

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Thursday, 15 February 2007**

**(Extract from book 2)**

**Internet: [www.parliament.vic.gov.au/downloadhansard](http://www.parliament.vic.gov.au/downloadhansard)**

**By authority of the Victorian Government Printer**



## **The Governor**

Professor DAVID de KRETZER, AC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

## **The ministry**

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

### **Joint committees**

**Scrutiny of Acts and Regulations Committee** — (*Council*): Mr Dalla-Riva, Mr Eideh, Mr Elasmarr and Ms Pulford.  
(*Assembly*): Mr Brooks, Mr Carli, Mr Jasper, Mr McIntosh and Mr Thompson.

### **Heads of parliamentary departments**

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

**MEMBERS OF THE LEGISLATIVE COUNCIL**  
**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

**President:** The Hon. R. F. SMITH

**Deputy President:** Mr BRUCE ATKINSON

**Acting Presidents:** Mr Finn, Ms Pennicuik, Mrs Peulich, Mr Somyurek and Mr Vogels

**Leader of the Government:**

Mr JOHN LENDERS

**Deputy Leader of the Government:**

Mr GAVIN JENNINGS

**Leader of the Opposition:**

Mr PHILIP DAVIS

**Deputy Leader of the Opposition:**

Mrs ANDREA COOTE

**Leader of The Nationals:**

Mr PETER HALL

**Deputy Leader of The Nationals:**

Mr DAMIAN DRUM

<b>Member</b>	<b>Region</b>	<b>Party</b>	<b>Member</b>	<b>Region</b>	<b>Party</b>
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Lenders, Mr John	Southern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lovell, Ms Wendy Ann	Northern Victoria	LP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Madden, Hon. Justin Mark	Western Metropolitan	ALP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	Pakula, Mr Martin Philip	Western Metropolitan	ALP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Davis, Mr Philip Rivers	Eastern Victoria	LP	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Eideh, Khalil M.	Western Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Guy, Mr Matthew Jason	Northern Metropolitan	LP	Smith, Hon. Robert Frederick	South Eastern Metropolitan	ALP
Hall, Mr Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles	Northern Metropolitan	ALP
Kavanagh, Mr Peter Damian	Western Victoria	DLP	Thornley, Mr Evan William	Southern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP



# CONTENTS

## THURSDAY, 15 FEBRUARY 2007

MURRAY-DARLING BASIN AMENDMENT BILL		
<i>Introduction and first reading</i> .....	283	
<i>Statement of compatibility</i> .....	311	
<i>Second reading</i> .....	312	
ACTING PRESIDENTS.....	283	
PAPERS.....	283	
BUSINESS OF THE HOUSE		
<i>Adjournment</i> .....	283	
MEMBERS STATEMENTS		
<i>Bushfires: fuel reduction</i> .....	283	
<i>Climate change: emissions trading</i> .....	283	
<i>EastLink: freedom of information application</i> .....	284	
<i>Political donations: disclosure</i> .....	284	
<i>Melbourne Victory: grand final</i> .....	284	
<i>Crime: incidence</i> .....	285	
<i>Soccer: Ballarat</i> .....	285	
<i>Transport Accident Commission: advertising</i> <i>campaign</i> .....	285	
<i>M. C. Herd and Steggle's Poultry</i> .....	285	
<i>Bushfires: timber industry</i> .....	286	
<i>Alan and Carol Sharp</i> .....	286	
<i>Geelong Hospital</i> .....	287	
<i>Water: goldfields super-pipe</i> .....	287	
STATEMENTS ON REPORTS AND PAPERS		
<i>Australian Crime Commission: report 2005–06</i> .....	287	
<i>Victoria Law Foundation: report 2005–06</i> .....	288	
<i>Outer Suburban/Interface Services and</i> <i>Development Committee: building new</i> <i>communities</i> .....	289	
<i>South Australian-Victorian Border</i> <i>Groundwaters Agreement Review Committee:</i> <i>report 2005–06</i> .....	290, 291	
<i>Budget sector: budget update 2006–07</i> .....	290, 292	
<i>Victorian Environmental Assessment Council:</i> <i>Goolengook Forest investigation</i> .....	293	
GOVERNOR'S SPEECH		
<i>Address-in-reply</i> .....	294, 313, 323	
QUESTIONS WITHOUT NOTICE		
<i>Olympic Park: rectangular stadium</i> .....	301	
<i>Indian Airlines: Melbourne flights</i> .....	303	
<i>Metropolitan Fire Brigade: Burnley site</i> .....	303	
<i>Building industry: performance</i> .....	305	
<i>Water: restrictions</i> .....	305	
<i>Schools: national curriculum</i> .....	306	
<i>Planning: Romsey gaming licence</i> .....	308	
<i>Disability services: government performance</i> .....	308	
<i>Hazardous waste: Tullamarine</i> .....	309	
<i>Major projects: rural and regional Victoria</i> .....	310	
<i>Supplementary questions</i>		
<i>Olympic Park: rectangular stadium</i> .....	302	
<i>Water: restrictions</i> .....	306	
<i>Planning: Romsey gaming licence</i> .....	308	
<i>Hazardous waste: Tullamarine</i> .....	310	
<i>Major projects: rural and regional Victoria</i> .....	311	
QUESTIONS ON NOTICE		
<i>Answers</i> .....	311	
CONTROL OF WEAPONS AMENDMENT (PENALTIES) BILL		
<i>Introduction and first reading</i> .....	311	
<i>Statement of compatibility</i> .....	322	
<i>Second reading</i> .....	323	
WATER AMENDMENT (CRITICAL WATER INFRASTRUCTURE PROJECTS) BILL		
<i>Introduction and first reading</i> .....	325	
ADJOURNMENT		
<i>EastLink: freedom of information application</i> .....	325	
<i>Planning: Doncaster Hill</i> .....	326	
<i>Colombia: kidnappings</i> .....	326	
<i>Industrial relations: Australian workplace</i> <i>agreements</i> .....	327	
<i>Bridges: Echuca–Moama</i> .....	327	
<i>Holocaust: education campaign</i> .....	327	
<i>Planning: Glenelg development</i> .....	328	
<i>Drug-driving: public awareness</i> .....	329	
<i>Responses</i> .....	329	



**Thursday, 15 February 2007**

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

That the Council, at its rising, adjourn until Tuesday, 27 February.

**Motion agreed to.**

## MURRAY-DARLING BASIN AMENDMENT BILL

*Introduction and first reading*

**Received from Assembly.**

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

### ACTING PRESIDENTS

**The PRESIDENT laid on table warrant nominating Mr Elasmar, Mr Leane and Mr Pakula to act as acting presidents whenever requested to do so by the President or Deputy President.**

### PAPERS

**Laid on table by Clerk:**

Medical Practitioners Board of Victoria — Report for the year ended 30 September 2006 (two papers).

Ombudsman — Own Motion Investigation into the Policies and Procedures of the Planning Department at the City of Greater Geelong, February 2007.

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

Cardinia Planning Scheme — Amendment C93.

Casey Planning Scheme — Amendment C3.

Colac Otway Planning Scheme — Amendment C22.

Darebin Planning Scheme — Amendment C69.

Moira Planning Scheme — Amendment C20 Part 2.

Mount Alexander Planning Scheme — Amendment C25.

Rural Finance Act 1988 — Treasurer's directive of 31 January 2007 to the Rural Finance Corporation.

### BUSINESS OF THE HOUSE

#### Adjournment

**Mr LENDERS (Minister for Education)** — I move:

### MEMBERS STATEMENTS

#### Bushfires: fuel reduction

**Mr KOCH (Western Victoria)** — Along with hundreds of country Victorians, I extend my gratitude to our courageous volunteer firefighters for their tremendous efforts in containing the massive bushfires that swept across north-eastern Victoria and Gippsland. Their gallant efforts minimised loss of private property assets, for which affected communities and individuals are extremely grateful. Over 1 million hectares of forest land was ravaged by the fires, equivalent to an area of one-seventh, or 14 per cent, of Victoria's state forests and national parks.

In time these areas will recover, but in the meantime the loss of bird and wildlife along with threats of erosion in the now desolate forests make for a very eerie and silent world. Yet while not totally unexpected the silence from the Greens and their contemporaries in protecting their political influence is even more eerie. The truth is that their influence has meant that regular, managed fuel reduction burns have been curtailed. Fuel loads have built up, and when fires ignite their ferocity makes it impossible for them to be extinguished. Fire track maintenance has been ignored, making it difficult for firefighters to reach fires.

We desperately need an informed debate on how to best manage our forests so they receive adequate management resources. We need to learn from the short-sightedness of this hands-off policy and return to proper management of our significant forest reserves.

#### Climate change: emissions trading

**Mr THORNLEY (Southern Metropolitan)** — We were in Sydney on Friday at the Council for the Australian Federation meeting where we made a landmark statement that all the states and territories had united to establish a national emissions trading scheme. Given that he is a bit slow to the debate, we gave the Prime Minister until May to consider whether or not he wishes to support such a scheme or whether it will just be set up in his absence. But since members of this house are more forward thinking, I do not think they should be given the same luxury. I think it is high time members of the opposition came forward and made a simple statement. Do they or do they not support the establishment of a national emissions trading scheme?

Being the party of choice, as they would claim, it seems to me they have three choices; they can continue their traditional position of being climate change deniers; they can continue the Howard government's traditional position of being big-government, economic rent-seeking, grant-gathering purveyors of foolish solutions; or they can support our solution, which is a market-based, efficient solution. But I warn them of this. Unlike people on American television shows, they do not get their Miranda rights: they do not have the right to have an attorney, they do not have the right to remain silent and anything they say can and will be taken down and used against them in the court of public opinion.

Sometimes this debate reminds me of dogs watching television, nodding their heads but not comprehending. I wonder whether those opposite are in fact more like dogs watching gramophones, awaiting from Canberra their master's voice.

### **EastLink: freedom of information application**

**Mr DALLA-RIVA** (Eastern Metropolitan) — I wish to make a statement about the EastLink project. This is an ongoing saga that I have been deeply involved in for a number of years now. For those on the other side of the chamber who may not be aware, and indeed for those on this side of the chamber who may not be aware, I made an application under the freedom of information process something like three years ago to try to find out what had happened about the documents that were provided to cabinet. I have been through extensive processes, including at the Victorian Civil and Administrative Tribunal (VCAT), where I went through the preliminary processes and then through an extensive hearing. When I received permission to get some of the documents, the government straightaway went into meltdown and took me to the Court of Appeal. I was under threat of losing my house and other assets, because at that stage the government gave no assurance that it would not pursue me for legal costs.

I am happy to say that the Court of Appeal handed down its judgement earlier this week. Unfortunately the decision means that I now need to go back to VCAT to have the matter reheard because of a technicality. But I make this point clear, the people of the eastern suburbs should be told exactly what the government's intentions were. They need to know that the government had made a clear decision to toll the freeway before the 2002 state election and that they were lied to.

### **Political donations: disclosure**

**Mr BARBER** (Northern Metropolitan) — The level of disclosure of political donations under the Victorian Electoral Act is poor to nonexistent. The only relevant provision in the act refers to the commonwealth act and says that a party has to send to the Victorian authorities a copy of its commonwealth donation disclosure return. What this means in effect is that if a party is registered only under Victorian law — for example, the Country Alliance, which is not registered at the federal level — it does not have to disclose any of its donations. With a number of parties recently having been deregistered at the federal level, including People Power, the Socialist Alliance and the Democratic Labor Party, it is possible that, if they did not reclaim their federal registration, those parties would not have to put in a disclosure return of any type for the 2006–07 year, which of course would cover the election period we have just been through.

In addition, the fact that the Labor Party did not support the Prime Minister's reforms to donation disclosure means that under Victorian law parties will have to comply only with the federal regime. In this current rush of democratic reform we are having here in the house, I think all parties should put their minds to a disclosure regime under Victorian law for corporate donations to political parties.

### **Melbourne Victory: grand final**

**Ms MIKAKOS** (Northern Metropolitan) — I rise to wish Melbourne Victory the best of luck in this Sunday's A-League grand final against Adelaide United at Telstra Dome. I had the pleasure of seeing Melbourne United's semifinal victory two weeks ago, and I am looking forward to attending again this Sunday to see its success repeated. The record crowds attending Melbourne Victory's matches is a credit to the efforts of the team, the coach, the officials and the board members — and I support their objective of pursuing a dedicated stadium. The record crowds are also a credit to Frank Lowy and the board of the Football Federation Australia, which had the foresight to establish a truly national football league that would attract broad community support.

