to throw allegations around — Mr Drum and Philip Davis alleged that the leak might have come from me. I can assure the house that it was not from me, but I know that is meaningless. Not one of the articles has been favourable to the government, so I find it pretty hard to see why I would be leaking stories about the activities of the select committee. In my view it is pretty obvious where they are likely to come from.

We have a motion before the house to put in place a system to allow the mover of a motion calling for a document to view the document. The principle of cabinet confidentiality is that no-one sees the document apart from the minister, the ministers at the cabinet table and the public servant who has provided advice to a minister in that regard. Irrespective of the way it might be codified, anything that allows anyone other than those appropriate persons to view a document is a fundamental breach of that principle.

We cannot support this motion because it is a breach of the principle of cabinet confidentiality. That is based on some very fundamental building blocks about the accountability of the executive and the way the system of democracy works. It is a system that has been in place since the 1800s, in particular in Great Britain, which put in place the principles of the public service being able to provide frank and fearless advice to the executive. The purpose of that is to ensure that advice is able to be considered by the cabinet without fear and without the sort of thing we see in today's *Herald Sun* — without public servants being vilified or called before select committees, this house or any other forum.

The fundamental principle of how democracy works is that the public service needs to be able to advise the

executive fearlessly in order to be able to give the advice frankly. If that principle is broken, then the system of providing frank and fearless advice will fall apart. You will find that a system will start to develop where public servants will not want to put on paper the sorts of advice that they need to frankly give the executive. If we break down the current system, we will start to break down the system of democracy, the way our system of government works. It is a fundamental principle that members opposite are proposing to breach.

Mr Davis correctly quoted from section 19(1) of the Constitution Act. It says the powers of this house are based on the privileges, immunities and powers held by Great Britain's House of Commons as at 21 July '68, which is the date of the formation of this house. Mr Davis did not include in his contribution to the house that at that time in the House of Commons all it took was for a minister to rise in his place and say a document was privileged and the house accepted it. That was the basis of the law and of privilege at that time.

It is true that this government has not interpreted the power of this house as strictly as that of the House of Commons in 1855. You can see that in the Freedom of Information Act. In that act the interpretation of that power has been quite significantly softened, but the facts are that if this house is to go down the path of claiming that we can call for these documents based on that power, let us be clear what that power is. It is only the fact of legislation passed by this Parliament that has actually altered what that fundamental privilege of the executive was. It is only that fact that has enabled the Freedom of Information Act to be more broadly used in this community.

The advice the opposition is offering this house — and Mr Davis's apparent exceptional constitutional legal knowledge — is a little flawed, because it is not the complete picture. It is worth noting in this debate that section 19(2) of the Constitution Act says:

The Parliament may by Act legislate for or with respect to the privileges immunities and powers to be held enjoyed and exercised by the Council and the Assembly and by the committees and the members thereof respectively.

Some of the meaning of that section in the constitution is open to interpretation, of course, but I would argue that there are acts of this Parliament that place restrictions on the power of this house to call for documents. In particular there are restrictions such as the Freedom of Information Act. Those restrictions deal with cabinet-exempt documents in one instance. Cabinet-exempt documents also include advice to a

minister — and there is legal precedent for this — that may show how a minister argued on a particular position in cabinet. They would be exempt documents. There are exemptions on documents that relate to legal proceedings, law enforcement and in particular any matters the police or other agencies may be investigating in relation to criminal proceedings, personal privacy, commercial confidentiality or information that may have been gained by the executive or the public service in confidence, and there are longstanding restrictions in relation to the public interest test.

The public interest test is interesting, because it is often interpreted as a test of whether or not it is in the public interest to release a document. However, there is the reverse public interest test as well — it may be in the public interest not to release a document. The courts have ruled in that regard on other occasions. Under the Freedom of Information Act, which by one interpretation of the constitution could override the privileges of this house, there are potential restrictions on what documents this house may be able to call for.

There are also other relevant acts of Parliament. One at the moment is the Gambling Regulation Act, which stipulates considerable responsibilities for confidentiality in to documents in the issuing of gaming and lotteries licences. Those restrictions are outlined in the confidentiality provisions of section 10.1 in division 6 of the Gambling Regulation Act, and the legislation imposes a penalty of up to 60 penalty units for any person who releases documents or information that has been gained through those processes.

There are considerable questions as to the capacity of this house to call for documents and require them to be tabled. The issue is that in calling for documents there are likely to be disputes. No-one is denying that the standing orders entitle the house to call for documents. The question is whether or not the executive will claim privilege on cabinet-in-confidence grounds or any of the other potential grounds I have started to outline. That is the question. For example, when the executive claims exemption in the Senate, the dispute between the Senate and the executive is resolved on the floor of the Senate. The opposition is proposing here that such a dispute will be resolved by a third party and that the document will be reviewed by the mover of the motion. I have my doubts about the capacity of politicians to retain the confidentiality of documents they see — and not only in select committees.

There are plenty of examples through history of politicians thinking that their political interests overrode their role as a member of Parliament and revealing to

the media information that perhaps as a member of Parliament they ought not to have released. There are probably hundreds if not thousands of examples of that across the world. I think history is on my side in being sceptical about that, but irrespective of that the fundamental principle is broken. Think about a principle that would enable any member of this house to view a document simply because they move a motion to request it. Think about how that tactic can be used. You move a motion, you get 21 members of this house to agree to call for a document, and immediately the mover of the motion is going to get that document. That is what is proposed, and that is a fundamental breach of all the principles of confidentiality that have been critical to the management and operation of good government not only in Victoria but in each state of the commonwealth and in the commonwealth itself.

What is proposed here is to move away from the practice the Senate uses, which is essentially that a stand-off between the house and the executive is resolved on the floor of the house. What the opposition is proposing here today is to move away from that practice and to devolve the capacity to resolve that issue to a third person, to delegate it to a third person. I for one think that is a fundamentally flawed principle. It would be a mistake for this house to do it. To entitle any member of this house to view a document that may be privileged is fundamentally flawed. I do not believe people would treat the document as being in confidence, but, irrespective of that, even if everyone swore on their heart that they would treat it that way and they did treat it that way, it would still be a fundamental breach. The public servant who gives advice to a minister expects that advice to go to the minister and not be released for 30 years. This proposal is going to change that fundamental principle. Someone other than a minister and someone other than an appropriate public servant is going to read it, and that is fundamentally wrong. We should not as a house pass a motion to let that occur.

I understand the Liberals are going to continue with this motion. I am appealing to the crossbenchers to think for just a moment about breaking down that fundamental principle. It is just amazing. While I am trying to address the crossbenchers, Philip Davis is up there in the ear of Mr Barber saying, 'You stick to the deal, mate'. That is what is happening here. Mr Lenders is keeping a tally, and I think 15–zip is the result for the number of votes where the Greens have gone along with their mates in the Liberal Party. I am asking the Greens to think very carefully about breaching the fundamental principles of the system of executive government in this state. This is a fundamental breach of those principles, and it is a very bad development.

The Greens are being used by the Liberal Party. Mr Davis, with the fantastic pomposity he displays in the way he addresses the chamber, is very good at acting out the role of the great adviser to the chamber and in effect saying, 'I am telling you from all my experience'.

But he is masking the truth of what this is about. It is nothing more than a political exercise. It is nothing more than taking an opportunity to get at the government and break down what this government has been about, which is maintaining the fundamental principles of accountable government and the fundamental principles of running the executive well and properly. Members of the Liberal Party do not like it because they know that when they were in government under Mr Kennett they attempted to close down the Auditor-General, they sacked judges, they completely neutered the freedom of information legislation, they rammed through laws that removed people's rights — for example, at the Grand Prix — and they removed democracy at the local level.

In contrast, what has this government done? It has reformed this house by introducing a system that gets the Greens and the Democratic Labor Party (DLP) into this chamber. That is what we did. We did not have to do that. If we had not undertaken that reform, we would have had a majority in this house in this term of Parliament as well because of the number of people who were elected in 2002. But the fundamental principle of this government was that it was the right thing to do to have democratic reform of this chamber. It was not in our interests to do that. We lost members and do not have a majority in this house as a result of that process. This government has a commitment to democratic principles in this state, which the Liberals do not.

The motion before this house is not about democracy; it is not about holding the executive to account. This motion is about giving Philip Davis and the Liberal Party increased opportunities to play politics and to go after the government when they think they can. That is all it is about, and the article in today's *Herald Sun* provides the evidence for that. It provides proof that what the opposition is about is a massive fishing exercise. What its members have done is name in the *Herald Sun* all the people who are going to be subpoenaed. They have proved the government's point that this is just a political witch-hunt. There is no genuineness about actually carrying out an investigation of gaming, lottery licences and problem gambling. The Liberals could not give a damn about the problem gambling elements in the reference to this select committee. There is only one thing they are after,

and that is the Premier. They will try any tactic they can to smear the Premier and anyone else who might be associated with the Premier — and the article in today's *Herald Sun* is absolute evidence of that.

Mr Guy and Mr Rich-Phillips should give exactly the same assurance that I gave. They should be give an assurance that they did not leak that information to the *Herald Sun*. I would like to see them do that. I would like to see them do what I did in answer to Mr Drum. I am prepared to swear on my children's lives that I did not leak it. You guys should do it too!

Ms PENNICUIK (Southern Metropolitan) — I am pleased to speak today in support of motion no. 1 on the notice paper, which was moved by Mr Davis, regarding the production of documents. This motion goes to the heart of the proper functioning of the Parliament in general and of this house of review in particular. It is vital for the Parliament to be able to require that documents on issues of public importance be provided to it. This right exists under section 19 of the Victorian Constitution Act. Mr Viney made the point that in 1855 if a document was requested to be provided to the Parliament, a minister was able to stand up and refuse that document but not to say, 'It is not within the power of this council to request that document'. Mr Viney's argument supports the fact that the right existed at that time for the Parliament to request documents.

Section 16A of the constitution refers to the principle of the government's mandate. Section 16A(2) of the Constitution (Parliamentary Reform) Act 2003 states that:

The principle in sub-section (1) is not to be construed as limiting the powers of the Council the Assembly or the Parliament.

Standing order 24.10 on select committees states:

A select committee may send for persons, documents and other things.

It would be inconceivable that a Parliament could properly exercise its important function of the scrutiny of the executive government without such fundamental rights and privileges. In fact I have read and heard it said that those rights and privileges to ask for people, things and documents are inherent rights of any Parliament. On the one hand it is understandable that the government is opposing this motion. In the 1996 case of *Egan v. Willis and Cahill* in the New South Wales Supreme Court, the court remarked in its judgement that when a house seeks to force an unwilling executive government to produce documents, it will ordinarily be an upper house which is in that position. It said that ordinarily, the government of the

day will control, or at least have the support of, the lower house.

While it is understandable that the government may be opposing the motion, the hyperbole involved has been surprising. On the other hand it is difficult to understand why the government is so vehemently opposed to this measure — it is already operating in the New South Wales upper house and in a similar way in the Australian Senate — if it supports transparent and accountable government, which it has so often declared it does.

In the case I have already mentioned the New South Wales Supreme Court also found that a power to order the production of papers, which is possessed by the House of Commons, the Australian Senate, and other state parliaments, is reasonably necessary for the proper exercise by the New South Wales Legislative Council of its functions. It was also noted that in the United States of America the highest courts have repeatedly and emphatically declared the necessity for a legislature to have the power to compel the production of documents relevant to the business of the legislature.

This motion puts in place a formal procedure for the production of documents based on a privilege that the Parliament already possesses both under the constitution and, as I said, inherently. There has been much discussion between the parties and members as to whether the Senate or the New South Wales upper house model is best. I have also sought advice on this issue. The Greens support the model proposed in this motion, which is based on the New South Wales model, because of its provision for an independent legal arbiter. We believe this is a safeguard against a government unreasonably withholding documents or doing so with no justification, and similarly for unreasonable requests for documents. In our document entitled *Making Parliament Work — Ideas from the Greens* we pledged to improve confidence in Parliament and government by increasing accountability. We believe this motion goes towards improving parliamentary accountability.

Mr HALL (Eastern Victoria) — I have listened intently this morning to the contribution of the mover of the motion and to the government's response as well as to the views of the Greens. I am somewhat perplexed by the strength of the government's opposition to the motion but also by why we will be having this debate for such a long time this morning, as has been predicted, because the issue seems to be a rather simple one. Members can correct me if I am wrong, but my understanding is that the current procedures of the house enable any member to come in here and use the opportunity of general business on a Wednesday

morning to move a substantive motion calling for the tabling of certain documents in the chamber. That has been available to members for as long as it has been a practice of the house, and that remains the case today.

It seems to me that little is going to change — there are some changes, but I will come to those — with the passing of this motion, which seeks to implement a procedure in sessional orders. It will still be the case that if a member requires the tabling of documents they will have to come in here and move a substantive motion during the course of general business on a Wednesday morning, and we will debate whether it is appropriate for those documents to be tabled in the Parliament. There will still be a procedure which has to be gone through. There will not be an automatic tabling of documents on the call of a member, as has been suggested in some of the arguments put by Mr Viney today. There will still be safeguards, and there will be procedures to go through.

Indeed beyond the safeguards requiring a substantive debate and a vote of the majority of members of the chamber, there is also the issue of executive privilege, more commonly called cabinet-in-confidence documentation, which will still safeguard documentation that has the status of confidential cabinet documentation. Mr Viney also said that provisions in other acts of Parliament limit the sorts of documentation which may be able to be tabled, and he referred to the Freedom of Information Act and the Gaming Regulation Act.

I suspect that if the government were to come to debate a substantive motion for the tabling of certain documents, it would use the provisions contained in those acts to argue against the case for documents to be tabled. It is not as if this addition to sessional orders will mean an automatic and rapid increase in the number of documents that are available to members of the Legislative Council. You will still have to go through a process, it will still have to be agreed to by the majority of members in the chamber and there are safeguards built into the current system.

The motion moved by Mr Davis is designed to put in place a procedure when a government of the day claims that the particular documents which are being called to be tabled have executive privilege. It seems to me that the strongest objection by Mr Viney, the government's lead speaker, is when in a case in which a government claims that documentation has executive privilege those documents are made available to the mover of the motion and are subsequently referred to a third party for independent adjudication on and verification of whether they have executive privilege.

It seems to me that the argument the government is using is that once the mover has access to a document there will be a leaking of it, and Mr Viney cited as evidence an article in this morning's *Herald Sun*. On that issue, if it happened once and there was a leak, it would be pretty easy to identify where the leak came from because only one person would have seen the document. We would not have accusations like we have had across the chamber this morning about certain members of a committee potentially leaking documentation, because only one person will have had access to the document.

Let me say quite clearly, as I have said before in this chamber, that while The Nationals have been supportive of changes and reforms in this chamber, if those reforms are abused by certain people and evidence of abuse surfaces in the future, then we will more than happily revisit sessional or standing orders and look again at how we can correct any abuse of those orders. If the freedoms afforded to members of Parliament are abused, we will quite readily and happily go back and amend those changes to sessional and standing orders.

Mr Viney interjected.

The PRESIDENT — Order! Mr Viney has made his contribution. Hall, to continue through the Chair.

Mr HALL — The point I was making with respect to Mr Viney's contribution was that he was making an accusation that this would be a process that would simply lead to further unlawful leaking of the contents of documentation. The point I was making was simply that if that occurs then under this proposal it will be easier to identify where the leak came from and easier for the house to take action on the abuse of the privilege afforded to the house. I can understand the government's concern about this, but again, on balance, as Ms Pennicuik said, the proposal does provide for more accountability to the Parliament.

I want to make one other comment about the issue raised in opposition to this motion with respect to the provision for referral to a third party to adjudicate on whether or not a document has executive privilege or not. Under the current system there is really no process of recourse. Currently, if I came in here and called for the tabling of documents and my call was approved by the house, there is no method by which I could seek absolute compliance by the government of the day. The government could simply refuse to make those documents available, and there would be no recourse for me as a member of Parliament to require the government to comply.

It is different when you go through the Freedom of Information Act. At least then you have recourse to the Victorian Civil and Administrative Tribunal, where you can seek to have decisions reviewed. During the course of matters at VCAT third parties get access to such documentation — that is, legal representatives from both sides have access to cabinet-in-confidence documents so that they can run arguments as to whether those documents should be classified as cabinet in confidence or not. But in terms of any requirement to table documentation in this chamber, there is no recourse for a member if the government of the day refuses to comply with an order of the house. Yes, we can move a motion condemning the government for its failure to comply with a resolution of the chamber, but in essence that does nothing other than cast a poor light on the government. It is no real sanction against the government.

This process takes that situation a step further and seeks to appoint a third party to adjudicate on such decisions. I think that is appropriate. As people have said, given that we wish to be transparent and perform the job that we have been asked to perform — that is, to be a house of review and to make the government accountable — this seems a balanced measure through which that job can be undertaken.

I have listened carefully to the arguments put forward by the mover of the motion and the lead speaker for the government. This is a procedure which will put in place and codify a system whereby any disputed claim of executive privilege can be followed through. That seems to be appropriate. I take on board the comments from government members about their concern over the leaking of documents. I repeat what I said, that if it is found this particular process is abused, then The Nationals will be happy to come back and review the whole procedure.

On balance this is a fair proposal. I am yet to hear any argument which to my mind suggests this is unconstitutional and not within the powers of the Parliament. Surely if select committees have the power to call for documents then the Parliament should also have that same privilege. With those words, I indicate that The Nationals will be supporting this motion.

Mr O'DONOHUE (Eastern Victoria) — It gives me pleasure to rise to contribute to the debate on this motion and to support the motion in the name of the Leader of the Opposition. I will begin by picking up a few of the points made by Mr Viney.

In my brief time in this house it has become clear what the government's position is on virtually everything. It

is, 'When in doubt, it is the Kennett government's fault. If it is not the Kennett government's fault, it is the commonwealth's fault. If it is not the commonwealth's fault, it is still not our fault' — that was the line yesterday in the debate about water scarcity. And as a last resort it is, 'Let's blame the members on the crossbenches, and let's remind them that we are the ones who put them there — therefore they owe us'.

With respect to Mr Viney, I think that is insulting the intelligence of the members on the crossbenches — —

Mr Viney interjected.

Mr O'DONOHUE — The contribution by Ms Pennicuik clearly articulated that the Greens in fact have a very logical and appropriate position to put. Mr Viney referred to the heightened pomposity of the Leader of the Opposition. He said this was a continuation of a political witch-hunt and talked about the leak to the *Herald Sun*. Far be it from me to speculate as to who leaked the information to the *Herald Sun*, but the point Mr Viney made was, 'Why would the government leak the material to the *Herald Sun*? It must have been someone from the Liberal Party or at least someone not from the government'. Logic would have it that since the main argument Mr Viney put up in a 20-minute speech referred to the leak to the *Herald Sun*, and given, as Mr Hall accurately said, the implication was that we would not be able to trust the mover of the motion to review the documents — —

Mr Viney interjected.

Mr O'DONOHUE — Surely it is logical that the leak to the *Herald Sun* actually supports the government's opinion — —

Mr Viney interjected.

Debate interrupted.

SUSPENSION OF MEMBER

The PRESIDENT — Order! Mr Viney puts me in a difficult position during such an important debate. His reference to the member as 'a goose' is understood in this chamber to be unacceptable, particularly to me. In accordance with standing orders, the member will remove himself from the chamber for 30 minutes.

Mr Viney withdrew from chamber.

Debate resumed.

Mr O'DONOHUE (Eastern Victoria) — If I may just make a comment on that interjection by the

now-ejected member, the report of the debate will record who is the goose.

The PRESIDENT — Order! I advise Mr O’Donohue that is not very helpful! The member, to continue.

Mr O’DONOHUE — Thank you, President. Taking a step back, if I may, this issue really can be summed up as a contest between the executive and the elected Parliament for access to documents. Very clearly the government does not wish its actions to be scrutinised.

To go to first principles, there are two roles of this legislature. The first is to debate and pass legislation, which we have been doing. The second and equally critical role of the Council and all parliaments in a Westminster system is to review and scrutinise the role of the executive. This is the issue before the house. As Philip Davis correctly said, this notice of motion does not impact on that power. It merely provides a way, as an administrative function, for the power to be exercised.

An inquiry has been established. As I said, an inquiry is a healthy part of the democratic process. It is a way for the elected Parliament to keep the executive accountable — in other words, for the Council to review the work of the executive. Such an inquiry will have several ways to investigate matters as determined by the Council: by calling viva voce evidence; by reviewing statements already in the public domain and by the discovery process; and by requiring relevant parties to produce documents made relevant to the inquiry.

The notice of motion correctly prescribes the way for documents to be presented. It is trite that for an inquiry to do its job fully and properly it should have access to all relevant and available material. To artificially limit access to documents will artificially limit the ability of the Council to do its job.

I now address the ability of the Council to demand the production of documents. Section 19(1) of the Victorian constitution, under the heading ‘Privileges powers etc. of Council and Assembly’, states:

The Council and the Assembly respectively and the committees and members thereof respectively shall hold enjoy and exercise such and the like privileges immunities and powers as at the 21st day of July, 1855 were held enjoyed and exercised by the House of Commons of Great Britain and Ireland and by the committees and members thereof, so far as the same are not inconsistent with any Act of the Parliament of Victoria, whether such privileges and immunities or

powers were so held possessed or enjoyed by custom statute or otherwise.

‘Custom statute or otherwise’ of course includes the common-law doctrine. This Council derives its power via the constitution, via the Bill of Rights of 1689 and via common-law interpretation.

The capacity of the power to call for documents derives from the constitution and has been further clarified through the common law. I quote the case of *Egan v Willis and Cahill*. The court said:

The capacity of both houses of Parliament, including the house less likely to be ‘controlled’ by the government, to scrutinise the workings of the executive government, by asking questions and demanding the production of state papers, is an important aspect of modern parliamentary democracy. It provides an essential safeguard against the abuse of executive power.

This approach was supported and upheld by the High Court on appeal.

Mr Lenders — That is the wrong constitution. We are south of the Murray, not north.

Mr O’DONOHUE — Taking up the interjection of the Leader of the Government, if this matter was tested judicially, the first place a Victorian court would refer is to the High Court of Australia. The factual situation of this position is analogous to the New South Wales decision which was upheld by the High Court of Australia. I repeat: if this matter was to be tested judicially, the first place a Victorian court would refer for precedent is to the highest court in Australia — that is, the High Court of Australia. Statements in this case and in the subsequent case are highly persuasive if this matter was to be tested judicially.

Does the common-law doctrine of reasonable necessity extend to public interest immunity or legal professional privilege, as discussed by Mr Viney? In the summary of *Egan v Chadwick and Others*, the New South Wales Court of Appeal found that it is reasonably necessary for the performance of the functions of the Legislative Council to compel the executive to produce documents in respect of which a claim of legal professional privilege or public interest immunity is made and that the power upheld by the High Court in 1998 extended to such circumstances. In summary, the court found that the Council’s duties of legislating and enforcing government accountability overrode concerns or claims that the production of documents may harm the public interest.

It is interesting to note that the Leader of the Government says this matter is somehow removed from Victoria despite the fact we are very similar

jurisdictions and despite the fact the High Court, which is a binding court on the Victorian jurisdiction, has favourably cited those decisions. A former President of the Legislative Council obviously disagrees with the Leader of the Government. He said on a point of order raised by the Honourable Theo Theophanous on this very point:

The High Court came to the conclusion that the house was quite entitled to call for the production of those documents and that it used the power given to it by what is called the Bill of Rights of 1689 ...

In other words, the President cited the common-law foundation as the Bill of Rights 1689. What is the foundation of our legislative power in the constitution? It is the very same principle — the Bill of Rights 1689. In other words, the common-law doctrine and the legislative power derive their legal source from the same doctrine which was quoted by the President of this Council. He continued:

... which sets out the power to call for persons, papers and things, whether through the committees of the house or the house itself.

He continued by citing the Egan decision:

... if you read the decision you see there is longstanding power based on the provisions of the English legislation of 1689 ...

The conclusion I came to is that the house clearly has this power. You do not provide a power like this through the standing orders. They exist to regulate your proceedings once you use your particular power. The power of upper houses is unfettered in this regard.

The government may try to artificially delineate the decisions made in New South Wales, but the fact is that they have been applied in this chamber previously, and the source of the legislative and common-law power reverts back to the Bill of Rights 1689 and therefore their source is the same. It is an unfettered power.

Going back to first principles, if I may, it makes sense, surely, that the power of the elected members should not be fettered. It is one of the cornerstone roles of members of this chamber and members of this Parliament to be able to review and scrutinise the role of the executive.

In summary, the position is clear: the Legislative Council has the ability to order the production of documents from the executive. Section 19 of the constitution provides this power, and the common-law doctrines, as recently commented on by the High Court, reinforce this power. The power extends to forcing the production of documents which ordinarily would be the subject of legal privilege or public interest privilege

because of the overriding duty of the Council to enforce government accountability. I commend the motion to the house.

Mr PAKULA (Western Metropolitan) — I rise to oppose the motion. It has been a big three months in the upper house since the opening of the 56th Parliament in December. The Council has imposed significant changes, and without going into them in detail I made a list of some of them. They include the changes to question time such as extending the time for questions and answers and at the motion of the Greens changing the nature of questions that can be put to ministers in the Legislative Council. The time for general business can be extended by vote of the house. A select committee into gaming has been set up. Time limits for debate have been removed, and we also face the prospect of setting aside 3 hours on a Thursday morning for the work of the various select committees the Leader of the Opposition may dream up between now and the end of this Parliament. Significant change has been imposed by the Council.

Mr Barber — There is more coming.

Mr PAKULA — I have no doubt, Mr Barber, there is more coming. In the government's view this motion is a bridge too far. I want to share with the house an anecdote about a place I used to function in, the Australian Industrial Relations Commission. There was a time after the government removed the power of the industrial relations commission to make orders when it still had the power to make recommendations to parties, and in various circumstances the commission would check with the employer whether that employer would comply with the recommendation before the commission made it. If the employer was not going to comply, the commission would not make the order.

As a union advocate I would ask the commissioners why they would not just make a recommendation anyway, even though there was no power. Their answer at the time was, 'We are not going to make the commission look ridiculous by making orders that cannot be upheld'. I suggest that in this circumstance the Council is endeavouring to do something similar. The Council should not be apportioning to itself alleged powers that are simply unconstitutional. The Council should not be apportioning to itself powers that are unlikely to be upheld and are unlikely to be taken seriously by any reasonable testing authority. In short, it is a bad look for the Council to be making a mockery of its own processes by passing sessional orders that breach the constitution and other acts of this Parliament. I say that because the government contends that the sessional order proposed by the Leader of the

Opposition seeks to circumvent both the Victorian constitution and the Freedom of Information Act.

The opposition and the parties on the crossbenches could seek to alter the constitution; they could indeed seek to alter the Freedom of Information Act. I submit they cannot simply seek to get around the import of the constitution and of legislation by a device, the device being a sessional order of this Council. The effect of legislation, and in particular the Freedom of Information Act, would be rendered void if the Legislative Council were able to do that.

To go into the specifics, Mr Davis, Mr O'Donohue and Ms Pennicuik have all made reference to the case of *Egan v. Chadwick* and have referred to decisions in regard to the powers of the New South Wales Legislative Council. I put to you, President, that the decision in *Egan v. Chadwick* and the decision in regard to the Legislative Council of New South Wales are irrelevant to this debate. The latter is irrelevant because the New South Wales constitution does not have the same limitation by reference to the House of Commons in 1855 as the Victorian constitution. The Victorian constitution is quite specific. The powers of this house are those of the House of Commons in 1855. In 1855 the convention was that if a minister claimed privilege, the document was excluded. It was as simple as that.

We do not believe — and I suspect no member of this house believes — it is continually appropriate for that kind of limitation to apply. The import of the constitution has been negated somewhat by the passage of the freedom of information legislation. Freedom of information legislation reduces the grounds for objection to the production of a document to three — they being cabinet in confidence, commercial in confidence and the public interest test — but those three grounds continue to apply. It is the powers of the House of Commons of 1855 — that is, unfettered executive privilege — as limited by the Freedom of Information Act.

If there is a dispute under the Freedom of Information Act about the claim of executive privilege, the claim of commercial in confidence or the claim of public interest, it can be referred to the Victorian Civil and Administrative Tribunal (VCAT) for a decision. It is not the role of the Legislative Council to simply circumvent the intent of the Freedom of Information Act and to simply circumvent the intent of the constitution and refer a document to an arbiter.

It does not end there. The motion moved by Mr Davis proposes that, while that contest is on foot and before a

decision has been made by the independent arbiter about whether privilege applies, a member of the Legislative Council — the mover of the motion — gets to look at the document.

Mr Barber interjected.

Mr PAKULA — With respect, Mr Barber, a lawyer does not have the same motivation to make political capital out of the document that a member of this house would have.

It goes on. Not only does that one member get to view the document, but if the Council so orders, that document can be published or copied. That document can be published or copied before the independent arbiter has made a decision about whether the document is privileged.

What we are suggesting is that there may be commercial-in-confidence tenders by legitimate businesses. There may be cabinet deliberations and there may be advice to ministers from their departments. Even though those sensitive documents may be involved, a person in this chamber with a political motivation — whether it is to get a headline or whether it is to throw dirt at a member of the government, without regard for what it does to business confidence in dealing with government in this state, without regard for what it does to the notion of a free exchange of views between ministers at the cabinet table and without regard for the longstanding convention of free and frank advice being given by public servants to their ministers and even though the document may ultimately be found to be privileged — may get to see that document. Notwithstanding all that, a member of this house, who may well have the political motivation of wanting to damage the government, and potentially every member of the house if there is an order to copy or publish the document, may get to see the document.

I am waiting for it, Mr Guy, but we have already seen how privileged documents can be used to make a political point in a morning newspaper.

Mr Guy — Like the one you are making now.

Mr PAKULA — Indeed, like the one I am making now, Mr Guy. Let me put this challenge to Mr Guy: the next time he is speaking Mr Warner he can ask him whether he has ever had a conversation with me. He has never had a conversation with me — not once. What we potentially have for the purpose of a one-day headline, for the purpose of damaging a government through the 24-hour media cycle, is the possibility of bringing the state to a business standstill. As I said, it

destroys the Westminster principle of free and frank advice from the public service. Confidentiality is not always a bad thing. Confidentiality is necessary to enable the executive government to receive that free and frank advice.

Does there need to be a balance in that? Of course there does, but that balance is enshrined in freedom of information legislation that gives people the ability, whether they are members of the opposition or any other person, to contest that privilege before the Victorian Civil and Administrative Tribunal. The reason cabinet documents are embargoed for 30 years is that cabinet has to have the ability to debate issues freely without the prospect of those deliberations all being made public. This government cannot view the deliberations of the Kennett government, nor should it, because the deliberations of that cabinet are confidential to the cabinet.

In debates over the last month we have heard the Australian Senate used as an example. The Australian Senate, despite claims to the contrary, does not apportion to itself these powers. In fact, the powers of both the Senate and the Victorian Legislative Council are linked to the House of Commons, unlike the Legislative Council of New South Wales. That is the fundamental difference — the Senate and the Victorian Legislative Council derive their powers from the powers of the House of Commons. My question is: apart from the message we send to the public service, what message do we send to the private sector about its ability to engage with government if this house is attempting, as it appears to be, to be expanding the investigatory powers of this house beyond those envisaged by the constitution, beyond those envisaged by freedom of information legislation and beyond those that are applied by the Australian Senate?

In summary, this government has passed very important reforms in the last term. The implementation of proportional representation has led to a situation where parties that were not previously represented are in this Parliament and are able to represent their political and geographical constituencies. The consequences of that change, despite what the government may think about it from time to time, has been a very changed role for the Legislative Council. As I said, it has resulted in changes to question time and time limits and has given the Council the capacity to set up select committees to inquire into the government's actions. It has also meant that, as we saw as recently as yesterday, the passage of legislation will by necessity be subject to negotiation and potentially subject to alteration, and these are things that a democracy holds dear.

I urge the house not to throw the baby out with the bathwater. It is one thing to make rational and reasonable changes to the operations of the Legislative Council; it is quite another thing to make a mockery of it by adopting sessional orders that are unconstitutional.

I have heard Mr Barber say during the debate, 'Well, just take it to court'. It is irresponsible of this house to pass rules in the expectation that they will be taken to court and knocked off. While fishing expeditions are being undertaken and political ammunition is gathered there is a corrosive impact on the ability of government to do its job — a corrosive impact on the ability of government to receive free and frank advice from the public service and a corrosive impact on the confidence of businesses that they can engage with government and confidently expect that details of their private operations and commercial interests will not be splashed all over the pages of the newspapers. Although significant changes have been made, we ought to draw the line at turning the Legislative Council into a Star Chamber, if you like.

I do not have any unrealistic expectations of changing the Liberal Party's mind on its motion. I appeal to the minor parties that so far in this Parliament, while I have been here, particularly The Nationals and the Democratic Labor Party, have shown a great inclination to fairness. I say to them that now is not the time for the Council to overreach.

In relation to the Greens, Mr Barber has shown himself to be a very clever politician, if he does not mind my saying so. He appears to believe that the Greens' political interests will be advanced by his doing as much damage as he can to the ALP. I do not hold that against him — he is a politician, and a clever one at that, and he is entitled to take a political approach to things — but I say to the Greens that consistency is important. In the debate on the manner of asking questions of ministers, Ms Pennicuik made great play about Senate practice and quoted it time and again. If we are to be consistent with Senate practice on this occasion, then I do not see how the Greens can support the Liberal motion, because it is not consistent with Senate practice. It is incumbent upon the Greens to be consistent in their approach.

My appeal is for the Parliament not to overreach and not to be greedy. If you, President, do not mind I am going to get a bit poetic. I want to quote George Wither — —

Mr Hall interjected.

Mr PAKULA — Mr Hall should wait until he hears the poem; he might like it. George Wither, the 17th century English poet, said:

And when I mind with how much greediness
We seek the present gain in everything,
Not caring ...
What damage to posterity we bring ...
To serve our present lusts, and for no more.

It is obvious that the Liberal Party's present lust is to do damage to the government, but in passing this sessional order the house would be doing far greater damage than that. I urge the house to oppose the motion.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to support the motion moved by the Leader of the Opposition. I would like to start my contribution where Mr Viney concluded his. I do not often regard myself as a cynical man — some of my colleagues might beg to differ — but Mr Viney made a major part of his contribution holding up an article from this morning's *Herald Sun* and noting that the article had not done the government any favours. He proceeded to use it, as Mr Pakula did, to reinforce the government's position in the debate. Members can draw their own conclusions from that, but I note that the only people who have used that newspaper article to their advantage are members of the government.

I note your comments before question time yesterday, President, about articles which have appeared in the newspapers in relation to the Select Committee on Gaming Licensing. As chairman of that select committee I have made it clear to the members of the committee that those disclosures are inappropriate. I am happy to place on record that I have not spoken to the journalist concerned regarding that article. I have an assurance from Mr Guy that he has not spoken to the journalist concerned regarding that article or indeed regarding yesterday's meeting. That is a matter for the committee to resolve, but I consider that conduct to be unacceptable, and I will be seeking a resolution to it.

The government's key arguments in this debate come down to two points. The first is essentially Mr Viney's argument that members of this house should not be trusted with the documents that would be delivered under this mechanism. The second is Mr Pakula's argument that this house is in some way acting ultra vires. He cited the constitution and the Freedom of Information Act. The first point I would make in relation to Mr Viney's argument is that in determining these resolutions this chamber can only act from a position of believing its members will act with goodwill in addressing these questions. There are any number of opportunities for members of this place, members of

committees, ministers et cetera to abuse their positions, but when we come into this chamber, deliberate on and put in place mechanisms for accountability we do so in the expectation that the members entrusted with those powers and privileges will use them appropriately and in the interests of the state. It is a little rich for Mr Viney to come in here and start from a position that we cannot have this mechanism because members of this chamber will in some way seek to abuse it.

Mr Pakula's argument was different. It went to the capacity of this chamber to pass this motion and operate it. He made a good point. He made the point that a chamber which put in place standing orders that were beyond its power would look foolish. However, we have not heard any evidence from any member of the government as to why that is the case. My colleagues have extensively cited the advice received in relation to this debate, and we on this side of the chamber have no reason to believe that the mechanism being proposed today in any way goes beyond the powers afforded to this house by the Victorian constitution and by longstanding practice. Mr Davis's motion is merely a codification of existing powers. It is a mechanism that puts in place a way in which members of this chamber can seek documents from the executive in order to have appropriate scrutiny of the government.