With the success of the Socceroos at last year's World Cup, the world game is attracting huge support in Australia, which I am very pleased about. Given that football, or soccer, as it is commonly known to most Australians, is Australia's no. 1 junior sport, I am sure that its following will continue to grow in the future. I urge all Victorians to get behind our team, Melbourne Victory, this Sunday. Go Victory!

### Crime: incidence

**Mr ATKINSON** (Eastern Metropolitan) — I was interested to read in the latest issue of the Police Association *Journal* an article by Paul Mullett, the association secretary, in which he made mention of the fact that ‘there are 655 fewer police deployed to frontline operations today than there were in 2003’. I was a little bemused about that statement given the cosy relationship that Mr Mullett established with the Labor Party prior to the last election and the indications he gave to the broader electorate that all was well in policing, that the government had met targets on police numbers and that it was able to deliver a safe and secure Victoria. That certainly is at odds with what Mr Mullett says in this article, where he records a number of incidents over the summer period which have led to considerable community concern about crime.

There are a couple of issues of particular concern to me in some of the news reports. They are not referred to by Mr Mullett, but they are news reports regarding violence in clubs. One involved an off-duty policewoman and another last week involved a young woman who was punched in the nose by a person she said she did not want to dance with. It is my view that many of these incidents relate to drugs, which are rampant in clubs. I think it is about time the police cracked down on drugs in clubs.

### Soccer: Ballarat

**Ms PULFORD** (Western Victoria) — I will start by clarifying that when I refer to football, for the purposes of this statement I mean the round-ball game, the world game — the game occasionally referred to by people in this part of the world as soccer.

*Honourable members interjecting.*

**Ms PULFORD** — It is football! The impact of the drought is seen far and wide, and I would like to touch on one aspect of it. As members know, there are many sporting grounds which due to water restrictions are unable to be used for active sports. The Ballarat football community — or its world-game community — is so affected.

Traditionally the community has operated as several separate organisations: the Ballarat and District Soccer Association, with its nine member clubs, coordinates the local community competition, including clubs from the Hepburn area through to Warrnambool and the girls soccer subcommittee; the Ballarat Red Devils, which is the only senior club from regional Victoria playing in a

statewide competition; and the Ballarat Academy of Soccer which is involved in the identification and development of elite sporting talents in the region. Historically they have operated as separate organisations, but they now have a new coordinated and unified approach. A happy consequence of the state of some of their grounds this season is that the entire soccer community is now enjoying a degree of coordination and united effort that can only serve their sport well. Their new umbrella organisation is the Football Federation of South-West Victoria.

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

### Transport Accident Commission: advertising campaign

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I welcome the belated recognition by the government, through the latest Transport Accident Commission advertising campaign, of the role played by vehicle manufacturers in road safety. For too long this government has taken credit for a declining road toll, attributing it to the raft of punitive measures now in place like the overzealous enforcement of arbitrary speed limits. These measures have merely given rise to understandable cynicism in the community that the government is more interested in revenue than road safety.

The path to improved road safety is simple: more proficient drivers, safer vehicles and better roads. The vehicle manufacturers have contributed, and continue to contribute, by investing billions of dollars over the last two decades to develop vehicle safety measures. However, the government has failed to deliver on its responsibilities. Many of our country roads are a disgrace, and even metropolitan roads with high traffic volumes are now potholed and patched.

In driver proficiency the government has failed to raise the bar, preferring tokenism over meaningful improvements. Road safety is more than slick advertising measures and punitive enforcement. The government must match the vehicle manufacturers and deliver on its responsibilities.

### M. C. Herd and Steggle Poultry

**Ms TIERNEY** (Western Victoria) — I rise to inform the chamber that I had the pleasure of joining the Minister for Agriculture in the other place, Joe Helper, and John Eren, the member for Lara in the other place, in visiting the M. C. Herd abattoir in

Geelong North and then Steggles Poultry in Belmont on 24 January.

*Honourable members interjecting.*

**Mr Atkinson** — On a point of order, President, I apologise to the member for having to rise to interrupt her contribution, but my problem is I cannot hear her because of the constant chatter from the minister.

**The PRESIDENT** — Order! there is no point of order. Whilst there may be some chatter coming from all sides of the house, I will be the arbiter as to how much is allowable. I thank Mr Atkinson for his attempt to assist me.

**Ms TIERNEY** — I wish to thank the key stakeholders — the owners, the operating managers, the producers, the employees and their union representatives from the Australian Meat Industry Employees Union and the National Union of Workers — for providing a comprehensive tour, albeit at times somewhat graphic and confronting. The tour and accompanying discussion assisted greatly in my understanding of the issues facing the industry, and I am pleased to report that the meat and poultry industry in Geelong, unlike its products, is well and truly alive. It impressed me as being a very healthy industry with high-quality standards, a very strong training regime and a skilled, stable and highly unionised workforce.

The stakeholders have clearly equal levels of commitment towards their industry and, in the case of M. C. Herd, a solid export market to the Middle East — all positive for ongoing growth in a highly competitive industry where both unions and employers work together for the common good in an environment where instruments such as the federal government's WorkChoices legislation would totally undermine this cooperative approach.

### **Bushfires: timber industry**

**Mr HALL** (Eastern Victoria) — As a result of the most recent bushfires the government has developed a tourism recovery package, and today I make an urgent call on the government, through its bushfire recovery task force, to develop a timber industry recovery package.

During the bushfires the timber industry came to a virtual standstill. Virtually no harvesting took place and there was little activity in sawmills with some sawmills running out of logs. This caused great financial pressure on both the harvesting and haulage sector and also the processing sector.

VicForests has estimated that some 3 million cubic metres of ash damaged by fire is salvageable, and as a result of that there is going to be a change of focus in the industry from green forest harvesting to salvage harvesting. A recovery package should recognise this and assist industry adjustment.

Throughout the bushfire period there was a strong rumour that there would be an export sale of salvaged logs, and I was alarmed to hear that rumour. If that is the case, those logs should be processed here on our home soil. Initially there is going to be a significant volume of fire-affected timber, but this could be stored underwater, as it was during World War II. That should be done again, if necessary. The timber felled for the purpose of creating firebreaks should also be value-added by its sale to local processors. I call on the government as a matter of urgency to establish a timber industry recovery package.

### **Alan and Carol Sharp**

**Mr LEANE** (Eastern Metropolitan) — On Australia Day I was honoured to attend a number of council citizenship awards in my electorate, one of them being the awards of the City of Maroondah. I am sure my fellow Eastern Metropolitan Region representative Mr Atkinson, who was also in attendance, would heartily agree with me in paying tribute to Alan and Carol Sharp, who were presented with Citizen of the Year awards by the mayor of Maroondah, Peter Gurr.

Through Anglicare, Alan and Carol Sharp have welcomed into their home more than 180 foster children over the last 18 years. The children under their care have varied in the length of their stay from urgent overnight refuge and short-term stays while their families were dealing with intense problems to children who, sadly, have never been able to be reunited with their families.

While the Sharps were accepting their awards I noticed that among the children who attended with them a young girl taking responsibility for corralling a very excited boy of about two years of age. Although she looked frustrated, she was doing a fantastic job. It is this interchange among the mix of ages of the children under their care that Mr Sharp said to the local paper was what has kept him and his wife young and active. I am sure everyone in the house will agree with me that Alan and Carol Sharp must be a couple of the finest, most selfless people in our great state, as well as being youthful and active.

### Geelong Hospital

**Mr TEE** (Eastern Metropolitan) — On the weekend of 11 and 12 February my family made an unplanned and unexpected visit to the Geelong Hospital. The visit occurred after my five-year-old son fell about 6 feet from a tree in Anglesea. He had an obviously sore wrist and complained of pains in his stomach. On the way to the Geelong Hospital my son started going to sleep. This was any parent's worst nightmare. We arrived at Geelong Hospital, where X-rays soon confirmed that he had broken his arm in two places. We were relieved when the ultrasound showed that he had no internal injuries and the doctors were also confident that there did not appear to be any head injuries.

I want to express my sincerest gratitude and thanks for the actions of the doctors, nurses and other staff at the hospital in both the emergency and children's wards. Despite being very busy, everyone was professional, helpful, caring and supportive. Except for when my son was under general anaesthetic, I was with him during the entire two days he was in hospital. It meant that when he awoke at night he was not alone. This was reassuring for him and for me. I am pleased to say that apart from having to wear a cast for the next four weeks my son appears to be fully recovered and ready for his next adventure.

### Water: goldfields super-pipe

**Ms BROAD** (Northern Victoria) — Last Wednesday I was pleased to join the Premier, the Deputy Premier and the members for Bendigo East and Bendigo West in another place at an event to mark the commencement of works on the Bendigo goldfields super-pipe to help secure the water supply for Bendigo and Ballarat.

**Ms Lovell** — When you ran away from the farmers at Colbinabbin. You wouldn't even face up to them, Candy!

**Ms BROAD** — I can assure the member opposite that the members for Bendigo East, Bendigo West, the Deputy Premier and I were there for quite some time after the event.

The Bracks government has committed some \$101 million to this important project, and I take this opportunity to congratulate the water companies on their commitment of some \$52 million to this significant undertaking.

I also take this opportunity to call on the federal government to make a commitment to this very important project. We all understand a federal election

is due later this year, and perhaps the Prime Minister is waiting until closer to that election date to make announcements. However, the fact is that the people of Bendigo cannot wait. That is why the Bracks government is getting on with this very important project right now, in time for next summer. I call on members opposite to use whatever influence they may have to urge their federal colleagues to support and provide funding to this very important — —

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

### STATEMENTS ON REPORTS AND PAPERS

#### Australian Crime Commission: report 2005–06

**Mr DALLA-RIVA** (Eastern Metropolitan) — I am pleased to make a statement on the Australian Crime Commission (ACC) annual report 2005–06. Those in the chamber may know that I often speak on the annual report of the Australian Crime Commission, or the National Crime Authority, as it used to be known. I have a bit of history here: having once worked at the National Crime Authority, I understand the work it does.

It is important to have a commission such as this which runs across jurisdictions, because often investigations require law enforcement agencies to cross boundaries. It is all good and well if a crime is being committed in Victoria, but often the ACC is investigating crimes with connections right across the country and indeed overseas. Most notable are the crimes relating to drugs. However, table 4 under output 2 on page 40 of this annual report notes that in 2004–05, 284 firearms were seized or quarantined and in the last financial year there were 1300 — a substantial increase. Obviously there is more of a focus on the number of firearms coming into Australia. It is no secret that Australia has a very strong mandate to control firearms in an effective manner. I support that. Having firearms in the community at the levels we had previously is not necessarily the best outcome. It is pleasing to see the ACC focusing on that area.

On page 41 the report details the extent to which coercive powers are applied. While this might appear to be a recent threat around the states in terms of royal commission powers and the like, the National Crime Authority, or now ACC, had those powers many years ago when I was there. In fact so far as I recall it was the only jurisdiction that had such coercive powers. It meant we could compel and require people, even those who were guilty of crimes, to answer questions that

were put to them. It was probably akin to a Star Chamber in the sense that it was very much an enclosed environment. I support that, because it is the only way you actually get the true facts of the case.

We only need contrast that with the recent events in Victoria, where in a trial a number of police officers were required to answer questions, not in a Star Chamber-like environment where the information could be extracted and used in an investigative manner but in a very public manner. Those police officers were under enormous pressure not only to respond to the allegations put to them but to do so in the full glare of the public spotlight. I fully support the ACC taking a very proactive and proper enforcement approach in respect of the coercive powers it has had for a very long time in comparison with some of the more recent semi-law enforcement agencies that we now see operating not only in Victoria but throughout the other states.

I will not go much further in speaking on the report other than to say that it is good to see that convictions secured as a result of the Australian Crime Commission's activities have a fairly good strike rate in sentencing. Clearly the offences that are being committed by the various organisations that pursue their activities in an illegal manner, most particularly the outlaw motorcycle gangs, are at a level that generates a significant amount of imprisonment time for such people.

This is a good report. It justifies having an Australian Crime Commission, despite there being quasi-crime commission organisations now operating all around Australia, including in Victoria. To have an overarching body such as the commission is an important part of the intelligence-gathering and investigative processes leading to outcomes and solutions for Australia's law enforcement agencies.

### **Victoria Law Foundation: report 2005–06**

**Ms MIKAKOS** (Northern Metropolitan) — I am very pleased to make a contribution on the Victoria Law Foundation's 2005–06 report. I say at the outset that the Victoria Law Foundation is a very important organisation that operates under its own act of Parliament. It has a very broad mandate, which is to promote and undertake community legal education and training, to publish information about legal matters, to maintain a law library and to undertake research that advances the law, the legal system and the administration of justice. It is a very well-known body within the legal profession, and it is well respected for the work it undertakes.