It is interesting that government members have been so vocal in their criticism of this provision.

Mr Lenders — The rule of law is not a bad thing to defend.

Mr RICH-PHILLIPS — The Leader of the Government refers to the rule of law. I welcome the Leader of the Government's commitment to the rule of law. I look forward to the government upholding the rule of law and abiding by it when it comes to dealing with any requests for documents that might arise from this or any other motion in the future. On past history the government is not very good at that. I am reminded of a certain select committee from four years ago when the Attorney-General in another place, the chief law officer of this state, used every mechanism he could to try to frustrate that select committee's efforts to secure documents and witnesses to discharge its responsibility to the Council. That select committee made a report to this place highlighting the obstructions that were put in its path by the Attorney-General. I am pleased that the Leader of the Government has a new-found interest in the rule of law, because that certainly did not occur to the Attorney-General four years ago when he was putting every obstruction he could in the path of that select committee.

I believe the nub of this motion, and the reason for the government's objection to it, goes to the test of executive privilege. It is a longstanding convention that documents related to cabinet deliberations are beyond the reach of a parliamentary chamber. However, over time we have seen a broadening of that definition of executive privilege. We saw with the select committee inquiry into the Premier's attempt to appoint his best mate as chief executive officer of the Urban and Regional Land Corporation the government try to claim executive privilege on a very broad basis. In fact virtually any document that had been walked past the cabinet room was regarded as a document subject to executive privilege. It is my belief that the reason the government is so strong in its opposition to this motion is that for the first time the argument of executive privilege will be tested independently.

Mr Lenders — Have you heard of the Victorian Civil and Administrative Tribunal?

Mr RICH-PHILLIPS — I am not referring to freedom of information, Mr Lenders. If this motion is passed, for the first time this Parliament will have a mechanism to test a government's claim of executive privilege. We saw in the proceedings of that previous select committee, as reported to this house in an interim report, that the government made extensive claim of executive privilege. At that time there was no mechanism by which that claim could be tested. The motion moved by Mr Davis would, for the first time, establish such a mechanism. It is my belief that it is that mechanism that the government objects to. It does not want to have an independent arbiter testing its claims of executive privilege. It wants to be able to claim, as it has done in the past, that any document it does not want to disclose is subject to executive privilege. The mechanism to be established by this motion will put that claim to the test for the first time. I believe it is on that basis that the government is opposing this motion — it does not want its claim of executive privilege to be subject to test.

As I said earlier, despite Mr Pakula's references to the Freedom of Information Act and the Leader of the Government's claims across the chamber, no case has been advanced by the government and no evidence has been presented that this motion exceeds the power of the Council to call for documents. This motion provides a standardised mechanism for members to seek documents. As members and the government would be aware, if members wish to seek documents on an ad hoc basis they are quite entitled to do so by substantive motion. Such a motion could allow the calling for and publication of documents without any test of executive privilege.

The motion Mr Davis has moved will for the first time establish a clear and consistent mechanism for members to use to scrutinise the government. It does not go beyond the existing powers of the Council to call for documents, but it provides a test of the government's claim of executive privilege. The Liberal Party believes that this motion will for the first time provide enhanced scrutiny of the government. It is for the benefit of democracy and accountability in this state, and I urge members to support the motion.

Mr KAVANAGH (Western Victoria) — I am pleased to take the opportunity to make a few brief comments in favour of the motion. The main thrust of the government's opposition to the motion has been expressed in terms of constitutionality. The government is possibly correct about that, but it probably is not. At the very least the motion is not clearly unconstitutional. It points really to a deficiency in our legal, political and constitutional system that parliaments do not have the opportunity to gain advisory opinions from our highest courts. Of course we should not be agreeing to motions that are clearly unconstitutional, but that is not the case here. The process is and will be that if there is doubt about constitutionality the matter will go to the courts and that in adjudicating the courts will be performing their proper and intended role in determining the validity of the motion.

This morning a lot of comments have been made about leaking information to the press, with the suggestion that members are not to be trusted with confidential information. Unfortunately that is a quite persuasive point, but it is largely addressed in the motion, which proposes that only the mover of a motion will be allowed to see a document before it is contested. In that respect, already several members have declared that they did not leak the confidential information that appears in this morning's newspaper. Indeed earlier Mr Viney asked members to make a statement to the effect that they were not responsible, so I hereby make that statement to the Parliament: I did not leak the information that went to the press this morning.

Overall the motion is balanced and fair and contains appropriate safeguards. If in the future the process is somehow abused, then like The Nationals I would be very willing to reconsider the matter and perhaps repeal the effect of the motion. I also express the hope that the scrutiny that we are introducing through this motion will apply not only to the current government but also to future governments.

Mr P. DAVIS (Eastern Victoria) — I shall be brief. I think it is appropriate for me to say that this has been a well-informed debate conducted largely without

rancour. In particular, the views expressed by all members have been sincerely felt. Notwithstanding that clearly the opposition has a different view from the government, it is quite evident that those who have spoken on behalf of the government strongly hold their position. I pick up some points in summary.

Mr Viney referred to the delegation of matters to a third party. In alluding to the dispute resolution mechanism in the motion, he said that members of the house should resolve matters. I largely agree with him. Indeed that is how the procedure will work, but it will be based on advice. By that I mean that where there is a dispute between the executive and the house — that is, where the house has required that a document be presented and the government has claimed executive privilege — the process will allow scrutiny of that document by the member moving the motion. Then that member can advise the Clerk that it is a disputed document and the matter can be referred to an independent arbiter. The arbiter will then review the document and produce a report for the confidential information of members unless members otherwise determine to publish that report. I presume that in the circumstance that members determine to publish, the house will be implying that it insists on the release of the document in question. Both steps — to call for the document and ultimately to release the document publicly — require a majority of the members of this house to agree to facilitate the transaction.

That is exactly the case recited by the Leader of The Nationals when he made the point that under general business on any day any member can introduce a motion calling for documents to be released. The only difference between that ad hoc procedure and what the opposition is attempting to do here — that is, to regulate the process — is that there will be a way of dealing with a dispute between the Parliament and the executive that will be to the satisfaction in the long term of the majority of members, including those of the government, and that will enable the proper functioning of the house as a forum in which to hold the executive to account. That point should not be lost in this debate — no matter what language is used, what constitutional precedents are cited or what High Court decisions are referred to, at the end of the day this motion is about a mechanism for the accountability of the executive to the Parliament.

In case members of the government are not aware of it — and sometimes I suspect they are not — I remind them that the Parliament is supreme over the executive. It is the reality that the Parliament represents the people. The people have entrusted us all individually, notwithstanding the parties we represent, to come to

this place as people of goodwill and to ensure that we hold the government to account, whichever side it is from.

On Mr Pakula's comments about circumventing freedom of information and the Constitution Act, the reality is that it is for the members of this place to call for documents irrespective of other processes external to the Parliament which we may pursue as individuals, notwithstanding our role as parliamentarians. In this place we have an opportunity which has existed for 150 years to call for documents. We are not proposing to change that principle but simply to regulate it.

I refer to the aberrant behaviour which has been referred to a number of times — that is, the breach of trust by the leaking of privileged information about the Select Committee on Gaming Licensing. That does not provide any excuse for members of the house to resile from their collective duty. The aberrant behaviour of an individual is no excuse for the house as a whole to resile from doing its duty, which in part — in addition to its legislative function — is to hold the executive to account. Further, implicit in the comments made by speakers on the government side is that trust or lack thereof implies that most members of this house are unworthy, which leads to a conclusion that most, if not all, members are unfit for office. We need a reality check, and the political rhetoric flowing across the chamber needs to be put into context.

The truth is that all members elected to this place come in with an earnest desire to represent the community and do the very best they can for the community as a whole. It is my true belief that members elected to this place sincerely discharge their duties as they swear to do when they take the oath as members of Parliament. However, there will always be exceptions and people who behave in a non-conformist way and in a way which brings discredit on us all. Having said that, I do not believe that is any justification for the house to oppose this motion.

I thank all those who have participated in the debate. I indicate that I disagree with the case put by government members, but I am sure that they will seek redress in other spheres. Indeed if when this process is first tested by a request for a document the government has the view that that document should not be released, I am sure that the process will be given further scrutiny by learned people in our courts.

I am not inviting the government to pursue that. It is my view that it is a matter for the house to manage its own affairs, and I would like to think members of the government would respect that because of the

implications for the operations of this place now and in the future. If the government's position is that it will resist every attempt of the house to put the executive under any degree of scrutiny and accountability, then it would be a sad day for democracy in Victoria. I commend the motion to the house.

Bells rung.

Hon. T. C. Theophanous (*Speaking covered*) — On a point of order, President, may I ask whether it has been decided to adopt as a practice for ministers and everyone else in the house to be tellers for each side so that we are suitably available and suitably dressed in order to be able to do it?

The PRESIDENT — Order! The house will notice that the Minister for Industry and State Development has gone to extraordinary lengths to raise a point of order, and in particular the action of covering his head, which is in accordance with the practice of the house in these circumstances. The reality is that there is nothing that prevents a minister or any member of this house from being called to act as a teller, and I see no reason why the minister or any other member should be excluded from that privilege.

House divided on motion:

Ayes, 21

Atkinson, Mr	Kavanagh, Mr
Barber, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs
Dalla-Riva, Mr	Lovell, Ms
Davis, Mr D.	O'Donohue, Mr (<i>Teller</i>)
Davis, Mr P.	Pennicuik, Ms
Drum, Mr	Petrovich, Mrs (<i>Teller</i>)
Finn, Mr	Peulich, Mrs
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	Vogels, Mr
Hartland, Ms	

Noes, 19

Broad, Ms	Pulford, Ms
Darveniza, Ms	Scheffer, Mr
Eideh, Mr	Smith, Mr
Elasmar, Mr	Somyurek, Mr
Jennings, Mr	Tee, Mr
Leane, Mr	Theophanous, Mr (<i>Teller</i>)
Lenders, Mr	Thornley, Mr (<i>Teller</i>)
Madden, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr
Pakula, Mr	

Motion agreed to.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Impact of public land management practices on bushfires

Mr HALL (Eastern Victoria) — I am pleased to have the opportunity to move:

That this house requires the Environment and Natural Resources Committee to inquire into and report by 30 June 2008 upon the impact of public land management practices on the frequency, scale and intensity of bushfires in Victoria, and in particular —

1. the extent, timing, resourcing and effectiveness of prescribed burning on both Crown and freehold land;
2. the manner in which prescribed burning is conducted, including how applicable codes of practice are employed;
3. the impact of prescribed burning and recent wildfires on Victoria's biodiversity, wildlife and other natural assets including water quality and quantity;
4. the reporting process applicable to prescribed burning programs;
5. the legislative and regulatory arrangements for prescribed burns and bushfire management;
6. the effectiveness of maintaining permanent, strategically placed firebreaks and containment lines throughout public land areas;
7. the provision and maintenance of large water points on Crown land to assist with bushfire aerial task force operations;
8. the impact of traditional land uses such as timber harvesting, grazing, four-wheel driving, hunting, camping, mining and prospecting on the scale and intensity of bushfires and the ability of relevant agencies to respond;
9. the provision and maintenance of serviceable access tracks and signage to assist with recreational and emergency requirements;
10. the impact of climate change on bushfires and public land management practices;
11. whether additional measures are required to provide a mechanism for the skills, knowledge and interests of local communities, and appropriate scientific expertise, to be better represented in the management of bushfire risk on public land;
12. the involvement of local communities in the management of fire; and
13. any other matter that impacts on the scale and intensity of bushfires in Victoria.

Before I talk about that motion, I draw the house's attention to one slight difference between this motion and what I read out yesterday in giving notice that I would move this motion. Members who were listening attentively would notice I read out a reporting date of 31 July 2007. That would have made for a very swift inquiry of just three or four months. That was obviously an error, and the correct date has been printed on the notice paper before members this morning — that is, 30 June 2008. I was advised by the clerks that it was appropriate for that minor change to be printed in the notice paper so the motion as presented in the notice paper is accurate.

If I needed to convince anyone in this chamber to support this motion, I would simply refer them to Monday night's *Four Corners* program. For anyone who did not have the opportunity to see that excellent program, it provided an overview of a whole range of issues associated with large, uncontrollable bushfires, which it described as 'megafires'. Several examples of recent bushfires were used to illustrate the points the program wanted to make — for example, it used the bushfires that swept much of south-eastern Australia in 2003. It also used the subsequent fires in the Blue Mountains in New South Wales and made extensive reference to Victoria's 2006–07 fires as examples of the impact of bushfires on people, personal property and environment.

The program claimed that Australia was the most flammable continent on earth. No-one who has stepped out in the Australian bush, at least in the last couple of years, would dispute that claim. The conditions for bushfires have been most prevalent in Victoria in the last couple of years, and that has consequently materialised into several large, devastating fires.

The *Four Corners* program pointed out that in 2003 more than 4 million hectares of Australian bush were burnt, and of that more than 1.2 million hectares were in Victoria. It also highlighted some of the impacts on property — for example, in the 2003 Canberra bushfires alone 500 homes were burnt. The program cited the recently controlled fires in the north-east of Victoria and in Gippsland. They burnt in excess of 1 million hectares of largely public land, taking more than 50 properties in their path. They burned for nearly 69 days, and the best part of 20 000 volunteer and career firefighters were deployed to combat them.

I cite these statistics simply to illustrate the impact that bushfires have on people, personal life and the environment. The question that needs to be asked is: what can and should we do about these huge and uncontrollable fires? That is the question that we as a

Parliament — and, more particularly, the Environment and Natural Resources Committee, once it has that reference before it — need to consider.

It has been suggested by a number of experts — and commentators on the *Four Corners* program concurred — that there are three factors that contribute to an expected greater number of days of extreme fire danger. Those three factors are: firstly, climate change; secondly, fuel build-up in forests; and thirdly, population growth. We can probably have some influence on climate change, and that is something society needs to look at, but that is a far broader issue than the one I am referring to the committee today and there is not an immediate solution to it. Any change in climate is not going to be brought about overnight.

Mrs Peulich interjected.

Mr HALL — The interjection has thrown me off. We can almost certainly do something about the issue of fuel build-up in forests, and the reference given to the committee deals with that. We can also probably improve our accommodation for population growth to the extent it relates to bushfire risk — that is, better planning regarding where people live et cetera. However, no-one should underestimate the significant commitment it will take from a wide range of people to reduce the risk of bushfires. That is what this motion seeks to do. It gives a reference to the Parliament's Environment and Natural Resources Committee asking it to look at ways we can mitigate the risk of bushfires in the future.

I have quickly listed six areas of impact that fires have; I will not go into great detail because we have spoken about bushfires in this Parliament on a number of occasions before. The first area of impact is on native flora and fauna. While we recognise that sometimes Australia's native flora requires fire for its germination and continuation, the recovery of native flora and fauna is very much dependent on the intensity at which fires burn. One only needs to go and look at landscapes that have been burnt in years gone past to understand that in some cases where there have been really intense fires the recovery of the native vegetation takes a long time — sometimes it never comes back. In cooler burning periods fire often has a beneficial effect on native vegetation. I note also that following the recent fires over the summer the impact on native animals has been significant, particularly in some of our rivers and streams. A lot of fish are now rising to the surface. They are being killed because the oxygen has been taken out of the water and the fire sludge is being swept down our streams. Even our native fish are being impacted upon by the bushfires.

The second area of impact is water quality. People in fire-prone areas are being severely impacted by water quality. Places like Dargo and Licola are having to import water now because local water supplies have been contaminated to the extent that they are no longer useable. Bushfires have a big impact on timber reserves. I saw a quotation from VicForests recently that suggested that, since 2002–03, 47 per cent of Victoria's forests has been burnt. That means there will be a significant impact on timber supplies and the industry in Victoria. Private property loss is also significant. As I said, in the most recent fires we have had in Victoria more than 50 houses were destroyed, and many outbuildings were lost, as was fencing, stock and fodder. The private property loss from bushfires is very significant.

Fires have an impact on the economic activity of tourism in bushfire-affected areas. In my contribution to the address-in-reply debate recently I gave some examples of some small businesses that have had their income reduced by 90 or 95 per cent for those months of the year when bushfires occurred. Bushfires also have an impact on economic activity because of the large number of volunteers who fight fires. They leave work to do so, and in many cases their employers are still contributing to their wages during that period.

By far the biggest impact that bushfires have is on the health and wellbeing of people. While recently here in Melbourne there were alert signals for people with asthma problems, people in Melbourne were many hundreds of kilometres away from those fires. The people who actually live in the regions where bushfires are prevalent suffer some terrible health concerns not only because of the smoke but because of the worry and anxiety about bushfires approaching their homes and communities. I think the impact on people's health and wellbeing is an underestimated factor of bushfires in this state.

The *Four Corners* program spoke about fire management and land management. Land management is basically the preparation for contending with bushfires; fire management is actually the response to bushfires. This motion about the references the Parliament is giving to the Environment and Natural Resources Committee focuses on the land management side. We say prevention is the best cure, and if we can reduce the frequency and intensity of bushfires, then we will not only save the state money but we will also improve the health and wellbeing of many Victorians. We do not say we will ever beat nature; I do not think anybody can ever beat nature in any respect at all. We will always have bushfires, but we can reduce their

intensity and frequency if we look at a whole range of issues including the way we manage public land.

Because most fires in Victoria actually start on public land, we believe the focus of this inquiry should rightly be on public land management. The terms of reference do not exclude looking at the way private land is managed. Some of my constituents have expressed to me frustration with their inability to manage their own private land to reduce bushfire risk — that is, private land owners might also wish to engage in activities like fuel reduction burning or grazing to reduce the build-up of fuel and minimise bushfire risk on their property. This inquiry will give the opportunity to examine management of both public land and private land.

The efforts to establish such an inquiry have been broadly applauded by the public, who welcome the Parliament of Victoria looking into reducing bushfire risk in this state. The terms of reference, which I have floated publicly for feedback and comment, have generally been well received. There has been some criticism of the narrowness of the terms of reference, but as I said, this is a focus on preventive rather than responsive measures. I say to the committee that if it hears a large amount of evidence on fire response practices that it feels needs to be considered, I do not see any restriction on the committee looking into those matters. After all, one of the terms of reference includes the catch-all words 'any other matter' that impacts on bushfire risk.

I know you cannot separate fire management and land management completely, so there will be some overlap in those two areas, but predominantly this inquiry is focused on the area of land management. If the committee comes up with a recommendation that we need to look in more detail at the way fires are managed in this state — that is, the response to fires — then that will be a worthwhile recommendation in itself that might initiate a further inquiry into the subject. Parliamentary committees always need some flexibility, and I hope the terms of reference that have been drawn up give the committee that flexibility.

I do not want to speak for too long because I want other members to have plenty of opportunity to contribute to this debate. I will not go through each of the terms of reference and explain why they have been included, but I do want to thank members from all the other political parties and the Independent member of this Parliament who made a contribution to the drawing up of these terms of reference.

Because I chose the path of asking an all-party parliamentary committee to look at this issue rather

than asking for the establishment of a select committee, which was another option, I deliberately went to every other political party and Independent in this Parliament seeking their cooperation, their views and their input in drawing up these terms of reference. I sat down with members of the government and tried to come to an agreement on those terms. I welcomed input from the Greens. Mr Barber in particular helped me draw up some of the terms of reference relating to biodiversity and climate change, which are particular interests of his. I went to members of the Liberal Party and sought some of their input into the terms of reference, and I included many of the suggestions they made. I also invited the Democratic Labor Party member, Mr Kavanagh, to have input, as well as the Independent member in another place, Mr Craig Ingram. Mr Ingram made a worthwhile suggestion, which has been included in the terms of reference.

This is an important issue that I think should be above politics. That is why I have moved that it be referred to an all-party parliamentary committee and have sought the input and views of all parties in drawing up the terms of reference. I hope members of the committee find these terms of reference adequate for them to explore whatever issues they wish to explore in this inquiry. As I said, if the committee recommends that further action needs to be taken in particular areas and those recommendations lead to further inquiries, that would be a good outcome as well.

I conclude by saying that although people living in rural areas are living with an increased level of anxiety about bushfires, that level of anxiety is not completely restricted to people who live in rural areas. More now than ever people in outer suburban growth areas are realising that they face a growing bushfire risk. It was only in 2003 that 500 homes in outer suburban areas of Canberra were lost to bushfires. We need to be vigilant in making sure that the same situation does not occur in Victoria. The government owes people who live in bushfire-prone areas a thorough examination of the way in which the state manages its public land assets, because there is absolutely no doubt in my mind, nor in the minds of some of the experts in this area, that the way in which we manage land has a direct impact on the bushfire risk.

I wish members of the Environment and Natural Resources Committee well in their deliberations on this topic. They have a chance to make a real difference in the way we manage public land and the impact that has on bushfire risk. I am sure they will do a good job. I hope they embrace the task, go all around country Victoria and talk to people in bushfire-prone areas — people who have been affected and people who are

potentially affected. I trust the committee will seek the input of the many people who have real life experience of the impact of bushfires. I have much pleasure in recommending this motion to all members of the chamber.

Ms DARVENIZA (Northern Victoria) — I am very pleased to rise and make a contribution to the debate on the motion before the chamber. I think this might be the first time we have all agreed on and supported a motion that has come before the chamber on a Wednesday morning. I am prepared to stand corrected on that, but from my recollection it is the first motion on which I have stood up and said that the government is prepared to support a motion such as the one that has been brought before the chamber by Mr Hall. I also congratulate Mr Hall on the way he has conducted himself in bringing this motion to the chamber. I know there has been a great deal of discussion with the government, with the opposition and with the minor parties in putting together a motion that sets up an inquiry for the Environmental and Natural Resources Committee all-party parliamentary committee. That is no mean feat. It is quite an achievement to get that level of agreement. As I said, I am pleased to be able to speak in support of this motion and to make a contribution to the debate.

This fire season has been the most severe, dangerous and damaging we have seen in Victoria's history. More than 1 million hectares have been burnt out over the course of a couple of months. Bushfires raged in north-east Victoria and through Gippsland. While they did not damage a lot of private property, they caused a great deal of damage to public land. This has meant that large and small communities in those areas have had to work together to face the enormous threat to their personal safety, to their property and to their communities. The government worked well through a range of agencies such as the Department of Sustainability and Environment and the Country Fire Authority to participate in fighting the fires and to prepare for them. We knew this was going to be a really tough year. We knew that we were going to be facing severe fires, and we worked hard as a government with those agencies to prepare for this fire season.

Mr Hall talked about the need for preparation and the need for back-burning, which can only occur when it is safe to do that. You cannot back-burn if the undergrowth is as dry as it was during this fire season because of the severe drought. You can only do it in a way which is safe and which will protect the community and property.

It is important to take this opportunity to congratulate and thank the many firefighters who worked long hours and spent a lot of time at the fire front. The communities that supported those firefighters are also to be congratulated for their enormous efforts during a sustained period of duress.

The Premier has already said that the Victorian government will look at all options in reviewing this current fire season. After each fire season the emergency services agency does a thorough review of procedures as part of a standard protocol that the government and the emergency services have in place. Since undertaking the Victorian bushfire inquiry in 2003, the Office of the Emergency Services Commissioner has continued to monitor fire management in the state. We learnt a lot from the 2003 bushfires. We know from feedback from communities and from agencies regarding this latest fire season that many of the recommendations that came out of the 2003 review were put in place and worked very well.

Last year the emergency services commissioner independently met with more than 250 community members across regional Victoria as part of his standard review process. We are committed to looking at what occurred during this devastating fire season and seeking ways to improve things for the next fire season. It is even more important now because we are in a period of sustained drought, and even more importantly, given we are facing issues to do with climate change, we may not see the amount of rainfall that we have seen in other seasons. We all hope we will see more rainfall during the autumn. It will not only do a lot for our catchment areas but it will also greatly relieve the impact of the drought on rural and regional Victoria and on our farming communities.

As I said earlier, we predicted at the start of the season that this would be one of the worst fire seasons on record for the state. That is one of the reasons that the government increased funding for fire resources in the 2006–07 budget. The government has continued to provide further resources since the fire season commenced. Most significantly the government has committed \$168 million in new funding over four years to implement the recommendations that came out of the 2003 Victorian bushfire inquiry.

To date the government's expenditure on the fires in 2006–07 has been \$150.5 million. The money has been used in a range of areas, including in the employment of an additional 266 firefighters, costing some \$12 million. We employed additional experienced fire crews that came in from New Zealand as well as from

the United States of America and from Canada. We all remember those firefighters assisting our firefighters and our volunteers during the peak of the fires as they raged through the north-east and through Gippsland. We employed additional contract aircraft support, including an additional Erickson aircraft — Malcolm — at a cost of \$3.5 million, and we have all seen the footage of the aircraft doing a fantastic job during the height of the bushfires. We provided additional training for newly-recruited firefighters, as well as additional support vehicles at a cost of around \$8 million.

As a government we are committed to comprehensive fuel reduction burning with a key focus on towns and on protecting the assets not only of individuals but of the community as well, and protecting state and national parks as much as possible. In preparing for the current fire season — I am not game to say that we are out of it yet — the government undertook extra slashing and grading to establish strong firebreaks. This activity goes on every year as part of the preparation for the fire season. It protects assets and allows access into those areas that are likely to be affected by bushfire. All of that work continued in preparation for this fire season.

We also announced the establishment of permanent firebreaks around key assets including Melbourne's water catchments. Looking at some of the aerial shots showing the fire coming right up to the catchment areas, it was quite mind-blowing to see just how huge the area was that was affected by the fire, but even more to see just how enormous the fire front was at any given time and how it came right up to the catchment areas.

It has already been pointed out by previous speakers that it is really not known at this stage, and will not be known for some time, what the effect on industry and the impact on tourism will be until the season is well and truly over and we have had an opportunity to do a full review.

The government has also set up a bushfire task force, and I want to speak a little bit about that in a moment. The whole community responded positively to assist the firefighting efforts. It has been an enormous effort by our community and by our firefighting teams — our volunteers in particular and our career firefighters — who have worked tirelessly during what has been a very tough season.

I take this opportunity to talk about the bushfire task force. In my role as Parliamentary Secretary for Regional Development I am involved in supporting the task force and the important work it has done. It is

made up of senior members of the Bracks government including the Premier, the Treasurer, who is also the Minister for Regional and Rural Development, as well as the Minister for Water, Environment and Climate Change, the Minister for Agriculture, the Minister for Mental Health, the Minister for Police and Emergency Services and the Minister for Finance, WorkCover and the Transport Accident Commission, all from the other place, and the Minister for Community Services in this place — I do not think I have left anybody out. It is a very high-powered task force that was put in place early in the fire season.

The task force has been travelling around rural and regional areas and meeting with communities that have been affected by the fires, with people from business and industry and of course with members of the community generally. We have always received a very warm welcome whenever we have visited these communities. People have been more than willing to come out and talk to us about the impact that a fire has had, how it has affected them and, more importantly, how they think their community will be best able to recover from the effect the fire has had on it.

The task force has been involved in a range of different forums — everything from quite large community meetings in halls to shire meetings and meetings with councillors as well as meetings with businesspeople, industry members and individuals who have been affected by the fires. Of course we have also gone on quite extensive tours of the fire-affected areas, which have been invaluable in our gaining an understanding of the horror that so many people must have gone through. When you go out into the middle of a bush area that has been burnt black — where there are no living trees or shrubs or bushes left, nothing that has any semblance of green — and you stand in the middle of that area, where the road has been blackened by the fire and where the road signs have melted and are unreadable, and you see a house or farm dwelling that is still standing, you wonder at the might of the wall of flames that must have descended upon that community and that particular household. It must be one of the hardest things to do for people to stay with their property and fight a fire to defend that property and the community's property. That must also take enormous courage.

It has been a really eye-opening experience to be part of the task force, to go out and visit those areas and to hear what people have to say. Of course people have a range of ideas, and most if not all of them are pretty much covered by the terms of the motion that has been put forward by Mr Hall today — and it has a catch-all paragraph in case anything has been missed. The task

force has not only been out visiting and consulting with people, it has made a number of announcements on funding, and more than \$8 million worth of bushfire recovery funding has already been announced.

I will run through what some of grants are for. A \$4 million package will assist in the recovery of tourism in bushfire-affected areas in the north-east and in Gippsland, including \$300 000 to rebuild the iconic Craig's Hut. It is going to be really important that we let people know these areas are again open for business and ready to receive guests. We encouraged people to spend time up in rural and regional Victoria over the long weekend just past, and of course Easter and school holidays are coming up.

Municipal emergency coordination centres in Bairnsdale and Mansfield have also been funded. There has been a contribution to the joint Commonwealth/State Community Recovery Fund, which has been providing grants to small businesses. A \$100 000 grant has gone to the Red Cross bushfires appeal. Payroll tax exemptions have also been announced for employers with employees who volunteered as firefighters, and \$50 000 has gone to each of the municipalities in the bushfire-affected areas for coordination activities. Additional funds have been given to some local government areas to enable them to employ local community development officers to speed up the revitalisation of their towns and cities, and some 15 neighbourhood houses received funds for recovery and support.

That outlines just some of the work that the bushfire recovery task force has been involved in. The task force is continuing to gather information, consult with communities and take submissions from people in areas that have been affected by bushfires. When it has collected and collated the information it will report on its deliberations. This reference to a joint parliamentary committee proposing an inquiry will also go a long way to assisting in the recovery of areas that have been affected by bushfires. I think it will also assist in our preparation and planning for future seasons, which we hope will not be as bad as the one we have just had. We hope that we will be even better prepared for future seasons than we were for the last one. I welcome this motion, and I am pleased to support it.

Mr BARBER (Northern Metropolitan) — The Greens support this reference to the committee. We always take a keen interest in both rural and regional issues and issues relating to the natural environment. We want to see the community come to a clearer view of how land managers can approach, should approach and have been approaching these issues. We think an

inquiry of this type is a good way for that to happen and an appropriate role for the Parliament. Mr Hall has been very kind in taking on a few suggestions I mentioned to him early in discussions without requiring debate and an amendment and so forth.

They were just a few small changes to the terms of reference which I thought would allow the committee to take evidence and lines of inquiry that it may very well end up taking anyway once the submissions and public views come forward. It is good to see them reflected in the motion. They bring in the issue of the impact of fires not just on people and their property but also on our environmental and biodiversity assets, which are incredibly important to us here in Victoria. We are the most ecologically damaged state in Australia. People living in the areas affected like to live there; it is part of the amenity of those areas, and one of the reasons for living near the bush is to enjoy the values of the bush.

It has been put around that there is a conflict between protecting people and protecting the environment. We want to disprove that. In order for that to happen the terms of reference need to empower the committee to seek advice from experts across the field. I will forward to the chair of the committee some suggestions about experts the committee might like to invite. They include various scientists and other researchers from the CSIRO division of atmospheric research, the school of resources, environment and society at the Australian National University, the school of forests and ecosystem science at the University of Melbourne, the CSIRO division of wildlife and ecology, the Bushfire Co-operative Research Centre and the Arthur Rylah Institute for Environmental Research in Victoria as some of the people who have published extensively in this area and looked at the very questions the committee will be examining.

Chief among those is Kevin Hennessy from the CSIRO division of atmospheric research. That brings me to the other matter we thought was very relevant for the committee to look at — the impact of climate change on bushfires. A recent study which members may be interested in published by the CSIRO is called ‘Climate change impacts on fire-weather in south-east Australia’. The study uses the forest fire danger index (FFDI), which is a mathematically derived index. Members who have driven through the country and seen the bushfire signs that say ‘High, medium and low’ fire danger risk will know that the assessment is not made by the local authority who has someone drive out and move the sign. Those categories represent the FFDI, which, as I said, is mathematically derived using a range of climatic indices. It is possible for the CSIRO

to use climate models to generate different climate change scenarios to assess what the index might look like in different parts of the year and different parts of the country. That is exactly what they did using two climate change scenarios for 2020 and 2050. To quote the executive summary of the report:

A key finding of this study is that an increase in fire-weather risk is likely at most sites in 2020 and 2050, including the average number of days when the FFDI rating is very high or extreme. The combined frequencies of days with very high or extreme FFDI ratings are likely to increase 4–25 per cent by 2020 and 15–70 per cent by 2050.

That is a clear indication of the kind of moving target we will face with climate change when we try to address bushfire risk. We have already had enough problems in Australia under our current and past climates, but climate change by 2020 — and I argue right now — will have a significantly increased effect on forest fire danger.

The study also indicates that the window available for prescribed burning may shift and narrow. It states:

It is likely that higher fire-weather risk in spring, summer and autumn will increasingly shift periods suitable for prescribed burning towards winter.

Not only do we have more fire danger days, but we have fewer days when it will be safe to carry out prescribed burning. That shows how absolutely diabolical climate change is in relation to fire. It is right on us now.

With those small changes that Mr Hall kindly made, I think it is going to be an excellent inquiry. The Greens look forward to participating in it and providing the committee with advice and information along the way. We are very happy to support the motion.

Mrs PETROVICH (Northern Victoria) — I firstly congratulate Peter Hall, the Leader of The Nationals, on moving the motion and the consultation processes he has undertaken to bring the parties to the point where they are able to discuss this most important issue. As a member of the Environment and Natural Resources Committee and as a country member I am pleased to see this motion before the house. It is an issue I have spoken on at length in the short time I have been here, both in my inaugural speech and through the motions supporting Country Fire Authority activities across the region.

The Northern Victoria Region that I represent covers 48 per cent of the state, as members know, and much of that has been blackened by fires that raged for over six weeks and burnt over 1 million hectares of our most beautiful natural resource, our fantastic bushland. In my

home patch of Macedon — I live in Woodend and have a wonderful view of the mountain — we have been on tenterhooks most of this summer and most previous summers. The area has huge fuel loads — it is five times the amount that was on the ground at the time of the Ash Wednesday bushfires — and less than 1 per cent of the targeted cool burns have been achieved in that area.

I quote from *Hansard* of 8 October 2003, when the member for Macedon in the other place highlighted the issue, which is well known to the people who live there and have an understanding of the bush and the area we live in. The member for Macedon was well aware of this and is reported as having said:

Members would be aware that the Macedon region is extremely vulnerable to bushfires. We had a number of scares in the last fire season, and of course the Cobaw fire at the end of the season. The memory of the Ash Wednesday fires, although quite a long time ago, is still very fresh in the minds of many people throughout the Macedon Ranges.

With the ongoing drought people's fears continue that each fire season will be increasingly more difficult. While we have had some below-average rainfall so far this spring, our catchments are critically low. The small amount of rain we have had has been enough to see some good growth in the paddocks, but the fear is that as the summer progresses the grass will dry off, the fuel load will become greater and the fire risk will increase.

In spite of that knowledge the community of Macedon has no reassurance because we have not achieved those cool burns during the autumn period when we had the window of opportunity to reduce the fuel loads. I think if it had not been for some heavy January rains and the fact that our area is suffering a green drought, we may have experienced some more dramatic incidents, although we are not out of the woods yet. It is terribly dry, and the community, when we hit those high-temperature days, has been waiting for the fire sirens to go off.

I note also that in that area we have some quite large reserves of native kangaroo grass, which is significant. This area is — one of the finest examples in the state. It also has not been burnt, and it is adjacent to our local sporting facilities in Woodend. Not only does it house a large number of black snakes — it improves the speed of our local athletes on the oval when one appears — but it is right in the line of a wildfire corridor. It is on Department of Sustainability and Environment land and still has not been cool-burnt. It needs to have that burn so it can regenerate. It is significant, and if it is not done regularly it is quite detrimental to the health of this grassland.

Having been up to the bushfire areas recently on our retreat, we saw that some of the bush is regenerating or starting to regenerate. It is devastating to see the blackened forest and the bareness. If you have been a regular visitor to many of these areas you find that you get a clear view and a vista that you normally would not have access to because the understorey has gone — it has been completely devastated through these fires.

The difficulty is that the preparation has not been achieved. I hope that what comes out of this investigation will be that where there is the creation of large tracts of public land they will be managed effectively by the establishment of significant fire breaks. More cool burns should take place because the bush in some of those areas will not regenerate otherwise.

The PRESIDENT — Order! Given the current situation I suspend the sitting of the house and ask members to remove themselves from the house in accordance with the evacuation procedures.

Sitting suspended 12.52 p.m. until 1.07 p.m.

The PRESIDENT — Order! I now intend to suspend the house until after lunch. We will then go to question time. Following questions, general business will resume and further business will be decided by the house after the 3-hour time limit has concluded.