I touch on some of the highlights for the Victoria Law Foundation that are mentioned in the annual report. Every year the foundation organises a highly successful and well-attended Law Week, which last year ran from 21 to 27 May as part of its access to justice program. Many non-lawyers find the legal process and the legal system to be quite baffling. Law Week is about trying to explain to members of the community how the legal system works and encouraging people to visit the courts and other agencies that are part of the justice system. Last year's Law Week engaged 15 000 people and over 80 organisations in more than 100 activities across Victoria. The focus last year was on regional Victoria in particular. I congratulate the law foundation on undertaking a very successful Law Week yet again last year. I am sure it will be a permanent fixture in years to come.

I am also pleased that the annual report indicates that almost \$550 000 in grants was provided by the foundation for a wide range of projects and to assist 48 different organisations. One of the projects partly funded by the foundation, which I have spoken about in this house before — I had the pleasure of launching it in July 2006 — was the Chronic Illness Alliance's WorkWelfareWills website. The Chronic Illness Alliance is an alliance of many organisations, including the Asthma Foundation of Victoria, beyondblue, Cancer Council Victoria, and there are many others. The website provides people living with chronic illness with information about superannuation, welfare entitlements, disclosure and health privacy laws as well as about powers of attorney, guardianship and wills.

The law foundation has also funded many other worthwhile projects, such as a one-year position in the Victorian Supreme Court to establish a self-represented litigants coordinator to assist the growing number of self-represented litigants. The foundation also helped to fund the establishment of the first specialist human-rights-law resource centre for the research and advocacy of human rights, which is an issue that will attract more prominence and interest in the community given the introduction of the charter of human rights. The law foundation has also helped fund the Kensington community legal centre to provide public housing tenants with plain-language fact sheets about their legal rights and has provided funding to the Federation of Community Legal Centres to help increase the number of pro bono legal partnerships between private practice and community legal centres.

They have also established a successful rural online resource, which is a website providing legal information to Victoria's regional and rural communities. That resource covers 500 legal topics. I

encourage members, particularly those representing regional Victoria, to have a look at the rural online website.

In conclusion I take this opportunity to congratulate the board, which is headed by Chief Justice Marilyn Warren, and Professor Cathy Laster, the executive director of the Victoria Law Foundation, on the successes over the past year. I commend this report to members of the house and encourage them to familiarise themselves with the activities of the Victoria Law Foundation.

### **Outer Suburban/Interface Services and Development Committee: building new communities**

**Mrs KRONBERG** (Eastern Metropolitan) — I rise to place on record my views of the government's response to the report of the Outer Suburban/Interface Services and Development Committee's inquiry into building new communities, which was conducted under the Parliamentary Committees Act 2003.

The committee's terms of reference were to inquire into and report to Parliament on issues relating to strengthening communities through improved community engagement in outer urban areas, including both developing and establishing communities. Section 13(2)(1) of the Parliamentary Committees Act 2003 defines urban regions as any part of Victoria developed for urban purposes that is not within regional Victoria.

In addition to my reading of the report, my companion source of reference has been, inter alia, *A Fairer Victoria — Progress and Next Steps*, which was issued in June 2006. One should feel relieved on one level that this report serves as a document which in its framework consolidates the disparate activities of a range of government departments, the upside of this being that at long last the left hand knows what the right hand is doing. Furthermore, the recommendations contained therein may save Victorian taxpayers a lot of the money that is spent on a plethora of feelgood programs across many areas of government which are often a simple duplication of strategic intent and which in business parlance we call rebranding.

It is so easy to jump on the bandwagon with feelgood programs that are hard to measure and allow numerous photo opportunities for ministers to launch them to the populace. I imagine from the government's point of view that it is getting plenty of promotional bang for its buck with this policy direction.

One comment that I find remarkable and worth quoting is the feigned concern that the government should not be too prescriptive when it comes to supporting the whole-of-government approach to community engagement. The government goes on to stress that it strongly supports processes that effectively involve people in decisions that affect them, including planning processes — how ironic! — that meet the present and future needs of communities. Obviously the subtext here is code for cost shifting onto local government again.

I refer to a paper authored by West et al entitled *Mainstreaming Change — Learning from Community Strengthening in Victoria*. I shall quote a reference from one of its sources. It states:

Hoatson (2003) suggests the issues arising from this approach include problematic power relations when communities are working with more powerful actors such as governments, and the fact that striving for middle ground solutions can mean that important community issues are played down.

It is interesting to note that the interface councils which circle metropolitan Melbourne are Wyndham, Yarra Ranges, Melton, Cardinia, Hume, Casey, Whittlesea, Mornington Peninsula and Nillumbik. Right throughout the government's *A Fairer Victoria — Progress and Next Steps* rests on funding five of these so-called growth areas and it mostly avoids mentioning Nillumbik, Mornington Peninsula and Yarra Ranges. If you lived in the municipalities of Yarra Ranges, Nillumbik or Mornington Peninsula you would be very disappointed after reading this report.

We need to be mindful that programs outlined in this report for strengthening communities are not policy panaceas and should not be allowed to deflect attention away from unfunded and underfunded programs across an array of areas where the gaps are frankly a yawning abyss — namely, in education, housing, the extreme need for increased access to mental health, drug and alcohol services and recreation. In these areas the emphasis must be on early and timely intervention.

In closing I will make two further points: the first is that the mantra of good business practice is that you should never allow activity to be a substitute for productivity; the second is, to use the words immortalised by Tom Cruise, 'show me the money' for programs for infrastructure that knits communities together, like rail links, which should allow communities to access the basic services they are currently denied.

**South Australian-Victorian Border  
Groundwaters Agreement Review Committee:  
report 2005–06**

**Mr O'DONOHUE** (Eastern Victoria) — I rise to speak on the 21st annual report, to June 2006, of the South Australian-Victorian Border Groundwaters Agreement Review Committee. The report addresses the business of the committee, which came into effect by agreement between the South Australian and Victorian governments and through legislation passed in 1985 — the Groundwater (Border Agreement) Act. The agreement and the act deal with the management of groundwater supplies along a 40-kilometre-wide strip along the Victorian and South Australian border — from the Murray River all the way through to the Southern Ocean.

Groundwater in this region is the only reliable water supply, and provides supplies for such prominent towns as Mount Gambier, Edenhope, Murrayville and Pinnaroo. The water extraction in the area covered by the act and the agreement is covered by licences and permits which limit the amount that can be withdrawn to that which is sustainable for the aquifers in question.

The agreement and the act are administered by a review committee which draws its members equally from both states and meets alternately in Adelaide and Melbourne. Numerous steps have been taken throughout the year to 30 June 2006 to more accurately record the water being extracted, with the installation of additional meters and the conversion of crop-area-based allocations to volumetric allocations — worthy initiatives, which should be extended further. There have been some examples of overextraction in the area, and steps have been taken to address this.

Water levels in the aquifers are being affected not only by water extraction but also by the lack of recharge due to the drought and lower rainfalls, as well as by the extensive plantation forests that have grown in the southern part of the region over the last 50 years. Those plantation forests are obviously absorbing more water and reducing the levels of the aquifers.

The way this resource is jointly managed by the two governments — through the respective local water authorities, the Victorian Department of Sustainability and Environment and the South Australian Department of Water, Land and Biodiversity Conservation — to me highlights two things. The first is the economic, social and environmental benefits of properly managing our water sources and supplies, and the second is the benefits that can be achieved by proper coordination between different state governments and different tiers

of governments. These two propositions can be dealt with by, firstly, properly managing our water resources and supplies, no matter where they come from.

I refer to dealing with aquifer resources. I take the example of good coordination between different governments and good resource allocation to the area of Geelong. Geelong has been on water restrictions for 10 years now and is close to running out of water. The answer this government proposes to that is linking it to the Melbourne water supply system by building an expensive and unnecessary pipe from Melbourne to Geelong that is estimated to cost between \$200 million and \$300 million, whilst at the same time the Newlingbrook aquifer, which sits near Geelong, is being untapped. That aquifer could provide water for perhaps over 100 000 residents and could stop the need for the pipeline from Melbourne to Geelong, which would save putting another 250 000 people onto the already-stretched Melbourne water supply system.

This principle could be extended further. The government has not addressed issues such as recycling, and sadly the two main treatment plants for Melbourne, the eastern treatment plant and the western treatment plant, produce very little recycled water and pump hundreds of millions of litres of water into the ocean every day — water that should be recycled; water that could be reused.

Fortunately the government is listening to and learning from the opposition. Before the last election the government was vehemently opposed to a desalination plant, but funnily enough, shortly after the election the Minister for Water, Environment and Climate Change in the other place has had a change of heart. Maybe he has listened to the opposition or to his colleagues in Western Australia and New South Wales. We need to explore a variety of options to address the water crisis. We cannot be pigeonholed into ideological positions; we need to think laterally.

The report also highlights the benefits of intergovernmental cooperation. It is a pity that the Victorian government, along with the New South Wales, South Australian and Queensland governments, could not learn this lesson when dealing with the Murray-Darling Basin — —

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

**Budget sector: budget update 2006–07**

**Mr GUY** (Northern Metropolitan) — I desire to make a statement on the *2006–07 Budget Update*. In

particular I would like to talk about the Department of Infrastructure, which is mentioned on page 178 of appendix C and page 25 of chapter 3, specifically dealing with the capital works program of VicRoads.

It has come to my attention that VicRoads has been unable or unwilling to allow signage for the Geelong Mill Markets to be placed on the main Melbourne road. I would like to take this chance to inform the house about the markets, as many people understand them to be something of a local icon.

What are the Geelong Mill Markets? Anyone who has been down there would have seen antique stalls, stalls selling collectables and memorabilia. There are a range of stalls where you can pick up a Hawaiian shirt to wear on the Gold Coast or maybe the Surf Coast. You can get material from the 50s, old books, old magazines, newspapers, china and jewellery. A whole range of things are for sale. This is not like the Queen Victoria Market or the Preston Market, it is almost like a set of shops in a beautiful heritage building just off the main Melbourne road. As I said, it is certainly a local icon. Most people in Geelong know about it, and it is exceedingly popular. Last year was one of its busiest years, and over the last three years it has had close to 1 million visitors. The amount of money it is pumping into the Geelong economy is enormous.

I had the good fortune to visit the Mill Markets last Saturday. I was exceptionally impressed with the markets; with Ian Ballis, the owner of the property; and with Heidi Wane, one of the leading stallholders. As I said, the markets are in a huge heritage building in North Geelong. It is a great use of that heritage building, which is a storage house from the turn of the last century. There are amazing brickwork and cast iron stays on the inside of the building — one of the last surviving buildings of its kind in Victoria. Old enamel Griffiths Bros tea signs are on display for effect. It gives a terrific feel of a well-presented, well-marketed place for those who are after old wares or antiques.

Unfortunately, due to a complex set of circumstances and a range of promises made by, dare I say, local MPs and the government, the markets and their stallholders will have to leave by 20 February. In effect they have been advised that the markets do not fit into the long-term strategy for the port of Geelong and that the land they are on may be used by the port in a number of years time. Because of a complex set of circumstances, which I will not go into, the Victorian Civil and Administrative Tribunal has ordered trading to stop by 20 February. The Mill Markets have in effect been bullied out of existence by people who have made them

a range of promises but have not come through and by a pretty unfair decision made by VCAT.

I almost drove past the markets on the way to Geelong, principally because there is no signage. As I said before, the markets cannot have signage because the VCAT decision, which was not appealed by any of the local government authorities, said that the markets cannot trade and therefore cannot have any signage.

The council has been usurped by the government in this process, and I would like to know what the member for Geelong in the other place, Mr Trezise, has done to save the Geelong Mill Markets. He has made a lot of promises to people in the area and to the stallholders saying that he would look after them and fight for them, but it was obviously to no avail. We have to ask ourselves: what use is it having Labor MPs in government if they cannot stand up for an icon as important as this to Victoria's second-biggest city?

It was the job of the former members for what was Geelong Province and three or four lower house MPs who represent the general area — all from the government party — to save the markets. A petition to save them was signed by 10 000 people. The Geelong Mill Markets are held on their own land, yet they have been told that they cannot continue because in four years time or more the port of Geelong might want that land. The question that begs to be answered is: why can the markets not trade for another four years? The silence from the government benches is the silence the markets have received from the local MPs as well. Ian Trezise has said — —

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

### **South Australian-Victorian Border Groundwaters Agreement Review Committee: report 2005–06**

**Mr DRUM** (Northern Victoria) — I take the opportunity to raise an issue in relation to the 21st annual report of the South Australian-Victorian Border Groundwaters Agreement Review Committee. Groundwater in the border areas is a vexed issue. I recently visited Murrayville, one of Victoria's most isolated communities, in a remote part of the state. One of its industries has changed significantly in the last five years with the introduction of very large-scale potato farming. Bores are being dug and large quantities of bore water and groundwater are being extracted to grow potatoes on that large scale.