Sitting suspended 1.08 p.m. until 2.08 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Disability services: Mooroolbark accommodation

Mrs COOTE (Southern Metropolitan) — My question is to the Minister for Community Services. I refer to a heart-wrenching email from one of four young disabled women living in a shared house in Manchester Street, Mooroolbark. These four women enjoyed a stable, independent living environment for 16 years until the minister's department decided to sell the house from under them insisting that they relocate, most probably into houses with people they do not know. Given that the minister claims to be committed to flexible living arrangements, why will his department not relocate these women to an appropriate house where they can all remain together?

Mr Finn — A good question!

Mr JENNINGS (Minister for Community Services) — For the record, I will agree with Mr Finn's interjection that it is a good question. It might be the only time in which I respond to his interjection in such a way. It seems like a reasonable question to me.

I am acutely aware that with any redevelopment plans the department is involved in we use our best endeavours to try to ensure there is appropriate ongoing quality of care provided to those within residential units for which the department is responsible and also those within the residential units the government funds but which are provided by private, or non-government, providers. As a general rule we try to make sure a continuity of care is provided for the residents in these services and that individual care is tailored to meet the individual needs of the residents, whether they be personal care, nursing attendant needs or rehabilitation needs.

I am acutely aware that in major redevelopments, such as the Kew cottages redevelopment, a high degree of care and consideration has been paid to appropriately matching the preferences — —

Mr D. Davis — Preferences? Under the original plan all were going to be moved out.

The PRESIDENT — Order! Mr Davis is not helpful.

Mr JENNINGS — I will not agree with Mr Davis today on the basis of that interjection. In fact he is not terribly well informed about the level of agreement that was reached with the 377 residents involved in that redevelopment and the careful matching that was embarked upon in respect of each and every move that took place within that major redevelopment. Seventy-three houses have been redeveloped, and the essential driving principle of ensuring that people are housed appropriately, so we can provide for their care needs and ensure their temperaments, circumstances and friendship networks are maintained, has been the hallmark of that major redevelopment.

In terms of the philosophy and the intent of the member's question about the objective of the department in trying to match the care needs and the personal preferences individuals within community residential units may seek to secure now and into the future, we are in 100 per cent agreement about the desirability of the outcome.

In terms of the specifics of this proposed redevelopment in Mooroolbark, I do not have that individual case before me at this point in time. However, I would be very happy if the member were to

share that information with me so that we can find out the circumstances under which this redevelopment is taking place and reassure the residents that the objectives that underlie the heart of this question are the objectives that I share for any redevelopment that takes place. I will be particularly mindful of the degree of flexible and responsive service given to any individual within those houses, and I expect the department to do the same.

Supplementary question

Mrs COOTE (Southern Metropolitan) — I find the minister's response quite extraordinary, because he has written to these people — to the mother of one of the residents — and said that he advised the department to liaise with regional staff. Will the minister direct the department to ensure that these women remain together?

Mr JENNINGS (Minister for Community Services) — I am very pleased to say that the member has not drawn to the attention of the house anything which is at loggerheads with the commitments I have made to the house, to the community and to individuals living in these circumstances — it is absolutely consistent with those objectives. I will be very happy to make my best endeavours to try to secure that outcome.

Schools: principal leadership program

Mr SCHEFFER (Eastern Victoria) — My question is directed to the Minister for Education. Can the minister tell the house what the Bracks government is doing to help principals develop greater leadership skills?

Mr LENDERS (Minister for Education) — I thank Mr Scheffer for his question and his interest in improving schools and the important role the leadership skills of principals play in that. When the Bracks government brought down its *Blueprint for Government Schools* several years ago it put in place a number of things which it thought would improve educational outcomes of and opportunities for students who go through those schools to participate more in the community and the workplace. One of those things was improving the leadership skills of school principals. Research everywhere shows that where there is strong leadership in schools that is reflected in the teaching profession and the programs that are offered and right through to the community and the students. If we want our kids to come out of school with better opportunities for jobs and participating in society, we need to do everything we can to make the schools work.

Mr Scheffer asked what we are doing in leadership in this area. I take great pride in the fact that the Bracks government is operating a program called high performing principals. This program is open to all principals. It essentially means that if a principal who wants to be part of the program puts a case to their region about what they can do, up to \$10 000 can go into their professional development so they can learn absolute best practice. They need to show that they want to further their professional learning. They also need to justify how they will give back to and improve the system with their use of this grant. We have seen examples of principals looking at schools interstate, attending conferences, completing courses and even visiting schools overseas. There is a limit of 60 principals a year who can do that. The importance of this is what they bring back into their communities and what value they can add from learning absolute best practice in different parts of the world.

There is no one-size-fits-all approach in education. However, where we have gifted leaders motivating their teachers, motivating their schools and motivating their school communities, we know it is much more likely we will have fantastic outcomes for students.

Mrs Peulich — Somebody has to.

Mr LENDERS — I am sure Mrs Peulich will be interested in this. I have a letter from a principal in the eastern metropolitan region who participated in this program. He talked about his experience of going to the United States of America and Britain to learn. He was a bit sceptical about it all, but he said:

I believe the outcomes from such an experience are almost immeasurable; however, I will attempt to outline the impact this has had on myself, my staff, and most importantly our students. To do this I will first briefly summarise each activity.

I will not go through all of that, but he describes his experience of meeting other wonderful educators and how he can bring that to his community in the eastern region. He said:

I consistently observed so many educators passionately articulating their belief ... I believe we, as a society in Australia, do not promote strongly enough the value of education. Whether it's a 'cultural thing' or a response to our generally prosperous society ...

He went on to talk about how passion about education and the passion of the profession is something we should deal with more. He concluded by talking about his observations of having been to the US and Britain and having looked at gifted educators and said:

It reaffirmed for me just how good our state educational system really is. It is world class, and the envy of many — Victoria is recognised for its self-managed schools, student-teacher ratios, high level of academic success, levels of community involvement ...

I will not make this an opportunity to talk politics.

Mr Vogels — But you're going to.

Mr LENDERS — No, I am genuinely saying this — I have not mentioned that person in Canberra, Julie Bishop, the federal Minister for Education, Science and Training, once in my response and I do not intend to. However, I will say that this is one program that brings out the absolute best in the teaching profession and provides an opportunity to bring in world best practice to individual school communities. I commend the program, and I urge anybody in the house who is interested in this issue to pay attention to this because it brings even better and brighter skills into the state of Victoria.

Aboriginals: dental services

Mrs COOTE (Southern Metropolitan) — My question is to the Minister for Aboriginal Affairs, Gavin Jennings. I refer to the death this month of a 12-year-old African-American boy, Deamonte Driver, from an infection that started with an abscessed tooth and spread to his brain. According to the *State of Victoria's Children Report 2006* indigenous parents in Victoria are more likely than non-indigenous parents to have concerns about their children's teeth — 29 per cent of indigenous parents have concerns compared to 18.5 per cent of non-indigenous parents. What will the minister do to ensure Victorian Aboriginal children receive adequate dental care?

Mr JENNINGS (Minister for Aboriginal Affairs) — I was a bit confused by the introduction to that question but at the end of it there was a legitimate question about the dental wellbeing of Aboriginal children in this state and the ability of services to improve the dental care received by Aboriginal children. By means of both programs that are funded through Aboriginal community-controlled health services, which have a number of dental clinics throughout Victoria to which the state provides support, and the dental schemes and health and nursing regimes operating in schools, we have a range of measures in place to try to ensure that dental health and other forms of child health are addressed in the early years of life and for school-age children in particular.

In terms of the specific instance the member cited, I will have to look at any specific recommendations that

may have come out of that report. The individual circumstances and the recommendations that may have come to bear are not immediately apparent to me. I am happy to reflect on them to see whether any additional program, reform or structural initiative has been recommended in relation to that review.

Supplementary question

Mrs COOTE (Southern Metropolitan) — I thank the minister for that response. I would like to know why it is that in Victoria 46.8 per cent of indigenous children have visited a dentist compared with 57.2 per cent of non-indigenous children. Perhaps when the minister is looking into those details he could check that aspect as well.

Mr JENNINGS (Minister for Aboriginal Affairs) — I am sure I can. However, I think any astute observer of my contributions in this chamber over a long period of time would know that I have detailed time and again the reasons Aboriginal people experience disadvantage in a variety of forms, including access to a number of services. Access to dental services is just one of the challenges being confronted by Aboriginal communities. I think the answer to the member's question lies at the heart of hours of my contributions in this chamber.

Schools: language programs

Mr ELASMAR (Northern Metropolitan) — My question is to the Minister for Education. Could the minister inform the house what the Bracks government is doing to promote excellence in languages in Victoria?

Mr LENDERS (Minister for Education) — I thank Mr Elasmars for his question.

Mr Vogels — Answer in Dutch.

Mr LENDERS — I will not take up Mr Vogels's interjection and answer in Dutch, because his Dutch is far better than mine and a rusty Limburg dialect is probably not the ideal thing for Hansard to try to report.

Mr Elasmars has an ongoing interest in this issue. I welcome his question because I believe he has been a language teacher. He will certainly understand the importance of languages for two reasons: firstly, for their importance in a multicultural sense of keeping the links with native tongues and keeping them alive; and secondly, in an economic sense when we take advantage of the extra benefit languages give us in a world which is increasingly without borders.

We had nearly 384 000 students learning a language in Victoria in 2005. A further 15 000 primary and secondary schools were enrolled in the Victorian School of Languages. A few weeks ago I had the great privilege of presenting graduation certificates to students of that school. They are an extraordinary range of people who have worked incredibly hard to get great outcomes, some in the languages of their parents and the communities they come from and others in languages they had never experienced before but tried so they could broaden their knowledge in this area. We have excellence coming out of there.

The Victorian School of Languages operates through 39 centres across the metropolitan and regional areas of Victoria. Most recently new centres have been opened in Warrnambool, Horsham, Leongatha, Wodonga and Gisborne. The school reaches out across the state to geographical areas and has a distance education aspect through which other people can learn languages. On the evening of the graduation it was fascinating to hear two young women make a presentation. Both had learned Italian, although neither had it as a native tongue. One had learned it at a centre in Brunswick and the other through distance education from Warrnambool. It is a great program that brings out the absolute best in our young people. The Bracks government has supported it with funding because we believe it is an important area.

On the issue of learning languages, we know that more than 180 languages are spoken in Victoria. We also have more than 100 different faiths across the state. Again, as part of our multiculturalism it is an important area and an important part of our heritage. I was flippant in response to Mr Vogels's interjection, but as someone who comes from a Dutch heritage and did not speak English until going to school, I can say that at age 48 I have forgotten a lot of that language. Whereas in some communities, such as the Dutch community, we were encouraged not to use our native tongue, other communities have welcomed and cherished that heritage. It is always a challenge. I find it a great stimulation to hear of it continuing. As I said, it is an area that the Bracks government is providing funding for and encouraging.

Languages are something that many people learn. I know that in a previous life to coming into this place Mr Kavanagh was a teacher of Japanese. A number of members have taught languages. It is a great skill, which adds enormously to our community and in the end enhances our multiculturalism and gives people pride in their heritage as well as adding extraordinary power to us economically when we can go out to new countries and areas and speak to the people. It is a great benefit for Victoria.

Tiger Airways: head office

Mr D. DAVIS (Southern Metropolitan) — My question is to the very well-suited Minister for Industry and State Development. In relation to winning the Tiger Airways head office for Victoria, the Premier said on ABC radio:

I don't underestimate my friends in Queensland and the Queensland Premier and what he'll throw at these things ... my guess is that we won't be able to match that ...

Does the Premier's pessimism reflect Victoria's leadership of the antibidding war agreement which has been signed by all Labor states except Queensland, the principal competitor for Tiger?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I thank the member for his question. Once again, it would be good if at some time he came in and actually supported something we were doing in Victoria.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — It would be good if he actually got up and said, 'You know what? It's a good thing that you're trying to get Tiger Airways to locate themselves here in Victoria'. It would be a good thing if maybe he even offered to give the Victorian community not only support but also any assistance the opposition could offer to help to bring to fruition this very important project that is under consideration by the airline. But, no, this is the reason that yesterday you, President, I think, referred to Ian Drury and the Blockheads. I do not think the honourable member would even get to be one of the Blockheads.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — I do not know whether you have heard one of their major songs, but it is called *Hit Me with Your Rhythm Stick*.

Mr D. Davis — On a point of order, President, I do not think that the singing of Mr Drury and his band are relevant to the answer to this question. The minister has strayed, and his answer is not relevant to the question.

The PRESIDENT — Order! We can all display some sensitivities from time to time but Mr Davis and I both know that question time can be quite robust. I do not believe the minister has strayed so far as to have to bring him back into line.

Hon. T. C. THEOPHANOUS — I issue an invitation to Mr Davis: you can keep hitting me with

your rhythm stick, because it will not make any difference to the operation of this government.

On a serious note, the Victorian government has put in a significant bid to have Tiger Airways located in Victoria. We believe Melbourne is the right place for this airline to be located. We have put up a strong case because we have done it on merit. We have said that Victoria is the place where you get the largest number of major events, where you have the grand prix, the FINA world titles and, dare I say, the Melbourne fashion festival — all sorts of events that are able to attract people into Melbourne. That is why we have a vibrant tourism industry which is very well positioned and attracts an enormous number of people from other states.

Therefore we believe the airline would best located here in what is an important hub for air transport right around Australia and potentially also overseas. I point out that in this state we have said consistently that we believe there should be a greater opportunity for direct flights out of Melbourne. Whilst we recognise that, through Jetstar, Qantas has put on some direct flights out of the Melbourne to some locations around Asia, we do not believe it is appropriate to have taken off Qantas flights. We support the freeing up of the airline industry with less regulation to allow flights to come into Melbourne.

Having said that, I find it interesting that initially Tiger will not be an international airline. If it has the opportunity to come in, it will initially set itself up as a domestic airline. In setting itself up as a domestic airline it will also potentially in the future have the opportunity to provide direct international flights, because as a domestic airline it will not be covered by the same regulatory requirements as an overseas-based airline. We are very keen to get Tiger Airways to come to Melbourne.

I would like to say things that might actually help our bid. I went up to Sydney and on behalf of the Victorian government personally made a presentation to the executives of Tiger Airways. We presented a very professional application. As part of our submission we said that we would help them to become a major sponsor of the Richmond Tigers. We gave them some Tigers jumpers to wear. I have to say that it was a bit difficult for me, because I am a Bulldogs supporter. But I will do anything for the state of the Victoria — I will even wear a Myer suit to promote the state of Victoria!

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — I have to say that it went over very well. One of the things the people at Tiger are interested in and said to us very clearly is that they want to base themselves in a state that would actually adopt Tiger as its airline, as being a part of the state in which it is located and potentially provide international services as well. We are prepared to be responsible in relation to how much assistance we are prepared to give. We have a formula which we apply; it is a formula based on the number of jobs involved and a range of other things of that nature. That formula was applied in this instance. We have put in a bid to Tiger Airways to come to Victoria with some assistance from government.

However, as the Premier was saying, we are not prepared to simply enter into an open bidding war to bring this airline to Victoria. The executives of this airline are responsible and clued-up enough to understand the benefits of coming to a state which has double the population of Queensland and has double the number of people coming in and out, if you compare the airline traffic of the two cities, Brisbane and Melbourne. It is a far better commercial decision. At least that is what we put to the airline, and we stand by that.

We are prepared to talk to the airline further but we are not prepared to simply say that we will pay anything to get the airline here. That was the point being made by the Premier. It is a responsible position for Victoria to adopt. I look forward to the decision being made by Tiger Airways. We are continuing to talk to it. You can never be certain about the outcome of these things, but you can be certain of one thing — that is, that we are in there fighting as hard as we can to get this for Melbourne and for Victoria.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I say again that my concerns about winning Tiger are increased by the minister's answer. It seems he has very little grip on what is actually occurring here. Queensland in fact is going for this very hard, as it did with Virgin Blue Airlines. Can the minister detail for the house any payroll tax incentives offered as part of this package? Since the minister has indicated to the house that he is using the Melbourne Tigers and sponsorship of it as one incentive, are there any payroll tax reductions involved in this bid?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — It is typical of Mr Davis that once again he would like me to outline what we have put up as the bid on behalf of Victoria.

He wants the detail. I have outlined one small component in seeking to attract the airline by the fact that we have a football team which carries its name. You do not have to be a genius to work that out. Even a blockhead could work that out!

Honourable members interjecting.

The PRESIDENT — Order! If the minister paid less attention to addressing the gallery and instead made his contribution through the Chair, he would have seen that I was on my feet.

There have been numerous references — and I will get the minister off the hook here — to the Melbourne Football Club, the Richmond Football Club and the Melbourne Tigers Basketball Club. I know the minister means the Richmond Football Club. I would appreciate the minister clarifying that for Hansard. I do not want to hear any more references to blockhead, or the Blockheads at the moment — or even Ian Drury.

Honourable members interjecting.

The PRESIDENT — Order! I did start it and it was quite humorous, but the context in which the minister is using it now is not humorous.

Hon. T. C. THEOPHANOUS — Thank you, President, for your advice. Of course I meant the Richmond football team.

It would be totally inappropriate for me to go further into the nature of the assistance package that we have proposed in relation to this bid. Mr Davis knows that. That would simply play into the hands of our opponents. Given Mr Davis's form, he is probably secretly hoping that we do not get this bid. That is the kind of position he adopts. Mr Davis is happy to take up anything that runs down the state.

The difference between the opposition and the government is that we want to get things for the state. We will continue to work to get these things for the state. We have a terrific record of holding major events, and we will continue to get those major events. We will seek to attract companies like Tiger back into the state, using appropriate and responsible means. We know that every time we get one of these companies to come in David Davis will secretly be saying, 'No, not another company coming into Victoria', because the last thing he wants to see is economic prosperity in this state.

Planning: red tape

Ms DARVENIZA (Northern Victoria) — I direct my question to the Minister for Planning, the

Honourable Justin Madden. I ask the minister to inform the house about what the Bracks government is doing to streamline and improve planning in Victoria.

Hon. J. M. MADDEN (Minister for Planning) — I thank Ms Darveniza for her question. As members of this chamber would appreciate, we have for some time as a government been focusing on cutting red tape in relation to the planning system. One of the key principles of that is to make sure we are taking away the red tape that might require planners, particularly at local government level, to process and administer applications which are time consuming and taking them away from their core tasks. As well as that, we are trying to demystify the planning process in relation to the smaller attributes of the that process. My colleague the former Minister for Planning in the other place, Mr Hulls, initiated the cutting of red tape, and we will continue to do that.

Whilst the opposition does not have much policy in relation to planning, we have got an enormous amount of planning policy. One of our commitments is to cut red tape and make sure that planners at a local level, who are at the coalface and who are put under pressure in the planning profession, can stick to many of their core tasks rather than spending inordinate amounts of time dealing with some of the smaller issues, such as cubby houses and aerials on houses, which take them away from their tasks. We need to get on with the administration of some of the bigger tasks to make sure we can deliver the core elements of the planning process.

We need to make sure that local government can continue to do the sound job it does of administering the planning process at a local level — one of the great things about local government. The vast majority of the planning process is administered by local government. We want to make sure that local government is not encumbered by more red tape and that it can continue to do what it does well and continue to grow the state and make Victoria a great place to live, work and raise a family.

Small business: timber workers

Mrs PETROVICH (Northern Victoria) — I direct my question to the Minister for Small Business. Black Forest Timbers has announced that due to a lack of security of supply of timber arising from the government's forests policy it is cutting its workforce by 14 jobs. My question is: what action has the minister taken to address this fundamental supply issue to aid the viability of the many small businesses in the timber industry?

Hon. T. C. THEOPHANOUS (Minister for Small Business) — Let me inform the honourable member that small businesses in this state are being supported by this government in a range of different ways. Yesterday I came into the house and talked about the \$10.6 million we are putting towards helping small businesses do the no. 1 thing they are interested in doing — that is, ensuring they have skilled staff. Let me tell members that when I meet with business leaders and organisations that represent businesses in this state they keep raising with me that their no. 1 issue is maintaining their skilled workers.

Of course the opposition does not want to hear about reductions in WorkCover.

Mr Finn interjected.

Hon. T. C. THEOPHANOUS — Mr Finn does not want to hear about reductions in WorkCover, he does not want to hear about reductions in red tape, he does not want to hear about all the good things we do for businesses in this state.

Mrs Petrovich interjected.

The PRESIDENT — Order! I have twice heard Mrs Petrovich refer to the minister as Theo. She may not have heard my statement in the house earlier this year that I will not accept people referring to not only ministers but also other members by their first names across the chamber in these circumstances. I suggest that she take into account what I am saying and consider herself warned.

Hon. T. C. THEOPHANOUS — Thank you, President. My name is not actually that difficult to pronounce once you get your tongue around it. In response to the honourable member's question, there will always be individual businesses across the state that may put off workers. There will also be cases of businesses that put on workers. This is an ongoing process.

When I talked yesterday about Koko Black going from hiring one worker to hiring 100 workers in this state as a result of help from the government and the circumstances that business faced I did not hear the opposition congratulating the government on helping to create those 100 jobs. President, let me make this point, because this will be an ongoing modus operandi of the opposition: it will find one small business here and another small business there and it will come in here and say, 'This particular small business laid off one person'.

One thing you can be absolutely certain about, President, is that members of the opposition will never come in here and say that a particular small business put on 10 workers, nor will they come in here on any occasion and say that the WorkChoices legislation has been used by a particular small business to put off a worker in an unfair way in a particular industry. They will never come in here and say those things. They hate the fact that business in this state is actually increasing employment, that the state's unemployment levels are dropping and that there is economic prosperity.

I am not the minister responsible for the forestry industry. I am happy to pass on to the relevant minister the forestry component of the question asked of me. Regarding unemployment or job loss issues, let me say that we put the broad frames of policy in place to ensure that we have ongoing employment. We have created over 300 000 jobs since we came to power in 1999, compared to the pathetic effort of the government before us.

Supplementary question

Mrs PETROVICH (Northern Victoria) — I call on the minister, as the Minister for Small Business, to instruct his department to investigate how many jobs will be lost across the state as a result of mill closures and the impact on the forest system due to the Bracks government's restructure of the timber industry.

Mr Viney — On a point of order, President, I do not think that was a question. The member called on the minister to do something, which she may well do in the adjournment debate, but I do not think it was a question for question time.

Mrs PETROVICH — On the point of order, President, may I rephrase that?

The PRESIDENT — Order! Mrs Petrovich can start by resuming her seat. Mr Viney is correct in so far as Mrs Petrovich's supplementary question was not directly related to the original question or answer. In fact she was asking the minister to do something which would be more suited to being raised in the adjournment debate. Having said that, I will take into account the fact that she is very new to this house and allow her the opportunity to rephrase the question.

Mrs PETROVICH — Thank you, President, for your leeway. If I can rephrase that supplementary question: will the minister inform the house of the effect and the number of jobs to be lost across the state as a result of mill closures due to the Bracks government's restructure of the timber industry?

Hon. T. C. THEOPHANOUS (Minister for Small Business) — I am not sure whether it is a supplementary question, but I will answer it in this way. We are proud of our record compared to the record of members opposite in creating jobs in this state. I give the house again these two statistics: under the Bracks government we have created 362 700 jobs compared with the 250 000 jobs that were created in a seven-year period under the previous government. We have created more than 100 000 extra jobs. In relation to rural and regional Victoria, which the member was referring to, under the previous government 41 000 jobs were created compared to — wait for it! — 113 621 jobs under the Bracks government. We are happy to stand by our record.

Aged care: Parkville facility

Ms MIKAKOS (Northern Metropolitan) — President, can I say that you always lead this house in the fashion stakes.

My question is to the Minister for Major Projects. Can the minister advise the house of any new developments that have taken place at the former Commonwealth Games village at Parkville Gardens?

Hon. T. C. THEOPHANOUS (Minister for Major Projects) — Of course, President, you are always impeccably dressed.

I thank the member for her question. Members might remember — certainly members who were in the house in the last Parliament would remember — the debates that took place in relation to the Commonwealth Games when questions were frequently asked of the then Minister for Commonwealth Games. I must say he did a fantastic job in organising the Commonwealth Games. Despite the harping and negativity of the opposition we had a fantastic Commonwealth Games.

One of the things that the Minister for Commonwealth Games kept saying was that the sporting event would provide long-lasting social benefits for all Victorians, including those who are most vulnerable. I was very pleased last week as the Minister for Major Projects to take a sledgehammer and symbolically start the demolition of some buildings at the Parkville site in order that a new 140-bed aged care facility can be constructed.

The new aged care complex will be built on almost 1 hectare of the former Commonwealth Games athletes village and will provide accommodation for aged Victorians. It is one of the initiatives that will result in long-lasting benefits for Victorians. The new complex

will have 140 beds and 52 assisted living units. It will be developed by Mercy Health and Aged Care, which is a very good organisation we are very pleased to work with in order for this to occur.

This is a fantastic development in that area and will add to 100 social housing units that have also been made available at the Parkville site. There will be 100 social housing units, 140 aged care places and 52 assisted living units. This is part of the Bracks Labor government delivering to the aged and disadvantaged people in our community the social benefits that only a Labor government is able to deliver and is interested in delivering. We are very proud of that development, and we look forward to it being opened in due course.

Planning: Port Campbell development

Mr KAVANAGH (Western Victoria) — My question is to the Minister for Planning. It relates to a proposed development on the eastern headland at Port Campbell. The proposed development is for a hotel of about 130 rooms and 10 shops. The minister may know that part of the Great Ocean Road that once traversed the headland there has been closed because of the danger of the collapse of the headland. Is the minister aware of five expert reports which conclude that there is a very high risk that the development will accelerate the collapse of the headland and very seriously damage Port Campbell?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Kavanagh's question. I am not directly across that project. It is worth appreciating that there will be projects proposed from time to time that will go through the relevant planning authorities, which are predominantly the local planning authorities. As I mentioned in my previous answer, local government delivers the vast majority of the administration of the planning scheme. From time to time I will be asked questions in this chamber on specific projects, and no doubt I will have to go back to the department to seek information in relation to those projects.

I am not specifically aware of the details of that project or where that project may or may not be located, but I am happy to take the vast majority of that question on notice. In doing that can I just say that there are always contentious issues when someone is trying to get up a big proposal of the nature of the project Mr Kavanagh was talking about, particularly in sensitive landscape areas where there is potentially a conflict between the natural asset, which might be in a beautiful location and be a natural tourism attraction, and the other component of the project, which is the economic benefit the tourism attraction might bring to that region. I would

expect that in this case there would be a bit of tension in relation to what is appropriate and will at the same time generate economic activity and give tourists, particularly older tourists, the sorts of amenities they want. Tourism operators know that there are a lot of baby boomers with a lot of money to spend, and they want the creature comforts rather than something a bit rough around the edges.

I expect that this is a project that would be scrutinised very closely, and given that some of the information Mr Kavanagh has provided today in relation to some of those environmental issues is controversial, I would expect that this is one that will be scrutinised with great care — whilst I am not across the detail — in the same way that I would expect any tourism development in any sensitive landscape area would require a fair deal of scrutiny and confidence to make sure that a proposition of that nature is considered thoroughly and in accordance with the relevant planning processes.

Supplementary question

Mr KAVANAGH (Western Victoria) — Can the minister assure the house that he will not support the project if it is shown that the project going ahead would cause the headland to collapse and cause very serious damage to beautiful Port Campbell?

Hon. J. M. MADDEN (Minister for Planning) — I welcome the member's supplementary question. It would be premature of me to say whether I do or do not support a project of that nature. It is worth appreciating too that at the end of the day local government determines the administration of many of these projects. In a rare number of cases I might be the planning authority, either through my call-in powers or through planning scheme amendments that might be part of a planning proposal. In the vast majority of cases I do not have to support or not support a project. Normally the process will resolve itself naturally without my intervention.

I know the former Liberal planning minister, Robert Maclellan, felt compelled to intervene on almost every occasion he had the opportunity to, but unfortunately he did not necessarily communicate why he felt he should intervene. As a government we are committed to making sure that due process is conducted and that when a minister intervenes in a project he must explain to the Parliament and to the public of Victoria why he has done so. Whilst I would still need to get technical information on that project, in most instances through a process of either panels or local administration, taking into account expert advice, a determination is made on whether or not a project should go ahead.

From time to time cases where there are disputes will end up at the Victorian Civil and Administrative Tribunal and VCAT is the independent umpire that will make an assessment on various policy and environmental grounds and all the other issues that need to be considered. In the vast majority of cases the minister does not need to intervene and will only intervene on the rare occasion when the project is a matter of significance to state planning policy or there is a statewide initiative anyway.

I would have to get further advice in relation to the project raised by the member, but it is worth considering the remarks I have made, particularly in terms of when the minister does or does not intervene on a project.

Ordered that answer be considered next day on motion of Mr ATKINSON (Eastern Metropolitan).

Smoke detectors: batteries

Ms PULFORD (Western Victoria) — My question is also for the Minister for Planning. Given the impending changes to daylight saving, what does the minister intend to do in relation to smoke detector policy and regulations?

Hon. J. M. MADDEN (Minister for Planning) — I welcome the member's question and her interest in smoke detection. It is a rather appropriate question today. In answering the question I compliment you, President, on your leadership in the evacuation of the chamber. Whilst members were enthusiastic in evacuating the chamber, I congratulate you on the leadership you showed in making sure we headed in the right direction.

Smoke detection is a very serious issue, because lives are lost when people ignore the maintenance of smoke detectors. With the end of daylight saving just around the corner, it is a good time to remind members of the house that smoke detection is a very serious issue that should not be taken lightly. Now is a very good time for members to make sure they change the batteries in their smoke detectors. If they do not change their smoke detector batteries their alarm may start to ring and people may not understand why it is ringing. They might think that the smoke detector is sounding a fire alarm, rather than just alerting them to the need to change the batteries.

Smoke detectors can be set off very easily — people can leave sandwiches in a toaster. It is very easy for the smoke from the toaster to rise and set off a smoke detector, and before you know it everybody in the

entire building has to evacuate because somebody left a sandwich in a toaster. It is important that we take smoke detection very seriously. It is also worth understanding that if the fire brigade is called out because of a false alarm, not only does it involve an enormous amount of effort and resourcing but it is at enormous cost. Somebody has to pay the cost of calling out the fire brigade. It is also sometimes debatable how that is paid for, and out of whose budget and for what reason.

I remind everybody in the chamber that because the end of daylight saving is around the corner it is a good time to remind family members — —

Mr Drum interjected.

Hon. J. M. MADDEN — And Mr Drum's constituents. When daylight saving ends it is a good time to check the batteries in smoke detectors. If members have elderly constituents, the community should be encouraged to support them by changing their batteries for them. Fire detection is a very serious issue. We should not take it lightly. We should encourage people to take great care when it comes to operating appliances which might go up in flames from time to time.

The PRESIDENT — Order! The minister is correct that we should not take this issue lightly. He reminds me that I have not commended the staff of the Parliament for the way they assisted members, and the cooperation from members and all other staff, in evacuating the building and going to their prescribed places. I particularly commend the assistance rendered to new members. It is a serious matter.

My understanding — and to date I have not had a formal report — is that it was not a false alarm. It was a legitimate alarm and people reacted accordingly. I do not intend to labour the point until such time as I have a formal report. I will then decide what we should or should not do with it, and how we can improve the system and prevent such occurrences from happening again. The point the minister makes about battery checks on smoke detectors is quite valid. The further point he made, and I am not trivialising the matter, is even more valid.

Mr Guy — On a point of order, President, noting what you have just said and the minister's answer and the obvious references to me and my office in the circumstances which took place, while guys such as Guy Fawkes have a long history of trying to burn down parliaments, if my office had anything to do with the evacuation of this building, then I wish to apologise to

the house and offer to pay for any costs that have been incurred.

The PRESIDENT — Order! I commend Mr Guy for his explanation and his offer. He made an interesting reference to Guy Fawkes, and we all appreciate the odd piece of humour in here. There is no point of order.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Impact of public land management practices on bushfires

Debate resumed.

Mrs PETROVICH (Northern Victoria) — I was interrupted in my contribution on the fire inquiry by a fire alarm. I was quite concerned for a few moments. I would also like to commend the attendants for the way the building was emptied so rapidly and efficiently.

I was talking about the regeneration of timber under a hot-burn circumstance. One of the unfortunate things about a wildfire with an intensity of heat such as we have experienced during the fires in the north-east is that many of the mountain trees will not regenerate. Their seed stock is destroyed in the understorey and is lost. To say the least, that is a criminal waste.

Another area of grave concern to me is the need to protect our water catchments. They have suffered dreadfully during this most intense fire period. One of the great concerns is ash and silt running down into water catchment areas during and after fires. Along with my colleagues I had firsthand experience of this when we attended our retreat at the Howqua Valley property of Mr Stoney, a former member for Central Highlands Province. The property is on the banks of the Howqua River. On the day we arrived the river was running black as a result of a deluge and the soot that had gone into it. That will affect the residents of the Howqua Valley and their water supply for many months to come. The problem associated with the lack of oxygen for wildlife and the biodiversity of the river because of the soot and sludge that has gone into it means there are no longer any trout; they have died and only the carp survive, which is also tragic.

On the second day there we experienced a few minutes of an extraordinarily heavy rainstorm, which caused a lot of run-off from the hillsides surrounding the river and a lot of silt and soil came down into the river. It would normally be held in place by the understorey

plants, but unfortunately, because they are now gone, the river ran orange with the soil eroded from the hillside. This environment will struggle for many years to come until the understorey and the biodiversity of the area are restored.

When the fire got close to the Thomson Dam a broad swathe of firebreak was cut to protect that reservoir. I hope it comes out in the investigation and report that fire prevention is the key to containing wildfire. Some wildfires could be contained by significant firebreaks, management and back-burning but that has not been done on a large scale.

I have spoken about the hot burns. That is what you get when you experience wildfires of the intensity we had over this period. It destroys the understorey, causes erosion and affects water quality. One of the things I find most distressing is the flora and fauna that have simply vanished from stretches of public land. I find it devastating to see injured animals who have been badly burned in the fires. Some of the animals have had to be put down by residents in the area; others have been taken into care, but their quality of life is significantly reduced. Until there is regeneration there will be no food store for the animals in that area.

I have spoken briefly about firebreaks. The sorts of firebreaks we are talking about which protect property were not installed. Unless property was in danger during this period the fire was allowed to burn. I feel sorry for the residents who were looking down the barrel of a gun. They talk about the roar of the fire being like a steam train bearing down on them. They are very brave and committed people to stand in the face of that sort of adversity and protect their properties. Obviously that is what we now teach: you either leave early or you stand and fight. I commend those people who have not only protected their properties but also jumped in and helped neighbours, as people do in the country, and used their heavy equipment to clear areas and instigate back-burning.

I will refer again to the communities. The communities of the areas most affected have spent six weeks in hell. You talk to people in those communities who say that in the end it is not the fire that is the problem, it is the waiting and the not knowing, because fire has a mind of its own and does what it will. Those who chose to stay were often separated from their families, their children did not go to school for long periods of time and the air quality was horrendous. Goodness knows what that has done to the health of some of the older residents and those who suffer from respiratory illnesses. I just think that the only good thing to have come out of this is that communities got together, as they do in the country,

organised themselves and pulled together to protect their properties.

We are currently facing the worst drought in nine years and now valuable water stores are down as a result of these fires. There was loss of fodder for farming communities which are struggling to pay enormous prices for hay and feed for their stock, and a lot of the stock has now been lost, which is a further impost on those country people.

Wendy Lovell, my colleague in the Northern Victoria Region; Andrew McIntosh, the member for Kew in the other place; Bill Tilley, the member for Benambra in the other place; Sophie Mirabella, the federal member for Indi, and I visited Mansfield early in the piece and went to one of the community meetings there. I have to say that it went against all my instincts to drive into an area which was blanketed in smoke, and it was distressing to stand with those community members who were obviously in grave fear of what was about to happen to their community. They were separated from loved ones, who were often working in emergency areas and providing other services. There was a lack of communication in some areas, though I would have to commend the shires in those areas that ran Displan, the state disaster plan, and supported their communities fully.

It is a great disappointment to me that we have come to this. Historically we have managed the large tracts of land set aside for parks through back-burning and creating firebreaks. When we were allowed to have cattle in such areas to keep the understorey level down, we seemed to manage that a little better. This is our big problem: this understorey growth allows fires to breach the trunks of the trees, intensifying the fires and making them large timber fires.

I would like to refer to a Department of Sustainability and Environment website printout I have here. To me this is a bit of an anomaly. It describes the damage cattle grazing does in the high country, but I would make an analogy between that and some of the damage that has been caused to the high country by the super-intense fires we had. It reads:

... research by CSIRO, university and other scientists shows the damage that cattle grazing causes to fragile alpine environments. Cattle damage soils, trample moss beds and watercourses, threaten rare native flora and fauna ...