The border groundwaters agreement, which was ratified in 1985, in effect sets out a 40-kilometre strip, which is centred on the border and extends for its full length. I quote from the report:

It is divided into 22 zones, 11 in each state.

The agreement provides that the available groundwater shall be shared equitably between the states and applies to all existing and future bores within the designated area, except domestic and stock bores.

The agreement establishes the border groundwaters agreement review committee ... with membership from both states, as the operating body for the effective implementation of the border groundwaters agreement.

Extraction licences or permits may not be granted or renewed within the designated area other than in accordance with the management prescriptions set out in the agreement.

Places in Victoria that come under this agreement include Apsley, Glenelg, Kaniva, Murrayville, Neuarpur and Telopea Downs.

The annual report also talks about the allocations and use of permissible annual volumes. It states:

Each zone may only have a single permissible annual volume. This is a deficiency in the agreement —

which has been brought out by the annual report —

as it would be more useful to divide a zone into sub-zones or into aquifers and set a separate permissible annual volume for each sub-zone or aquifer, such as the case with the tertiary limestone aquifer and the tertiary confined sand aquifer. For the time being, the term 'allowable annual volume' is being used for the individual volumes that can be extracted from each aquifer with the sum of these going to form the permissible annual volume that is gazetted for a particular zone.

One of the real concerns the residents of Murrayville have is that there seems to be no limit on the number of bores that each of these large corporations is able to put down. They do not have confidence in the management plans, so it is going to be interesting to see how these concerns are handled by this management group. Certainly we need to keep close tabs on the proximity of the bores that are put down so we do not have the situation where five or six bores go down within 50 or 100 metres of each other and have the consequence of drying up certain parts of those aquifers. It is a real concern in that area because the township of Murrayville relies totally on groundwater for its survival. With the pipeline system not in place in that area, the groundwater is going to play an enormous role.

I take great interest in how the management processes are put in place and how the allowable volumes are

organised. If there is the potential to have some subzones and a more accurate understanding of the water that is coming out of this area, that needs to be explored.

### **Budget sector: budget update 2006–07**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I want to make a statement on the *2006–07 Budget Update*, which was released by the Treasurer in December. Over my seven years as a member of the Public Accounts and Estimates Committee, and more recently as the shadow minister for finance, I have taken considerable interest in the operation of the Financial Management Act, which is the act of this Parliament that outlines the relationship between the government and the Parliament, and by extension the people of Victoria, in terms of financial accountability and reporting.

The Financial Management Act gives the Minister for Finance, WorkCover and the Transport Accident Commission power to issue ministerial directions to departments and government agencies in terms of what they are required to report on an annual and subannual basis, the nature of that reporting et cetera. It also establishes the framework under which the government as a whole is required to report through the production of departmental and agency annual reports, periodic reports such as this budget update and the annual budget papers. This is the primary mechanism by which the people of Victoria and the Parliament can scrutinise the government's management and spending of public funds. It is important that this framework is as robust and fulsome as possible in supplying the people of Victoria with information on financial matters.

Last week I had the opportunity to listen to David Murray, the former chief executive of the Commonwealth Bank of Australia and now the chairman of the Future Fund, the commonwealth government's new investment vehicle, speaking about the level of accountability of state governments throughout Australia in relation to their financial reporting. He made the very strong point that it is no longer possible in any state budget anywhere in this country to identify accurately government commitments to infrastructure investment and, more importantly, to infrastructure maintenance. We often have a scenario where governments talk about investing \$X in a particular type of infrastructure — for example, roads — and often that is actually maintenance of existing infrastructure rather than creation of new infrastructure. Mr Murray was at great pains to report that in contrast to the commonwealth reporting framework, consistently among the states around

Australia we do not have the level of detail which allows an appropriate analysis of just how much is being spent by state governments on infrastructure maintenance as well as on new investment and which clearly identifies the nature of the investment. This is a matter I would like to see picked up through amendments to the Financial Management Act. There could be far better disclosure than we currently have.

There is another area I would like to comment on specifically in relation to this report. It reports on the first quarter of the 2006–07 year — the first three months since the budget was brought down. It relates to the large variations between the figures released in the budget of May 2006 and those that are now reported as the estimates for the 2006–07 financial year.

Consistently we see large variations, sometimes greater than \$400 million, between the estimates that were released to the Parliament and on which the Parliament voted in May 2006 with the passage of the two appropriation bills based on the budget papers, and what are now the Treasury estimates. A criticism that is certainly made of the commonwealth Treasury is that there is a lack of accuracy in the estimates it puts in its budget papers relative to subsequent updates, and it is a criticism that holds true for the budget update, or indeed the original budget papers, produced by the Treasury here in Victoria.

In a similar vein I draw the attention of the house to appendix A of this report, which relates to some policy changes and other variations that the government has announced since the budget. These changes amount to several hundred million dollars, some of which should have been reported and picked up in the original budget documents. One example of this is spending in the order of \$23 million on a Commonwealth Games legacy program. The Commonwealth Games were concluded at the time of the budget being brought down last year and the surplus from the games was known to the government at that time, therefore that expenditure should have been properly disclosed in the budget which was voted on by this Parliament and not left until this budget update. It is this type of accountability that the people of Victoria deserve. They deserve a better explanation from the government — —

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

### **Victorian Environmental Assessment Council: Goolengook Forest investigation**

**Mr BARBER** (Northern Metropolitan) — I am speaking on the matter listed on the notice paper by Mr Vogels, which relates to the Victorian

Environmental Assessment Council reference on the Goolengook Forest investigation. From past experience I think Mr Vogels is going to come in here and read from the Victorian Association of Forest Industries (VAFI) cheat sheet, which I have heard many times before. I like to go to the source for my information, and my bible is the Australian Bureau of Agricultural and Resource Economics (ABARE) wood products statistics, a quarterly publication which tells you everything you need to know about the timber industry. I say, 'In God we trust; all others, bring data', rather than relying on industry groups to write our material for us.

The wood products industry in Victoria and across Australia is growing fast, with employment growth of 20 per cent over the last 10 years. That is in contrast to the picture painted by VAFI, which represents a small number of hardwood sawmillers who are always talking about job losses, shutdowns and losses of production. In fact the wood products industry overall is growing and is vigorous, especially here in Victoria. In Mr Vogels's electorate there is actually a shortage of timber workers. They have so much wood out there that they do not have enough people to harvest it. That can be seen from a headline in the *Border Watch* newspaper of 14 December 2005 which reads 'Workers required' and the following subheading 'Timber industry facing labour shortage', so the picture for employment in the wood products industry is good.

But it is the private market — this should be of interest to the party of the free market over here to my right — which increasingly supplies our wood product needs — they do not come from that last vestige of Stalinist central planning, the government, in the form of hardwood timber provided by VicForests. As recently as 1990, 50 per cent of our sawn timber came from pine and 50 per cent from hardwood. Today 78 per cent comes from pine, and that proportion is growing fast. In fact only about one-third of hardwood is value-added to produce high-value appearance products, and two-thirds is still used for structural and other green uses, those categories in which it is taking a beating from pine.

The price indicator, which is also in the ABARE report, shows that the price of hardwood is growing at around about inflationary levels, whereas the price of pine is not growing by anywhere near as much, and that is driving the substitution even faster. And of course it is a globally exposed industry now. The harvest of pine logs from New Zealand is about 20 million cubic metres, but that is set to expand to almost 35 million in the next 10 years. That means that our close trading partner, New Zealand, which buys a lot of office

equipment and petrochemicals from us, wants to sell to us what it has a lot of, and that is pine and dairy products. If you are a follower of Ricardo's theory of comparative advantage, you will realise that we will continue to buy wood from New Zealand, which will push further into our market.

There is a subsidy to logging in Victoria — and that is pretty clear, again from an examination of the private market. Those who invest in blue gums expect around \$25 a tonne to cover both their costs and risk premium for investing in the industry. Somehow the government, competing with those private investors, manages to sell wood for \$11 a tonne at stump. The difference in those two prices, multiplied by the volume of wood chips sold out of Victorian forests — over 1 million tonnes — is a very clear indication of subsidy. The industry is not suffering because of the withdrawal of areas for the protection of old growth, particularly the incredibly valuable and sublimely beautiful Errinundra Forest and its near neighbour, Goolengook, which of course provides a very important altitudinal link between lowland and highland forests, which will become even more important as climate change becomes a factor in the health of our ecosystems.

Unfortunately, as happened with Galileo's telescope, members of this house are not prepared to look at the statistics, see what is going on in the industry and make changes accordingly to protect biodiversity, because, as in the case of the telescope, they do not want see things that may not be convenient to their ideology.

## GOVERNOR'S SPEECH

### Address-in-reply

#### **Debate resumed from 14 February; motion of Ms PULFORD (Western Victoria) for adoption of address-in-reply.**

**Ms LOVELL** (Northern Victoria) — In replying to the Governor's speech I would like to firstly congratulate you, President, on your elevation to the position of President and thank you for your assistance so far during this term. If the first couple of weeks are anything to go by, I think we are in for a much smoother running of Parliament than we had in the 55th Parliament.

I would like to welcome the new members from all parties to this place and to the other chamber, but I particularly extend a warm welcome to the new Liberal members. It is safer not to name them all in case I forget one, but there are a couple of exceptions I would

like to make. The first is Bill Tilley, the new member for Benambra in the other place. I am absolutely delighted to have Bill representing Benambra and keeping that seat in Liberal hands. Bill was by far the most outstanding candidate for the Benambra electorate. I have worked closely with Bill over a number of years in his capacity as one of my branch members, and I look forward to continuing to work closely with him in representing the people of the Benambra district.

I would also like to welcome Donna Petrovich, one of the new members for Northern Victoria Region. I am absolutely delighted that Donna has been elected alongside me to represent northern Victoria. I worked closely with Donna during the election campaign, and I have seen firsthand that she has the skills to make an excellent representative for that region. We will continue to work closely to bring the issues affecting our electorate to the attention of the Parliament and the government.

I would also like to welcome Sue Pennicuik from the Greens. Unfortunately Sue is not here right now but she and I spent some time together at Newport West Primary School in the western suburbs of Melbourne. I am sure if somebody had gone around in the 1960s or early 1970s taking a survey on which primary school would produce two members of the Legislative Council in 2006, Newport West Primary School would not have headed the list. It is quite amazing that the two of us shared time at primary school. She was a few years ahead of me, and I spent far more time with her sister, Megan, who was in my year and who started secondary school with me. But I remember Sue being regarded as an intelligent and dedicated student at school.

I also enjoyed Sue's inaugural speech because it reminded me of my early childhood when times were much simpler and it was much safer to wander around our neighbourhood. We had a freedom that we probably would not allow children in 2007. I imagine that because Sue and I represent different constituencies we will probably differ in opinion on some issues along the way, but I hope at the end of the day we can put those differences aside and sit down and have a cup of tea together and discuss them, respecting each other's opinions.

In replying to the Governor's speech I have to say that I found it very difficult to sit and listen to it because it was full of government spin. Mr Drum alluded to that fact yesterday, and said he felt the speech had been written by the government. I know it was written by the government because the Governor told me so. It is a

shame we cannot have a speech which outlines a vision for the state without so much government spin.

The Governor's speech began by talking about the changes to this chamber and trumpeting a new era of democracy. Yesterday we saw an example of how this chamber may be able to achieve greater scrutiny of government, but we also saw that the government did not like it. Yesterday the government went to great lengths to try to avoid scrutiny and to dumb down an inquiry that was proposed by the opposition parties. The government may now be regretting its decision to change this chamber because it is certainly feeling very uncomfortable about the additional scrutiny we will be able to put it under.

One of the disappointing impacts of the changes to this chamber has been the Labor Party's attitude to country Victoria. We saw it preselect metropolitan members of Parliament as candidates in all the country regions. Since then we have seen that some of the candidates who won their seats have refused to move to their electorate, and months after the election they have failed to even set up an office within their electorate. It is very disappointing for their constituents who would like to have access to government members.