The Alpine National Park should protect the natural environment — now and for future generations.

I could not agree more than I do with the last statement, but that is certainly not what has occurred with these

fires. We have had extreme devastation in the areas concerned.

We also have the additional problem of replacement of infrastructure. Owners of land adjacent to these national parks have lost fences, tank stands et cetera and a whole range of other equipment for which they do not receive any compensation. They do not get any assistance to replace that infrastructure. I have heard it said that the Department of Sustainability and Environment is not a very good neighbour.

I would like once again to congratulate the Country Fire Authority, whose personnel put their lives on the line and came from right across the state to support country communities. One of the things that has struck me in talking to CFA members is that when they are required to attend fires of this intensity — particularly when there is an extreme situation like the one we had in the north-east — their equipment is often commandeered to go into a pool, which creates a problem for their local areas. I find this a bit of a worry, because when we have these sorts of conditions, with a concern about intense fires right across the state, that commandeering leaves some communities exposed.

I have been on a drive to look at assisting CFA brigades. Not only do CFA members give up and commit their time to fighting fires, training and making sure they are well equipped, they also have to fundraise to purchase their own equipment. They often have to run sausage sizzles to provide their own tankers. I think there is a great need to address that issue. It just does not seem quite equitable or fair to me that this is the case.

At this point I will sum up. Once again I commend the inquiry proposal. I think such an inquiry will be a most worthwhile piece of work — and it needs to be done. We need to address the issue of forest management and look at how we can manage forests in an efficient way, how we can look after our environment and how, in difficult circumstances, we can have a sustainable timber supply for our failing timber industry across the state. This motion is very timely, and I commend it to members.

Mr SCHEFFER (Eastern Victoria) — I rise in support of the motion moved by Peter Hall, requiring the Environment and Natural Resources Committee to examine and report on a range of issues relating to the impact of public land management practices on bushfires in Victoria. The proposed terms of reference stipulate a range of specific matters that the committee should give particular attention to. They concern prescribed burning, firebreaks and containment lines,

the impact of various land uses on the scale and intensity of bushfires and the ways in which local knowledge could be better brought to bear on the management of fire risk. These are all important issues that should be examined and reported on so that everyone involved in reducing the risk of bushfires has the opportunity to improve the way everything to do with bushfires is handled.

The PRESIDENT — Order! Pursuant to sessional orders the time for general business has expired.

General business extended on motion of Mr P. DAVIS (Eastern Victoria) pursuant to sessional orders.

Mr SCHEFFER (Eastern Victoria) — The benchmark against which the committee inquiry will be judged is the inquiry into the 2002–03 Victorian bushfires. In my contribution I want to briefly review the report, because it is an important inquiry that considered all of the matters that Mr Hall has included in the terms of reference as the issues he wishes the committee to look into.

Members will recall that immediately after the 2002–03 bushfires the Premier commissioned Mr Bruce Esplin, the emergency services commissioner; Dr Malcolm Gill, an honorary research fellow who was formerly with the CSIRO; and Professor Neal Enright from the school of anthropology, geography and environmental studies at the University of Melbourne to conduct an inquiry into the fires. The letter of transmission at the beginning of the final report states:

This inquiry is the fifth major inquiry resulting from significant bushfire events in Victoria. We follow the 1939 (Black Friday) and the 1944 Stretton royal commissions, the 1977 (Black Saturday), Esler Barber board of inquiry and the inquiry conducted by the Chief Commissioner of Police and coordinator of the Victorian state disaster plan, S. I. Miller, following the Ash Wednesday fires of 1983.

The authors of the letter point out that in addition to these major inquiries there have been a number of significant reviews, including the May 2003 report of the Victorian Auditor-General, whose recommendation the writers endorsed. But there is no mention of there being an inquiry undertaken by an investigatory committee of the Parliament, so the present call for such an inquiry may well be a new thing. I think it is a good thing, because it will give positive exposure to what I think is the very good work that many agencies are doing to reduce the incidence of unplanned fires. The point here is that Victoria has a long history of fearlessly and self-critically examining bushfires, learning from its experience and improving the way things are done.

The inquiry report cautions that there will of course be people who attempt to use the report and its recommendations to apportion blame and to advance their own agendas. It also says that insofar as the 2002–03 fires were concerned, there was no evidence of major systemic failure and that overwhelmingly people were interested in learning from their practice to improve the way unplanned fires are managed. I am confident that the inquiry to be conducted by the Environment and Natural Resources Committee will have a similar objective and focus on opportunities for improvement. As I have already said, it will give wider public exposure to the ongoing reviews and improvements that have been made by many organisations and the government working in this area.

What clearly emerges from the report of the 2002–03 inquiry is that there has been a definite improvement in the way unplanned fires are managed and that the number of deaths, for example since 1939, has been dramatically reduced. I have previously drawn the attention of the house to the fact that 75 people died in the Ash Wednesday fires 24 years ago and that just 1 person lost his life earlier this year and none, I think, in 2002–03. I am sure the Environment and Natural Resources Committee will use the report of the inquiry into the 2002–03 Victorian bushfires as a benchmark for its work, because the report has much to say and recommend on prescribed burning and fuel management.

The report recognises that tracks are an important tool in managing both prescribed burning and firefighting and, in relation to the impact of traditional public land uses such as grazing, as is provided for in the terms of reference, the report says:

Grazing by cattle ... does not reduce the flammability of associated shrubs — the most fire-prone vegetation — nor appear to prevent the spread of fire above that of ungrazed land.

The report recommends that:

... according to available scientific evidence, a decision regarding cattle grazing in the high country should not be based on the argument that 'grazing prevents blazing'.

This is included in paragraph 8 of the motion, which sets out the terms of reference, so all of that can and will be recontested. As I said, that is a good thing because it will help to make the debate and the science behind the recommendation I have just referred to much more publicly available.

Mrs Coote — President, I direct your attention to the state of the house. I believe a quorum is 14 members and only 9 are present.

Quorum formed.

Mr SCHEFFER — The report also has a good deal to say about the constraints on prescribed burning in forests. It says that the number of days that are suitable for the conduct of prescribed burns is few — an average of about 10 per year. The report says that everything should be done to maximise the days on which prescribed burns can be conducted and notes that at that time — in 2003 — the areas that had been prescribed burned were below the rate that was likely to be satisfactory for either fuel reduction or asset protection — or for that matter for the ecological needs of plant communities.

The report also looks at the problem of how the effectiveness of prescribed burning can be measured and points out that there is no generally agreed methodology. Part of the problem is that the factors involved, such as climatic circumstances, landscapes, technology and social conditions as well as the type and level of the fuel load, are all susceptible to variability. The obvious point is made that there is always the risk of prescribed burns escaping and becoming unplanned fires. The report recommends that the Department of Sustainability and Environment train staff to be better able to collect data and map and compile evidence that will enable the assessment of prescribed burning programs.

In its response to the large number of recommendations on how the effectiveness of prescribed burning can be measured, the government agreed and stated:

A new model for fire risk management which is being prepared for government consideration will address these issues. Additional training requirements will be considered in future budget processes.

I have not had time to inquire where this is up to, but I am sure the Environment and Natural Resources Committee will follow up the progress on each of the recommendations that the government accepted. I think that is a positive thing for the committee to do.

The report and its recommendations have made a critical contribution to improving practice to better manage fires in the Victorian environment. In his response to the report, the Premier also said that we need to improve our prevention and response efforts and that these improvements need to be based on sound research and knowledge sharing. We need to strengthen our capacity to share resources and better coordinate planning, training and response actions. We need to work across all tiers of government, as no single arm of government or agency can on their own effectively combat fires of the magnitude of the past season. Our

significant effort to educate communities and individuals to assist in the protection against bushfires is crucial and needs to remain high on our priorities.

I have taken every opportunity available to me to see for myself the impact of the fires in Gippsland and to involve myself in supporting communities in obtaining every support they need from the government to lighten the considerable load they have had to bear. I have visited the sites of some of the fires in the shire of Wellington where the fires were the most extensive in the Gippsland area. I have seen from the air the huge burn of the vegetation ground cover on the mountain slopes in the Mitchell catchment. The fear that I expressed that heavy rain on the scorched earth in the mountainous terrain would cause flash floods and silt slides happened and badly hit the town of Licola, as we know.

I will be especially interested to see the committee's report in relation to paragraph 11 of the terms of reference and whether we need better ways of taking into account the skills, knowledge and interests of local communities in the management of bushfire risk on public land. I know from my own conversations with people from bushfire-affected communities that there is some feeling that local knowledge and experience is not sufficiently valued by outsiders, consultants and experts from government departments.

It seems to me that some knowledge is of an expert nature and needs high-level training to deploy, whereas other knowledge and expertise is derived from having lived in an area for a long time. Both are important, and ways need to be found to better build trust and reduce suspicion amongst those who hold different kinds of knowledge, and I am sure this is happening.

The Premier has committed the government to continue to look at all options for reviewing this season's fires, as is to be expected because it is now standard protocol that we do this kind work. It has a very long history. After each fire all of the emergency service agencies will undertake reviews of their procedures.

It will be an interesting report from the committee. I support the motion moved by Mr Hall and wish it every success.

Mr KOCH (Western Victoria) — I commend Mr Hall on moving this motion; it is overdue. It is disappointing that a reference to a parliamentary committee is the vehicle that has to be used in relation to an investigation into bushfires. We need to get some outcomes and to get on with trying to lower the intensity of mega-bushfires such as we have had in

recent times. A parliamentary inquiry by the Environment and Natural Resources Committee may well be the vehicle to produce the outcomes that many regional Victorians are looking for.

I have attended many large bushfires, including the 1977 and 1983 fires. I saw the 2003 fires and, with my colleague John Vogels, saw the Grampians inferno in January 2006. I also recently visited with my colleagues areas burnt by the alpine fires at our recent retreat at Merrijig. I do not think there is any doubt that an inquiry of this type should be undertaken.

I was interested to hear Mr Scheffer indicate that he supported the motion. I might say that in my time in Parliament there have been four megafires. On every occasion the government has stonewalled any attempt to put in place an investigatory process which would result in making the sorts of recommendations that many people in regional Victoria have sought for quite some time.

I know Mr Bruce Esplin, the emergency services commissioner, has done much investigation over the past four years when these big, expansive fires have taken place. I am not sure in my own heart whether it is the lack of will or his desire, or whether it is the government brickwalling on recommendations he may have made after investigating these large fires that have caused so much damage not only on our Crown reserves but also on private property over that period.

I personally think it is high time that we had sensible regimes and strategies in place to look after fuel reduction and to stop the intensity of a lot of these fires. We need to get away from this hands-off mentality that is supported by the government, which — for one reason or another but probably one more particularly than any other — is about trying to gain preferences through ballot boxes at election time.

The damage, not only to private property, our native forests and Crown land but also to the flora and fauna, our water catchments and water systems within these huge regions, indicates the importance of trying to get to the bottom of what is going on. We know that over the past 20 years much of that intellectual and experience capacity has been removed from the Department of Sustainability and Environment (DSE), Parks Victoria and others. We only have to hear from fellows of experience on the ground like Bill Middleton and Athol Hodson, who are now retired foresters but who in their own right have done much management of forests across the state and seen the advantages of fuel reductions taking place on an annual basis in order that

some management controls can be put in place so that the intensity of the fires is reduced.

There is little doubt in my mind, when we hear the government telling us of its seriousness in endeavouring to enshrine renewable energy targets in this state to save our atmosphere from carbon emissions exposure, that the pollution in Victoria over the 63 days when the recent alpine fires burnt out of control would have made a greater contribution to our atmosphere in that nine-week period than the Latrobe Valley would have made annually in the generation of power for this marvellous state. It is high time we addressed this position. I am sure the references Mr Hall has included in the motion today to go before the Environment and Natural Resources Committee will certainly make some headway along this passage.

As I mentioned recently, I was with my colleagues at Graeme Stoney's property at Merrijig. Recently Graeme Stoney gave a report on the 2006 alpine fires which will be of some interest to this house. He said:

The 2006–07 alpine fires showed that DSE has learnt nothing from the 2003 alpine fires.

I say this from bitter experience as our farm in the Howqua Valley was in the direct path of one fire and the DSE and CFA failed on every count (except one) to properly handle that fire.

Coupled with our own experience, I have been given verbal accounts of the ineptitude of DSE and the tardiness of senior CFA officials in authorising the CFA volunteers to actually get in and fight many fires.

I make the point, my comments in no way reflect on the volunteers, only the policy and direction which comes from the top.

The DSE has also lost its way in the way it fights fire.

...

There are many stories of volunteers coming from all over the state to the fires waiting for hours or days at staging areas and being sent home without actually ever going to the fire front.

Well, we knew where the DSE resources were. They were diverted to protecting Melbourne's water supply.

...

While the fires were at their peak Bracks and Thwaites were on the radio every day promising to protect Melbourne's catchments.

Not once did I hear any concern for all the other rural town catchments that had been burnt.

...

And let me tell you, the people up my way are very bitter about that.

Graeme Stoney went on relating his personal experience, and he indicated what actually took place at his location:

There are 30 houses in our valley —

that is, the Howqua Valley, which many members will be familiar with, between Merrijig and Mount Buller —

which is open country surrounded by forest. There are only a handful of permanent residents.

The fire had been coming for 16 days, and residents made every preparation possible.

The difficulty was no-one knew where the fire actually was, because of smoke, so in our case our friends and our children took shifts to be ready and to hose down our buildings etc.

As you know, Ted Baillieu —

the opposition leader in the other place —

came up and did a shift, as did several of my former parliamentary colleagues, and this was much appreciated.

I mentioned earlier DSE failed on all counts except one. When it was obvious the fires were going to hit the valley they sent in graders, which Charlie Lovick —

a neighbour of Graeme Stoney's —

and myself supervised. We graded around every asset in the valley and dug helicopter watering points in the river.

Guess what? Along the full length of the Howqua River there was not one designated filling point for a large helicopter.

And you wonder what these fire planners do each winter!

Well, there is a good filling point now, after we dug out the river and chopped down a large tree.

Our fire was in the south, edging north, which was unusual.

I advised DSE at a public meeting that this was the fire that had the potential to threaten us, but even more importantly take out Mount Buller.

I made suggestions where a stand could be made to stop this happening, but instead they started to make containment lines between us and Buller, at Sawmill Settlement —

again ignoring local knowledge. He continued:

When the fire came the weather was bad and it came like a volcano up the valley. It didn't quite reach us before night fell and it settled down, but still coming.

I might add that the only resources the Stoney family and their nearby neighbours had were some local volunteer assistants and small fire units that they use privately on their own properties. He continued:

We watched and waited 'til the time was right, and we lit up 10 kilometres, right across the valley, using the grader lines and the river to manage the fire.

This back-burn stopped the main fire dead, because the next afternoon it would have roared through us and gone to Buller.

What we did broke the fire up, and it took another 10 days to get up speed ...

The next day was pretty quiet and perfectly safe, so two rangers appeared. They had a look around and left.

...

Our private volunteer crews put out a series of spot fires, and I realised because of the weariness of everyone we needed assistance to mop up.

I radioed Buller fire tower requesting assistance, and the message came back that incident control considered it too dangerous for crews to assist.

Can parliamentary colleagues believe that Graeme Stoney and Charlie Lovick, with a small amount of volunteer assistance, actually put a break on a fire when there were hundreds of firemen in the area with the most up-to-date equipment? Yet the officials from the CFA, DSE and Parks Victoria were reluctant to ask their crews to help the people in this valley that had been slaughtered by wildfire mop up when the main fire front had gone beyond them. Graeme went on to say:

This ridiculous situation went on for a couple of days and the road was not burnt and perfectly safe.

Suddenly a DSE wildlife officer and two volunteers arrived in the valley. I said, 'What are you doing?' They said, 'We are here to assist the wildlife'.

Graeme was concerned:

I said, 'What about the assistance to people and assets?'.

...

This farce went on for days, including us saving the national parks depot which they had abandoned.

The DSE had not even been prepared to look after its own assets. These two fellas with great track records in the bush — they know that country, know where the wind comes from and where it goes — undertook to protect the department and government agency assets while those organisations believed the fires were far too fierce and unsafe for their personnel to go in and look after the assets. Is it any wonder we lost Craig's Hut when those organisations were not even prepared to go and look after their own assets, let alone the other long-established assets in our mountain ranges? Graeme continued:

Then we had 4 inches of rain and the Howqua came down in flood.

It was black with foam, then turned to mud.

All that is now in Lake Eildon, and the Howqua is a very sick heritage river.

I could go on for an hour about things like the loss of Craig's Hut, which could have been easily saved.

In closing, I want to make the point that DSE and CFA fire management must change.

At the moment both organisations are fanatical about safety to the point they are not actually directly fighting most fires.

The bottom line is that there has been poor forest management for many years.

DSE has lost its expertise and courage to carry out large-scale fuel reduction burning.

...

Now, DSE have huge resources and can't even achieve their modest fuel-reduction targets.

The quality of forest management is linked directly to the quality of our water.

The government and its authorities have failed to protect our forests, and in turn they have failed to protect our water.

They should be taken to task at a totally independent inquiry.

I can only say that the motion before the Chair today heartens me, because it means there may be some recourse in relation to what has so recently taken place in the alpine ranges. Let me leave the house in no doubt that, unlike the Premier and the Minister for Water, Environment and Climate Change in another place, there will never be a doubt about Graeme Stoney's integrity. He was born and bred in this country. He knows it inside out, but when he was only too glad to give some advice, the experts in the firefighting market went straight past the likes of him and Charlie Lovick and their close neighbours who did so much.

A fire took place closer to me last year at Halls Gap in the Grampians, an hour's drive east of Hamilton. There is little doubt that that fire could have been managed a whole lot better. Again no formal fire reduction works of any significance had taken place for quite some time prior to the fire. A small amount of reduction had taken place but certainly nowhere near the degree of fire protection required given the fuel build-up on the ground in the magnificent Grampians National Park. The national park is an icon of Victorian tourism. It is my belief that it has the second-highest tourism visitation numbers after the Great Ocean Road. I am sure many members know the importance of Halls Gap, not only to tourism but also to those who live and work in and enjoy that part of Victoria on a daily basis.

The fires raged through Halls Gap on a northerly wind. Late in the afternoon there was a wind change from the

south-west which took the fire out of Crown land and onto freehold property at Pomonal and Moyston. It travelled down towards Willaura and burnt many properties. It left a black scar; it was like a moonscape. It took livestock, fencing and any capital infrastructure on the properties. That we did not have more loss of life astounds me. I can assure members that it was a fantastic effort on the part of the volunteers once the fire came out of the Crown land and the national park. They got on top of the fire and were able to edge it towards fire prevention works that had been done on road reserves prior to the fire and towards areas where summer crops had been sown — they took the fire across to these green patches of ground. In many cases that saved some infrastructure.

After the fires John Vogels and I attended many community public meetings where many people vented their concern and anger about what had taken place over the previous three or four days. Beyond that David Davis and I attended a meeting called by the Grampians asset protection (GAP) group. This group of ladies and gentlemen who were severely affected by this fire once it came out of the Crown reserve and onto private property were very wild — I think many of them still are — at the lack of work done in the Grampians and the lack of opportunity to drop the intensity of the fire that roared out of the mountains. I was not there, but from what has been recounted to me it was like a holocaust as it tore across private property taking everything in front of it.

The people from GAP were critical of the way our parks have been managed, particularly in relation to three areas. The first area was that there was no fuel reduction. The second area was the lack of access to water for large aerial task force units. I speak here of the likes of Elvis, the Erickson Airplane, which if water is located nearby can swoop in, take 9000-litre loads to the fire and be back at the water point in 5 minutes. In the case of the Grampians fire the water was principally taken from farmland, and after four or five years of low rainfall and drought conditions there was limited water available. In many cases Elvis went in and removed the water to assist in fighting the fire, but to this day lots of the people involved have not received any water back in their dams.

The third thing that concerned these people was the lack of maintenance and the shutting down of many tracks, which took away opportunities for firefighters to access areas in order, firstly, to get in and assist with managing the fire, and secondly, to assist those who live in that environment to get out. Members would be aware that we lost two members of our community. They left Ararat to go and assist family members, were

caught in smoke, ran off the road and unfortunately lost their lives.

Other members may have received correspondence from the Grampians asset protection group in the full knowledge that this motion would be before the house today. The correspondence I received this morning from the group indicates where they see some consideration should be given. I will quote from correspondence from Peter Flinn, the honorary secretary of the group. According to his media release he has mixed feelings about a parliamentary inquiry. It states:

‘Certainly there are still many unanswered questions from January 2006 about the Mount Lubra fire’, he said. ‘However, in our view the inquiry set up after the 2003 alpine fires was a whitewash.

I could not agree with him more. The press release continues:

The last thing we need is another one of those — it would just be a waste of taxpayers money’.

...

Mr Flinn said there was certainly a need to involve local residents a lot more in the management of public land, especially on fire issues.

Again, in relation to the Grampians, local knowledge was walked over the top of, and in many cases that was to the detriment of those who had to defend their own country at the end of the day. The press release further states:

... Mr Flinn said the disquiet over management of fire risk on public land reached much further than the Grampians. He said he had recently been contacted by people in other parts of the state concerned about the same issues, including a group similar to GAP in East Gippsland.

‘Their concerns are exactly the same as ours,’ he said.

...

‘None of us want to go through another summer like this one, on edge the whole time, and especially during thunderstorms, with the enormous fuel loads right beside us ...

‘If we had to choose between a lengthy parliamentary inquiry and an immediate start to a comprehensive fuel reduction program, I know what we would choose ...

‘We know what needs to be done. Let’s get on with it!’.

These comments reflect the concerns raised with David Davis and me when we met with GAP on property adjoining the Grampians. It was expressed to us very clearly at that stage that this group had implored the Department of Sustainability and Environment and Parks Victoria to get on with the strategic fuel reduction

burning which was in place. I made members statements and raised adjournment matters in relation to this issue on GAP’s behalf in the Parliament last spring, when only a very small proportion of anything was undertaken. Most of that work was undertaken north of the township of Dunkeld in the knowledge that if the southern half of the Grampians got a lightning strike in the summer of 2006, Dunkeld would be very vulnerable. It probably would have been taken off the map, and Glenthompson and Willaura could possibly have gone too. This community was very concerned that this might happen, but it could not get any acceptance from government agencies to go down this track. Too much was getting in the road — the weather conditions were not right, there might be safety issues, there could be litigation if it got out of control. The risk management of fuel reduction on Crown land specifically has got out of hand.

There must be an acceptance — I know those on freehold title do accept it — that occasionally some fuel reduction burns get out of control. It is something that people in regional Victoria handle every day of their working lives, and they are very concerned. Practically none of that work was done last year. They are looking for a very big effort this year in the southern half of the Grampians, but more than that they desperately want to see the tracks opened up and some watering points put on Crown land to service the aerial task force when it is required. I can assure members that those people will do everything in their power. They will share with departmental people their experience and knowledge to get the best outcome they can, especially for those who reside alongside the national park but more importantly for the national park and its habitat.

I have a major concern that unfortunately our government is now being recognised as an environmental vandal. I do not find that easy to say. It worries me greatly to even put that on the table. That is the state we have got to. Now we are hearing commentators saying on the radio that we must be in a position to accommodate megafires. That haunts me. One day in September last year 273 fires were reported and over three days in October 600 fires were reported. That gives some indication of the fire incidents our professional services and our volunteer services, particularly the Country Fire Authority, have to contend with. It is high time the government recognised the needs, made the resources available and got on with the job of taking the intensity out of the fires. On those grounds I congratulate Mr Hall for bringing forward this motion. I wish it every success and ask for the total support of the house.

Ms BROAD (Northern Victoria) — I wish to support the reference to the Environment and Natural Resources Committee to inquire into and report upon the impact of public land management practices on the frequency, scale and intensity of bushfires in Victoria. I also wish to welcome the references Mr Hall made to the discussion process leading to the finalisation of these proposed terms of reference as a process to be encouraged in relation to proposals put before this house.

No-one who has been exposed to bushfires or their aftermath could fail to appreciate the need to continually search for ways to better manage bushfires and the causes of bushfires. As a member of a number of bushfire task forces appointed by the government, I certainly very much appreciate the devastating impact on families, communities and local economies as well as on our environment and wildlife. Although the focus of those bushfire task forces has been to assist in the recovery process, it is not possible to participate and not be exposed to the full range of views about the causes of bushfires. A very important part of the recovery process is for people to be able to tell their stories in their own words, as paid workers, volunteers and families living through the experience of bushfires. Part of telling those stories is expressing views about how to best deal with the challenge that all Victorians face to manage our environment in a way that reduces the risk of bushfire to the environment, to property, to livestock and, most importantly, to workers and families.

On a more personal note, it is a very salutary experience indeed to be in a position, as I was earlier this year, of looking out for the children of friends while they were off defending property during the bushfires and not knowing and not having any way of knowing whether they were going to return intact or not. It is not something anyone wants to go through.

Climate change means that the bushfire challenge can only grow, hence the need to review our management practices and better educate ourselves and our community about the challenges we face. Even with better knowledge, technology and science, it will require all our best endeavours to address the very significant challenges ahead of us. For our part, the Bracks government is committed to examining all the options and listening to all the views and advice about how best to meet these challenges.

For those reasons I support this reference to the Environment and Natural Resources Committee. It can only assist, along with the processes the government puts in place after every major bushfire in Victoria. It can only add to the actions which have already been

taken to improve management practices and cooperation between the agencies and all the volunteers as well as the paid workers in government departments, local government and businesses, who provide very significant support in dealing with the threat of bushfires. I support the reference and the motion.

Ms LOVELL (Northern Victoria) — It is a great pleasure to rise and speak on this motion. I congratulate the mover of the motion, Peter Hall, on bringing this motion before the house and also on his efforts in including all parties in the discussions that led to the development of the motion and to all parties supporting the motion. The motion before the house calls on the Environment and Natural Resources Committee to inquire into the impact of public land management practices on the frequency, scale and intensity of bushfires in Victoria.

At the outset I thank the about 14 5000 volunteers who fought the bushfires in the north-east and Gippsland over this summer. I also put on the record my thanks to the New Zealand firefighters. I was in Benalla on the day those guys arrived, and, believe me, the fresh troops coming in were a sight for sore eyes. I was very disappointed to hear that a couple of them were rather seriously injured while they were assisting us to fight the fires.

I think I have mentioned before in this house that I often refer to my election to Parliament as a baptism of fire. That was because within only a few short weeks of my election in 2002 the north-east was ablaze with the 2003 bushfires, which were the worst since 1939. It was quite ironic that shortly after the election in 2006 the north-east was once again ablaze with very serious wildfires. The year 2003 was a real learning curve for me. I had never really encountered communities going through the level of crisis that our communities were going through during those bushfires. I put on the record my thanks to Tony Plowman, a former member for Benambra in the other place, and Graeme Stoney, a member for the former Central Highlands Province, who took me under their wings and showed me the ropes. I visited many of the bushfire-affected communities with the two of them and got to know people in those communities and got to know what I could do to assist and support them.

In 2003 when we went up to Mitta Mitta one of the firemen took us right up into the fire area and showed us a spot where the blackberries had been 30 feet deep. When the fire was just coming over the ridge they thought it would take about 2.5 hours for it to burn through to their containment lines, but because of the amount of undergrowth and light fuel present it only

took about 20 to 30 minutes. He was able to explain to us and show us firsthand what the undergrowth and light fuel had done to intensify not only the heat in that fire but also the ferocity with which it burnt and how quickly it spread.

I am very much in favour of fuel-reduction burning, and we need to listen to the concerns of local communities. We need to use the local knowledge that exists in these areas, because the locals know exactly what to do. As Mr Koch explained when he read extensively from a document from Graeme Stoney, that fire was a perfect example of how we should use local knowledge. The Stoneys and the Lovicks not only saved the Howqua Valley, they also saved Mount Buller. When we were up at Graeme Stoney's property, Graeme took us on a walk and showed us exactly what they did — how they waited and waited and just at the right time did a small amount of back-burning that would stop the fire dead in its tracks. It was very interesting to see that firsthand and to learn from people with such experience as Graeme Stoney and Charlie Lovick — two men I admire very much.

As we know, wildfire destroys biodiversity. It destroys all the undergrowth and causes soil erosion. It has caused an enormous amount of damage to our water catchments in north-eastern Victoria, with ash, soot and sludge running down into our rivers and poisoning our water supplies. We have some very sick rivers. The heritage Howqua River is an extremely sick river right at this moment, and we look forward to the recovery of that river, but it will take many years to fully recover from the damage that has been caused by the bushfires in the north-east this summer.

Many of our communities in the north-east now have to truck in drinking water because their water supplies have been poisoned by the ash, soot and sludge that has emptied into them. We certainly could not afford that to happen to our larger water supplies. The Thomson Dam was protected quite extensively because of possible damage to Melbourne's water supply, but even the likes of Lake Eildon, which supplies many of the towns on the Goulburn-Murray system with their drinking water, were also at risk of having extensive damage done to their water supply.

Much of our wildlife was badly burnt and has had to be destroyed. It is always very upsetting to see animals in distress, but not only have the animals themselves suffered through being burnt but the habitat of those that managed to escape the fires was burnt out, and they are at further risk without the habitat and food essential for their survival.

I pay tribute to our local councils in the north-east, who ran all the municipal emergency control centres (MECCs). They did a tremendous job in coordinating all the various authorities involved in the firefighting efforts. It was quite amazing to see the MECCs when they were in full flight and operational. They set up within a few days and managed the emergency control for each community. One of the things mentioned to me by a representative of one of the local councils is that to bring those resources in and to have those resources on hand takes a great deal of effort, and it was suggested to me that perhaps the state government could establish mobile MECC units — perhaps one in each region — which could be brought in and which would have all the telecommunications, whiteboards and everything else they need to enable them to get going. Of course there would not have been enough of them located in the north-east for our needs, or in Gippsland, but we could have called on mobile units from other areas of the state that were not under threat from fire. That is a very good suggestion.

Many of our communities were under threat for six weeks or more, and believe me, it was quite frightening. Even the valleys were smoke filled, and although you were not under immediate threat from fire in areas such as the Goulburn Valley and around Shepparton, there was a lot of smoke hanging around for many weeks, which was distressing to those communities even though they were not at risk from fire. I drove over to Benalla one night for a meeting, and I literally could not see my hand in front of my face — it was totally white and like being in the worst fog you could ever imagine.

Our communities have gained strength from what they have been through, and now they need support from government to get through the recovery stage. Our tourism and small business operators in particular need to be supported. They had a poor winter last year and now they have had virtually no summer season all this year. We need to see some sort of support for them. The government has said it will have a marketing campaign to bring tourists back to the north-east and to Gippsland, but what the tourism operators have said to me is that there is no point in bringing the tourists back if there are no operators there, if they cannot survive. What the tourism industry is asking for is not a handout, but some sort of low interest loan or other such help to get them through what has been a very difficult period.

We also need commitment to rebuilding some of our attractions. We have had a commitment to the rebuilding of Craig's Hut, which is wonderful, but we also lost other assets such as Cresta Lodge on Mount

Buffalo and also Bluff Hut and Weston's Hut, which are real cattlemen's huts, unlike Craig's Hut, which was built as a movie set for the *Man from Snowy River*. The Bluff Hut and Weston's Hut were real heritage mountain cattlemen's huts, and we would like to see some commitment from government towards them being rebuilt.

In closing I hope the Environment and Natural Resources Committee will produce a thorough and transparent report on bushfires that will lead to better land management practices in Victoria and help to reduce the incidence of wildfire in this state.

Mr VOGELS (Western Victoria) — I too rise to support the motion before the house — that is, that the Environment and Natural Resources Committee hold an inquiry and report on the frequency, scale and intensity of bushfires in Victoria. I commend all sides of the house for working cooperatively to get this motion up today. From our side I can say this: I do not intend this to be a witch-hunt — I do not think anybody does. We need to get some real answers about what is causing and has caused so many fires. If members look at the notice paper, they will see under item 20 there is a similar motion standing in my name, so I am really pleased that this motion will get up.

Fire has been present in south-east Australia for millions of years and has no doubt played a significant role in the shaping of our landscape. You do not need to be Einstein to work out that wildfires would have been part of every summer's ritual over this period. Lightning strikes would have lit up fires during thunderstorms just as they do now. The website of the Department of Sustainability and Environment (DSE) reports that on average lightning strikes start 149 fires a year, while 140 fires are deliberately lit. We cannot do much about lightning strikes, but I think we should be able to tackle deliberately lit fires, if we are able to catch the people who do it. The 149 fires started by lightning burn out about 53 000 hectares a year — mainly native forests, Crown land and state national parks. Because of the way we now manage fires it is very difficult to get into the seat of the fires, especially if they start in forests or Crown land.

According to the DSE website the first significant fires since European settlement in Victoria happened in about 1851 on a day known as Black Thursday. It was about 60 years after the first European settlers arrived in Sydney. The fires covered a quarter of what is now Victoria, burning 5 million hectares and killing 12 people, 1 million sheep and thousands of cattle. Roughly 50 years later, in 1898, we had Red Tuesday, with 12 lives lost. About 40 years later, in 1939, we had

Black Friday, which burnt up to 2 million hectares including more than 650 buildings. Over our first 100-odd years or so really bad fires seem to have occurred every 40 or 50 years.

Since then there has been enormous change. This is one of the reasons I said what I said when I started my contribution. In the past fires would have burnt regularly every summer in south-east Australia, and the fuel load would have been very low. Fires would probably not have burnt much higher than a kitchen table. They would have gone through, but there would have been very little undergrowth because these fires recurred regularly as they were not put out. The native flora and fauna would have had a chance. They were not the red-hot fires we get today. In other words, we have gone backwards.

The worst fires I have experienced were the 1983 Ash Wednesday fires, which burnt a hell of an area of the state, including all around the Western District, where I come from. I got very involved in those fires and spent six weeks afterwards as an Apexian, working with other members of the Apex club to clean up some of the houses that had been burnt to the fencing, helping to get rid of sheep and cattle that had been badly burnt et cetera. It is devastating to see an area that has been hit by such a disaster.

What happens today? We have helicopters, water bombers, bulldozers, graders, firefighting trucks of all sizes, fire retardants, communication equipment so that everyone can be in contact and 60 000-odd trained firefighters, most of them volunteers. But on a regular basis — every two or three years if not yearly — we have fires that we do not seem to be able to control. We need to get to the bottom of why this is happening.

This motion calls for 13 actions. The first is to inquire into:

the extent, timing, resourcing and effectiveness of prescribed burning ...

I believe the Bracks government has failed on prescribed burning. Its fuel-reduction targets of yearly burn-offs have never been met. We have heard that it was too hot or too dry to burn, but I would have thought — and hopefully the inquiry will find out about this — that instead of having prescribed burning in the autumn, you would have it in the wintertime, or maybe spring. There must be times of the year that you can do prescribed burning without it getting out of control, so you are actually doing something.

We all know we have had about 10 years of very dry weather. No doubt that has led to forests and bush being

tinder dry most of the year around. But as I said before, there are times of year when you can burn.

I read a report in the *Weekly Times* of 14 June last year that quoted Ewan Waller. I quote from the article:

... Mr Waller said DSE was conducting an internal investigation into how prescribed burning was being done in Victoria.

'We are looking at how we can get more efficiencies into the program', he said.

The ACTING PRESIDENT (Mr Elasmarr) — Order! Pursuant to sessional orders the time for general business has expired.

General business extended on motion of Mrs COOTE (Southern Metropolitan) pursuant to sessional orders.

Mr VOGELS (Western Victoria) — I resume my quotation:

He said more prescribed burns in spring, bigger prescribed burns, working more closely with local communities and changing prescriptions, particularly late in the burning season, were among the issues being investigated.

However, it seems to me that very little has actually been done.

As David Koch mentioned, we also received a report from the Grampians asset protection group, which is basically made up of 15 or 16 fire brigades situated around the Grampians. They wrote to all members of Parliament before this summer. They are the local people and volunteers on the ground concerned about the summer coming up with the Grampians being the way they were. They said:

We assert that despite many efforts to lobby park management over the last 30 years, fuel-reduction burning has been at best spasmodic and patchy and at worst (in many areas) non-existent. The state of fire access tracks and the lack of accessible, reliable water supplies in the park are also of deep concern.

I could read lots of quotes but most members have covered this issue. These people are on the ground; they live in and know the Grampians very well. We should be listening more closely to them. Hopefully, when the Environment and Natural Resources Committee is out and about these are the sorts of people it will be listening to, as well as the Department of Sustainability and Environment. The committee needs to listen to the local people on the ground who know their areas very well.

Most of us are probably singing from the same hymn sheet. I live in country Victoria. Every summer I live in

fear of a bushfire coming across and wiping out farming properties or bush. It is a real concern. If you live next to Crown land or state or national park forest, you really do live in fear because you know that at some stage there will be fire coming out of those areas. As I said before, we seem to have decided the best bet for fires that are started in Crown land or national park is to just let them burn until they come out onto private property, and then we will fight them. I do not blame the Country Fire Authority (CFA) volunteers and firefighters for not going into Crown land or national parks anymore because most of the access tracks have been locked up. They do not know what is down there. You could start heading down one of those tracks, find a tree had fallen across it and get trapped in there. Basically the average CFA volunteer says it is too dangerous, and they will not go in there.

Paragraph 6 of the motion is also very important. Strategically placed containment lines using the expertise and skills of local knowledge should be an essential tool of firefighting. Local knowledge usually can tell where a fire is going to come out because of the topography and wind directions et cetera. I know in the Grampians fire a couple of years ago local people were saying the fire would come out of the Grampians through the Victoria gap. They were not listened to but that is exactly where it came out.

We have also managed to chase out those people who maintain access tracks in our state forests and national parks. The timber harvesters, the four-by-four users, campers and prospectors have basically all been banned. These people had some knowledge about the local area if there was a fire. It seems to me we now have a philosophy, as I said before, of lock them up, let them burn and see what happens.

It always worries me that after each fire episode we get the same conflicting reports; there is one from the professionals and one from the local CFA volunteers. Their two stories are completely diverse and opposite. The CFA professionals, the Department of Sustainability and Environment, Department of Primary Industries and Parks Victoria tell you one story, and the people on the ground tell you a completely different story. We need to understand why this is so. Are there cover-ups or not? We do not really know because, as David Koch mentioned before, this is the second or third time we have tried to get a motion up in this house to investigate why there has been so much damage done by fires in the summer period, but we have not had the numbers before to get anywhere. I am pleased to see we have all agreed that this time it is important.

If you had flown in a helicopter over the Grampians after the fires two years ago, you would have seen where the fires had been the year or two before, or where there had been back-burning done. The fires were nowhere near as intense. Two or three months after the fires had gone through you would barely know the fires had gone through. But where there was a lot of fuel load on the ground, the fire was so intense and hot that it will take years, perhaps never, for some of those areas to recover. The Liberal Party fully supports the motion before the house. I wish it a very speedy passage.

Mr VINEY (Eastern Victoria) — I wish to make some brief remarks on the motion and indicate my support for it. I am of course a member of the Environment and Natural Resources Committee and so I will contain my remarks because I will have ample opportunity, I am sure, over the next few months to hear all of the evidence and consider in detail the issues that fires in Victoria confront us with.

I want to take the opportunity to indicate to the house my appreciation for the incredible work that has been done by all the volunteers and professionals associated with fighting fires in the recent fire season, particularly those in my electorate in the Eastern Victoria Region. My region was very severely affected by the fires, particularly across vast tracts of public land but unfortunately some private land as well. Through their great efforts the damage to persons and property was substantially contained compared with what might have occurred, particularly in light of what has occurred on previous occasions. They demonstrated great bravery and commitment to the community through all of their hard work. This applies not only to the volunteers but also to the professionals, who very often put in considerable work and endanger their lives over and above what many of us would expect to have to contribute in our day-to-day lives.

It is a long time since I have been up close to a fire. As members would know, I have a family farm at Tonimbuk, which is surrounded by the Bunyip State Park. Touch wood there have been no fires in the area around our property for a considerable period of time. I remember that when I was 16 a quite serious bushfire burnt through the forest surrounding our farm and burnt all our front fences. As a 16-year-old, it was an awesome experience to see the power of a fire up close — to see eucalypt trees literally exploding before your eyes and all of the ash and embers that were flying around, not to mention the frightening experience of thick smoke. I have not been up close to a fire since then because fortunately there has not been a fire in the Bunyip State Park — or what was then the state

forest — in the years since. There have been fires in other areas of the Bunyip State Park but not near our farm since I was 16 years of age.

Being so clearly able to recall the bushfire I experienced increases the gratitude I feel to people who fight fires. The power of a fire and the fear it causes is overwhelming and awesome. Over the recent summer months — I have mentioned this in the house before — it has been quite an experience living in Gippsland and waking up each morning to the smell of smoke. It certainly heightens one's sensitivity to the seriousness of fire and how significantly it can affect our community. As a member of the Environment and Natural Resources Committee, I am genuinely looking forward to hearing from all of the people who wish to give evidence and make submissions to the committee, and I undertake to do everything I can to ensure that the committee is able to consider those submissions in a way that will provide for improved safety for the community and for property into the future.

We can always learn from our experiences, and it is undoubtedly the intention of this motion that we learn from recent experience. I hope the opportunity that is being presented to the committee by this motion is grasped with genuineness and openness. I have listened to the debate today, and it has been very positive; albeit that some people indicated strong views about what may or may not need to be done in the future. As a member of the Environment and Natural Resources Committee, I for one wish to take to the inquiry a very open mind. I am prepared to hear from people who have been up close and personal with the fires. I want to hear from the professionals and from the volunteers so that we can present a report that is constructive and will provide a long-term benefit to the Victorian community. I welcome the motion.

Mrs PEULICH (South Eastern Metropolitan) — I felt that it was important for a city slicker like me, although I was born on a farm, to also say a few words. Whilst it certainly did not affect us directly in terms of threatening our lives, the impact of the devastation we saw as a result of 900 fires ripping through Victoria last season will certainly be far reaching. The closest the fires got to people like me was the bushfire in the Dandenong Ranges, east of Melbourne, where more than 75 firefighters battled a 5-hectare blaze near Sassafras. But as Mr Viney mentioned, we city slickers certainly did smell the smoke and saw the haze across the skyline.

We were all moved by the stories and images of firefighters and victims on our television screens and other media on a daily basis. Without doubt, each and

every one of us felt for those who were fighting the fires as well as those who were victims of the fires. With the loss of over 1 million hectares we certainly saw the devastating impact of bushfires on rural communities and townships. We saw the tragic loss of property, livestock, fencing, sheds and hay supplies — not to mention the loss of life. Vineyards, accommodation venues and other businesses were affected, and that in turn affects the jobs that go with those businesses.

As the fires spread, countless wild animals, plants and insect colonies were also destroyed, and anyone with a passion for the environment will, I hope, also endorse this fairly wide-ranging inquiry from this perspective. I commend all of those who have come together to ensure that this inquiry will take place, because we cannot turn a blind eye to the devastation that took place. Ground cover has been killed off as a result of fires, and at the recent retreat attended by Liberal Party members we saw firsthand, despite some regeneration, the blackness and the devastation caused by the fires. Seed gets washed away and much of the forest is replaced by grassland. Some of the first vegetation to return after fires are blackberry bushes or vines, which of course fuel future fires.

Without exception all the articles I have read by people who have a passionate interest and a stake in making sure we better manage our forests and other land to more effectively fight these fires say that we must look at how we can diminish the potential impact of the fires which will invariably occur. In times of drought the potential for lightning strikes to cause devastation increases.

Because of my interest in small business I was very disappointed by the briefing arranged by Mr Davis with the department of the Minister for Small Business, who is sitting across the table from me. We asked what impact there had been on small business as a result of the fires. The disappointing answer was that there was none that the department was aware of. That answer certainly floored me.

Hon. T. C. Theophanous interjected.

Mrs PEULICH — No. It certainly floored me, because even though I do not live in the country I am well aware of the many tourism operators in the north-east of Victoria as well as in Gippsland whose businesses have been derailed — —

Hon. T. C. Theophanous interjected.

Mrs PEULICH — No, it was an accurate one, because I questioned them on a couple of occasions. On

top of the high petrol prices and the worst drought on record, obviously regional tourism in particular has copped quite a battering. In the interests of small business I would like to see those businesses assisted, and if this inquiry can prevent such devastation in the future, then I think it is a good thing. It means we have not abrogated our responsibilities as policy-makers.

The other impact which is of enormous interest to Melburnians and all Victorians is the huge risk to the security of Melbourne's water supply. The fires reached the Thomson River catchment, and what happened could have devastated our water supply and contaminated it with ash and silt. The effect would have been a deterioration in our water quality to make it like drinking water from an ashtray. In effect the regrowth would have reduced flows by 30 to 50 per cent and such a disaster in the middle of a drought could obviously see households restricted to a trickle.

Without extending my contribution to the debate, I would like to commend all the parties that have come together. I think Victorians must be allowed to have an informed debate, in particular about forest management, so that the things we take for granted are better protected by the more effective management of our resources and much more effective fighting of bushfires. I commend this initiative to the house. In particular I expect that issues such as fuel reduction burning, the failure of the Department of Sustainability and Environment to provide fuel reduction programs and improved management of public land will all be closely scrutinised. Forest management needs a dramatic rethink in Victoria. With those few words I commend this investigation to the house.

Mr P. DAVIS (Eastern Victoria) — I do not believe anything gets the heart pumping or the adrenalin surging through the body quite as vigorously as being caught in the middle of a fire of any sort. I suspect it is one of those primeval responses that human beings display. Inherently, we are incredibly threatened by fire but highly charged or sensitised when it occurs. What is amazing to me is the capacity of people to organise themselves so as to immediately avoid the risk of mortality, and in more recent times the measured approach to protecting their homes by not being overwhelmed by the desire to flee, which has been the instinctive response to many bushfires in the past. People have been informed and encouraged to prepare for fire, to stay and protect their homes and to deal with ember attack after the fire front has passed, and as a consequence they have saved their properties.

Having said that, we have had an incredible series of what I can only describe as natural disasters that are

clearly the product of human neglect or, should I say, mismanagement over recent years. Other members have already spoken about particular fires, including the 2003 alpine fires that covered 1.3 million hectares of Victoria's high country and burnt over 59 days. There were the Grampians fires, which burnt 130 000 hectares in 2006, and of course the Great Divide fires north and south, which have burnt over 1 million hectares in recent times. The fires that ravaged the high country burnt for 69 days.

I am grateful to the officers of the Country Fire Authority and the Department of Sustainability and Environment and in particular the CFA volunteers who undertook fire control works. I acknowledge that the government afforded briefings as required by members of the opposition from time to time so they could be informed. I particularly want to acknowledge those responsible for the Gippsland end of the fires, in particular the Great Divide south control centre at Traralgon, where I had regular briefings from the CFA and DSE to keep me informed about the progress of the fires at large and any threats.

I have some personal experience with the recent fires. Having finally dealt with the election campaign, I delivered on a longstanding commitment to my family which had been about one year in the making to have a weekend at Lakes Entrance on about 8 December with my two children and my wife. We managed to get to Lakes Entrance in the smoke. Lakes Entrance was covered in smoke, but that did not really disturb us; we were happy to be away together because we had not seen much of each other as a family. But within 24 hours it became apparent that the fires were threatening to cut the Princes Highway between Stratford and Bairnsdale, and consequently it was necessary for us to return to our home. Also at that time, given that we live on the edge of Sale, there was a reasonable risk we would have to get out our mops and buckets.

There is an incredible sense of community spirit when fires are approaching, and, I hope, the building of relationships as people's need to make preparations and defend their property remains at the forefront of further fire planning. But what is of concern to me is the fact that we have allowed, and the community has allowed — in this debate I am not going to point fingers at this government or previous governments, but I say that collectively we have allowed — a serious failure to manage our public land over a long period of time. In fact the prescriptions and the processes and the activities of the departments responsible for that management have, in my view, declined in terms of the

practical understanding of what is required in public land management.

We have had debates here on previous occasions when we have talked about the history of the state and about all the mariners who in the early years of the colonisation of Australia were able to report the number of sightings of smoke plumes from fires which were either naturally lit by lightning strikes or were part of the firestick farming concept that evolved with the development of Aboriginal culture and management. Unfortunately, for reasons that are beyond me, today we seem to be so concerned about putting out any fire that starts naturally we have allowed an incredible build-up of fuel in our native land to the extent that over three summers we have managed to burn in the order of half of all the public land in this state. That is a tragedy for a number of reasons, some of which have been mentioned. They include the loss of wildlife and the impact on the natural environment.

I say this not in terms of fire being a bad thing; in fact it is a good thing — it is part of the natural regeneration cycle. However, importantly some of these fires burnt so hot in some areas that nature will in a sense struggle to recover because of the heat generated by the fuel loads. Those loads should not have been there, and they were allowed to build up precisely because of the mismanagement by government over a long period of time. In saying 'government' I point out that the people who sit in this chamber and who are ministers from time to time are not the people who have expertise; they rely on the independent advice they receive from the various departments to do their duty, and it is quite clear that political decisions have consistently overridden good advice.

People have been concerned about the protests about smoke. We have seen smoke. We have just had 60-odd days of smoke to a greater or lesser extent, depending on where you live.

The tragedy is not restricted just to the fact that we have had a fire, that there has been a lot of damage and that recovery in some cases will take decades; it is also the impact of the denuding of the countryside and the erosion that has caused. I will give just one small example. Last week when Parliament was not sitting I had the opportunity to travel to a number of areas in East Gippsland. In particular I was up in the Tambo Valley, where I saw that a ribbon of bitumen is a pretty good defence against a slowly burning fire. In large part it was a line which helped stop the fire moving further east — that is, the Omeo Highway was a barrier to some extent, and there was a lot of fire work done on that road.

When I was at Licola, to be honest I could not believe what I saw. I was there on a Friday nearly two weeks, I think, after the rains that came through on 23 February. Those rains followed the fires which struck the area as part of the Great Divide fire disaster, but the fires themselves were not as big a disaster as what followed. I have never seen anything like it. A mudslide which was in old language several feet thick — I am not kidding — had flowed through the town. The first thing I did when I arrived in Licola was to get out of the car and walk into a house which was missing its front door. I just wanted to be sure there was not something wrong with my eyes, because there was 3 feet of mud on the floor of the first room I walked into. The people who lived in that house had naturally been evacuated.

That a mudslide could go through the little village of Licola in that way is unimaginable. In discussion with the owners of the general store, Ray and Mary Winter, I learnt that they were in the living area of their store when the mudslide came through. The mud rose and rose, and they were leaning against the door to try to stop it coming in but to no avail. It is just hard to believe. Eventually they realised that if they did not open the door the mud would come in through the windows, so they had to open the door to let it flow into the house. Ray opened one door and Mary ran to the other side of the house and opened another door to let it flow out.

The consequence was that it took with it store stock — the various types of merchandise they had — and it flowed into and through the coolroom. I could not in a verbal description do justice to what I saw last Friday. This is a direct result of what is effectively sheet erosion — soil moving with rain because there is nothing to bind it. I cannot imagine another circumstance arising where this would occur. It has arisen simply because the fire was so hot that it completely obliterated any natural vegetation that bound the soil together, so —

Mr Vogels — Roots and all.

Mr P. DAVIS — Roots and all. The fire burnt a foot into the ground, and there was nothing to hold the soil together. The first reasonable rain caused this landslip.

Interestingly members of this place — continuing members, at least — will know the name Ralph Barraclough. I think we have all had many emails from Ralph. In my case I suggest I have had thousands of faxes, letters and other communications from him. I have to be honest and say — when Ralph reads *Hansard* he will be amused by this — that Ralph and I have not always agreed. But, Ralph, I apologise. You

were right. We were always heading towards a disaster. Ralph Barraclough actually lives above Licola, up a nice little creek in a little valley which is very hard to get to, and he was the first recipient of this natural landslide. In fact when I went up to visit his house last Friday I found large parts of his property's contents deposited variously all the way down the creek to Licola — and in fact below Licola. To cut a long story short, some of the people in Licola were concerned they were going to be completely flooded, because the debris was accumulating at the bridge and building another dam wall. If that had continued, there would have been real devastation.

I wanted to mention Licola in particular because it represents an example of the consequences of our collective neglect. I hope that this motion that will be adopted by the house today moves the community to have a serious look at the way we manage our public land. I say that with all earnestness, because the level of competence with which we have managed public land in recent years is just a public disgrace.

Mr HALL (Eastern Victoria) — In replying to the debate the first thing I want to say is that I am encouraged by the extent of interest in the subject we have debated today. Once you take out the ministers in this place and you, President, one-third of members have participated in the debate this afternoon. I have also been impressed with the sincerity with which members have expressed their views.

I say thank you for the support of members, including Mrs Petrovich, Mr Barber, Ms Darveniza, Ms Broad, Mr Koch, Mr Vogels, Mr Scheffer, Mr Viney, Ms Lovell, Mrs Peulich and Philip Davis. Thank you for your contributions during this debate. I am delighted we are able to put a motion before the chamber that, as indicated by the 12 speakers, will be supported by all. No doubt, given the views expressed today, the work of the Environment and Natural Resources Committee will be important. I have no doubt it will come back to the Parliament with findings that will be of great value and of lasting benefit to all Victorians.

Motion agreed to.

**WATER AMENDMENT (CRITICAL
WATER INFRASTRUCTURE PROJECTS)
BILL**

Second reading

**Debate resumed from 13 March; motion of
Hon. J. M. MADDEN (Minister for Planning).**

Mr O'DONOHUE (Eastern Victoria) — It is with pleasure that I rise to speak on the Water Amendment (Critical Water Infrastructure Projects) Bill. There have been many speakers on this bill, so I do not propose to make my address lengthy, but I will take up some of the points made by government members. If I can paraphrase and summarise, the claims of the government thus far, as I have understood them, have been, firstly, that the water crisis is the result of the drought; secondly, that the government is doing all it can to address the water crisis; thirdly, the ability of the Premier to declare a critical water infrastructure project will not affect people's rights and capacity to object to a potential land acquisition; and fourthly, without this legislation critical water projects would not be enacted. I want to explore those four points in more detail.

As many speakers have said, it is not the government that has caused the drought. That is true. But it is clear that the government's lack of action has contributed significantly to the lack of water many communities are experiencing throughout Victoria. Minister Thwaites, in his second-reading speech in the other place admitted as much. I quote from the second-reading speech:

Record low rainfall and inflows to Victoria's reservoirs over the past decade are threatening the security of the state's water supply. To improve this situation, a number of water infrastructure projects are in the implementation phase with major augmentation options for Melbourne and Geelong in the medium to long term also being developed.

I want to analyse that comment. Victoria has been in drought for 10 years. This government has been in power for nearly eight years and now, at 1 minute to midnight, the government is planning to improve the situation with a number of water infrastructure projects in the implementation phase. With respect to the government, that is five or six years too late. Mr Thwaites referred to 'major augmentation options for Melbourne and Geelong in the medium to long term also being developed'. Mr Thwaites is, I am sure, well aware that Thomson Dam is now below 20 per cent capacity and Melbourne, unless it receives significant rain, only has about 300 days of water supply left. I wonder at what stage the minister plans to advise what his other augmentation options for Melbourne and Geelong are in the medium to long term.

To take up the issue of Geelong, the government in its central region's water strategy has identified that Geelong will be linked to the Melbourne water supply. The Liberal Party had a number of policies for addressing Geelong's water supply crisis. Contrary to the government, we disagree with the concept of linking Geelong to the Melbourne water supply. We have maintained for a long time that regional communities should, wherever possible, be self-sufficient and self-supporting in their water supply. Surely now the government's plan of linking Geelong with Melbourne is a joke. By the time the government builds a pipeline to Melbourne there will be no water in Melbourne and there will be no water in Geelong. It will take more than 300 days to build the pipeline, I am sure, no matter what the legislation says.

The second broad assertion by government speakers was that the government is doing all it can. I disagree. For ideological reasons the government has categorically ruled out a number of logical, rational supply options. These include a desalination plant, although I now recognise that Minister Thwaites has done a backflip since ruling out this option before the last election campaign. The Liberal Party went to the election with a proposal for a dam on the lower Maribyrnong River. That dam may not have been an enormous provider of water of itself, but it would have been useful and would have added to supply. Moreover, it would be a symbolic statement that we recognise the need, with a growing population, for supply to be increased. It is a simple fact that demand management is an important part of the equation in addressing the water crisis, but it is only one component of it. I would assert that the government, in dealing with demand management, has only attacked the residential sector at the expense of nurserymen and our parks. I do not suggest water restrictions are not necessary, but the government has not done enough to address demand in industry, in business and in a range of other areas.

Another area where the government has done far too little is the issue of recycling. I was fortunate enough last week to visit the Gunnamatta outfall with the shadow Minister for Water, Environment and Climate Change, the member for Brighton in the other place, and the member for Nepean in the other place. What struck me was that it was an enormous waste. It is one thing to read something in a document but another thing to see it. To see over 400 million litres of water being pumped out of Gunnamatta every day was incredible. The smell was overpowering and the sea, with its off-brown colour, was truly disgusting.

It is an environmental disaster on so many levels, not only because of the water that is being pumped out

killing the marine life at Gunnamatta and in the surrounding area but also because it is killing the marine life and affecting the environment all the way to Phillip Island and Port Phillip Bay. That water travels a long way in a short time, and many of the microbes and germs in that partially treated effluent travel a great distance in a very short time. It is a tragic waste that while many people are scurrying to save 10, 20 or 30 litres by filling buckets when having a shower and putting that water onto the garden, at the same time the government is spewing millions of litres every hour into the ocean with little regard for the waste it creates and the environmental consequence.

It is not legislation that is required to make these projects happen; it is political will, investment and prioritising of these projects. On a smaller scale, with the member for Brighton and the member for Nepean in the other place, I met last week with some vegetable growers who have put together a proposal to upgrade the Boneo treatment plant. The federal government has come up with significant funding, and the protocol is such that the state matches the federal contribution. The vegetable growers, as well as the golf course owners, are contributing millions in their own right, but unfortunately the state government will not come up with an additional \$2.5 million. We are talking about critical water infrastructure. The government says that if this legislation is not passed the world will end, it will be the opposition's fault and we will not be able to secure our future.

The vegetable growers on the Mornington Peninsula, who employ over 500 people already, could double their workforce with an upgrade to the Boneo treatment plant. They are willing to contribute millions of dollars to the project. The commonwealth has come up with significant funding but the state government will not match it. It is another example of where the state's rhetoric does not match its actions.

Another issue that gets little attention is stormwater capture from run-off. Very little has been done. Although the government talks about these issues, we are at 1 minute to midnight. The government has been in power for over seven years and has been aware, by the minister's own admission, of reduced rainfall and drought for a decade.

A couple of weeks ago this was brought home to me at the Candowie Dam, which provides the majority of water for the people of the Bass Coast. A number of local residents told me their washed clothes came out a brown colour. They could not even drink the water because the water quality was so bad. The dam has got to a level where the pipes are now sucking dirt.

Fortunately for those people, and fortunately for Westernport Water and the government, a number of large bores have been sunk and will yield enough water to keep that population going in the short to medium term. But it is only luck; it is not through planning or good management. It is only luck that those people have not run out of water altogether.

The third general proposition from the government is the ability of the Premier to declare a critical water infrastructure project which will not affect people's ability to object to their land being acquired. This point was raised by Mr Kavanagh in his contribution. When Mr Kavanagh was talking about this and when Mr Viney was addressing Mr Kavanagh's concerns, I had an image in my mind of government members being confronted with three or four farmers running away. When the first sod was being turned for the Erskine pipeline the government turned up with the media, its advisers and a range of other supporters. A couple of farmers confronted them on the issue Mr Kavanagh was talking about, but the government members ran away.

I share Mr Kavanagh's concern. Actions speak louder than words. I imagine the assurances provided by Mr Viney would be cold comfort to those farmers and the farmers Mr Kavanagh met. The government appears to want a bet each way or have it both ways. If the local government planning processes are so good under the government's planning scheme, why then is the legislation necessary? Why does the government have to extricate itself from the very system it has created? If the system the government has created is good enough for the average punter, why is it not good enough for the government? That shows an underlying deep flaw in the government's planning system.

The final point government members have made is that without this legislation critical water projects could not be enacted. As I have said previously, the issue is not this legislation or whether the bill is passed, because, as other members have commented, the Erskine pipeline has already commenced and will not be affected by this bill one way or the other. The issue is the government's reluctance to consider a range of additional water supply options on the basis of an ideological position and the refusal of the government to act on the remaining few options that are left to it because of its ideological position, lack of investment and lack of political will to make actions happen.

I endorse the comments made by Ms Lovell and other speakers on this matter. We will not be supporting this bill but we will not be opposing it. I commend to the house the various amendments proposed by Ms Lovell.

Ms PULFORD (Western Victoria) — Yesterday in speaking on this bill I talked about the significant challenge facing Victoria with respect to securing our water supplies. I spoke in some detail about the many achievements of the government in water conservation, recycling, accessing additional water supplies and significant drought relief.

Ms Lovell remarked that the Premier might need some guidelines to help him identify critical water infrastructure projects. The Premier's record stands on the matter of dealing with the critical and unusual water shortages that we find ourselves facing at this time.

I identified support for our water initiatives from the *Weekly Times*, Professor Peter Cullen and Environment Victoria. As I was saying at the conclusion of yesterday's debate, this bill is about an election commitment. The government is committed to securing water in Victoria and is committed to legislate to fast-track processes for critical water infrastructure projects. During the election campaign there was a great deal of talk about water policy and how to deal with the challenges that face us in these very dry times. Victorian people were presented with the government's plan for water, which was undeniably a critical issue during the election, and the view of Victorians seems to be clear judging from the election result.

This government has a mandate to proceed with this bill and these critical water infrastructure projects. Government members are not outside performing a rain dance or sitting around waiting and hoping for rain. We are getting on with the job in Victoria and we are getting on with the job of securing water.

Kevin Rudd, Australia's next Prime Minister, is also hoping to get on with securing water for regional Victoria. Mr O'Donohue made some comments about federal and state funding of various projects. The state government has requested the federal government contribute to the significant goldfields super-pipe project, and it has not. Mr Rudd recently announced that after the federal election — something we on this side of the house are all looking forward to, I can assure members — his government will fund \$25 million for stage 1 of the super-pipe project that will link the Goulburn system to the Campaspe system and \$90 million for stage 2 to connect the goldfields super-pipe to Ballarat.

The development of this project is an important step in improving the security of Victoria's water supplies. The election of a federal Rudd Labor government will be another step. Water policy for Labor is about much more than water polo.

The amendments proposed by the opposition will only delay the delivery of critical water infrastructure projects. Unless the bill is supported in its original form without amendment, the opposition will be in no position to complain about how long these projects take because the opposition's amendments will have held the projects up. The opposition ought not to be playing politics with these issues. A critical project by its very nature cannot afford a year-long hold-up. I urge members, particularly those representing Bendigo and Ballarat, to oppose these delaying amendments, because they will be the ones who will have to explain to their communities why they put at risk water security. This is something that ultimately affects all members, as I am sure that over time there will be significant water infrastructure projects in many parts of the state. Water security ought not to be put at risk for the sake of short-sighted, politically expedient, delaying amendments. I commend the bill to the house without amendment.

Mrs PETROVICH (Northern Victoria) — I rise to speak in support of the Water Amendment (Critical Water Infrastructure Projects) Bill. I also fully support the amendments proposed by my colleague Wendy Lovell.

This is an interesting bill. I believe very strongly in critical water infrastructure. During the last election I campaigned strongly throughout the Northern Victoria Region on the issues surrounding failing water infrastructure. My colleague Wendy Lovell and I, together with Dennis Napthine and Ted Baillieu, the member for South-West Coast and the Leader of the Opposition in the other place, were on the spillway of Lake Eppalock, which was not running of course, and were the first to announce not the now Labor-called goldfields pipeline but the Erskine pipeline, which was developed through consultation with community leaders in Bendigo and was to have been named after Don Erskine, who is a significant member of the Bendigo community and an engineer of some note. We committed to that pipeline for Bendigo to secure a water supply from water savings made through infrastructure improvements from our irrigators in the north.

Thousands of kilometres of leaking open channels result in significant loss of water. Right across the region the water lost through evaporation and leakage from these old and quite dilapidated channels can account for up to 40 per cent of the community's water supply. We acknowledge that during nine years of drought there has been no prompt action. The Bracks Labor government has been in office for nearly eight years, and during that time there have been no recycling

projects of any significance, no desalination projects, a no-new-dams policy and very little improvement to infrastructure. What has been allowed, however, is overdevelopment in water catchment areas. The significance of this has been exacerbated by the building of small rural dams and excessive plantings in many of those areas that has affected water flow into those catchments. That is an area that needs to be addressed posthaste.

Another issue is the lack of movement on research into the availability of groundwater. People in areas such as Bendigo are significantly frightened and struggling at the moment. They have been on stage 4 water restrictions for some time and have no knowledge through lack of communication by the government and Coliban Water as to what the availability of groundwater is. There are several deep-lead aquifers around the area which the experts in hydrology tell me are quite reliable during these times and have been used in the past, but there has been no move to tap into those. Worse than that, we have not got any quantifiable evidence or information to use in talking about issues such as the level of supply in these aquifers. An issue that concerns me is that we have rising salt levels because of the drought and there is no plan in place to look at the salinity issues that will cause massive problems to our farmland when we do have significant rains.

This week an article appeared in the *Bendigo Advertiser* about mine water being used in Bendigo. In some respects that is to be commended — it is at least some step forward — but it comes after a summer of no watering of gardens at all except by those people who are prepared to bucket water from their greywater systems in struggling to keep their gardens alive. There have been a lot of instances of older people suffering injuries from lifting heavy buckets of greywater. The drought has social, cultural and health effects. The majority of local swimming pools in Bendigo have been closed over the summer months. These swimming pools are the social hub for many schoolchildren who perhaps do not have the possibility of going away on holidays. I do not know how they got around town to access the one pool that was open.

During the nine years of drought what work has been done? We do have climate change, and nobody is denying that, but we needed to have done a bit more research into what alternatives are available. Last week during a visit to the Wimmera field days, along with my colleagues John Vogel and David Koch from this house and Ted Baillieu, I was pleased to inspect the Wimmera–Mallee pipeline project.

Something which became very evident and which concerned me when I looked at this bill was that so many of the processes this pipeline has gone through seem to have been chopped out in this proposal. Looking at biodiversity and community consultation, one of the great things that seems to have been missed out in this process is the fact that communities need to be consulted. As has been referred to many times, we saw what happened when the community wanted to consult those visitors from the government at Rochester a short time ago — not only were they ignored but they were run away from.

One of the things which concerns me the most about this bill is I see it as a planning issue. My great concern is that our existing legislation has proven to be workable, and I wonder what agenda has provoked this change. I am forced to support this because I believe in the infrastructure requirements. I know we need a pipeline to Bendigo. I am not sure we need to push it over the Great Dividing Range; I think there are probably alternatives. Obviously I think the Liberal proposal was a more practical one. However, I am not comfortable with the fact that the community will be disadvantaged by this lack of consultation. Compulsory land acquisition has been available to the minister and the responsible authority.

I would like to draw the attention of the Council to a statement made by Ms Broad yesterday. I do not believe she was entirely honest with the house in her statement last night. She suggested that if the Liberal amendment were supported this bill could not fast-track legislation by removing the requirement for planning scheme amendments. The importance of this is demonstrated in section 5 of the Land Acquisition and Compensation Act, which refers to land not requiring reservation. If this is the case, it is even more important that the foreshadowed amendment be made, on the basis that if more than 10 per cent of the land is to be acquired, surely the land-holder would want a right of consultation and objection. This will significantly affect that land-holder's right to farm and the value of his land. I see this as just another erosion of the rights of the individual by the Bracks government.

The right of objection has always been available but will be removed when this bill is passed if our amendment is not successful. I see this as a great injustice. Any other developer can be taken to the Victorian Civil and Administrative Tribunal with only one objection. This places our land-holders at a great disadvantage — they will no longer have that right of appeal if this bill goes through unamended.

My greatest fear with this is that, particularly for Bendigo, it is too little, too late. Construction of the pipeline to Bendigo has commenced; I know it is referred to specifically in the second-reading speech. I really do not know why it is so important from a planning perspective to take that right of appeal away. While we have commenced this, the Bracks government's track record of poor performance on major projects makes me fear it will be another one of those projects that runs overtime. I know Bendigo will not have the water to carry it through. If we run even three weeks overdue with this pipe, Bendigo will be out of water — it is not that easy to truck water in to 100 000 people.

I also have an issue with biodiversity and the sharing of water throughout a whole region. There has been very little communication between the shires of Mount Alexander and Macedon Ranges and the City of Greater Bendigo. I have publicly called for a regional meeting between the shires to discuss the regional plan for water. I have calls coming in from constituents in Kyneton and Malmsbury. Although Kyneton is not in my region, many of the residents there have an affinity with this area and they are very strongly linked. The Campaspe River now has no water running through it, and the lake at Malmsbury Gardens is completely dry. That has left visitors and water fowl high and dry. Is there a regional plan for water? If there is, please reveal it to those shires. On that basis I say I am very supportive of major infrastructure projects. I hope this runs on time, because the community of Bendigo in particular cannot wait. I commend the bill to the house with Ms Lovell's foreshadowed amendments.

Opposition amendments circulated by Ms LOVELL (Northern Victoria) pursuant to standing orders.

Mr SCHEFFER (Eastern Victoria) — Listening to the debate today and yesterday one is struck by the fact that almost all the speakers from the crossbenches have referred to the government having no water plan — —

Mr Dalla-Riva — Crossbenches? I am very happy.

Mr SCHEFFER — Sorry, the opposition. They have referred to the government having no water plan and having not brought any achievements to water. They say nothing has occurred in the seven years of this government that is worthy of recognition. I refer members to *Our Water Our Future*, which was our first major statement on a water plan, and to the more recent central region water strategy that has been widely acclaimed.

It is worth putting on the record at the outset the considerable achievements of the government in its water policy and its implementation of that policy. It is worth running through some of those things. These achievements demonstrate long-term planning and implementation. In the area of conservation, as we have heard before, Melburnians are saving 22 per cent in water use compared to the 1990s. That is more than 100 billion litres a year and a reduction from 423 litres per person per day to 331 litres. That cannot be achieved in 5 minutes; it could not have been achieved in the past six months — it is evidence of a long-term plan.

Over 140 000 rebates have been claimed on water-saving products to the value of \$10 million. Again this is the consequence of a long-term program. We have had a 20 per cent reduction in system leaks since 1999–2000; Melbourne's leak rate is one of the best in the world. A rebate of up to \$1000 on water tanks was introduced from 1 January this year. Again this could not be delivered on a whim or in the past few weeks or months or the last year. This is the consequence of a long-term program. Similarly permanent water-saving rules were introduced in March 2005. Tiered pricing rewards water savers. The industry has saved 24 per cent on a per capita basis since 1999–2000, when we came into government. These achievements are the consequence of the long-term planning the government has implemented in an ordered way.

It is a similar story with recycling. A \$160 million upgrade to the western treatment plant has helped to lift recycling in Melbourne to 14 per cent now, and we are on track to recycle 20 per cent by 2010. The \$19 million invested in the Werribee recycling scheme has seen 6000 megalitres released to Werribee irrigators. The eastern irrigation scheme is already recycling 5800 megalitres for agriculture and third-pipe use in households. There are further achievements we could go through — the reconnection of the Tarago Reservoir to boost Melbourne's supplies — —

Mr Koch — That hasn't happened.

Mr SCHEFFER — No, it has not happened, but it is on track and moving forward. My point is that these projects could not have been implemented, could not have been achieved unless they were premised on a plan. That plan is very clearly on the record, and I urge members to look at those documents so they can apprise themselves of what the government has been doing. It is absurd to come into the house and say there is no plan when clearly there is one.

Coming to the bill, in that context the objective is to enable the government to speed up the approval process for critical water infrastructure projects in Victoria. The provisions of the bill need to be understood in the context of the severity of the drought and the urgent need for the government to be able to act to ensure that water reforms are implemented quickly. The essence of the bill is that it identifies ways to speed decision making about critically important water infrastructure projects so that those very significant projects the government has in train can be complemented to ensure that Victorians have access to water and water is conserved.