Country Victoria is hurting and this government must acknowledge that. The drought is impacting severely, and last week we saw an example of how this government is not prepared to listen to country Victorians. We saw a few farmers at Colbinabbin attempt to speak to the Premier, to the Minister for Water, Environment and Climate Change in the other place and to Ms Broad. They were advised by one of the minister's advisers that if they went into one of the workers huts out of the sun the minister would come in and speak to them. The minister then ran away. The minister let them go into the hut, and while they were in the hut he got into his car and drove off.

**Ms Broad** interjected.

**Ms LOVELL** — Ms Broad was with him and she also drove off. She would not talk to her own constituents.

**The PRESIDENT** — Order! Ms Lovell should address her remarks through the Chair.

**Ms LOVELL** — The irrigators in Colbinabbin feel cheated by the government. They feel that the minister ran away from them. We also saw the minister run away from irrigators in Shepparton on a previous occasion. I do not know what the government is so scared about. These are genuine country people. They

just want an opportunity to speak to the government, but the government will not speak to them.

Regional cities like Bendigo, Ballarat and Geelong are all on level 4 water restrictions, and many of our other smaller communities are also on level 4 restrictions and are having to truck water in daily. Bendigo is only weeks away from running out of water. In fact the front page of the *Bendigo Advertiser* today carries a story about fish floundering in shallow pools as the Upper Coliban Reservoir's bed is exposed to the baking sun for the first time in more than a century. It says that the reservoir, near Kyneton, is a key part of the catchment system that supplies Bendigo, but it will be completely empty within days for the first time since its construction in 1903.

Faced with one of the worst droughts in recorded history, Coliban Water is in the process of pumping the last couple of megalitres from this storage, which is the only storage Coliban Water solely controls, into the Lauriston Reservoir because that reservoir is deeper and there will be less evaporation. These are the lengths communities are having to go to. They are having to move water from one storage to another just to avoid a little bit of evaporation so they can make that precious water last just a little bit longer.

As I said, Bendigo could be completely without water within weeks. What has the Bracks government done about it in the past seven years? It has done absolutely nothing. It has done nothing to plan for water for people and urban communities. There has been plenty of talk about environmental flows, and there has also been talk and action about clawing water back from irrigators, but there has been no thought about securing water for people, or how this state could better manage its water resources to ensure security of water for urban use and for irrigators so they can continue to grow the food that feeds Victorians. Instead all the responsibility for water savings has been placed on individual householders. There has been no commitment from the government.

Shortly before the election the government announced some projects in order to appear that it was addressing these issues, but they were announced far too late. The projects the government has announced only move water from one stressed system to another. That is of course if there is any water left to move because Lake Eildon is at a very low level. By the time the pipe is constructed there may not be any water to move from Eildon to Bendigo and then on to Ballarat, which is what this government wants to do.

The Liberal Party endorsed the pipeline to Bendigo but its policy was to invest in infrastructure and to find

savings to move water over to Bendigo to provide water to the Goulburn Valley and to Bendigo. The Labor Party's policy is to take water away from the irrigators, to take wealth away from the irrigation district and from this state because there will be less production in the state. The Labor Party must face up to the fact that it has poorly managed Victoria's water resources and infrastructure. It has failed in one of a state government's primary responsibilities, that of delivering water, which is the most basic of all needs for human survival.

A further impact of the drought is that we are losing many of our communities. We are losing farmers who may never return, and we are losing families from communities. That in turn places stress on services such as schools, the survival of which is threatened. Our sporting grounds are so dry that they are dangerous and competitive sports cannot be played on them. Our small business people are also under financial stress, and many of them are closing their doors.

The impact of the bushfires has reached across most of Victoria. Unfortunately, overnight 10 more fires were started by lightning strikes within my electorate. The communities that are suffering from bushfires are not only suffering from the bushfires but are also suffering from drought. I have spoken with the communities that were affected by the December and January fires, and although they appreciate the government's announcements so far, they feel far more could be done to assist them to survive this difficult season.

Housing is an issue that has interested me since I was elected, and I was delighted to be appointed shadow Minister for Housing. But I was disappointed when the recent waiting lists for December were released showing 34 544 families waiting for public housing in this state. A letter to the editor in today's *Herald Sun* — in fact it was made letter of the day — says:

Why the long wait for public housing in Victoria?

If the state government can afford to spend millions of taxpayer dollars on any project related to sport, surely it can afford to build quality housing for those who need it desperately.

Having to wait up to 10 years for assistance smacks of incompetence and a misuse of funds.

Such housing would be given top priority under any competent state government.

That letter was from Brendan Richardson of Attwood, and I congratulate him for taking an interest in the housing needs of the 34 544 families waiting for public housing in this state.

Of particular concern are the figures relating to the early housing waiting list, because the families on this list are the most desperate of all. They are the families who are at risk of recurring homelessness, those with disabled people or those with special housing needs. We have 4677 Victorian families on the early housing waiting list, which is a growth of 231 per cent statewide since June 2000.

In my own electorate the public housing figures are appalling. There are 2616 families in northern Victoria on the public housing waiting list and 646 families on the early housing waiting list, which represents a rise of 634 per cent since 2000 — an appalling record for the Bracks government.

Housing affordability is another area that has suffered under the Bracks government. A recent Property Council of Australia report called the *Boulevard of Broken Dreams* highlights how Bracks government policies such as Melbourne 2030, its restrictive land release, and state taxes, fees, levies, charges and compliance costs, are largely to blame for the decline in housing affordability in this state. Private rental is also being impacted upon by the decline in housing affordability, with the recent rental report released by the state government showing that rents, particularly in non-metropolitan areas, have skyrocketed. The worst affected areas are Bendigo, Ballarat, Wodonga and Warrnambool. This is particularly concerning for those regional centres, because it hinders their population growth.

There are many more areas where the government is failing Victoria, but as I am down to my last minute-and-a-half I shall wind up my contribution here. This is the third term of the Bracks government, and it is about time the government started to take responsibility and deliver projects to assist Victoria and provide a vision to grow this state for future generations. It must stop believing its own spin, it must stop blaming the federal government, it must stop blaming the Kennett government — it has been in power longer than the Kennett government now — and it must face up to the fact that it is the government and must begin to deliver for all Victorians.

**Mr VINEY** (Eastern Victoria) — First of all, I would like to thank the people of the Eastern Victoria Region for giving me the privilege of representing them in this Parliament. It is always a humbling honour to be elected to the Parliament, and in this newly structured house to represent such a large part of the state is a great privilege. There are some magnificent parts of this state in my region — the Mornington Peninsula, Gippsland, the Dandenong Ranges — and it is

something of an onerous responsibility to do your best to represent such a diverse region in this place.

I want to pick up on the comments of the previous speaker in relation to this being the third term of the Bracks government. I am very pleased that we have been elected to a third term in Victoria. If you consider the recent history of politics in this state, you realise that since 1982 the Labor Party has been given the privilege of being the representative government of Victoria for all but seven years. I think the people have demonstrated a high degree of confidence in the Labor Party, both historically and in this current term. It is something the people of Victoria have bestowed on our party and something we take very seriously. We intend to continue to govern this state well, to deliver the services we were elected to deliver, to manage the budget in the way that we have — with a commitment to a budget surplus — and to continue the commitment to democratic principles that we have shown through both the reform of this house to establish a proportional representation system and through such actions as the protection of the Auditor-General and the Ombudsman and the other democratic reforms we have made to the state's constitution.

The other thing I would like to do at the outset of my contribution to the address-in-reply debate is to acknowledge some fallen comrades in my region and the great work they did as members in the other place. First of all, I acknowledge Ian Maxfield, who was the member for Narracan in the other place for seven years. Ian is a very community-minded and spirited person, and I think the house ought know — and I certainly want to put on the record — that within a week of Ian losing his seat in Narracan he was out fighting bushfires as a member of the Country Fire Authority. I am sure that when people lose their seats in the way Ian did, there is a fair degree of personal shock and disappointment, but Ian demonstrated the kind of person he is by continuing his commitment to the community and fighting bushfires within a week or so of his losing his seat.

Similarly Brendan Jenkins has represented his community as a municipal councillor and then as the member for Morwell in the other place for one term. Brendan was obviously very disappointed by the outcome, but he should be proud of his achievements because there have been significant commitments to education, public health and a new police and law complex in his electorate. I wish Brendan well in the future.

Heather McTaggart, who was the member for Evelyn in the other place, was and remains a friend of mine.

She had enormous energy and commitment to her electorate. She put in countless hours of work above and beyond what is normally expected of anyone. Heather is a great character and, whilst being terribly disappointed by no longer representing her electorate, was realistic enough to know that she was fighting for one of the closest held marginal seats in the state. She gave everything she could to her campaign and to representing her community. I wish Heather well for the future, and I congratulate her on the great work she did for her community.

A very close friend — someone I have known for probably close to 20 years — is Rosy Buchanan, who was the member for Hastings in the other place for one term. I think it would be acknowledged by members on all sides of this place that Rosy was an outstanding local member of Parliament. When I worked with Rosy in her electorate I found that she seemed to know everyone we met when we were walking down the street. She was responsible for some substantial improvements to schools, roads and services generally in her electorate during the four years she represented it from 2002 until November last year. I know that Rosy was disappointed to lose her seat, but again, like Heather, she was very realistic about the seat she held. She gave it her all, and she should be very proud of her achievements as the member for Hastings in that term. I am sure that the people of her former electorate are very grateful for her work.

Since the election one of the overwhelming issues that our community has been dealing with, particularly in the Eastern Victoria Region, has been the bushfires that have been affecting our state. The area lost to the fires exceeds that lost in the 2002–03 fires, and there has been significant loss in much of our state forests, national parks and state parks. As I mentioned in this house before Christmas, I live in Gippsland and there is something quite ominous about waking up in the morning to the smell of smoke, and Gippslanders have been suffering from that now for some months. There has been some temporary relief over the last week or so, although some lightning strikes yesterday have ignited fires again and heightened everyone's concerns about the remaining few weeks of the bushfire season.

In my contribution to the address-in-reply debate it is very important for me to acknowledge the extraordinary work that has been done by the entire community in my electorate: by the volunteers with the Country Fire Authority; the volunteers with all the other community organisations who support the CFA volunteers and the firefighters from the Department of Sustainability and Environment; and of course the professional officers in the CFA and the Metropolitan

Fire Brigade who provide relief support apart from their normal duties. It is a whole-of-community response and the government is very grateful for the enormous commitment of the community in responding to this current crisis affecting my region. We need to remember of course that our state is bushfire prone, so continuing vigilance will be required by our community, particularly in the light of climate change.

It is worth commenting on a couple of issues that were highlighted in my region during the election campaign. They relate to the issues of climate change and water, which were at the forefront of many people's minds during the lead-up to the election, and which will continue post-election and I suspect throughout this term of Parliament.

One of my disappointments during the election campaign was the approach of, in particular, The Nationals to the issue of water. This has continued during the post-election period. Recently I was on ABC Radio Gippsland doing some talkback, and I would have to say that the vast majority of calls that came through on that morning session were about the issue of water. On a number of occasions people raised issues that were in fact part of The Nationals campaign. The Nationals put out a campaign saying that Melbourne was 'stealing Gippsland's water and sending back its poo' — in other words, they were saying that Melbourne was taking water that belonged to Gippsland, that it would send back recycled water through the Gippsland Water Factory and that it was also proposed that water from the eastern treatment plant should be sent to the Latrobe Valley to be used in the power plants.

Even the Prime Minister has acknowledged that we cannot see water as a regional or local resource. It now has to be seen as a state and national resource. It simply cannot be seen that I, as a Gippslander, should be saying that Melbourne is not entitled to water from the Gippsland region. As Gippslanders, we need the Melbourne market to sell our products, and Melbourne needs water. Melbourne does not have its own natural supply of water, so there is a co-dependency between Melbourne and Gippsland. The campaign The Nationals ran in Gippsland was short-sighted and clearly political — it was obviously effective, and congratulations to them for it — but it is not good for the overall approach we need to take to water.

The simple thing on water is this: we need to use less and recycle more. There is no other strategy that will work. We cannot make it rain. We cannot produce more water. The best solution for our water crisis is to

use less and recycle more. That is exactly the government's strategy.

We have seen over a 20 per cent reduction in the use of water in Melbourne, and I think the proposition to recycle water into the Latrobe Valley power plants is a very creative one. It will not only provide additional water for Melbourne; it will provide additional water for Gippsland and additional water for the environmental flows of the rivers in Gippsland.

We have to take a whole-of-community approach to the issue of water, just as we have had to do in relation to the response to bushfires. It was not constructive in the lead-up to the election to see a politicised campaign that ran the cheap slogan 'Melbourne is stealing our water and sending back its poo'. That was a silly campaign against a long-term strategy looking at the needs of this state. I understand the success of it in political terms, but this water issue is beyond politics. This issue is one we need to deal with by taking a whole-of-community approach. It relates also to the issue of climate change. We need to respond to climate change and to the overuse of water by using less and recycling more.