The bill amends the Water Act 1989 and the Land Acquisition and Compensation Act 1986. The amendments to the Water Act enable the Premier to declare a project a critical water infrastructure project on the basis of a recommendation from the Minister for Water, Environment and Climate Change, after the minister has consulted with the Treasurer and the Minister for Planning. The amendments provide that the project order that the Premier can issue in declaring a project a critical water infrastructure project must very specifically describe the dimensions of the project, specify the area of land the project will stretch over and identify the authority that will be responsible for making sure that the project is undertaken properly. To ensure transparency the Premier is also required to present each order to Parliament within 14 days and to publish it in the *Government Gazette*. While the government should be given the means to act quickly in the public interest, it is very important that the community's right to know is not compromised. The gazettal of the project will enable the public to know that a project has been declared a critical water infrastructure project, and the presentation of the order in the Parliament will place the project under scrutiny and ensure that appropriate work goes into the planning and design of such projects so that they are publicly defensible.

The bill makes the Minister for Planning the responsible authority for any planning scheme, and that provision needs to be put in place to facilitate a critical water infrastructure project. That is a departure of course from the general rule that the local council is the responsible authority for the planning scheme that covers the municipality. In general local government administers the issuing of permits and makes sure that the provisions of the planning scheme are complied with. New section 161Q gives the Minister for Planning responsibility for the area related to a given critical water infrastructure project. The effect of that provision is to reduce the number of decision-makers, which is really the purpose of the legislation — that is, to reduce

the number of decision-makers involved so that the project can be fast-tracked. The bill also contains provisions that enable relevant authorities to carry out the construction of works for a critical project and to operate those works and enter into agreements with other authorities where more than one is involved, as is usually the case in the construction or operation of such works.

In addition to making those amendments to the Water Act the bill also amends the Land Acquisition and Compensation Act, about which a bit has already been said. Where there is any inconsistency, the amended Water Act will prevail over the Land Acquisition and Compensation Act. The effect will be that it will no longer be necessary to first amend a local planning scheme, as is now required under the Water Act. This is an important provision if the critical water infrastructure projects process is to be sped up — which of course is the purpose of the bill. It is important to recognise that individuals who are affected by the acquisition maintain their right to claim compensation as they can currently, contrary to what I have been hearing.

Mr Drum — What if they do not like it?

Mr SCHEFFER — It is unaffected. The bill honours commitments made by the Labor Party during the 2006 election campaign that if the government were returned we would introduce legislation to fast-track important water projects so that as much as possible is done to minimise the impact of the drought. The Premier made the announcement at Leongatha at a time when there was considerable concern over the level of the water available in that town, during the campaign in particular. Leongatha's four reservoirs were only about 25 per cent full and the town was on level 4 restrictions. South Gippsland Water was piping new underground bore water into the water supply so as to maintain reserves until rain came. The government committed about \$1.5 million to help Murray Goulburn to reduce its water use. The milk processing company is one of the biggest water users in south-eastern Victoria, and the project will free up about 60 megalitres of water a year — roughly what 200 houses would use. This significant saving is an example of the kind of project that the Premier could declare to be a critical water infrastructure project.

In his second-reading speech the minister stated that the goldfields super-pipe, which will supply up to 20 billion litres from the Goulburn system to Bendigo, could also be one of the projects very likely to be declared a critical water infrastructure project. Last month, at the start of the works for the project, the

Premier stated that the Victorian government had committed \$101 million towards the project, that water companies were spending \$52 million and that Bendigo and Ballarat were still waiting on the commonwealth to indicate its support. The 46-kilometre underground pipe will link the Campaspe River and Goulburn River systems, and the Premier said the project had been fast-tracked so that Bendigo will have additional water supplies before next summer. The Bendigo super-pipe is a key part of the government's water grid. It will move water to where it is needed and improve water security for farmers and townspeople.

Under the provisions of the bill the decommissioning of Lake Mokoan is another initiative that the Premier could declare a critical water infrastructure project. The government is committed to this project because draining Lake Mokoan and bringing the area back to its natural state will bring environmental benefits to the river system and also water benefits to irrigators. The project will return millions of litres to the Murray River and the Snowy River as well as the Broken River and the Goulburn River and will each year save billions of litres of water that evaporates. A study of Lake Mokoan showed that annually about 50 billion litres was lost through evaporation. That is equivalent to the quantity of water used by the city of Shepparton in five years.

Lake Mokoan was developed some 35 years ago to store water as part of the irrigation system in north-eastern Victoria. While the strategy of storing water for irrigation has been successful, especially during drought periods, this came at a cost, and algal blooms have grown in the water for most of the lake's existence — that is, at least for the past 25 years — and have made the water not suitable for farming irrigation over quite a number of summers. There will be significant benefits for Goulburn-Murray Water customers, who over the next 10 years will save \$20 million in dam safety improvements and benefit from the removal of the annual operating cost of more than \$600 000. This is also an important project, and water users could benefit from having the works there declared a critical water infrastructure project.

The reconnection of the Tarago Reservoir, which I mentioned earlier, to the metropolitan water supply is another initiative that could be declared. Melbourne Water plans to reconnect the reservoir to Melbourne's water supply by 2010, to manage the expected increase in demand from both regional and metropolitan communities. Melbourne Water says that reconnection of the Tarago Reservoir will boost Greater Melbourne's water supply, but a water treatment plant is needed because farming and timber harvesting occur in the open catchment and they produce contaminants. The

reservoir was constructed about 40 years ago, and throughout that period the quality of its water has been affected by turbidity after heavy rain and algal blooms caused by the run-off from fertilisers used in agriculture, and that has also been a problem. For the first 30 or so years of its existence the Tarago Reservoir supplied water to Mornington and Western Port, but after Melbourne Water took over in the early 1990s the water quality to Western Port and the Mornington Peninsula improved because it was supplied with better water from the Cardinia Reservoir.

The Tarago Reservoir supplies communities in West Gippsland with high-quality treated water. The reservoir reconnection therefore could have significant impact on water availability. Melbourne Water says that if stream flow is returned to pre-drought levels the supply of drinking water available to regional and metropolitan communities would increase by 3.7 per cent. If that stream flow remains at the current low levels of water yield it would still be boosted by some 15 billion litres a year, which would still be a benefit. But because the water quality in the Tarago Reservoir is negatively affected by the farming and timber activities, it is necessary to construct a new treatment plant.

Under the Tarago Reservoir catchment management plan, Melbourne Water, Gippsland Water, GippsLandcare, Parks Victoria, LandCare Victoria and Baw Baw Shire Council have all been working — as they say in the Tarago project newsletter — to protect and improve water quality from the forested and agricultural lands in the catchment. They are also looking at the development of the water treatment facility, improving river health, studying environmental flows and maximising the benefits to the community.

All these projects and all the details in them that I have placed on the record are part of an overall plan which is intended to lift Victoria's water availability. All of it can only be understood as part of an integrated but complex plan that the Victorian government has and is implementing. Legislation of this type is intended to speed up those processes. It is not the biggest change in the world, but it helps. The essential point about all this is that while we are investing in the projects and plans, it is important to look at ways to improve decision-making structures, which is what this bill is about.

A final project that might well be eligible for declaration as a critical project is the eastern treatment plant, which has been mentioned in the debate and which treats sewage from Melbourne's south-east. Melbourne Water says there is an increasing amount of effluent being treated, and that is of course a good

thing. But as other speakers have said previously, the level of outfall near Gunnamatta is a major concern. That is why this needs to be a project that is worked on and we need to fast-track that as quickly as possible.

During the 2006 election campaign, the government announced that it would proceed with the \$300 million upgrade of the eastern treatment plant to produce class A-standard water for industry, agriculture and new housing estates for outdoor use. The eastern water recycling proposal is expected to make available the equivalent of 25 per cent of Melbourne's drinking water — water that is currently used by power stations and industry. The idea is to pump the recycled water into the Latrobe Valley instead of out to sea near Gunnamatta. The estimate is that this would reduce the outfall discharge by 80 per cent. In anybody's language that is a laudable objective and one that needs to be achieved as quickly and speedily as possible. That is partly what this legislation will expedite.

The provisions in this bill will enable valuable time to be saved in bringing projects of this sort to completion. Obviously the amount of time that can be saved will vary from project to project, but it is timely in the context of record low rainfall and low inflows into our catchments over the last decade. Attention needs to be given to speeding up that process, which is what this legislation does. I commend it to the house.

Mr DALLA-RIVA (Eastern Metropolitan) — I have pleasure in making my contribution to the Water Amendment (Critical Water Infrastructure Projects) Bill. I am critical of the bill. We seem to have now reached a crisis in Victoria. We have this sham piece of legislation which again represents a government more interested in spin than about substance. The bill says little about of what it proposes to do. It provides little in terms of guidance, and it gives little direction for the people of Victoria.

I note that the previous speaker, Mr Scheffer, said how great things were and how the government had set forward plans in terms of Our Water Our Future. I remember doing freedom of information searches on the green and white papers that came out. Those searches revealed the hundreds of thousands of dollars, if not millions, that had been spent on consultancies, which really went nowhere in delivering any real information about where our water will come from.

That is the key issue about this bill. It does not tell us where we are going to collect additional water from. There has been talk about alleged super-pipes and things to be done in terms of savings. I think Mr Scheffer mentioned 200 homes and in that context

said it is going to be a piece of critical water infrastructure. My great concern about this government is that it has managed to bounce along for seven years, nearly eight years, on a wing and a prayer. It just manages to get through with all its spin and rhetoric, and yet it is continually looking into the air hoping that it will rain, because, heaven help us — and I intend no pun — unless it does rain, Victoria and Melbourne are in a crisis.

To a degree the people of Victoria do not really know what is facing them. They are being hoodwinked by a government that is beholden to a rash of spin doctors. We know there are more spin doctors in this government than there has been in any other government. We know it is beholden to the spin doctors and the Victorian people are really being hoodwinked. They have no idea that they are really facing a crisis.

We have a significant piece of legislation — and I use the word 'significant' with tongue in cheek — which covers all of eight pages. We should not count the eighth page because the last page is blank; it really covers seven pages. This is the government's solution for critical water infrastructure in the future. It is a seven-page document that really is only worth flushing down the drain. The problem is that we could not flush it down the drain because there is no water. This government sits there and says it has a plan. It is important in the context of this debate to mention some of the plans this government has brought forward.

Those who are new to the chamber and those in the minor parties might wish to have a look at some of the previous great water legislation the government has brought to this chamber. I remember in September 2004 we debated the Water Industry (Environmental Contributions) Bill. I implore any new members to this chamber and those who have an issue about water, to refer back to that piece of legislation because it paints a clear picture of what the priorities of the government were back then and what the spin doctors would like us to believe going forward with this piece of legislation.

The Water Industry (Environmental Contributions) Act was a piece of legislation designed to make provisions for environmental contributions to be paid by water authorities. From reading that legislation you would assume that the government had put forward a solution to the water crisis that was looming in 2004, whether that had been done by means of a white paper, a green paper or whatever. This is not rocket science. We knew the crisis was coming and we know it is now here, but with its current legislative program the government offers nothing more than spin and rhetoric. We do not know what it is proposing. There are suggestions in the

second-reading speech of this bill about what it is proposing, but we can read those things as being said with a forked tongue, so to speak.

Let us look at what the government did with the environmental contributions act. It is important to put what the government says in context. We heard Mr Scheffer speak about the great things the Labor government has been doing. I will tell members how great the Labor government has been! The Water Industry (Environmental Contributions) Act inserted new section 194 in the Water Industry Act. The new section sets out the purpose for the collection of the monetary contributions from water authorities. It states:

Each environmental contribution paid by a water supply authority under this Part is collected for the purpose of funding initiatives that seek to —

- (a) promote the sustainable management of water; or
- (b) address adverse water-related environmental impacts.

That was the government's mantra in 2004.

I will put what the government proposed back then in the context of what is happening now. If we look at the table of environmental contributions in the 2004 act we see that the government proposed to rip \$226.548 million out of the 22 water authorities. In the first two years listed in the table, the period from 1 October 2004 to 30 June 2006, the government ripped out about \$104 million from those 22 water authorities, and it is proposing to rip out another roughly \$120 million leading up to 30 June 2008, making a total of around \$226 million. The government has already taken out an enormous amount of money.

Mr Drum — When?

Mr DALLA-RIVA — It has already taken it, Mr Drum. It has already taken out over \$104 million, and it will take another \$120 million. Those authorities could use that money to reinvest in water conservation programs to ensure that the water supply that currently exists is better managed, but the government has stripped that money out. Guess where the money goes? It does not go to any environmental initiatives, as the act states it should — members should not rely on the spin — but goes to consolidated revenue. It goes to Mr Brumby in the Treasury, and then it goes floating out elsewhere. Who knows where it goes? It goes to paying the government's spin doctor mates who sit there on their fat butts doing nothing but providing spin to the people of Victoria when we have a looming water crisis.

It really frustrates me that the people of Victoria do not see the government for what it is. It frustrates me that every day in every way in this state the amount of water we have in the state is decreasing, yet the best the government can do about the looming crisis is introduce this bill.

The problem is where the money has been stripped out of. I will mention some to highlight my point, because it might be important in the context of the debate, especially for members on the crossbenches who have made suggestions about ensuring water supply in the Ballarat and Bendigo areas. The Central Highlands Region Water Authority had \$1.14 million stripped from it between 1 October 2004 and 30 June 2005, it will lose \$1.51 million in the next year and will have another \$1.5 million taken from it in each of the following two years. In just those four years that authority covering the Ballarat region will be stripped of \$5.2 million. Ballarat is screaming for water, and the government has stripped the authority of \$5.2 million.

Looking at Bendigo, which has stage 4 water restrictions, the Coliban Region Water Authority has so far been stripped of close to \$3 million, with a total over four years of \$6.5 million. The government introduced legislation in 2004 to strip the guts out of the water authority so that it could not reinvest in any major critical infrastructure. At the top end of the proposed pipeline, the Goulburn Valley Region Water Authority had \$1.13 million taken from it between 1 October 2004 and 30 June 2005, \$1.5 million taken in the next financial year and will have another \$3 million taken from it in the following two financial years, making a total of roughly \$5.5 million.

Government members speak with forked tongues. They say, 'We are the saviours of the water crisis in Victoria, aren't we wonderful?' — spin doctors are everywhere — but the reality is that, despite what we have heard from Mr Scheffer and other junior members who have no idea about anything other than what is in the spin-doctored documents they have been given by advisers and no idea about the previous legislation that shows exactly what this government stands for, this government is only interested in ripping money from people through taxes and ripping money from the water authorities. It has no plan and no solution. The legislation before the chamber is yet another example of the spin overriding the substance. It is a shame. It disgusts me that the government will not support the opposition amendments. It annoys me that the government believes it will solve these problems with this legislation. We have major problems facing us. I worry for the future of not only Melbourne but also Victoria.

Mrs PEULICH (South Eastern Metropolitan) — This bill is either an excuse or a blatant apology to Victorians for the government having wasted eight years — the last five have been drought years — and having failed to build the major infrastructure needed to secure long-term water supplies for Victorians.

The failure to secure Victoria's water supply is the government's greatest failure and Victorians' greatest challenge. All regions in the state are now on severe water restrictions, prompting a very profound and understandable anxiety amongst Victorians, including those in metropolitan Melbourne. The five-year drought is the most severe since records began and causes significant hardship not only to struggling rural families but also suburban families, proud gardeners and thirsty landscapes. Our dams have dwindled to an all-time low, confirming that the Bracks government's management of water supply and infrastructure has failed, the effects of which have reverberated all through Victoria in our homes, communities and businesses.

Mr Thornley — At least we saw climate change coming.

Mrs PEULICH — That is your apology.

In the area of securing Victoria's water supply the government's policy has been as weak as water. As a former schoolteacher, I would give it a big fat F. The very title of this legislation, the Water Amendment (Critical Water Infrastructure Projects) Bill, tells a story. Why is it critical? If in fact the forward plans had been laid down, if the water we have had been managed sensibly, if we had secured new water supplies, we would not be facing the crisis we have. What do we hear from government members?

Mr Thornley interjected.

Mrs PEULICH — Here we have Evan Thornley saying that we cannot control the weather and climate. That is true; we cannot. But neither can Dubai nor Perth, and they have been able to secure their water supplies. Why can Victoria and the Bracks Labor government not do so?

The government has had an absolute policy drift over a long period of time. From taking just a cursory glance at *Hansard* and the contributions to debate made by government members in the Legislative Assembly whose electorates are in the South Eastern Metropolitan Region, I can indicate the number of times they have spoken on the important issue of water — the critical issue facing families, homes and businesses causing job losses and so forth. Judith Graley, the member for Narre Warren South in another place, admittedly a new

member, has said zilch. Luke Donnellan, the member for Narre Warren North, has uttered one line, which basically attacked the Howard government water plan. Maxine Morand, the member for Mount Waverley, spoke once, commending the Monash council for water-saving measures. The member for Mulgrave, Daniel Andrews, John Pandazopoulos's greatest threat and fear, has a big fat zero, zilch — not one mention.

That means nearly 50 per cent of the members across the South Eastern Metropolitan Region all up made contributions to debate on water for 2 minutes. What an absolute disgrace. Is it any wonder that the government is now scrambling around looking for excuses and bringing in legislation in order basically to water down, to use a pun, public perceptions of its total incompetence? What has the government's approach been? It has been to shift responsibility and argue that climate change is responsible for our water shortage — to say that the drought or lack of rain is solely responsible for this situation.

As I said, the lack of rainfall certainly has been a problem. I heard Mr Atkinson yesterday speak about the \$1.8 billion that has been ripped out of the water authorities. Each of those water authorities has directors appointed by government. Their failure to invest adequately in water infrastructure is solely the responsibility of this government. It appointed the directors; it siphoned off the dividends; and members of the government have failed to put pressure on their ministers to address this critical issue for eight long years.

Now in Victoria we have to make sure that every drop counts on our farms, in our factories and in our homes. The technology is there; the capacity to drought proof our cities is evidenced by other examples, but we have to suffer. The government's focus has been on water restrictions. We are on stage 3 or 4. Eight per cent of our water supply is used for residential purposes; the vast majority is used for industry. What has the government done? It has taken the action of identifying the 200 highest water users only after much pressure from the opposition. It refused to release those names, and why? Because basically it has done nothing to assist those businesses to reduce their use of fresh water and increase their use of recycled water.

What happens when a business that is trying to be proactive contacts the water authority to try to secure recycled water? In many instances they do not even get their telephone calls returned. This has been an absolute blight on this government. Should the drought continue, the government will be in an irreparable electoral position. If this drought does not break, those guys are

finished. Many of them are probably doing rain dances as we speak.

What are the consequences? I am constantly contacted by people in the community in metropolitan Melbourne complaining about the restrictions. One person telephoned yesterday and said that I ought to tell the Premier this is no longer the place to be, it is the place to be parched. I thought that was a very clever change of the state's slogan. Local governments, sporting groups and football clubs are constantly banging on my door. The number of sportsfields they have available to them has been reduced; councils have to reschedule and delay competitions. This is all at a time when there is a heightened awareness of the need for improved fitness amongst children and our community.

Mr Thornley interjected.

Mrs PEULICH — Yes, banging on my door, unlike when the previous member was there, when I believe the blinds were kept closed. As I said, sporting competitions are being cancelled, certainly across the South Eastern Metropolitan Region. The erosion of sporting fields will result in a huge repair bill. Most of this will be paid for by ratepayers through higher rates. There is the loss of tennis courts, sporting ovals, golf courses, bowling greens and school ovals.

The impact on the elderly, who are lugging buckets of water, should not be underestimated. There was an article recently concerning a report by the Chiropractors Association of Australia of an increase in the number of injuries suffered by elderly people lugging buckets of water. There is the cost of the loss of established gardens. It is heartbreaking. We used to be the garden state. I have lost three mature trees in my garden, and many of these people are absolutely heartbroken at the loss of their established gardens.

Water restrictions are usually a short-term measure, but for Labor they are the chief instrument through which it is going to manage the state's water supplies. The days of friendly neighbourhoods built on trust and goodwill are under threat with the government now encouraging dobbing. Victorians are now encouraged to spy on their neighbours and dob them in for wasting water. Sometimes people who have secured tank water or recycled water have to contend with this new culture that the Bracks government is encouraging. Labor wants us all to embrace these new water vigilantes so that they can be used to patrol the use of 8 per cent of water.

The effect on businesses and jobs, especially across the South Eastern Metropolitan Region, is significant. Tens

of thousands of jobs have been lost in water-dependent industries. These include gardening, landscaping, nursery businesses and car-wash businesses. I was approached by members of the Australian Carwash Association recently who said, 'The government is going to impose stage 4 water restrictions. We are going to lose thousands of jobs, but the government is not even willing to talk to us about how we can be responsible water users and not lose thousands and thousands of jobs'. A lot more could be done to save jobs by working proactively with industry, which along with the agricultural sector uses approximately 90 per cent of our water supply.

So much could have been done, but so little has been done. This bill should have been debated five to seven years ago. It waters down the inaction of the Bracks Labor government. Climate change may be a contributing factor — of course it is — but it is not the reason for failing to secure our water supply. We have seen other countries in the world deal with this problem far more competently than our Labor government has done. No-one can make it rain. We have always been drought-prone, and governments need to plan ahead and invest properly to ensure that the effect of drought on our lives is minimised.

Just to finish up, I want to mention an editorial in the *Sydney Daily Telegraph* of 2 November 2006 which said it best. It said that you cannot blame them for the weather, but you can blame them for rank incompetence. With those few words I would like to conclude and say that I support the proposed amendments to the legislation.

Mr GUY (Northern Metropolitan) — I have much pleasure in making a contribution to the debate on the Water Amendment (Critical Water Infrastructure Projects) Bill, and I would like to begin by acknowledging the point raised by Mrs Peulich that this is a bill that should have appeared before the chamber about five to seven years ago.

As members know, the Liberal Party will not oppose the bill, but it will propose amendments to the bill. Some parts of the bill as it stands — particularly those ceding more powers in relation to compulsory acquisition to a government which is clearly drunk on power after seven-and-a-bit years — concern me and concern a number of people on this side of the house. If there is one government that has made a point of not respecting the rights of land-holders over a period of time, then surely it is this government.

To take up the point made earlier by Mr Dalla-Riva, this bill is clearly a stunt. In the way that has become

the norm of the Bracks Labor government, this bill is just another stunt like the Metcard launch, which I think was carried out by the former Minister for Transport in the other place, Mr Batchelor, maybe three or four times. It is like the fast rail which was launched and relaunched; like Southern Cross station, which was not even finished but was launched and relaunched. There was the airport rail link. Members opposite probably cannot remember that, but that was another launch and relaunch that went nowhere. Believe it or not, the Siemens train was another stunt. Government members were out there launching the Siemens train. It provided great photo opportunities for the government for 24 hours. There were stunts involving new bus services where trains were promised, like the Epping to South Morang line, which I have talked about a fair bit. That is just another one.

This is just more government by stunts. This is a typical bill we can expect from a government which is focusing not on the long term but on the next 24 hours. Victoria is becoming a 'stuntocracy'. The Bracks Labor government has turned into a government which operates by what is on the TV news. Its method is to say, 'Let's just have a shot at seeing what we can focus on for the next 24 hours'. Unfortunately this government will turn the super-pipe into super-spin.

The Liberal Party will not oppose the bill. We will move amendments to protect the rights of land-holders. They are the land-holders, I remind members opposite and other members of the house, that Minister Thwaites drove away from. They are ones he left standing in his dust as he drove away in his Statesman. As I said, even if our amendments are lost, we will not oppose the bill.

I wish to add to the comments made by a number of members about the predicament Victorians find themselves in with regard to water supplies. As members know, we have been in a very serious drought since the turn of the century. Our water storages, particularly in Melbourne and across rural Victoria, are at record lows. In fact over the weekend the Thomson Dam fell below 20 per cent of capacity for the first time ever. It is worth recognising that the bottom 16 per cent or so cannot be pumped. Consequently Melbourne has around 300 days of water left. Football grounds across the city are drying up, people are getting 'bucket back' — my family and I are an example — and people are using grey water. That is a good initiative, and the public are doing their bit. Councils, businesses and the community are doing their bit. But there is one group of people who are typically not doing their bit. They are talking about it, but they are not actually doing it, and they are the members of the Bracks Labor government.

So what has the government been doing? Let us talk about what the government has been planning to do with water. I have in my hand a favourite piece of literature which I will refer to again. It is a little pledge card from the government which says 'Guarantee reliable supplies of gas and water'. The Premier said, 'Keep this card to see that we keep our pledges'. We are keeping this card. The government has had seven years to act. As a symbol of how important it said the issue of water was four years ago it made the Deputy Premier the water minister. I challenge any of the members opposite, and in fact anyone in Victoria, to tell me what major piece of water infrastructure has been launched, relaunched, mooted or reviewed by the minister in the four years that he has been the water minister. The answer is none. He has been a complete and utter failure.

While I have heard plenty of speeches on the bill, and members opposite have made some appalling apologies for the years of incompetence on the part of the current government, the facts speak for themselves. Recycling facilities were planned but not built. Pipelines have been planned but not built. Dams are off the agenda. So what are we going to do? There has been no change in the triggers for stages 1, 2, 3 or 4 water restrictions. Surely a good government would sit down and say, 'We are in a terrible climatic situation. We had better review the trigger mechanisms for stages 1, 2, 3 and 4 water restrictions'. But no, it did not do that.

Mr Dalla-Riva — Not before the election.

Mr GUY — Not before the election, as Mr Dalla-Riva says, and he is dead right. The government sailed on blindly and decided to keep on with the way it was going. We did get one thing out of the government. Mr Dalla-Riva picked it up in his contribution to the debate, and it is very important —

Mr Viney interjected.

Mr GUY — I will take up Mr Viney's interjection, and I will give him some facts right now. What has the government done in the four and a bit years since the water minister has been in his portfolio? I will tell Mr Viney what it has done. It has made a millionaire out of Bill Shannon with a \$13 million advertising contract. While we are talking about water and debating critical water infrastructure, I remind the house about what the government did in relation to critical water infrastructure. The Premier — Hollywood Bracks — got into a helicopter and flew over a half-filled dam. He smiled for the cameras and said, 'Look at me'. Shannon's Way ran some advertisements showing Hollywood Steve smiling away. That was the Premier's

contribution. He was going to save the state's water supply by smiling and looking at the camera. He got a teeth-whitening job and looked great for a television advertising campaign.

That is exactly what the Labor Party's idea was. It was all about spin. There was not one cent to save water or to help Victoria's infrastructure but \$13 million went to make one of its mates a millionaire. That is what government is about for the Labor Party. The Labor Party has simply been — —

Mr Leane — You are a nasty man!

Mr GUY — I take up Mr Leane's interjection. I am not a nasty man. I am a Victorian who is concerned about the state of our water supplies. He can make all the comments he likes, but unfortunately we are in a dire situation.

The PRESIDENT — Order! We have had a pretty good and robust debate on water, but it is starting to degenerate. I want to bring the house back to order and ask members to take a breath.

Mr GUY — As I said before, the Labor Party can hope and pray that it will rain, but unfortunately that is not enough. The question has to be asked: what has the government done or thought of doing, and has it had any impediments? From 2002 it had a majority in both houses. It set high recycled water targets. It had the community's support to get on with the job, but it did nothing. So here we are standing in Parliament again talking about water. The Labor Party is talking about water; it is *deja vu*. The government has said that this is what it is going to do when the bill is passed. It is what it is going to build and how it will remedy the situation. But why the delay? If it was such an important bill, why did the government not bring it in before the election?

Mrs Peulich — Because it had to wait for a crisis.

Mr GUY — Because it had to wait for a crisis, Mrs Peulich, and the election was the stunt that came in between. I am sorry if members opposite leave me somewhat sceptical about the bunch of gonnas who form the government. The Minister for Water, Environment and Climate Change in the other place and the Premier headed off to central Victoria to launch this project. Together with a couple of other ministers — some unknowns from Bendigo or somewhere — they popped on shiny vests and helmets. There was not a single mark on the work helmets; they were brand new. They sat in front of the cameras and smiled and said, 'We are here to launch this incredible water project'. None of the media had jackets or

helmets on. The farmers who were assembled to talk to the minister did not have them on, but the media advisers said, 'Quickly, Premier, pop on your hat and get in front of the camera. Look like you are doing something'. But it was a stunt. They were in a field.

Had the government been serious about this project the pipeline could have been almost completed. The existing legislative framework could have allowed this project to be almost accomplished by now. I refer to the fact that the Colbinabbin to Lake Eppalock pipeline is already under construction without the need for legislative approval. All the approvals were obtained under the current laws. The land was acquired under current laws. Under the Land Acquisition and Compensation Act if it is more than 10 per cent a public purpose overlay has to be in place, although if it is less than 10 per cent it does not. There was no need to pass new legislation, but going into an election all the government had on its mind was a stunt and spin.

So let us talk about the bill. As stated, the bill gives the Premier extensive power to declare a project critical. There are no guidelines to assist him, he can just decide to do it. Unbelievably he must consult a little reference panel. He has to consult the Treasurer, he has to consult Mr Football, who is not here in the stadium today, and the Minister for Water, Environment and Climate Change. What a joke! He has to have a factional meeting with his mates to say, 'Should we do this today or not?' and they all say, 'Yes. Whose seat is it in? Do they need the money to save them?'

This bill gives the government the right to deem any project critical, to wash away landowners' rights without a single guideline on what constitutes a critical piece of infrastructure. It is breathtaking arrogance. There is no chance for review. Once this gang of four gets together and deems the project critical, the Parliament must be notified within 14 days. What does it all mean? It means the Minister for Planning — Mr Football — then takes over responsibility for the project, not local government. He has a right to commence the compulsory acquisition of land. I understand that sometimes things arise where we have to undertake major projects of importance to Victorians and, as I said before, we have the current laws available to deal with those.

I want to talk about when those current laws were used by the Kennett government. Let us have a look at what the current water minister had to say about similar laws in relation to the grand prix, which is coming up in a couple of days. The Minister for Water, Environment and Climate Change and member for Albert Park in the other place said in the Parliament:

This legislation sets a climate where the whole state is a designated democracy-free zone.

He said that the legislation was arrogant and antidemocratic and that it trespassed upon people's rights and freedom. It is unbelievable. This is the man who introduced a bill which makes the grand prix legislation look like chickenfeed. But wait, there is more. I would like to remind this chamber of some further comments made by the then planning minister in the other place. Johnstone William Thwaites. The then planning minister rumbled into Parliament and said:

The government plans to put planning back into a framework where councils and communities have a real and strategic say in the way planning is done.

Under this bill communities and councils get no say. The rights of land-holders are totally stripped away. Owning your own land means nothing under this bill. As I said before, a number of farmers concerned with this issue rolled up and had a chance to see the Premier, the Deputy Premier, the Minister for Agriculture and the Minister for Skills, Education Services and Employment in the other place, and a former minister in this place who is missing in action, Candy Broad. But despite knowing the farmers were there, none of the ministers talked to them. None of the five had the courage to show their faces.

Mr Thornley — Ever heard of getting an appointment?

Mr GUY — Mr Thornley thinks these people should have to have an appointment. Their land is being compulsorily acquired, and they have to get an appointment to see the Premier. Good luck to them! I bet Mr Thornley would be able to get an appointment to see the Premier, because he will be the member for Broadmeadows within four years, but I imagine some farmers up there in the country would have Buckley's chance of being able to see the Premier. The worst offender was the Deputy Premier, Mr Thwaites, whose performance was cowardly. He callously drove off on these people, because the media advisers had rolled in saying, 'Get out of here. This is going to be bad press'.

I am concerned about a number of statements that have been made today by a number of members opposite who either purport to or do supposedly live in their country Victorian electorates. Mr Viney, for example — he comes into this chamber but has not asked any questions on notice about water.

Mr Scheffer; I am sure he does not know where his electorate is, and he has not asked any questions on water. Ms Pulford has talked about Melbourne recital

centres or whatever, but she has not put any questions to the minister about water — nothing at all. Ms Tierney, Ms Broad, Ms Darveniza — they are not interested in water, because it is all a stunt.

In finishing, I say there is no need for this legislation. As I said, the government has all the powers it needs under the current provisions. The government still has not articulated the need for this bill. However, the Liberal Party will not oppose any water legislation. We want the government to get on with the job it promised to do seven years ago. I encourage the government to look at our policies from the last election and adopt them, as it did with our public transport zone 3 abolition policy.

This bill is all smoke and mirrors. It is all about spin. This is how the government has been conducting its seven a half years of administration, but I now call on it to act. Stop the spin; stop the mucking about. The water crisis in Victoria is real. It is not solved by TV ads; it is not solved by making your mate a millionaire; it is not solved by appearing in front of TV cameras in shiny white helmets; and it is not solved by media advisers selling a good story to a press gallery journo. It is solved by something this government cannot do — it is solved by action. For the sake of our state's water supply, I ask government members to get off their lazy backsides and to act.

House divided on motion:

Ayes, 35

Atkinson, Mr	Madden, Mr
Broad, Ms (<i>Teller</i>)	Mikakos, Ms
Coote, Mrs	O'Donohue, Mr
Dalla-Riva, Mr	Pakula, Mr
Darveniza, Ms (<i>Teller</i>)	Petrovich, Mrs
Davis, Mr D.	Peulich, Mrs
Davis, Mr P.	Pulford, Ms
Eideh, Mr	Rich-Phillips, Mr
Elasmar, Mr	Scheffer, Mr
Finn, Mr	Smith, Mr
Guy, Mr	Somyurek, Mr
Jennings, Mr	Tee, Mr
Kavanagh, Mr	Theophanous, Mr
Koch, Mr	Thornley, Mr
Kronberg, Mrs	Tierney, Ms
Leane, Mr	Viney, Mr
Lenders, Mr	Vogels, Mr
Lovell, Ms	

Noes, 5

Barber, Mr	Hartland, Ms
Drum, Mr (<i>Teller</i>)	Pennicuiik, Ms (<i>Teller</i>)
Hall, Mr	

Motion agreed to.

Read second time.

Committed.

Sitting suspended 6.32 p.m. until 8.03 p.m.

Committee

Clause 1

Ms LOVELL (Northern Victoria) — The Liberal Party is seeking to amend this bill to remove the government's attempt to significantly water down the rights of private land-holders. We are concerned about the government's attempt to significantly increase its ability to acquire land from private land-holders without going through a public process by reserving the land under a planning instrument for a public purpose.

The government says it needs this power to fast-track critical water infrastructure projects, but the project specifically referred to in the second-reading speech is under construction without this legislation, because the government already has the powers to acquire land under the Land Acquisition and Compensation Act. These powers had been used to acquire land from farmers in Colbinabbin to allow the construction of the Erskine pipeline from the Waranga West channel to Lake Eppalock to supply water for Bendigo.

I received correspondence from Mr Bruce Bassed of Colbinabbin in which he made a salient point that any water infrastructure project would take at least 6 to 10 months from the design stage until it reached the construction stage. Mr Bassed pointed out that this is plenty of time for the government to acquire the land that it needs under the Land Acquisition and Compensation Act, and the Land Acquisition and Compensation Regulations.

I formally invite the committee to support my amendment 1. The Liberal Party believes it provides the right balance between land-holders rights and the need for the government to have procedures in which to acquire land.

Clause 1 sets out the purposes of the bill, but if members have a copy of the amendments before them, they will see that we seek to omit clause 1, which states:

The purposes of this Act are —

- (a) to amend the Water Act 1989 to facilitate critical water infrastructure projects; and
- (b) to make a related amendment to the Land Acquisition and Compensation Act 1986.

We seek to replace this clause with amendment 5 standing in my name which inserts a new clause with a new purpose, which states:

The purpose of this Act is to amend the Water Act 1989 to facilitate critical water infrastructure projects.

That will make no reference to the Land Acquisition and Compensation Act 1986 because, as I have said, the government does not need to bypass the Land Acquisition and Compensation Act. It has the power it needs to acquire the land under that act. I urge every member to support the amendment.

The DEPUTY PRESIDENT — Order! I indicate to the committee that Ms Lovell's amendment to this clause will test further amendments and other clauses that she has already canvassed in her remarks. What she will be doing at the appropriate time is inviting the committee to vote against clause 1 as it stands at the moment. That is the nature of her amendment.

Hon. J. M. MADDEN (Minister for Planning) — I note that Ms Lovell mentioned, as you did Chair, that clause 1 will test a number of clauses. I am particularly interested in amendment 2, which relates to clause 3, page 5, line 27. I seek a point of clarification in the proposed amendment in which the member seeks to omit the word 'project' and then insert the word 'project'. I find it a bit incongruous that the member might want to omit one word and then replace it with the same word again.