I thank members for the opportunity to make these comments.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I congratulate you, Deputy President, on your elevation to that office. Over the period I have been here this chamber has been fortunate enough to be well served by presiding officers and deputy presiding officers, most notably the late Honourable Bruce Chamberlain, and I am sure you and Mr President will distinguish yourselves in your respective roles over the next four years.

I would also like to congratulate His Excellency the Governor, Professor David de Kretser, on his appointment to that office last year. The opening of Parliament in December was the first opportunity His Excellency had to interact with this Parliament, and I congratulate him on that appointment. Throughout the 20th century Victoria has been well served by its governors, including such distinguished people as Sir Dallas Brooks, Sir Henry Winneke and, more recently, Sir James Gobbo. I am sure Professor de Kretser will serve this state with similar dedication and commitment.

I would also like to congratulate the new members of this chamber. It is often said that the Legislative Council is a red morgue: a place where party apparatchiks go to die. Yet it is interesting to reflect on the chamber now and note that slightly more than

50 per cent of the government members are new to this place, 50 per cent of the opposition members are new to this place, and we have two new parties represented. I recall a discussion with the Leader of the Government following the opening of Parliament last year when we reflected on the fact that, despite Mr Lenders and my having been in this Parliament for only seven years, there are now only four members of this chamber who have been here longer — you, Deputy President, Mr Davis leading the opposition, Minister Theophanous, and Mr Hall leading The Nationals. The other 36 members have been here for, like me, one term or less.

The motion we are debating this morning on the address-in-reply is a new motion that has come before the house. The motion moved by Ms Pulford on the opening of Parliament expresses loyalty to the people of Australia and the people of Victoria, and that is a motion that I am pleased to support. But I am disappointed that this motion moves away from the traditional form of the address-in-reply in this place, because it has been a long tradition of the Legislative Council, and indeed the other place, that in moving the address-in-reply we express loyalty to the sovereign, and that is a practice that I notice was continued in the other place but was not continued in the motion moved by Ms Pulford. That is disappointing, notwithstanding that some members of this place have sympathy for a republican perspective.

Irrespective of your view on whether Australia should be a republic or not, it is appropriate that, given the sovereign, Queen Elizabeth II, has provided more than 55 years of public service, which I know is far more than any member of this chamber has or is ever likely to give, and in her 81st year continues to provide outstanding service to the people of Australia and the people of the commonwealth, we should acknowledge that in the traditional way in an expression of loyalty in the address-in-reply. It is disappointing that we have not. The chamber is diminished by virtue of that change having been made to the motion for the adoption of the address-in-reply. The Queen's service should be appropriately acknowledged.

I turn to my own area of South Eastern Metropolitan Region. I congratulate my fellow representatives of South Eastern Metropolitan Region: Mr President, who has been elected for the Labor Party; Mrs Peulich, who joins me in representing the Liberal Party in the region; Mr Jennings; and Mr Somyurek.

I am honoured to be the first Liberal member elected to represent the South Eastern Metropolitan Region, and I thank the voters of the region for their support. The

region spans the area from Berwick across to Port Phillip Bay, down to the south of Frankston and north to Mount Waverley. I previously had the privilege of representing half the region as a member for Eumemmerring Province, and I look forward to expanding my knowledge and involvement in the western half of the region.

As all members of this place know, being elected a member of Parliament is not something that is achieved purely as an individual; it can only be achieved with the support of people around you. I would like to thank the members of the Liberal Party in my region who worked tirelessly to support my election and that of Mrs Peulich. I would also like to thank my electorate officer, Janet Cummings, who has worked in my office for more than seven years and supported me in the various roles I have had over that time as a member for the Eumemmerring Province and now in the new role in the region. I also thank Julian Sheezel, the state director of the Liberal Party, for his hard work in putting together the campaign that delivered so many new members to the other place and so many new members to this place. I believe the work of his team has placed the party in a good position to move forward in 2010.

The dawn of the 56th Parliament presents a new opportunity to enhance the accountability of the government to the people of Victoria. Leading up to the 56th Parliament, particularly after the change of government in 1999, we heard a lot of criticism of the previous government and the way it treated this Parliament. However, I have to say that any criticism of the Kennett government pales into insignificance in comparison with the way this chamber was treated by the government between 2002 and 2006. During that time we saw a decline in accountability in this place — for example, we saw the practice develop of ministers no longer attending adjournment debates. Once it was the practice for every minister to attend the adjournment debate each night; we now have only one representative of the government, so accountability has been diminished.

We have seen the introduction of a parliamentary guillotine. This means that at the government's behest legislation can be rammed through at the conclusion of a sitting week, irrespective of whether members of the chamber have concluded debate on it. We have seen a continuation into this Parliament of evasive and elusive answers from ministers in response to questions without notice. At the close of the last Parliament just under 350 questions on notice, many of which had been submitted years earlier, remained unanswered and simply lapsed as a consequence of the Parliament being

dissolved. We have seen restrictions placed on the length of members' contributions to debate on a range of issues — not just bills but also procedural matters.

Perhaps most significantly, and I hope this will be addressed in the 56th Parliament, we have seen a lack of accountability for portfolios where the primary minister is in the other place. The Premier's decision to award certain portfolios to lower house members means that scrutiny of those portfolios is not possible in this place. By virtue of Bronwyn Pike, the member for Melbourne in the other place, being appointed Minister for Health, we do not have a mechanism by which the health portfolio can be scrutinised in the Legislative Council. Because Daniel Andrews, the member for Mulgrave in the other place, was appointed Minister for Gaming, we do not have a mechanism by which gaming can be scrutinised in this place. That practice does not exist in the Senate. It is a practice which should not exist here. I look forward to ministers in this place accepting responsibility and providing accountability to this place for the portfolios they represent on behalf of ministers in the other chamber. It is a practice which has not existed under this government, and it did not exist to any great extent under the previous government. However, it is a practice that should apply in this house in its reformed and enhanced position as a house of review.

I wish to speak briefly now on my portfolio responsibilities. I am pleased to have been reappointed as shadow minister for finance with the additional responsibilities of the Transport Accident Commission and WorkCover. These portfolios, particularly finance, are fairly narrow. Finance is not a portfolio which has a huge public constituency, but it is a portfolio that is critical to the running of government. It is the finance portfolio that is focused on the management of government property, government assets and the accountability, in many respects, of government to this Parliament. In my view the bottom line of the finance portfolio is about delivering government services and infrastructure as efficiently and effectively as possible. In that sense it encompasses all other portfolios and is about doing government better. We have a new minister in Tim Holding, the Minister for Finance, WorkCover and the Transport Accident Commission in the other place, and I look forward to this government taking a new approach in ensuring Victorian taxpayers get better value in the services and infrastructure delivered by this government.

In the time remaining to me I would like to speak briefly on the conduct of the 2006 election. Although we have now moved on several months, at the time of the election a number of concerns were expressed about

the conduct of that election. Last night I had the opportunity to speak to a polling clerk who worked in one of the electorates. She has had 27 years of experience as a polling clerk with the Victorian Electoral Commission, and I have to say that she was quite scathing in her criticism of the way many of the administrative matters relating to the election were conducted. For example, in the days leading up to polling day there was apparently a mad scramble within the VEC to find sufficient polling staff to man polling booths. People were being telephoned as late as the Thursday before election day and asked whether they were available to work as polling staff. As a consequence there were a large number of untrained people working for the VEC in polling booths on election day. This led to a number of administrative issues, which have been widely reported. We have heard examples of people being given the wrong ballot papers. In particular, where there were split booths between adjoining districts there was immense confusion as to the appropriate ballot papers to be distributed to voters. I know from my own experience in dealing with voters and absentee voting that we had polling clerks giving incorrect instructions to voters on how ballot papers were to be filled out, particularly the Legislative Council ballot paper.

Perhaps most concerning for members of this chamber is that the final count of Legislative Council votes was left until four days before the return of the writ. We had the extraordinary situation where there were a number of substantial errors in the provisional results published for the Legislative Council. Candidates were told they had been elected but the recount done immediately before the return of the writ revealed there had been errors and that other people had been elected. We then had the return of the writ, and the Parliament was opened shortly after. We had the extraordinary situation of people being told late on the day before the return of the writ that they had, in at least one case unexpectedly, been elected as members of Parliament and were required to sit in Parliament the following week.

I think it is unfortunate that the provisional and final counts for the Legislative Council were left until so late in the period before the return of the writ and that this created such uncertainty among candidates for the Legislative Council regions about who had been elected and their subsequent requirement to appear in this place only a few days later. I note that the electoral commissioner, Steve Tully, is required under the Electoral Act to produce a report to Parliament on the conduct of the 2006 election. I hope those matters will be picked up and addressed in that report to this Parliament so they can be addressed ahead of the 2010 election.

In conclusion I again congratulate the new members of this place on their election to the Legislative Council. I look forward to working with them over the next four years for the benefit of Victoria.

**Debate adjourned on motion of Mr SCHEFFER (Eastern Victoria).**

**Debate adjourned until later this day.**

**Sitting suspended 11.31 a.m. until 2.03 p.m.**

**Business interrupted pursuant to sessional orders.**

**Hon. T. C. Theophanous** — On a point of order, President, I want to raise an issue for you to consider in relation to the motion foreshadowed by the Leader of the Opposition seeking to change standing orders, and I ask you to give it some consideration while the house is not sitting.

I refer specifically to the capacity of ministers to make ministerial statements as a result of the proposed suspension of some provisions of standing order 5.14. Because under standing order 5.14 the capacity to make such ministerial statements is going to be limited, I wonder whether you would look at whether there is any privilege or other issue related to the capacity of government ministers to make such ministerial statements.

Secondly, President, during the course of the debate over the next few weeks I wonder if you would be prepared to look at whether, in line with my reading of it, the effect of this motion would be that there would be 9 hours less debating time in this house for government business. That may lead back to what happened in the bad old days when extensions of time were requested in order to get through government business, which may well lead to very long sitting times and may affect occupational health and safety issues, which I know the President is very concerned about. I ask that you examine those two issues and report back to the house.

**Mr P. Davis** — On the point of order, President: firstly, that was a good try to pre-empt the debate again, Theo, but these matters are — —

**The PRESIDENT** — Order! Mr Davis should refer to the minister by his proper title.

**Mr P. Davis** — I beg your pardon, President. I refer to the comments made by Mr Theophanous. Firstly, in relation to the matter of time, ministerial statements are not precluded, it is simply a change to the existing

constraint on ministerial statements in respect of time. On the second issue — —

**Mr Lenders** — There is a time constraint on that one.

**Mr P. Davis** — No, it is removing the time constraint. If you had read the proposed sessional orders you would know that there is a proposal which removes the time constraint.

**The PRESIDENT** — Order! Mr Davis is aware that he is unable to debate the point of order.

**Mr P. Davis** — Mr Theophanous did. On the second issue raised by the member, I make the point that the sessional orders propose to allow flexibility for the house. It will be in the hands of the house as to the priority it gives to matters that come forward, whether they be part of government business for the week or matters that the non-government parties wish to raise. Those are matters which the house will debate in a fortnight and which will be subject to views expressed during that debate.

**The PRESIDENT** — Order! In response to the initial point of order raised by Minister Theophanous, I am advised that in fact the proposed changes do not preclude the minister from making statements but impact on the time available. However, I think both points are of real significance to this chamber, so I will take advice and respond when the Parliament resumes.

## QUESTIONS WITHOUT NOTICE

### Olympic Park: rectangular stadium

**Mr D. DAVIS** (Southern Metropolitan) — I direct my question without notice to the Minister for Major Projects. I refer to the Bracks government's dispute with the Melbourne Victory Football Club and the club's refusal to be bullied into accepting a stadium that is obsolete even before it is built. Will the minister now withdraw his threat to facilitate the movement of a second club to Melbourne to be based on the undersized rectangular stadium?

**Hon. T. C. THEOPHANOUS** (Minister for Major Projects) — I can well understand why Mr Davis's leader considers him to be treacherous, because every time he gets up in this house to ask a question he twists the truth, he interprets things in his own way and he blatantly makes comments that are untrue. The government is not bullying anyone, as he well knows. We are not bullying anyone, and he well knows that to be the case. What we are trying to do is build a

world-class facility for soccer fans and for Rugby fans in this state, something the opposition never tried to do. It was not interested in soccer fans, and it was not interested in promoting either the game of soccer or the game of Rugby or anything else in this state. We are proud of our achievements in building facilities for sport in this state. We are proud of those facilities, and we would put them up against the opposition's record of having built sporting facilities in this state, which amounts to zero. We are happy to do that at any time.