Ms LOVELL (Northern Victoria) — It is simple to explain, because amendment 2 is a consequential amendment. The reason we are seeking to make that amendment is because clause 3 goes on for quite a few pages and would insert new sections 161V(1), (2) and (3). Those provisions relate to the Land Acquisition and Compensation Act. Because amendment 4 proposes to remove clause 5 of the bill, which would exempt this legislation from provisions of the Land Acquisition and Compensation Act, new sections 161V(1), (2) and (3) are no longer required. The amendment moves the quotation mark from the end of clause 3 on page 6 and puts it at the end of the word 'project' on page 5. It does not move the full stop; it moves the quotation mark.

The DEPUTY PRESIDENT — Order! To be helpful, it is to take away a single quote mark in the wording. The word 'project' is not at issue.

Because there are quite a few new members in the chamber and this is the first committee stage in this Parliament, I remind members, as I am sure the clerks have advised them during the familiarisation programs, that they are able to talk more than once in the

committee stage and to ask a range of questions. During a committee stage we are usually considering government legislation and the minister is answering questions. On this occasion clarifications might well be sought from Ms Lovell or from other members of the opposition.

Mr BARBER (Northern Metropolitan) — I have a question.

The DEPUTY PRESIDENT — Order! On clause 1?

Mr BARBER — Yes, and on related matters. As the minister has just pointed out, the clause is linked with the other questions. With respect to the use of the public acquisition overlay (PAO), I have been told around the place that Treasury no longer favours the use of PAOs because it sees them as a kind of liability for the government. What will be the government's intention if it is no longer required to gazette the PAO? Will it ever do them or is it intending to do away with them whenever it does not have to use them?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Barber's question. My understanding is that there is no significant matter to be changed in relation to any acquisition of land. This legislation is more to give certainty to the ability to deliver that infrastructure, as has been mentioned. I know that many members of the chamber have dwelt on the super-pipe in relation to what might be critical, but there is a whole range of other projects that might fall within this. They need to be considered as critical infrastructure projects in relation to water. I have a list here and I could name them, and I am happy to go through it at some stage if we need to, but there is no intention to usurp in any way the normal acquisition of land. I am not aware of any notion by any department or by Treasury in particular that favours one means above another. As mentioned in the second-reading speech, this is about giving certainty to projects of critical and vital water importance and, more importantly, ensuring that they are delivered as rapidly as possible.

I know that all members of the chamber have declared their interest in the need for this critical water infrastructure right across the state. Having consulted with the minister responsible for this legislation, the Minister for Water, Environment and Climate Change, I can say that he was particularly concerned about the contradictions in the views of many members of the opposition in relation to this bill — that is, they believed that water was critical, that the need to provide it was critical and that the need to get the infrastructure moving was critical, but at the same time they were

prepared to send this legislation back and hold up these critical projects.

Mr BARBER (Northern Metropolitan) — Again in relation to this clause and the other related clauses that it impacts on, it has been stated on a number of occasions along the way, including in the second-reading debate, that this does not change any ordinary person's rights to object to a planning application just because the minister now becomes the responsible authority, and I understand that for the most part that is true. Can the minister tell me whether, if I vote for this clause and some other related ones, as an ordinary member of the public I will be able to inspect the planning file in the way that I would if a local council were making its decision? If I went to my local planning counter I would see a file with the application, I would see various sorts of expert advice that were provided in the decision-making process, and I would see who the other objectors were. In this case will I be able to turn up to the minister's office, perhaps, and ask to see the file relating to the planning application in the normal way?

Hon. J. M. MADDEN (Minister for Planning) — I am interested in the member's comparison of local government procedures and the way it operates the administration of the local planning process. In my short experience of planning in my role as Minister for Planning the normal process for projects of some magnitude has been to have a panel.

Through Planning Panels Victoria you have a process by which interested parties who wish to make submissions can do so and interested parties who wish to be present at the submissions being made by others can do so. It is normally the case that the panel then presents its recommendations in one form or another. The member would be aware that at a local level where there is some conjecture over a particular project planning panels are often used as a mechanism not only to seek a range of opinions and expert advice but also to have an open and transparent process.

I would expect that in a situation where there is a significant degree of technical dialogue and discussion and even differing technical opinions in relation to various matters, the panel process or the like would be such that if people were particularly interested they could spend time not only making submissions but also attending the panel. The recent example of that I would give is the decision in relation to Nowingi. Many members of the local community who opposed the proposed Nowingi facility spent many hours listening to the respective arguments so they could make

contributions in relation to a range of matters. I would not expect a significant difference from that.

Mr DRUM (Northern Victoria) — In relation to the land acquisition aspect of this legislation, when a project is called in and compulsory acquisition is instigated, the land is acquired without any mechanism for appeal. I ask: how will this legislation, in the minister's opinion, make that process happen in a more expedient fashion?

Hon. J. M. MADDEN (Minister for Planning) — I am informed in relation to Mr Drum's inquiry that basically the land acquisition is identified through the planning scheme amendment. It is within a planning scheme, and if you are going to change that planning scheme to confirm that this is a public acquisition overlay, that has to be expressed in the local planning scheme.

Mr Drum — You have called the plan in.

Hon. J. M. MADDEN — I am trying to assist Mr Drum as much as I can, and that is what I expect of this process. My understanding is that I may well have the issue called in, but I still have to respond to the existing planning schemes in those local communities. Hence you need to adjust the planning schemes in those communities to reflect the public acquisition overlay.

Ms LOVELL (Northern Victoria) — In a previous answer the minister seemed to indicate that under this legislation planning would be subject to a panel process. As this bill is supposed to streamline things and make them quicker, I was wondering how a planning panel process will make things quicker.

Hon. J. M. MADDEN (Minister for Planning) — My point in relation to the planning panel was not that that element would necessarily be any quicker per se. I mentioned the planning panels in relation to the process by which parties who are interested in the planning process can make submissions and be made aware of the submissions of others, rather than having to inspect files or seek to inspect files. The people who are interested in the decision would be made aware of the panel's recommendations at the end of the day.

The critical element of making these projects quicker is where you have a number of authorities — I go back to Mr Drum's point in relation to planning scheme amendments and planning schemes themselves. If you have a series of planning schemes across a large area, you have to adjust each of those planning schemes. Normally each of those planning schemes would go through a process, so you might have to have three or four processes going on at the same time to adjust those

planning schemes, and you may not necessarily get the same outcome in relation to those planning schemes and the way they are advertised. If you had individual panels for each of those planning schemes, they might hand down slightly different recommendations.

In many ways this is 'calling the process in' — I say that in inverted commas because members have wished to use that as a description, but I may not use that as a description — to bring it into one authority with myself as the minister and to set in place a mechanism by which those planning schemes can be amended to allow for a project. It is basically done simultaneously through the one process with the planning minister as the authority. Rather than having a series of people and lots of resources across a range of areas, it is all done through one gateway.

Mr DRUM (Northern Victoria) — I would like to return to where we were before we headed off to the panel aspect of this. The minister maintains that although the planning minister might have called in a project he still has to abide by the relevant planning schemes. My understanding is that that is not true. My understanding is that once the minister calls the project in he can effectively make a determination on it that is outside the relevant planning schemes.

Hon. J. M. MADDEN (Minister for Planning) — I think the member might have misconstrued what I said. What we have to reflect in the respective planning schemes is the public acquisition overlay. That has to be placed in the planning schemes so that people know within that planning scheme what the likelihood of a parcel of land or the possibility of a project having an impact on them might be. The idea is to get that into the planning scheme and have it reflected in the planning scheme.

Mr DRUM (Northern Victoria) — In light of where the goldfields super-pipe project, which is mentioned in the second-reading speech for this bill, is at and the progress that has been made with it, is it true that there is no way this legislation could possibly impact on that project's process? Is that right?

Hon. J. M. MADDEN (Minister for Planning) — The answer is quite a technical one. I have just received some advice from the departmental advisers in relation to Mr Drum's question. However, to cut a long answer short, it relates to appeal mechanisms in relation to the Victorian Civil and Administrative Tribunal. I am happy to elaborate, but the member would have to give me a bit more time to get that advice from the relevant adviser.

Mr BARBER (Northern Metropolitan) — I thank the minister for clarifying the process with respect to the planning scheme amendments. I understand section 97E of the Planning and Environment Act says that if there is one objection to a planning scheme amendment the minister has to create a panel. However, my question now relates to the planning permit that might be issued. Apart from the public acquisition overlay, there could be more than one instrument at play here — there could be an environment significance overlay, which would basically trigger the requirement for a planning permit.

To be more accurate, my first question was about my rights as an objector to the planning permit that the minister will issue. I understand I will have the same right to appeal to the Victorian Civil and Administrative Tribunal, but my question is: will I be able to access the file on that planning permit and the kind of decision guidelines and materials the minister will then have to call forth to make that decision to issue a permit?

Hon. J. M. MADDEN (Minister for Planning) — I ask Mr Barber to clarify what he means when he says ‘file’, which is a generic term. Does he mean the file on the whole project in the department or submissions on it from individuals? A file at local government level is something significantly different from a file at state government level, which could be volumes and volumes of superfluous material that might be provided either to the department or from the department to the minister’s office or material going back and forth. I am just seeking clarification as to what Mr Barber means by his generic use of the word ‘file’.

Mr BARBER (Northern Metropolitan) — I think that is exactly my point, that when a planning permit is issued through the local council all the relevant documents, including all the objections, are actually there on one file. My earlier question to the minister was: will I have the same rights as an objector to come into the minister’s office and say, ‘Please show me the file. Please show me all the relevant documents that the minister has used in making his decision against the decision guidelines listed under each aspect of the planning scheme?’. Or is it the case that, in order to get access to that information after the minister has made the decision, I will have to apply for the documents under freedom of information?

Hon. J. M. MADDEN (Minister for Planning) — I appreciate that Mr Barber’s experience in many planning matters over many years has been at local government level. I understand how local government administers planning decisions and provides information to either opponents of or those proposing a

permit application. In all seriousness, state government does not work on that basis in relation to opening files on everything when there is an objection. As I said, the mechanism used is usually a panel process, which allows people to make submissions and for submissions to be heard. Depending on which way the panel operates — and that is determined by the chair or the terms of reference for the panel — there are different mechanisms for those opposing or proposing to be involved in that process. Often that is done through representation, sometimes by legal representation or by parties making a submission in relation to somebody else’s submission.

I understand that Mr Barber would like to be able to access all the files at once and have them publicly accessible. There are mechanisms by which government has traditionally provided information — through the freedom of information (FOI) process and other mechanisms — and currently Parliament is discussing other mechanisms to access government information. To operate as Mr Barber is suggesting would not only be cumbersome for anybody seeking to access often superfluous volumes and volumes of files and then trying to find particular things but would also — as I understand is often the case with FOI requests — take up considerable time at public service officer level. An inordinate amount of time would be spent by officers trawling through paperwork to find what is relevant and not relevant to a particular request. It seems to be the case that if people have a particular interest in a particular and specific matter they can make that request and access that information. If they believe they have been dealt with unfairly in those matters, they can seek an appeal through the Victorian Civil and Administrative Tribunal.

I do not know if that assists Mr Barber in any way, but my understanding is that state government does not operate in the same manner as local government. I am not saying that is a good thing or a bad thing; I am just saying that we have to make decisions, and that has been the practice for dealing with planning matters over many governments.

The DEPUTY PRESIDENT — Order! I remind members that Ms Lovell is inviting the committee to vote against clause 1. It will be treated as a test for some of the further proposed amendments to other clauses, which Ms Lovell has canvassed in her remarks.

Committee divided on clause:

Ayes, 19

Broad, Ms
Darveniza, Ms

Pulford, Ms
Scheffer, Mr

Eideh, Mr (*Teller*)
 Elasmarr, Mr (*Teller*)
 Jennings, Mr
 Leane, Mr
 Lenders, Mr
 Madden, Mr
 Mikakos, Ms
 Pakula, Mr

Smith, Mr
 Somyurek, Mr
 Tee, Mr
 Theophanous, Mr
 Thornley, Mr
 Tierney, Ms
 Viney, Mr

Noes, 21

Atkinson, Mr
 Barber, Mr
 Coote, Mrs (*Teller*)
 Dalla-Riva, Mr
 Davis, Mr D.
 Davis, Mr P.
 Drum, Mr (*Teller*)
 Finn, Mr
 Guy, Mr
 Hall, Mr
 Hartland, Ms

Kavanagh, Mr
 Koch, Mr
 Kronberg, Mrs
 Lovell, Ms
 O'Donohue, Mr
 Pennicuik, Ms
 Petrovich, Mrs
 Peulich, Mrs
 Rich-Phillips, Mr
 Vogels, Mr

Clause negatived.

Clause 2 agreed to.

Clause 3

Ms LOVELL (Northern Victoria) — I move:

- Clause 3, page 5, line 27, omit "project." and insert "project.'".

This is a consequential amendment to move the quotation mark from the omission in this clause back to the end of the word 'project'.

Mr BARBER (Northern Metropolitan) — I seek further points of clarification from the minister, if that is still allowable?

The DEPUTY PRESIDENT — Order! Mr Barber.

Mr BARBER — I ask the minister how, within the table of uses that is in each planning scheme, a water pipeline such as this — —

The DEPUTY PRESIDENT — Order! Does the member's question relate specifically to this clause?

Mr BARBER — I will wait for clause 3.

The DEPUTY PRESIDENT — Order! We are on clause 3. Do the member's questions relate specifically to the amendment?

Hon. J. M. MADDEN (Minister for Planning) — This is not to answer the question yet but just seek clarification. For members of the chamber who are new to the procedure, basically clause 1 is an opportunity to discuss the bill in a more general sense and then make comments. Following that and once we move into the

respective clauses, as I understand it there is an opportunity for members to ask specific questions on the impact of a specific clause rather than to speak generally, as might be the case with the first clause. Is that correct?

The DEPUTY PRESIDENT — Order! That is very true. Should I be the minister and the minister the Chair?

I advise Mr Barber that the minister is right in the statement he has made — that the questions Mr Barber is seeking answers to now have to be specific to the clause.

Mr BARBER (Northern Metropolitan) — I am new, so I am happy for the Chair to rule me out of order. My question is: in the table of uses in a planning scheme, what is a water pipeline defined as?

Hon. J. M. MADDEN (Minister for Planning) — I am advised that in relation to a project like this, which is the Wimmera–Mallee pipeline that is referred to — I have to confirm this answer as it is just the advice I have received from the box and even the adviser said he would have to seek further clarification in relation to the matter — the adviser believes it is referred to as a minor utility. It may come under that in relation to this.

Mr BARBER (Northern Metropolitan) — In that case I have one further question, so I hope the minister will indulge me. Is a minor utility as a use in the rural-use zone, a section 1, 2 or 3 use?

Hon. J. M. MADDEN (Minister for Planning) — I do not have the technical answer to that but I can seek to provide that to the member at a later date.

Committee divided on amendment:

Ayes, 21

Atkinson, Mr	Kavanagh, Mr
Barber, Mr (<i>Teller</i>)	Koch, Mr
Coote, Mrs	Kronberg, Mrs
Dalla-Riva, Mr (<i>Teller</i>)	Lovell, Ms
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Pennicuik, Ms
Drum, Mr	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	Vogels, Mr
Hartland, Ms	

Noes, 19

Broad, Ms	Pulford, Ms
Darveniza, Ms	Scheffer, Mr
Eideh, Mr	Smith, Mr
Elasmarr, Mr	Somyurek, Mr
Jennings, Mr (<i>Teller</i>)	Tee, Mr
Leane, Mr (<i>Teller</i>)	Theophanous, Mr

Lenders, Mr
Madden, Mr
Mikakos, Ms
Pakula, Mr

Thornley, Mr
Tierney, Ms
Viney, Mr

Amendment agreed to.

Ms LOVELL (Northern Victoria) — I move:

Clause 3, page 5, lines 28 to 34, and page 6, lines 1 to 19, omit all words and expressions on these lines.

This is again a consequential amendment. It removes everything from lines 28 to 34 on page 5 and everything from lines 1 to 19 on page 6. These refer to the Land Acquisition and Compensation Act. These amendments are triggered by our desire to delete clause 5, which we will do with amendment 4.

Mr BARBER (Northern Metropolitan) — I ask the minister whether, if I vote for this clause and therefore no public acquisition overlay is required, then in the instance when no other planning scheme amendment is required there would be no need for a planning panel.

Hon. J. M. MADDEN (Minister for Planning) — I ask the member to repeat the question. I only just got the gist of the question as he got to the end of it.

Mr BARBER (Northern Metropolitan) — What we are doing with this clause and this part of the bill overall is removing the need for a public acquisition overlay at all, but certainly in time for the minister to commence his project. If that is the case, in the instance when there is no other planning scheme amendment required there would be no need for a planning panel — in fact there would be nothing for a planning panel to look at. I am asking the minister whether that is correct.

Hon. J. M. MADDEN (Minister for Planning) — Whilst we are being a little bit hypothetical, I understand that that is not necessarily the case. In the vast majority of planning scheme amendments planning panels are established, but they are established for a whole lot of other reasons. It might be because of a range of overlays or it might be because there is a conflict of interest in the use of those overlays or regarding which overlay gets priority over the other. Where the issues are of a technical nature, this gives the opportunity for clarification. In order for the planning authority to get clear, reliable advice it has been in the public domain that the minister may establish a planning panel to provide a consolidated, clear position in relation to any project proposal. That may or may not be necessary for any of the critical water infrastructure projects by virtue of where they are or where they are sought to be located.

Amendment agreed to; amended clause agreed to; clause 4 agreed to.

Clause 5

The DEPUTY PRESIDENT — Order! Ms Lovell is dealing with amendment 4 standing in her name and, for the information of the house, is inviting the committee to vote against clause 5.

Ms LOVELL (Northern Victoria) — I invite the committee to vote against this clause. The amendment standing in my name seeks to delete clause 5 from the bill. This goes to the heart of our amendments today, because this is the clause that would have exempted critical water infrastructure projects from being subject to section 5(1) of the Land Acquisition and Compensation Act, which requires the public purposes overlay. I invite the chamber to vote against this clause.

Mr BARBER (Northern Metropolitan) — Let us assume for the moment that no changes to the planning scheme are required and the table of use says it is minor infrastructure or whatever the minister's adviser called it. The only thing that is required of the minister is to issue a planning permit. What I want to know is whether, as an objector, I would have the right to inspect a file in which all other objectors are listed to find out if I am the only guy objecting to this before I decide to go to the Victorian Civil and Administrative Tribunal or whether there are 200 objectors. When I go to the planning counter of my local council, I can find out who all the other objectors are just by looking at that file.

Hon. J. M. MADDEN (Minister for Planning) — It is worth referring back to my previous answer in relation to the matter of, as Mr Barber generically terms it, a file. It is not, nor has it been, the normal practice of government to make accessible a file of that nature in relation to who the other groups or individuals are who may oppose a proposed development. In most cases in relation to a matter like this I understand Mr Barber is saying that what happens at a local level is that he can access a file; in terms of what happens when the minister is dealing as the authority, I understand that is not normally the case. I do not anticipate that that would change unless there was consultation with the minister to seek to have that. If parties seek to find out who the other groups are who object to a proposal, I do not think in the vast majority of cases it is going to be too difficult for individuals to find out who they are or link up with groups so they might take their objection to the Victorian Civil and Administrative Tribunal if they feel compelled to.

Mr BARBER (Northern Metropolitan) — On a separate matter, I seek advice from the minister about whether, if I were to vote for this clause as it stands, it is possible under the new law once it is amended that the government would have the power to issue a notice saying it is acquiring land — —

Honourable members interjecting.

Mr BARBER — I think the minister needs to hear this. I ask whether it is possible that the sequence of events could be that the government turns up with a notice saying it is acquiring land before it has even got the process for a planning permit under way. That is to say, the minister could come and tell me he wanted to take over my land but I would not even have got a planning permit to respond to. I do not even know at what point that aspect of it may go to the Victorian Civil and Administrative Tribunal. My question is about the sequence of events in which the two different actions would occur.

Hon. J. M. MADDEN (Minister for Planning) — I can understand the proposition Mr Barber is putting. He is asking whether the government would seek to acquire land before or after a permit has been allowed for. My understanding is that in most instances where public acquisition is a possibility or is likely there are often discussions with a long lead time beforehand in relation to the prospect — not necessarily the actuality, but the prospect — that there might be an implication to particular land-holders of public acquisition at some stage. So those land-holders are not in a sense shocked, surprised or taken aback that a permit has been sought in relation to a project that might mean there is an acquisition or the land-holding might be acquired.

It is my understanding that it is normally the case that where there may an acquisition there is a reasonable amount of discussion and interaction to see whether the parties are receptive or not to a public acquisition. If they are receptive, there might be some negotiations. If they are not receptive, there might be either negotiations or further discussions as to what the impact might be in relation to whether the prospect is a possibility or not. I can understand where Mr Barber is coming from when he wants to know which comes first, but I think what he will find is that well and truly prior to any land acquisition or any permit being sought discussions would take place at a local level in relation to the prospect or ‘threat’ of any potential land acquisition.

Mr BARBER (Northern Metropolitan) — With respect, this is all about fast-tracking. If it is not in the second-reading speech, then it has certainly been in the

discussion around this bill — that is, the government wants to do the Ballarat section of this pipeline and the bill has been put forward as facilitating that pipeline within 12 months. When I was briefed by the advisers some time ago they said they still had not worked out what the route was. They also advised me that it would at least cross some dozens of properties on the way from Bendigo to Ballarat. What I want to know is whether the government intends to go ahead and acquire all of these properties once it has worked out what the route is, and then, since it is both the proponent of the project and the responsible authority, whether it will issue itself a permit at the end. In that case my right to object to the project would come very much towards the end of the game and would possibly delay the project, depending on how quickly the government could get onto the Victorian Civil and Administrative Tribunal list.

Hon. J. M. MADDEN (Minister for Planning) — I can see what Mr Barber is trying to in a sense make an issue of here, but it is about more than just the planning permit process or the land acquisition issues related to exactly where the project may or may not lie. It is really about ensuring that in terms of land acquisition or the adjustment of any planning scheme in relation to the potential for land acquisition, projects such as sheds, dams or any of those sorts of things are not developed in the line of where the proposed pipeline might go. There is the issue that Mr Barber is talking about in relation to the actual layout of the route, but I cannot comment on what that may or may not be because it has not been proposed to me as the authority yet, so I await that. It is also important that the time, effort and resources of individuals are not spent trying to implement adjustments to their own properties that they may find are of no benefit or are unable to be fulfilled because of either the possibility of land acquisition or the layout of the pipeline.

There are some issues there, and whilst I can appreciate that Mr Barber wants to know which goes first, there may be something else that even goes before that, which is that we have to make sure people understand that if they are proposing something, it may or may not be able to go ahead because of where land acquisition may or may not take place. There is also the issue of access to the land after land acquisition, and the manner in which people may need to provide that. I know that Mr Barber is trying to make the point that this seems heavy handed and that that is because the government wants to do this quickly. But whilst it would be done with a sense of urgency, all consideration would be given to land-holders to allay their anxieties and their fears throughout the process to make sure that not only were any projects dealt with expeditiously but also that

the local issues of each of those land-holders were dealt with basically once the legislation had been passed by both chambers, in whatever form that may take.

Mr BARBER (Northern Metropolitan) — With respect, the statement was made during the debate by a number of people on the minister's side that this does not change any objector's rights whatsoever. When I was on a council as a responsible authority we ran planning scheme amendments that were for specific developments. We put the planning scheme amendment and the permit together so that everybody got to have their say in one go. I am starting to wonder now whether the government might not work out part of the route, go ahead and start acquiring those properties, have a few more ideas about another part of the route changing — —

An honourable member interjected.

The DEPUTY PRESIDENT — Order! The member is not being very helpful to his own minister.

Mr BARBER — It is only when the government has worked out all the details of its project and acquired all the properties that it will be likely to put in place a planning scheme amendment, if required at that place, or possibly just a planning permit. That was not a question, Deputy President, that was a statement, but I gather that they are in order at this stage of the bill.

The DEPUTY PRESIDENT — Order! In the committee stage members are allowed to make comments as well as ask questions.

Hon. J. M. MADDEN (Minister for Planning) — I understand what Mr Barber is getting to. In clarifying the information for him, as I stand here today I am answering in a sort of dual role. I am representing the Minister for Water, Environment and Climate Change in the other place, and I am also answering in respect of issues specifically related to planning elements as the planning authority referred to in this piece of legislation. This is not the planning minister's legislation, although it refers to legislation I am responsible for as the planning minister. This bill is actually the responsibility of the Minister for Water, Environment and Climate Change in the other place.

Mr Drum interjected.

Hon. J. M. MADDEN — It is very important, so I would like Mr Drum to consider this. In relation to the matters raised by Mr Barber, I am not able to answer fully on some of the issues in relation to the location of the super-pipe, but I am happy to seek that information for him from the minister responsible for the pipeline. I

am making some comments here tonight as the relevant planning authority within the legislation.

In relation to the projects — and I advise Mr Drum this is very important too — I will be the authority, I will not be the proponent. The role of the planning minister is to be the authority that determines the process by which it may or may not be allowed and under what circumstances, hence the discussion around panels and other issues. At this point, because I am the authority as the planning minister, I have yet to see any proposal come to me in relation — —

Mr Drum interjected.

Hon. J. M. MADDEN — I thank Mr Drum. The proposal needs to come to me as the authority for me to allow it in one form or another. That is a different matter, and if the member needs the technical information about where the line will go and what will happen first, I am happy to seek that information for him from the minister responsible for this legislation, who is the Minister for Water, Environment and Climate Change in the other place.

The DEPUTY PRESIDENT — Order! We are talking about the actual clause rather than a project. There is no project before the committee at the moment. The minister's remarks are apposite in the context of this debate.

Mr BARBER (Northern Metropolitan) — I reckon this will be my last question, because like everybody else I want to go home. It relates specifically to the Planning and Environment Act, and specifically to the minister's role as Minister for Planning. He has some advisers in the box that he can ask about this. Is there any section of the Planning and Environment Act which states that an objection that a person makes to a planning permit is a public document by right?

Hon. J. M. MADDEN (Minister for Planning) — The advice I have is that whether it is a public document or not is dependent on where it resides and in what form and where it is located. To go back to where we started some comments ago, if it is in the public domain through a panel process, it is a public document. If it is submitted in a different way then it is not necessarily a public document. We are talking about hypotheticals here. If someone were to go to the Victorian Civil and Administrative Tribunal there is no guarantee that it would be a public document unless it were at VCAT for people to hear the submission. It would really depend on what the form the submission is made in.

Clause negated.

Clause 6 agreed to.

New clause

Ms LOVELL (Northern Victoria) — I move:

5. Insert the following New Clause to precede clause 2 —

“A. Purpose

The purpose of this Act is to amend the **Water Act 1989** to facilitate critical water infrastructure projects.”.

New clause agreed to.

Long title

Ms LOVELL (Northern Victoria) — I move:

6. Long title, omit “, to amend the **Land Acquisition and Compensation Act 1986**”.

The purpose of this amendment is to amend the long title of the bill. It will remove reference to the Land Acquisition and Compensation Act. The new long title will be:

A Bill for an Act to amend the Water Act 1989 to facilitate critical water infrastructure projects and for other purposes.

Amendment agreed to; amended long title agreed to.

Reported to house with amendments, including amended long title.

Remaining stages

Passed remaining stages.

**NUCLEAR ACTIVITIES (PROHIBITIONS)
AMENDMENT (PLEBISCITE) BILL**

Introduction and first reading

Received from Assembly.

**Read first time for Hon. T. C. THEOPHANOUS
(Minister for Industry and State Development) on
motion of Mr Jennings.**

**PRAHRAN MECHANICS’ INSTITUTE
AMENDMENT BILL**

Introduction and first reading

Received from Assembly.

**Read first time on motion of Mr JENNINGS
(Minister for Community Services).**

**PARLIAMENTARY LEGISLATION
AMENDMENT BILL**

Second reading

**Debate resumed from 1 March; motion of
Mr LENDERS (Minister for Education).**

Mr P. DAVIS (Eastern Victoria) — The purpose of the Parliamentary Legislation Amendment Bill 2007 is to amend the Parliamentary Committees Act 2003, to rename the Economic Development Committee and alter its functions, to rename the Rural and Regional Services and Development Committee and to increase the maximum number of members of a joint investigatory committee. The act also amends the Parliamentary Salaries and Superannuation Act 1968 to provide for additional salary to be payable to certain members of Parliament. That is a brief summary of the purpose of the bill. I advise the house that the opposition will oppose the bill in its current form. Having said that, I add that we will also be seeking to amend the bill, and we would of course consider our position in the event that the bill was subsequently amended.

Before I go to the substantive issues that concern the opposition I would like to give the house a brief reminder about the nature of parliamentary committees. We have had in recent days some discussions about parliamentary committees of this place, particularly select committees, and the powers that repose therein. There is no doubt that we all understand that select committees, as a result of delegation from this house, have wide powers to examine the executive and hold it to account — and we should remind ourselves every day that that is one of our primary purposes. Indeed we should remind the government every day that that is why we are here and that we are very interested to see that process continue.

This is not new or novel. I refer to committee work of the Westminster Parliament prior to 1547, when the House of Commons began to record its proceedings in journals. The committee process has evolved under the various forms of Westminster parliamentary representation, and there have been evolutions in each century. I will come to a contemporary view in a moment. It is useful to note that following the Reform Parliament of 1833, the number of committees in the Westminster Parliament increased and their functions and procedures evolved in forms copied by fledgling colonial parliaments throughout the British Empire, forms which are still clearly recognisable in the federal and state parliaments of Australia.

The first motion carried for the appointment of a select committee mentioned in the Victorian *Hansard* of 1856 was:

That a select committee be appointed for the purpose for preparing the draft of an address for presentation by That Council to his Excellency the Officer Administering the Government, in reply to his speech that morning. The committee is to consist of Mr S. G. Henty, Mr H. Miller —

I do not think it was Harry —

Mr Power, Mr Hervey, Mr Keogh, Mr Fawkner, and the mover [Mr Bennett].

Other select committees appointed during the first few days following the opening of Parliament included a standing order committee in the Council and in the Assembly, a committee of five gentlemen of the Council who were to inquire into the workings of the penal establishment with the power to examine witnesses and order the production of books and papers, and a library committee.

All of that in summary is from an outstanding publication, which I recommend to members for their information, about how our parliamentary committee system works. It is a report of a Scrutiny of Acts and Regulations Committee of May 2002 entitled *Improving Victoria's Parliamentary Committee System*. I do not intend to labour the point about the history of the evolution of parliamentary committees, but I do want to remind the house of the significant role that parliamentary committees play. As we know, the powers that are vested in parliamentary committees, including select committees, are wide, and are a delegation from the Parliament as a whole. I do not now intend to reprise the debate we had earlier this day about the extent of those powers.

Quite clearly in a contemporary sense there have been various evolutions of the current committee structure, and that process will continue. This learned paper which, as I say, I recommend members refer to, talks about several phases of the evolution of the parliamentary committee system.

I want to look specifically at the issue of Victorian parliamentary investigative committees. I found for my reference a pamphlet produced by the Parliament to inform the community about the work of Victorian parliamentary committees. It says:

The role of the parliamentary committees is to investigate and report on matters on behalf of Parliament. Such investigations are more easily and efficiently dealt with by a committee than by the Parliament as a whole, and they allow the Parliament to more effectively perform its role and to keep the government accountable for its actions.

That the government should be accountable for its actions is an interesting and novel idea in the context of the debate we have had in this place today.

I further refer to a separate document which I found after searching in the library, almost in the archives. It is a document entitled *Making Parliament Work — Labor's Plan for a Harder Working and More Democratic Parliament*. It is dated May 1997, so it is nearly a decade old, but I am sure it is worthy of consideration nevertheless. It was printed and authorised by a 'J. Lenders, 23 Drummond Street, Carlton South 3503'. I wonder if the J. Lenders mentioned in this paper is the same J. Lenders who purports to be the Leader of the Government in this place.

Mr Viney — He is.

Mr P. DAVIS — I do not know whether the two are connected. Later in the debate I am sure we will have the opportunity to hear from the J. Lenders — —

The PRESIDENT — Order! Mr Davis, I can guarantee you that Mr Lenders, who is sitting here in this Parliament, is the Leader of the Government. The member, to continue.

Mr P. DAVIS — President, I would not take issue with your ruling, but I was wondering if there was some attempt to substitute something because there is someone here purporting to stand up for democracy in the Victorian Parliament and in 1997 he called himself J. Lenders. I thought there might be some substitution going on. When I read the paper I was surprised to find on page 12 under 'Reforms to parliamentary committees' the statement:

Labor believes that the current committee system of the Victorian Parliament does not provide for proper scrutiny of the executive government. The structure of committees — with an uneven number of members, a government majority and a chair from the government party — leaves them open to manipulation.

Hear, hear, Mr Lenders, if indeed he is the same Mr Lenders who wrote this paper in 1997. I congratulate him for his observations about proper process, about the independence of the parliamentary committee system from the executive, about the capacity, as Mr Lenders rightly says, for manipulation, which is exactly what is occurring with the parliamentary committees that have been established and are being amended by this bill. The paper further states:

Each committee will be comprised of six members, three government and three non-government.

‘What hypocrisy! We hear from the Leader of the Government about proper process, about how the place should operate, about how the Parliament should work, but when it comes to the reality test, is the minister committed to proper scrutiny by the Parliament? No, he is not. He is caught out as being a hypocrite, saying one thing in opposition and an entirely different thing in government.

What is it that he is trying to do with the parliamentary committee structure? He and his comrades have set up a parliamentary committee structure with absolute control by the executive, both in the number of members on every committee and the chairmanship of all but one. Mr Lenders should not come into this place and talk about democracy. The reality is that he has a problem with credibility in this place based on his own work — the work he did a decade ago.

I want to point out to the house that we are concerned about the appropriateness of the proposals in this bill relating to remuneration in respect of members of Parliament undertaking work in parliamentary committees. I advise the house that in amendments to be circulated later in the debate we will seek to excise clause 9 of part 3 which deals with changes to the terms of remuneration for members of Parliament serving on parliamentary committees. It also deals with the remuneration of the Leader of The Nationals in this place.

I make the point that we are concerned about a notion the government is seeking to introduce about differential salaries, which has been something the Parliament has long resisted. There has been a convention that members of this place are remunerated on similar terms notwithstanding the different responsibilities they have in terms of the degree of difficulty in servicing their electorates — whether they are city members from pocket-sized electorates or country members. It is clear that the government is introducing what I describe as a performance pay concept without the performance test.

I would invite the minister in his contribution to this debate to explain to the house whether it is the government’s intention to progress this concept further by having differential salaries for ministers. If so, can we be advised which ministers are performing satisfactorily and will get a pay rise and which of those are performing poorly and will get a pay reduction? Perhaps that is overdue with respect to the Bracks government.

I am concerned about the principle which the government is attempting to have adopted in this place

of linking arrangements in the Council and the Assembly as if they were one integrated operation. The truth is that the Legislative Council and the Legislative Assembly have slightly different responsibilities. Substantially, inevitably because of the election process, we have a different complexion and will continue to have a different complexion from the Legislative Assembly.

It seems to me to be inequitable for parties in this place, notwithstanding that they may be small in number, to be improperly resourced with respect to recognition of that party status. They still have a serious job to do, and therefore they should be properly resourced. To presume that there should be some additional recognition just because there are members of the party in another place overlooks the important role parties who are represented in this house only have in the parliamentary process.

I need to advise the house that we will be proposing, apart from excising clause 9 entirely, to look at the independence of the committee process. It is certainly the view of the opposition as a principle that parliamentary committees should be substantially independent of the executive.

Mr Lenders interjected.

Mr P. DAVIS — If Mr Lenders wants to live in the past, that is fine. He can be a Luddite or a troglodyte, but the bottom line is it is 2007 — get over it. We need to deal with the facts. The facts are that even Mr Lenders, in his own paper of 10 years ago, made the argument that parliamentary committees need to be independent of the executive, and he has failed the test seriously on this occasion.

We believe importantly that the committees that have the principal scrutiny roles of government — the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee — should be absolutely independent of the government and the executive both in terms of the number of members and the chairmanship thereof. We will be seeking to move amendments later in the debate to give effect to that principle to ensure that the Parliament can discharge its duty of properly holding the executive to account and putting the government and individual ministers under scrutiny.

The principle that we will be adopting is to seek to amend the bill to ensure that in future there will be an independent view of the performance of the government in respect of its legislative agenda through the Scrutiny of Acts and Regulations Committee and

separately in respect of its financial performance through the Public Accounts and Estimates Committee by virtue of those committees having independent chairs and a majority of non-government members.