No-one is more happy that — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! I say to members on my left in particular as well as to the rest of the house that I have made very clear how I want this house to operate. Members of the house are on notice. Any continuing over-the-odds interjections will not be tolerated. I accept that question time is an opportunity for repartee and robust debate, but I want to hear what is going on and so does Hansard. Members are warned!

**Hon. T. C. THEOPHANOUS** — Thank you, President. Thankfully it is not up to the opposition to negotiate what is a very important new facility for football in this state. I make the point that when the government made its original announcement of a 20 000 to 25 000-seat stadium we made it in the context of where everyone thought soccer and Rugby were at that time. I am happy to inform the house that the Football Federation Australia (FFA) has requested that the government look at the size of the stadium, and we have been happy to seek to accommodate it by looking very carefully at the configuration.

We have been having discussions with all the various parties in relation to the optimum size to build, bearing in mind that we do not want to replicate a stadium of the same size as Telstra Dome, which has an important role to play for crowds in the vicinity of 40 000 to 50 000 people and does it exceptionally well. I merely quote Matt Carroll from the FFA, who suggested in the newspapers yesterday that a 30 000 capacity for the new stadium would be a workable model.

The opposition is trying to gain political capital by claiming that everyone wants a 40 000-capacity stadium when the FFA itself wants a 30 000-seat stadium. These are important negotiations. I can tell the house one thing: we will not allow the facility to be used for free. We are happy to negotiate with Melbourne Victory for it to go into a brand new stadium of an appropriate size.

*Supplementary question*

**Mr D. DAVIS** (Southern Metropolitan) — All the minister has said just confirms in my mind that he has a vendetta against Melbourne Victory, but particularly the fact that he is not prepared to — —

**Hon. T. C. Theophanous** interjected.

**Mr D. DAVIS** — Let me ask my question. Will the minister assure the house that no public money will be used to support a competitor club to further the minister's vendetta against Melbourne Victory?

**Hon. T. C. THEOPHANOUS** (Minister for Major Projects) — If it were not unparliamentary I would just say that the member is an absolute idiot!

**The PRESIDENT** — Order! It is most unfortunate that the minister seems to have difficulty accepting my earlier decision with regard to comments of that nature. Given his status and experience in this house I am prepared to give the minister one last warning, and I ask him to withdraw his comment.

**Hon. T. C. THEOPHANOUS** — I withdraw. The stupidity of the statements made by the honourable member are — —

**Mr D. Davis** — On a point of order, President, yesterday you threw me out of this chamber when I used the word 'goose' in respect of Mr Theophanous, but it appears that he is entitled to use the word 'idiot' with respect to me. There appear to be different arrangements, and I seek your guidance.

**The PRESIDENT** — Order! I will reiterate for Mr Davis's edification that, given the experience and status of the minister in this chamber, I will allow him one last chance. Mr Davis simply does not have that status in the chamber.

**Mr P. Davis** — On a point of order, President, without questioning your ruling, I wonder if you can clarify for the house why it is that a member who should know better because of his experience and status is given relief, when a more junior member is punished.

**The PRESIDENT** — Order! For someone who states that they do not want to question my ruling, the member did not do a bad job! However, let me say that I will exercise judgement based on what I feel at any given time on any matter that I am able to. Rest assured it will be fair and even-handed. I have made that comment to the house on numerous occasions already. I will be consistent, and sometimes I will be consistent in

my inconsistency, but it is my call. The minister, to continue.

**Hon. T. C. THEOPHANOUS** — Thank you, President. I really could not understand the logic behind the supplementary question. Perhaps the member might want to put it as a question on notice, because I really do not understand what the question was. I simply reiterate that we are in negotiation with Melbourne Victory and a number of other clubs in relation to the use of the new stadium, but we are not going to allow special treatment for any one club or any one user of that facility. We are not going to allow it to be used for free. That would be inappropriate, and it would be an inappropriate use of public money. But we are prepared to give every single club a fair go in order to use these very important facilities.

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

### **Indian Airlines: Melbourne flights**

**Mr EIDEH** (Western Metropolitan) — My question is to the Minister for Industry and State Development. Can the minister update the house on any further developments in the debate over air services to Melbourne and Victoria?

**Hon. T. C. THEOPHANOUS** (Minister for Industry and State Development) — I thank the member for his question. Can I just say how pleased I am to speak on this after some of the questions I have received from David Davis in relation to this issue in his continuing desire to bag every effort by this government to bring into this state additional air services that would be used by the people of Victoria and his continuous negative, carping approach to all job-related developments in this state.

**An honourable member** — He's only junior.

**Hon. T. C. THEOPHANOUS** — It probably does reflect on the status that all members in this house, including the President, see him as having.

But let me give the good news. The good news is that the Bracks government is focused on real issues, on getting on with the job and on attracting international carriers. That is why it gives me great pleasure to announce to the house today that Indian Airlines, the largest airline in India, has announced that Melbourne will be its sole Australian destination when it commences flights later this year. This is a fantastic achievement for our industry.

*Honourable members interjecting.*

**Hon. T. C. THEOPHANOUS** — That is right. Despite all the opposition's harping and carrying on, we have been busy getting on with the job.

**Mr D. Davis** — And the new tax? Are you going to take the new tax off?

**Hon. T. C. THEOPHANOUS** — This is something we have been negotiating for a period of 12 months. It will mean that Indian Airlines will be sending services through Singapore into Melbourne. Flights will go from four major Indian cities to Singapore and then from Singapore on into Melbourne. This translates into — and I know David Davis does not like the sound of this word — jobs, jobs, jobs.

I am very pleased to be able to inform the house of this important development. I am also pleased to be able to indicate that it reflects the growing relationship we have — both a business relationship and a tourism relationship — with India. India is going to become a very important trading partner for us in a whole range of areas over the coming years. Indeed members may not be aware that just last year 29 000 visitors came to Victoria from India. Phenomenal new business opportunities are being created, and having an airline that will now fly into Melbourne as a result of the negotiations and efforts of the government is something I am very proud to be able to announce.

This comes despite the narking and carrying on about the legitimate payment of stamp duties. I might say there is an agreement across all jurisdictions that these stamp duties should be paid on insurance that involves risk in Australia. It has not stopped Indian Airlines from being prepared to make a commitment to come to this state and provide the jobs this state badly needs.

### **Metropolitan Fire Brigade: Burnley site**

**Ms HARTLAND** (Western Metropolitan) — My question without notice is to Mr Madden, the Minister for Planning, on a matter with which he is connected. It is in relation to the Metropolitan Fire Brigade (MFB) construction site at Burnley, which we understand from press reports and discussions with the Construction, Forestry, Mining and Energy Union is contaminated due to its previous life as a quarry site. When and how was the government made aware of the actual or potential contamination at the site? Was the site listed on any Environment Protection Authority (EPA) register of contaminated sites? If not, why not? Which government department owned the land at the time it was transferred to the MFB? What action was taken at the time the land was transferred to the MFB to check

that it was not contaminated? If no action was taken, why not?

**Mr Viney** — On a point of order, President, I cannot see how this is directly related to the responsibilities of the Minister for Planning. My understanding is that this matter, which relates to management of government properties for development, would sit in the area of the Department of Treasury and Finance and responsibility for it would rest with the Minister for Finance, WorkCover and the Transport Accident Commission in the other place, Mr Holding.

**The PRESIDENT** — Order! I think it is appropriate for the minister himself to answer on whether he has the capacity to answer the questions.

*Honourable members interjecting.*

**The PRESIDENT** — Order! I am sorry, I assumed Ms Hartland had finished. If I am wrong, she should please continue.

**Ms HARTLAND** — I have a supplementary question as well. I believe these questions relate to the EPA, responsibility for which lies with Mr Thwaites, the Minister for Water, Environment and Climate Change in the other place, and as I understand it from the sheets we were given at the start of the session, Mr Madden has carriage of those issues in this place.

**Hon. J. M. MADDEN** (Minister for Planning) — I will try to be as helpful as possible to the new members of the Parliament. As you would appreciate, President, whilst from time to time I have responsibility for matters relating to portfolios in the other chamber, my understanding is that that relationship is not necessarily dealt with in question time in this form. I am happy to answer any specific issues in relation to my portfolio of planning. Whilst this question relates to building activity, it does not in my understanding relate specifically to a planning matter that comes within my portfolio. I am the ultimate planning authority in this state in relation to projects. Most planning approvals are directed through local government, and in this instance I think this is a question that should be directed to the Minister for Water, Environment and Climate Change, who has responsibility for the Environment Protection Authority.

I am happy to have that clarified and I am happy to relay the question to the appropriate minister, but I do not think it is within my bailiwick to answer the question.

**Mr P. Davis** — On the point of order, President, it may assist the minister and the chamber to know that

the site in question was the subject of a planning panel, the responsibility of the planning minister.

**The PRESIDENT** — Order! That is not a point of order, Mr Davis.

**Ms Pennicuik** — On a point of order, President, I am wondering if I could request you to provide us with a ruling on the words ‘relating to public affairs with which the minister is connected’?

**The PRESIDENT** — Order! That is not quite a point of order on this matter either. I am prepared to say that I accept the minister’s view that this is more a question for the minister for the environment, and it is a question that Ms Hartland could put on notice.

**Ms Hartland** interjected.

**The PRESIDENT** — Order! I am not going to debate with Ms Hartland. I am suggesting that she can put this question on notice for the minister. That is her avenue.

**Ms Hartland** — On a point of order, President, I have a supplementary question, because I do believe that Minister Madden is responsible for these matters, as is listed on this sheet.

**The PRESIDENT** — Order! Unfortunately a supplementary question can only be asked in response to the minister’s answer, which he has not given because he does not have to. Again I say there is an avenue for the member to raise this matter if she so chooses.

**Hon. T. C. Theophanous** — On a point of order, President, it might be helpful, because there are new members here who may not understand the rules of the house, and in this instance the member has indicated that she thinks the question is in order because we have a responsibility in representing ministers in another place — —

**The PRESIDENT** — Order! I accept that the minister may want to help Ms Hartland out, and that is fair enough, but it is not appropriate in the circumstances. I have explained to Ms Hartland that she has a way of raising the matter. I do not propose to debate whether new members are up to the minute or not. If they seek assistance or an understanding of the way this chamber operates, it is available to them; they simply have to ask.

By way of clarification, questions without notice can only be asked of ministers in relation to the portfolios they hold within this house. That may assist new

members in getting the answers they need on matters via another method.

**Mr Atkinson** — On a point of order, President, on quite a separate matter, the question that was just put to the minister was in my understanding a multipartite question. It raised more than one question. I wonder about the question in that sense as well. To me it seemed to have three or four questions in point form as questions rather than being in the form of some sort of preamble that posed a single question, as I think we are supposed to have.

**The PRESIDENT** — Order! Thank you for that, Mr Atkinson.

### **Building industry: performance**

**Ms PULFORD** (Western Victoria) — My question is for the Minister for Planning. There is no doubt that the building industry and building activity are key drivers of investment and therefore economic activity. I ask the minister to advise the house of the state of building activity across Victoria.

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Ms Pulford's question and her interest in the economic activity that is generated through the building industry in particular.

I am delighted to advise the house that Victoria's building industry continues to set new records. More than \$16 billion of building permits — in actual fact I understand it is \$16.7 billion — were issued in 2006. This is the first time that the value of permits has exceeded the \$16 billion mark in a calendar year, so it is a great tribute to the building industry. I understand that Building Commission statistics show that this is an 8.9 per cent and \$1.4 billion increase over the 2005 figures. In fact during 2006 the value of building permits was consistently above \$1 billion per month for 11 consecutive months.

This is an outstanding achievement. This is the third year in a row that building activity has exceeded \$15 billion. The consistently high activity levels are testimony to the robust conditions of not only Victoria's building industry but also Victoria's economy. The figures from the Australian Bureau of Statistics show that the total value of building approvals in Victoria exceeded that of any state in 2006 — a total of \$17.05 billion was approved for the year in Victoria, which is above New South Wales at \$15.5 billion and Queensland at \$15.48 billion on a seasonally adjusted basis. That is a great performance right around.

But there is more! Compared to 2005, the building permit figures by sector for the 2006 calendar year reveal that domestic building activity rose by 3.3 per cent to \$8.9 billion.