I do not intend to speak any further on this matter, because I will be speaking during the committee stage of the bill, but I invite the minister who has responsibility for this bill, being the Leader of the Government, to explain to the house the consistency between his position in 1997, when he took responsibility for the authorship for the Labor Party of the document from which I have quoted, and his position today. It would make illuminating reading.

Mr HALL (Eastern Victoria) — I want to make a couple of comments about the Parliamentary Legislation Amendment Bill. It amends two acts of Parliament: firstly the Parliamentary Committees Act of 2003; and secondly, the Parliamentary Salaries and Superannuation Act of 1968.

Dealing with the first of those two acts, the Parliamentary Committees Act, it will be amended in a couple of ways. The names of two committees will be changed. The Economic Development Committee of the Parliament will become the Economic Development and Infrastructure Committee, and the Rural and Regional Services and Development Committee will become the Rural and Regional Committee. Assessing those changes, The Nationals do not believe there is any disbenefit in the changes, and indeed the inclusion of 'Infrastructure' in the name of the Economic Development Committee gives it a broader scope in which to operate. We are happy to support the name changes for those two committees.

We are also happy to support the increase in the maximum number of members who can serve on a committee from 9 to 10, principally to allow for greater representation from some of the smaller parties in the Parliament. As one of those smaller parties, although we are an official party of the Parliament with 11 members, The Nationals acknowledge that smaller parties need that representation. We believe there should be an as-of-right position for all political groupings if they so choose to be represented on the all-party parliamentary committees. We are happy to support those changes to the Parliamentary Committees Act.

I note that the Leader of the Opposition's criticism was what this bill does not do, and that is to bring about major reform for parliamentary committees. I note the criticism that was directed to the Leader of the Government about promises previously made and not

implemented in this bill. One only needs to look at the history of parliamentary committees in this Parliament to see that on every occasion when a government has had absolute power it has appointed its own chairpersons and had control of those committees.

I look back to the first term of the Kennett government, the 52nd Parliament, when there were eight parliamentary committees, and each of those committees was chaired by a member of the Liberal Party. In the 53rd Parliament, which was the second term of the Kennett government, between 1996 and 1999 when there was a coalition government, eight of the nine committees were chaired by the Liberal Party and the ninth was chaired by a member of the then National Party. Then the Bracks government came to office, and in the 54th Parliament, between 1999 and 2002, when the government did not have control of the upper house, the situation was that the chairs of those committees were split, and the Liberal Party held four chairs and the Australian Labor Party held four chairs. With the 55th Parliament, where Labor had control of both houses, it appointed its own chairpersons to each of those committees.

The history of reform and independence of parliamentary committees is not borne out when you look at the history of the last four or five parliaments. It is the party that has held power for the day that has appointed the chairs of those parliamentary committees. Realistically, to criticise the current Labor government for not undertaking major reform is a bit like the pot calling the kettle black.

I want to move to the other point, regarding changes to the Parliamentary Salaries and Superannuation Act, to which there are a couple of amendments. Firstly, the bill amends the conditions under which the leader of a third party — and it could be any third party of the Council — is paid an allowance. Secondly, it increases the allowance payable to the chairperson of the Public Accounts and Estimates Committee (PAEC) and the Scrutiny of Acts and Regulations Committee (SARC). Thirdly, it creates an allowance for the deputy chairs of those two committees. I want to make a couple of comments about those committees.

The allowances and salaries paid to members of Parliament are set out in the Parliamentary Salaries and Superannuation Act. Pages 5 and 6 of that act have a table setting out what different people associated with parties are paid — from the Premier, through to ministers, leaders of oppositions, leaders of third parties, party whips and parliamentary secretaries. They are set out in the act, which has been around for some time very clearly on the public record.

With respect to changes to that table, the provision associated with the leader of a third party in the Legislative Council currently says that the leader is paid an allowance where there is a minimum of four members. The amendment simply removes that criterion. It is the only position out of the 15 to 20 positions listed that has any such number criterion attached to it. A reason for that is not given, and it seems illogical that that should be the only position to which such a number criterion is attached.

As the leader of the third party in the Legislative Council I can say that the role played by the leader of a third party is not greatly different from the role played by the Leader of the Government, the Leader of the Opposition or indeed the Deputy Leader of the Opposition, because it still requires consultation amongst all the official parties and party groupings as to the weekly programs in this chamber.

Moreover, having a significant membership in the other chamber requires the leader of a third party to ensure that there is liaison between the members of the party in the Assembly and those in the Council to ensure that a consistent view is expressed by the party in each of the two chambers of the Parliament. There is a responsibility for the leader of a third party in the Council to directly report to his or her party to ensure that the happenings of the Legislative Council are accurately reported to the party as a whole.

Although the Leader of the Opposition traditionally has greater numbers than the leader of a third party, their role is not significantly different. Indeed sometimes a combined workload of having to speak more often in the Parliament as well as perform those leadership duties can be quite onerous. It seems to us to be inconsistent that a number criterion is attached to the position of leader of a third party in the Council. Such criteria are not attached to any of the other positions listed at pages 5 and 6 of the Parliamentary Salaries and Superannuation Act of 1968.

I also want to make a comment about the increased allowances that will be payable to the chairpersons of PAEC and SARC. In one parliament I served as a member of PAEC, and that service was the hardest committee work I have done. I considered the workload of the members of that committee to be particularly heavy. Compared with the Education and Training Committee, which I currently serve on and did in the last Parliament, and the Public Bodies Review Committee, which I served on when I first came to the Parliament, my four years as a member of the Public Accounts and Estimates Committee generated a far

greater workload than my time on those other two committees.

I would be surprised if anybody who served on PAEC would not agree with the view that there is a very heavy workload. If you are the chairperson I should imagine that that workload would be further magnified and more difficult than the workload of the chair of other committees. I do not know about the Scrutiny of Acts and Regulations Committee because I have not served on that committee, although The Nationals leader, Peter Ryan, served as chair of that committee for a period of time and attested to his colleagues in The Nationals that it was a consistent and heavy workload.

We considered those factors when we looked at this legislation. We believe an increase in the salaries of the chairs of those two committees is warranted, as is the small allowance this amendment will provide in recognition of the role of the deputy chairs. I note that the deputy chair of the Scrutiny of Acts and Regulations Committee takes on a permanent and different role of the scrutiny of regulations. They have quite a distinct role and responsibility, and we thought that was a further reason why an allowance was justified for that position.

I know that some concern has been expressed that with this legislation we could have done more to restructure parliamentary committees, including the role they play and the way in which they operate. However, as I said, governments of the day, of whichever political persuasion, have tended to ensure that they control these all-party parliamentary committees. That in itself does not prohibit the worthwhile work that a parliamentary committee can do. We hope that these all-party parliamentary committees operate on a bipartisan basis and ensure that their recommendations to the Parliament gain the respect and support of all members of the Parliament because of that bipartisanship and the way they do things. With those few words I indicate that The Nationals will be supporting this piece of legislation.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to speak today on the Parliamentary Legislation Amendment Bill. I would like to talk about three aspects of the bill: firstly, the proposed amendments to the joint committees; secondly, the amendments regarding the increases in remuneration that are proposed to accompany certain positions; and thirdly, the amendments with regard to the criteria for party status in this Parliament. Unfortunately the bill represents a missed opportunity to improve the joint parliamentary committee system and thus to raise the

standard of transparency and accountability in this Parliament.

As I have mentioned before, in their election campaign document entitled *Making Parliament Work — Ideas from the Greens* the Greens pledged to improve parliamentary processes and the independence of committees. We have not been alone in these thoughts. The Premier in his inaugural speech to Parliament remarked:

Parliamentary committees and committee chairs perform a crucial function in examining ministerial and departmental activities.

He then quoted an article by a Mr Tony Rutherford in the *IPA Review*, which states:

... one obvious and necessary path for reform is to assert the power of Parliament over the executive.

However, despite those words, in 2003 the government took over almost all the parliamentary committees — as had the previous government — and almost all references to them have since come from the government. The same has now occurred in the commonwealth Parliament. Governments can of course do this with joint committees when they have a majority in the lower house, but the question is: is it good for democracy?

I believe that committees can best perform their functions if they are not all dominated and/or chaired by government members. This is especially crucial for committees that examine the expenditure or proposed expenditure of government. Admittedly the situation with joint parliamentary committees around the country is not much better than the situation here, although while most are chaired by government members not all have government majorities. However, that is no excuse for not doing better in Victoria.

In my inaugural speech I used the phrase ‘structure is destiny’ — that is, the structure of an entity will largely determine its function and outcomes. The current committee structure in which almost all committees have government majorities and chairpersons does not provide for the function of improved scrutiny or the outcome of increased transparency and accountability. I take Mr Hall’s point that it does not mean that the committees do not do good work, and I am not necessarily saying that they still cannot do good work.

The bill expands the membership of the committees to allow participation by the new parties, but this could as easily have been achieved with the existing numbers if the government had not insisted on being in a majority position on every committee. It will not improve public

confidence in parliamentary processes for the public to know that the government will largely be deciding what issues government-controlled committees will investigate or report on. Committees should be able to provide their own references, and it will be up to this chamber to ensure that references on important public issues are made to these committees, such as the one earlier today on bushfires.

In the other place Mr Ingram, the Independent member for East Gippsland, moved an amendment to change the name of the renamed Economic Development and Infrastructure Committee to the Economic Development, Infrastructure and Public Works Committee. The Greens think that is a very good idea. The scrutiny of proposed public works is a much-needed function, particularly in this era of increased use of public-private partnerships and the associated commercial-in-confidence issues. The value to the public of those partnerships in the short and long terms has been widely questioned.

In the commonwealth Parliament all public works estimated to cost more than \$15 million are referred to the Joint Standing Committee on Public Works. This committee was established in 1913 and is one of the oldest investigative committees in the federal Parliament. Essentially all public works sponsored by commonwealth departments and major statutory authorities come within the ambit of that committee. Other state parliaments also have public works committees.

I will therefore be moving an amendment, which I request be circulated now, to add the words ‘Public Works’ to the title of the Economic Development and Infrastructure Committee and to provide for the committee to look at the necessity of public works, the present and public value of such works, whether there are or could be environmental impacts of such work, and the cost of public works.

Greens amendments circulated by Ms PENNICUIK (Southern Metropolitan) pursuant to standing orders.

Ms PENNICUIK — I would like to speak now about the increased remuneration for certain committee chairpersons and deputy chairpersons. I cannot see how it is possible to justify to the public the substantial increase in remuneration for the chairs of committees and deputy chairs of the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee. I acknowledge that these are important roles, but they are already more than well rewarded. I have not heard or seen any evidence that chairing these

committees, with support from committee secretariats, will be any more onerous now than it has been in the past. We are talking about amounts of money that many people in the community live on for a year — that is, the 20 per cent increase of the base parliamentary salary is what too many people in the community are already living on for their whole year.

It is also not clear whether or how such increases in remuneration will improve the operation or the outcomes of the committees. It has become clear to me in my short time here that time is the crucial currency in Parliament and that the way that parliamentary time is organised and used may not be the most efficient possible. It would seem to me that rather than trying to justify such extraordinarily large increases in remuneration, it would be more efficient to ensure effective organisation of parliamentary time so the committees and committee chairpersons are able to carry out their important functions effectively, thus ensuring better outcomes for the community.

It appears there may be an arrangement between The Nationals and the government regarding the passage of this bill. This is disappointing because I believe it could have been possible to ensure that all members and parties were fairly and adequately resourced to do their jobs and that there was a fair allocation of chairs of committees without directly tying the remuneration of particular members to the passage of a particular bill in this way. In any case this has prevented us from looking at the two issues separately.

This arrangement has only served to increase resources to a party that already has significant resources in comparison to the new parties here. It does nothing to improve the committee system. It illustrates why the remuneration and resourcing of members of Parliament should be managed through a transparent mechanism.

It appears that the position of chair of the new Rural and Regional Committee has been assigned to The Nationals due to their status as the rural party.

Mr Drum interjected.

Ms PENNICUIK — However, I advise Mr Drum it is becoming less and less so. There are Labor and Liberal members in rural electorates and the Democratic Labor Party has a member in Western Victoria Region. The Greens, although only returned in the metropolitan electorates, ran in every electorate in the lower and upper houses. In many non-metropolitan and rural seats where we went head-to-head with The Nationals we did extremely well. We beat them in Bass, Polwarth and South-West Coast. We got 22 per

cent of the vote in Falls Creek and Mallacoota, 17 per cent in Merrigig, 14 per cent in Pomonal and Foster and 9 per cent in Port Fairy. We are every bit a rural party as The Nationals or any other party. However, we would not have opposed The Nationals chairing the Rural and Regional Committee because we support the idea of non-government chairs.

This bill also defines The Nationals as the third party. It blatantly reduces the existing requirement for four members in the upper house to accommodate the reduction in the number of members of The Nationals in this place from four to two. If The Nationals had ended up with fewer than 11 members overall, would we be changing that clause too?

The issue of party status is an interesting one. Why is the threshold in Victoria as high as 11 members? That is more than twice as high as in most other Australian parliaments.

Honourable members interjecting.

The PRESIDENT — Order! I advise members we have 5 minutes to go.

Ms PENNICUIK — I will be finished in 5 minutes.

In Tasmania party status is four members in the Assembly. In the commonwealth Parliament recognised parties are defined as those which have at least five members in the Parliament. In Western Australia a party is at least five members of Parliament. The South Australian Parliament does not bestow party status. It treats each member as an individual member and the government determines the resource allocation for members of Parliament be they members of parties or not. In Queensland party status is defined as 10 members, and in New South Wales it is 9 members in the Legislative Council and 10 members in the Legislative Assembly, but members of minor parties receive additional resources regardless.

This bill proposes to change certain entitlements under the law but we understand that through the budget of the Department of Premier and Cabinet the Liberal Party and The Nationals are informally granted staff above their basic electoral and leader entitlements. We do not begrudge them that, but it should be transparent. It should be the case that all parliamentarians are resourced adequately to do their jobs through a process that is completely separate from the business of the Parliament. In his inaugural speech to this Parliament the Premier put it well. Again quoting Mr Rutherford, he said:

Ministers have at their command large personal staffs, the services of consultants and, most of all, their departments. Private members, comparatively, have virtually nothing. Members, particularly state members, therefore need more and better staff.

We call on the government to resource the new parties fairly, objectively and adequately, and to set up an independent mechanism to allocate parliamentary resources in the future. With that, I indicate that we will not be supporting the bill.

Opposition amendments circulated by Mr P. DAVIS (Eastern Victoria) pursuant to standing orders.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Bushfires: tourism

Mr HALL (Eastern Victoria) — I wish to raise a matter for the attention of the Minister for Water, Environment and Climate Change in another place. It is an urgent request for the minister to bring forward promised capital works to promote tourism in bushfire-affected areas of East Gippsland.

I refer the Minister for Water, Environment and Climate Change to the ALP's 2006 Victorian election policy headed 'Victoria's national parks and biodiversity'. Within that policy the Australian Labor Party suggested it would invest \$1.3 million in a number of capital works projects in or near national parks in East Gippsland. The first was to create a new tourism opportunity called the great short walks of East Gippsland and Labor promised \$750 000 towards that. It was to comprise the creation of five new walks: the Snowy River estuary walk from Marlo to Frenches Narrows, the Snowy River lookout walk, the Mallacoota scenic coastal walk, the Lochend to Wat Wat rainforest walk, and the old growth walk in Goongerah.

The second of three projects to be funded under this \$1.3 million promise was to develop two ecolodge sites in East Gippsland and \$250 000 was promised towards that. Labor said:

We will provide \$250 000 to identify two ecolodge sites to boost sustainable tourism in the region. Based on preliminary studies, we will develop a business case to offer to the tourism market to develop ecolodge accommodation at:

Lake Tyers Forest Park on nearby freehold land, south of Nowa Nowa.

Tulloch Ard Gorge in state forest or on freehold land, north of Buchan.

The third project was a viewing platform at Tulloch Ard Gorge. That was a \$300 000 project to establish a viewing platform and lookout at the spectacular Tulloch Ard Gorge in East Gippsland. The policy states:

This will help more families enjoy Victoria's natural environment, with a roadside stop near Gelantipy with views over the gorge and a 2-kilometre walking track to a viewing platform overlooking the gorge ...

That is \$1.3 million. No doubt the government will claim that it cannot complete these projects until at least such a time as the state budget comes down. However, given that tourism needs an urgent boost in East Gippsland following the recent bushfires, my urgent request to the minister is that he bring forward these projects and complete them now so we can help promote the area, promote tourism and help East Gippsland recover from the devastation of bushfires.

Member for Gembrook: comments

Mrs PEULICH (South Eastern Metropolitan) — The matter I wish to raise is for the attention of the Minister for Women's Affairs in another place, Jacinta Allan. It is in relation to comments made recently by the member for Gembrook in another place, Tammy Lobato, in her contribution to the address-in-reply to the Governor's speech. Her attack on the new cancer vaccine for women was well reported in the *Herald Sun*. Fortunately the Premier has distanced himself from that criticism, in view of the fact that a significant number of women die from cervical cancer.

However, considerable community concern has been expressed to me in relation to these comments given Ms Lobato's position as a community leader and role model. This issue has been raised with me by women, young and old, and fathers and husbands alike. They are absolutely gobsmacked that someone in Ms Lobato's position could be so irresponsible as to put forward a fairly vitriolic position against this very important breakthrough in women's health.

The drug is clearly well supported by both the state and federal governments. I guess what I am asking Minister Allan to do is look at how her department may be able to extend the leadership programs that are available to the community at large and to women in the areas in her portfolio to include members of Parliament — perhaps members on her side and opposition members as well — so that we can develop those skills and

understand the ramifications of taking positions for which we are not qualified and that go against a considerable body of scientific knowledge.

I note, having looked at her details in the parliamentary handbook, that Ms Lobato was a bookkeeper and office administrator. Whilst I believe she is probably well-intentioned and well-meaning, her comments really have made people's hair stand on end, particularly among many of the educators or teacher colleagues of mine with whom I have been in contact recently. They were absolutely outraged at the position that was taken, which was well reported in the local paper. Letters to the *Berwick-Pakenham Gazette* headed 'Foot in mouth' and 'Words not so wise' are among some of those that have been reported.

I call on the minister to make sure that Ms Lobato has an opportunity to develop her skills as a community leader and use greater caution when taking a position in the community which she is obviously not all that well qualified to take.

4th World Congress of Rural Women: travel bursaries

Ms TIERNEY (Western Victoria) — The matter I raise relates to the announcement made on 8 March by the Minister for Agriculture in the other place of \$12 000 in travel bursaries for four Victorian rural women — \$3000 for each — to attend the 4th World Congress of Rural Women to be held in South Africa.

The conference will attract more than 2000 international delegates and will provide an important opportunity for women across the world to confront and discuss issues affecting rural women, including climate change, drought, water management, and poverty, to name just a few. I congratulate the minister on his initiative. I know for a fact that it was a very popular announcement and has created much excitement. This, coupled with the \$10 000 award for the winner of the 2007 Victorian Rural Woman of the Year award, signifies the Bracks government's commitment to encouraging and building support for, as well as building, the skills of women in rural Victoria.

I ask the minister to ensure that there is an appropriate report-back mechanism for the four women delegates to the world congress to report to Victorian rural women's organisations on their return to Australia so that as many people as possible can benefit from the rural discourse in South Africa.

Victorian Honour Roll of Women

Ms HARTLAND (Western Metropolitan) — My adjournment matter tonight is for the Minister for Women's Affairs in the other place. Sue Pennicuik and I, along with two young women, had the pleasure of attending a luncheon on International Women's Day to induct a number of women into the Victorian Honour Roll of Women. It was extremely important for the two young women who came with us, who were able to see and meet with other women who had amazing histories.

It was a wonderful function. It honoured a number of amazing women, some of whom are alive and others of whom have passed on. They included women such as Marilyn Beaumont, who was nurse, activist and policy worker; Lynda Gibson, who was a comedian and community activist; and the 10 visionary women doctors who started the former Queen Victoria Hospital through the Shilling Fund.

The honour roll was launched in 2001 as part of the celebrations of the centenary of Federation and will finish in 2008, which marks the centenary of women's suffrage. I ask the minister to continue the honour roll so that we can continue to honour other extraordinary women.

Sunshine Swim and Leisure Centre: FINA pool relocation

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs in another place. I ask him to keep the government's pre-election commitment to the people of Sunshine on the delivery of a 25-metre pool to that suburb.

The house will be aware that the people of Sunshine have been fighting for many years for an outdoor pool. They have been after a 50-metre pool and the government has promised them one half that length, but I suppose crumbs from the rich man's table are better than nothing at all. The people of Sunshine — indeed, the people of the west — are used to being lied to and cheated by this government. I am hoping that on this occasion they will not have to once again feel the bitterness that they have felt so often.

Just prior to the election I was at a public meeting where a chap called Henry Barlow, who I understand was a Labor candidate who thought he was in — I am sure Ms Hartland will be able to tell us all about that at some stage — was representing the then minister, the Honourable Justin Madden. He assured all at that meeting — there was quite a large crowd — that the

government was totally committed to delivering the 25-metre pool straight from the swimming championships — as soon as they were over, he said, Sunshine would get the 25-metre pool.

In fact he told us that the minister had signed off on the deal and it was not going to cost the local community or the local council a cent. However, the feasibility study came back last week and that ‘not one cent’ has blown out to some \$3.5 million. That is pretty good, even for this government.

Mr Koch — Why are we surprised?

Mr FINN — Why, indeed, are we surprised, Mr Koch? The people at that meeting put Mr Barlow under a fair bit of pressure. I have to say that he was not quite aware of what he was supposed to be there to do. He just wanted to appease the diggers before the vote was taken; that was his role in life at that particular time.

There was another chap there called Peter Marshall, who I understand is the president of the Victorian Trades Hall Council or some such minor group in the community. He railroaded the proposal through the meeting and left a lot of local people in the Sunshine area shaking their heads, disillusioned and feeling that they had not been given the deal that they wanted and certainly had not been given the answers they wanted.

My view is that the whole thing was a con from the start. If indeed the offer was real or fair dinkum, the then minister, the Honourable Justin Madden, would have been there to make the offer, instead of allowing one of his lackeys to drop it on the meeting. I ask the minister to prove me wrong and duly deliver to the people of Sunshine their 25-metre pool.

Office of the Workplace Rights Advocate: WorkChoices inquiry

Mr TEE (Eastern Metropolitan) — My request is for action by the Minister for Industrial Relations in the other house. I ask him to contact Mr Phil Baressi, the federal member for Deakin, and ask for his support to ensure that the commonwealth cooperates fully with an inquiry being undertaken by the Victorian Office of the Workplace Rights Advocate into the impact of WorkChoices on Victoria’s hospitality and retail industries. That inquiry is timely. There have been many complaints about the loss of entitlements, especially the loss of penalty rates, overtime payments and allowances, particularly in the retail industry.

This is a major issue for my eastern suburbs electorate where the retail trade is the single biggest employer,

with more than 44 000 workers in the electorate working in the retail trade. The loss of overtime rates, penalty rates and allowances has a devastating impact on families in the eastern suburbs. There is a flow-on effect to local businesses. Businesses suffer if families cannot afford to go to the movies or have the occasional meal out in one of the local restaurants.

Of course, in the retail and hospitality industries much of the devastation caused by WorkChoices is hidden in secret Australian workplace agreements (AWAs). We know that the retail—

Mr Rich-Phillips — On a point of order, President, I seek your guidance on the nature of the matter raised by Mr Tee. In his opening comments he said he was asking the minister to speak to a federal member of Parliament to get the cooperation of the commonwealth government in an inquiry here in Victoria. I seek your guidance as to whether that falls within the realm of a matter that a state minister can undertake and therefore is a matter that Mr Tee can refer a minister to on the adjournment.

The PRESIDENT — Order! If I am correct the member was asking that the Minister for Industrial Relations in another place seek action by a federal member, and I am not aware that that is a problem. There is no point of order.

Mr TEE — We know that the retail and hospitality trade is the biggest user of the secret individual contracts. A commonwealth department survey showed that each AWA removed at least one condition of employment. Since then the commonwealth has been reluctant to provide any information on AWAs. I ask the Minister for Industrial Relations in the other place to contact Mr Baressi and ask him to get the commonwealth to cooperate with the inquiry. That way we might get the full picture on WorkChoices.

Mr Baressi was on the employment and workplace relations committee of federal Parliament when WorkChoices was being devised. He should now own up to the consequences of the monster that he has created. Mr Baressi should stand up with me and encourage workers in our overlapping electorates to let the inquiry know how WorkChoices impacted on them and their families. Mr Baressi should stand with me to encourage the commonwealth to pull aside the cloak of secrecy that it has unashamedly used to hide the devastating impact of WorkChoices. Twelve months after the introduction of WorkChoices workers and their families in the eastern states deserve the truth and a better chance to have their stories told. I ask Mr Baressi to work with me to ensure that outcome.

Bushfires: salvage logging

Mr BARBER (Northern Metropolitan) — Following the recent bushfires in the alps the government, urged on by a small number of logging companies, is planning a smash-and-grab raid on the forests. It is called salvage logging, and it is absolutely the worst thing you can do to a forest just after it has been burnt. The government should come clean on what it is planning, because the impact of logging is likely to be severe on ecosystems that have already been made fragile. There is a strong body of scientific knowledge that says you should not do it. I will read a few findings from a few reports — —

Mr Lenders — On a point of order, President, I have been listening to Mr Barber for half a minute. It is an interesting speech, but Mr Barber has not mentioned which minister he wishes to obtain action from.

The PRESIDENT — Order! I am sure Mr Barber was getting to it.

Mr BARBER — My adjournment matter is for the Minister for Environment, Climate Change, Water, Salinity, Soil Erosion and Plastic Bags — and whatever else he thinks he can promote for a few days by adding it to the end of his title before dropping it when the news goes off the boil. As I was saying — —

The PRESIDENT — Order! I assume Mr Barber is referring to the Minister for Water, Environment and Climate Change.

Mr BARBER — That is correct, President.

The PRESIDENT — Order! It does not help to be so flippant in that regard.

Mr BARBER — I address my matter to the Minister for Water, Environment and Climate Change in the other place. I refer to a recently published paper by D. B. Lindenmayer and R. E. Noss entitled 'Salvage logging, ecosystem processes and biodiversity conservation'. It states:

Such operations —

meaning salvage logging —

may reduce or eliminate biological legacies, modify rare post-disturbance habitats, influence populations, alter community composition, impair natural vegetation recovery, facilitate the colonisation of invasive species —

that is weeds, foxes and stuff —

alter soil properties and nutrient levels, increase erosion, modify hydrological regimes and aquatic ecosystems, and alter patterns of landscape heterogeneity.

For any members who are interested, there is another paper that was published in *Conservation Biology*, volume 20, no. 4. In the section headed 'Abstract' the paper says:

... the abundance of large trees with hollows is significantly reduced in forests subject to salvage harvesting. This has implications for the persistence of an array of such cavity-using vertebrates as the endangered ... Leadbeater's possum ...

We predict many species, such as ... resprouting tree ferns, will decline, as they do after clear felling.

The action I am asking the minister to take is to release publicly the process the government is intending to use to assess any areas for salvage logging, to explain the biological surveys that will be done, to outline the areas that are to be protected on the basis that they are now refuges within the burnt areas and to explain any special prescriptions he plans to introduce. I ask the minister to do all this before the government gazettes the timber release plan, as it is required to do under the act, so that some of us can have a look at the plan and make some comment on it before we have to read about it after the fact in the *Government Gazette*.

Emergency services: Warrnambool helicopter

Mr KOCH (Western Victoria) — I raise with the Premier a matter that is of vital importance to south-western Victorians who want the government to act on their pleas for an emergency rescue helicopter base at Warrnambool. Over many years the government has ignored calls to fund any emergency helicopter for the south-west while the lives of more and more accident victims are needlessly put at risk, even after it has been furnished with a thorough business plan, as it requested.

Continued long delays in transporting accident victims to trauma centres have resulted in unnecessary distress and frustration for families, emergency personnel and the community, yet these unsatisfactory delays have not persuaded this government to act. Again last week life-threatening delays were experienced following a road accident near Port Fairy, only minutes from the Warrnambool airport. Even though the accident happened at 12.40 p.m., it was not until 3.00 p.m. that an emergency helicopter flying from Bendigo landed at Warrnambool to transport the critically injured patient to Melbourne's trauma unit. Surely all south-western Victorian accident patients are entitled to access to the same high-quality and timely emergency transport as other regional Victorians. Accident victims need to receive the best possible emergency treatment within the first hour to give them the best chance of a total recovery. An emergency rescue helicopter based at

Warrnambool would be used to complement air ambulance trauma recovery, police, fire and State Emergency Service services with search and rescue activities on land and sea.

Recent unsubstantiated comments from the office of the Minister for Police and Emergency Services which were published in last Friday's *Warrnambool Standard* would have us believe that emergency crews are satisfied with the current air services. Let me assure the house that I have been left in little doubt that this is far from the truth. This is clearly blatant brickwalling from the Minister for Police and Emergency Services who, ignoring repeated requests from the *Standard* for comment, remains in denial that this is even a serious issue. The minister also ignores the impact of his do-nothing attitude on south-western Victorians.

This same arrogance and disregard was expressed earlier this week when ABC radio sought a comment from the government on this issue. After contacting the office of the Minister for Health, the ABC was told it should contact the Minister for Police and Emergency Services for comment. His office in turn told the ABC to speak to the Minister for Health. The action I seek from the Premier is that he listen to community leaders and commit funding to a much-needed emergency rescue helicopter service for the only region of Victoria that has been denied this lifesaving resource.

Whitfield Recreation Reserve: facilities

Ms BROAD (Northern Victoria) — The adjournment matter I raise is for the Minister for Regional and Rural Development in the other place. The action I seek is for the minister to consider providing assistance to the Whitfield Recreation Reserve Special Committee and the King Valley United Football and Netball Club for the Whitfield Recreation Reserve. The reserve recently provided a vital resource to the community as an incident control centre and staging area for the Country Fire Authority for an extended period during the bushfires in the north-east. The reserve is also an important community resource for sport and recreation and many other community activities.

I recently visited the reserve — not for the first time — on this occasion with Wendy Wilson, secretary of the committee; Suzanne Simms, secretary of the football and netball club; Bruce Uebergang, vice-president of the club; and Sandy Thomas, general manager of the Ovens and King Football League, to listen to their request for assistance and to inspect the reserve and facilities. The inspection drew attention to the rectification works required at the reserve following its

use as a staging area during the bushfires, to plans to use recycled water to irrigate the oval and allow its continued use for home matches and to the state of facilities at the reserve — facilities that have served the community well over a long period but are now in much need of updating.

There is no doubt that emergency agencies based at the reserve provided outstanding service to the community during the area's bushfires. However, the use of the reserve for this purpose has highlighted the case for assistance to allow the reserve to continue to serve the community into the future. Accordingly I seek action from the Minister for Regional and Rural Development to provide assistance to the Whitfield Recreation Reserve committee and the King Valley United Football and Netball Club for the Whitfield Recreation Reserve.

Ambulance services: Castlemaine

Mr DRUM (Northern Victoria) — In July last year, following contact from Castlemaine residents and approaches from ambulance officers in Bendigo and Castlemaine, I met with ambulance officers to get a better understanding of how Castlemaine ambulance officers are dealing with having to go on call during the evening and into the night. Currently the station closes throughout the night and one of the two officers who are on call in the evening has to take the ambulance home to his residence, which must not be more than 8 kilometres away from the ambulance station. A group of seven officers is trying to cover an area of over 1500 square kilometres with a population of over 16 000 people. They have to cover this area over a 24-hour period, with officers being either on call or on duty. This means that ambulance officers in the Castlemaine region are working 70 to 80 hours per week.

We need to take into account that while officers are on call they cannot rest properly, cannot be away from the phone and cannot work in the garden because they cannot be dirty in any way in case an emergency call comes through. They must be able to leave immediately; therefore they cannot be babysitting. They cannot take a child down to the local milk bar to pick up a litre of milk, because if a call comes in they would not have enough time to run the child home. Effectively they have to sit by the phone the whole time they are on call. They cannot go for a swim, indulge in any alcohol or have guests over, because if a call comes through they have to leave immediately — and they do this throughout the evening.

Normally a station that has ambulance officers on call might have one call a week during the night-time. The Castlemaine station has 2, 3 or even 4 calls a night — so it has gone well beyond on-call status. The Calder Highway is still very dangerous road around the area from Harcourt through to Kyneton. At the moment the southern end of the Calder Highway is not serviced by a 24-hour ambulance station. The response time for ambulances operating on call is on average 7 minutes slower than for ambulances that operate directly from an ambulance station. In the case of cardiac arrest for every minute longer it takes getting to a victim, that person loses 10 per cent of their chance of survival. If it takes 7 minutes longer that equals 70 per cent less chance of survival.

This would happen simply because the Castlemaine ambulance service does not have the backing of the Minister for Police and Emergency Services in the other place to have a 24-hour station. The minister has been made aware that the ambulance officers suffer fatigue, have an increased rate of sick leave and have their family lives negatively impacted. I call on the minister to spend similar amounts to the \$1.2 million he has spent on 24-hour stations at Sebastopol and Ocean Grove to make sure that Castlemaine gets the 24-hour station its residents and ambulance officers deserve.

Youth: body image

Ms DARVENIZA (Northern Victoria) — I raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs in the other place, James Merlino. The matter concerns the issue of young people's body image. This is a very complex matter, and I know that you, President, are aware of this, given that you were the chair of the Family and Community Development Committee, which had a reference to investigate the issue of body image.

I am sure members in the chamber are well aware of the many serious eating disorders that are associated with people who have distorted body images. This mainly affects young women, but it is not exclusive to them. I have become more aware of the issue — and I think the community has too — given the recent Melbourne fashion festival, which highlighted the importance of young women having a positive body image. I know that many of those who participated in the fashion shows ensured that the models they used were of a healthy weight and did not use the very thin models we often see in magazines, whom we can only call underweight.

It is clear that the community, some of the media and the fashion industry are interested in the issue of young

people's body image. However, I believe there is still a lot more that needs to be done. These unrealistic body sizes are being portrayed to young people as something they should aspire to when in actual fact they are very unhealthy, often unachievable and will make them sick.

I am specifically requesting that the minister take action to build on the goodwill we have already seen in the media and fashion industry recently through the Melbourne fashion show to reduce the unrealistic and unhealthy body image messages that are being portrayed through some of our media outlets and in the fashion industry. I am particularly interested in seeing more positive messages regarding body image get through to young people, particularly young women, who live in rural and regional areas. High fashion is something we often see in the cities, but I want the message to get through to rural and regional areas as well.

Responses

Mr LENDERS (Minister for Education) — Mr Hall had an issue for the Minister for Water, Environment and Climate Change in the other place regarding tourism works in Gippsland, and I will pass that on to the minister.

Mrs Peulich had an issue for the Minister for Women's Affairs in the other place regarding media statements of another MP, and I will pass that on to the minister for her attention.

Ms Tierney had an issue for the Minister for Agriculture in the other place regarding delegates to the world's rural women's conference in South Africa, and I will certainly pass that on to the minister for his attention.

Ms Hartland had an issue for the Minister for Women's Affairs in the other house regarding the women's honour roll, and I will pass that on to the minister for her attention.

Mr Finn raised an issue for the Minister for Sport, Recreation and Youth Affairs in the other place regarding the Sunshine pool. I will certainly pass that on to the minister, and I am sure he will reflect on how short Mr Finn's memory is and how he forgot those seven long years when he was in the Kennett government as a member for an electorate in that area until the voters found out about him and dispatched him.

Mr Tee had an issue for the Minister for Industrial Relations in the other place regarding the actions of Mr Phillip Barresi, a federal member, and a number of

issues regarding the WorkChoices legislation, and I will pass that on to the minister for his attention.

Mr Barber raised an issue for the Minister for Water, Environment and Climate Change in the other place regarding salvage logging. I will pass that on to the minister.

Mr Koch raised an issue for the Premier regarding the helicopter in south-western Victoria, and I will pass that on to the Premier.

Ms Broad raised an issue for the Minister for Regional and Rural Development in the other place regarding Whitfield community support, and I will pass that on to the minister for his attention.

Mr Drum raised an issue for, I assume, the Minister for Health in the other place regarding the Castlemaine ambulance service as that is in her portfolio. I will pass that on to the minister for her attention.

Finally Ms Darveniza raised an issue for the Minister for Sport, Recreation and Youth Affairs in the other place regarding body image, particularly for women in regional Victoria, and I will pass that on to the minister for his attention.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.30 p.m.