**Mr Jennings** interjected.

**Hon. J. M. MADDEN** — Residential activity, Mr Jennings — thank you for your interest! — has increased and commercial activity has jumped by 25.4 per cent to \$3.2 billion. As well as that, retail activity has increased. All round this is great news for the building industry. This is in relation not only to Melbourne — and I know Mr Drum is looking particularly interested in these figures — but to all corners of the state, with growth in building activity in regions right across the state. Inner Melbourne grew 14.2 per cent, with Stonnington, Whitehorse and Boroondara showing impressive growth.

Activity in outer Melbourne grew by 5.5 per cent. But there is more. In rural Victoria — and I know this will particularly interest Mr Drum because I can see the excitement on his face — building activity grew by 5.8 per cent to nearly \$4 billion in 2006. The north-east, the north-west, the south-west and the Gippsland regions all recorded increases in building activity. Again we are growing the whole of the state. It is happening right across the state. The south-west — I know Mr Vogels and Ms Pulford are interested in this — recorded the highest growth rate of 13.7 per cent, accounting for almost one-third of all rural building work.

**Mr Vogels** interjected.

**Hon. J. M. MADDEN** — These are particularly impressive figures, regardless of what you might say, Mr Vogels. This is the result of competitive taxation arrangements, including significant reductions in land tax and payroll tax. The pro-business policies of this government are resulting in strong population growth. People are coming back here in record numbers. There is record high government capital expenditure and support for home buyers, including off-the-plan and first home buyers. This was an outstanding performance in 2006 and is a strong foundation for 2007. I look forward to regularly informing this chamber of Victoria's robust building activity.

### **Water: restrictions**

**Mrs PEULICH** (South Eastern Metropolitan) — I direct my question without notice to the Minister for Industry and State Development, the Honourable Theo Theophanous. I am glad that he is here to take the

question so that he can focus on the issue of jobs, jobs, jobs. I ask: what will be the impact of stage 4 water restrictions on industry and small business in Victoria?

**Hon. T. C. THEOPHANOUS** (Minister for Industry and State Development) — I thank the member for the first question she has asked of me in this house. I hope she does have and displays a genuine interest in jobs and jobs and jobs in this state, because if she does have a genuine interest in creating and promoting jobs in this state, I can assure her that she will have my full cooperation in answering questions or engaging in any other activity that can promote that.

In attempting to answer the honourable member's question, I make the following points. The first point is that thankfully we are not on stage 4 water restrictions. We are of course trying to manage the water resources we have and also trying to manage the demand for those resources within industry, as we are in all other walks of life, to try to ensure that we do not use as much water as we have in the past and do not get to that situation.

I might answer the question in this way. Whilst certainly there are scientists who believe that one of the causes of the water restrictions is climate change and the effect of climate change on patterns of rainfall and the incidence of the droughts that we are having, the honourable member might argue that the jury is still out on that. It might well be out in relation to what is the specific effect on this drought, but the jury is not out in relation to climate change. Climate change is upon us.

There are now independent reports that have been made, which include the Nicholas Stern report. Incidentally, Nicholas Stern is a very conservative person who has produced a report saying that we must act now in relation to climate change. Other reports have also been made, the most recent being that of the intergovernmental panel on climate change, which brought together 2000 scientists from around the world. They concluded that global warming is having an effect on the climate, on our water resources and on a whole host of other issues. That is something we would like to do something about.

I would be pleased to work with the honourable member in her seeking some help in getting the federal government to finally live up to its responsibilities in relation to climate change. Industry is starting to deal with its responsibility in conserving water and bringing in new technology that will allow it to use water more wisely. Industry is trying to do its bit, but do members know what industry is also saying to me? It is saying, 'Why doesn't the federal government do something

about the root cause?', which happens to be climate change. The answer is that the federal government is not under pressure, certainly not from this state opposition, which has never raised the issue of climate change in this house.

I make the observation that we will continue to work with industry to try to reduce the amount of water that industry uses over the longer term, but we would also like some assistance in addressing climate change. We would be happy to get assistance from the Victorian opposition in doing that.

*Supplementary question*

**Mrs PEULICH** (South Eastern Metropolitan) — My supplementary question to the minister is: how many jobs have been lost as a result of stage 4 restrictions already existing in parts of the state, how many will be lost and in which industries and what action has his department taken to minimise the impact of the drought on business and jobs?

**Hon. T. C. THEOPHANOUS** (Minister for Industry and State Development) — I informed the house yesterday that during the time of this government we have created 355 000 jobs in this state, and we are pleased and happy that we have been able to do that. We also have announced many programs, particularly in regional Victoria, to assist business in relation to the drought and in alleviating the drought conditions in regional — —

**Mr D. Davis** — Name one!

**Hon. T. C. THEOPHANOUS** — You would not know, Mr Davis, because you have not — —

**The PRESIDENT** — Order! Through the Chair, Minister.

**Hon. T. C. THEOPHANOUS** — The member might be interested to know that as at 29 January 2007 the Regional Infrastructure Development Fund contributed \$1.9 million to two announced business water projects in rural and regional Victoria and a range of other programs have been brought into play by this government in relation to assistance on this issue.

**The PRESIDENT** — Order! The minister's time has expired.

**Schools: national curriculum**

**Ms DARVENIZA** (Northern Victoria) — I would like to direct my question to the Minister for Education. Can the minister outline to the house the importance of

a strong partnership between the state and the commonwealth to ensure that we have better outcomes in education for our students?

**Mr LENDERS** (Minister for Education) — I thank Ms Darveniza for her question, especially on her birthday. It is a delight to answer questions on education. The importance of a partnership with the commonwealth cannot be overestimated or overemphasised.

In education, as people are probably aware, there are some issues that rely exclusively on the state, and one of those is curriculum in schools. Some issues rely on the commonwealth, and they include issues like teacher training. Some issues are shared, such as funding, whether it be commonwealth money for government schools, commonwealth money for non-government schools, state money for government schools or state money for non-government schools. There are issues about student support services, whether they be Austudy or Abstudy or other programs or the welfare services or other state allowances in the state. There is quite an interesting mix in getting them right to create a good education system.

The relationship and partnership between the commonwealth and the states is very important.

**Mr Atkinson** interjected.

**Mr LENDERS** — Mr Atkinson says, ‘What about the parents’ contribution?’. I would be happy to take a question from him on parent contributions, but I am responding to a question from Ms Darveniza on the cooperation between state and federal governments, and that is where that sort of money comes from.

It is not helpful to have the issue clouded in the area of curriculum, which is a state responsibility, and to have the commonwealth coming in and daily throwing grenades into the process and talking down the state system, talking down the Catholic system — —

**Mr Drum** interjected.

**Mr LENDERS** — Mr Drum says that that is nonsense. He should read the Prime Minister’s article of last week where he talked of standards. It was an absolute barb aimed at the education systems: at state education and at Catholic education — and Catholic education is a hidden agenda in that. The Prime Minister talked about a single curriculum for the whole country — the same thing suiting a remote community in the Northern Territory and Bendigo Senior Secondary College in Mr Drum’s electorate, a single curriculum. The Prime Minister should start talking to

the Catholic Education Commission to see what it thinks of a single curriculum. He should talk to the Association of Independent Schools in Victoria to see what it thinks of a single curriculum imposed from Canberra. Mr Drum should also talk to Girton Grammar School and some of the other private schools in his electorate — —

**An honourable member** interjected.

**Mr LENDERS** — I am not talking about Girton Grammar School only but any school which teaches the international baccalaureate, which has been chosen by a number of private schools in this state and will be chosen by state schools in this state. That is something that the Prime Minister’s narrow, myopic vision does not even contemplate. The idea of choice in education curriculum is something the Prime Minister has forgotten.

**Mr Drum** interjected.

**Mr LENDERS** — I am happy to have a discussion with Mr Drum, and I urge him to bring on a general business debate on education. Any time in this place I would welcome a discussion on this.

But the next step comes with the commonwealth’s role in teacher training. It is all very fine for the federal Minister for Education, Science and Training, Ms Bishop, and the Prime Minister to bag the Catholic system and the state system on teacher training issues — which they do! It is fine for them to bag those systems, but Julie Bishop, who for some 10 years has had the leverage on teacher training numbers, who for 10 years has had the leverage on higher education contribution scheme funding, who for 10 years has had the responsibility of providing teachers for our system, ought put in some commonwealth money for teacher training.

Ms Bishop is reported as saying in the House of Representatives on 8 February this year:

It has nothing to do with us.

According to Julie Bishop teacher training has nothing to do with the federal government. It is fine for the commonwealth to come out and bag the Catholic schools, bag the state schools, talk everything down and talk a lot of nonsense in articles. They are part of a partnership. The Prime Minister and Ms Bishop ought to deliver money and training and be part of a partnership and not commentators in a federal election year.

**Planning: Romsey gaming licence**

**Mrs PETROVICH** (Northern Victoria) — I direct my question to the Minister for Planning. I refer to the application by the Romsey Hotel for a licence for 30 poker machines, which was opposed by 80 per cent of the community, the Macedon Ranges Shire Council and the Victorian Gaming Commission. Despite this opposition the application was approved by the Victorian Civil and Administrative Tribunal on a planning technicality. My question to the minister is: when will the minister instigate reforms to give local communities and their democratically elected councils planning control, as promised by the previous Minister for Gaming?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome the member's first question in the Parliament. This is obviously a vexed issue, and I know the opposition is trying to crank up conspiracy theories around gambling and gaming. However, I reinforce the point that at the end of the day the Victorian Civil and Administrative Tribunal is the independent umpire. While it is not my role to defend VCAT — it does not sit within my jurisdiction — there will always be people who are not necessarily pleased with the independent umpire's decision in relation to planning matters. Let me make this blanket statement first of all: VCAT will make decisions, sometimes people will enjoy those decisions and like them and at other times they will not like them, but they are independent decisions.

It is also worth appreciating that the vast majority of the delivery of the planning system sits with local government. Often it is the clarity with which it performs its duties that does or does not allow these things to occur. However, let me say that we have delivered on our commitment as a government to improve input into the location of gaming machines at a local level. The changes require a planning permit for all gaming machines. That was not necessarily the case in the past but it is now. It is not just when 25 per cent or more of the floor space of the venue is to be occupied by gaming machines, as was previously the case. I reinforce that the changes require a planning permit for all gaming machines. That means local government is involved in the process, which is very important in terms of local planning processes.

The prohibition on gaming machines in shopping centres, shopping complexes and strip shopping centres continues to apply. That reinforces the location issue. Local councils now consult with their communities through the planning permit process and give

consideration to the social and economic effects of new machines.

**Mrs Petrovich** interjected.

**Hon. J. M. MADDEN** — I reinforce for the member, and you, President, that councils are also able to prepare local policies on the location of all new gaming machines to respond to local considerations. That takes me back to my first point: local councils are responsible for the clarity of their policy positions. Local policies can direct gaming machines to appropriate locations and premises in municipalities.

I repeat: the clarity of the local planning policy developed by local government is imperative in this issue. At the end of the day VCAT is the independent umpire. In many decisions, and not just planning decisions, VCAT will be the independent umpire which arbitrates and decides on this. It is worth appreciating that some people will not enjoy the decisions of VCAT but many people will. At the end of the day VCAT is the independent umpire. It makes its call, but it is the clarity of the local council's planning policy which will determine whether that call is made in one direction or the other.

*Supplementary question*

**Mrs PETROVICH** (Northern Victoria) — Does the minister acknowledge that the special rural character and streetscape of towns such as Romsey and Woodend will be economically, structurally and socially altered by allowing poker machines in these towns?

**Hon. J. M. MADDEN** (Minister for Planning) — I appreciate the member's supplementary question. However, I reinforce what I said in the first instance: we have given local government more power and more involvement in the process of deciding where these things may or may not be located. At the end of the day in all planning decisions the proponent can put up their planning application and it will be heard at a local level. If people do not enjoy that, it will go off to VCAT. We know how the system works. There is a process in place and we abide by that process. It is a good process. The vast majority — I think in the order of 93 per cent — of planning permit applications go through local government. In the order of only 7 per cent go off to VCAT. As I mentioned before, some will be pleased with that and some will not.

**Disability services: government performance**

**Mr PAKULA** (Western Metropolitan) — My question is for the Minister for Community Services. The minister would no doubt be aware that the

Productivity Commission released its annual report on government services at the end of January. Could the minister inform the house how Victoria is performing in delivering services for people with disabilities in our community? How does Victoria's service system compare with those in other jurisdictions around the country? Is the minister aware of any threat to Victoria's capacity to continue to deliver these very important services in the future?

**Mr JENNINGS** (Minister for Community Services) — I thank Mr Pakula for his question and his concern about the wellbeing of people in our community with disabilities and those who care for them and provide for their needs. As Mr Pakula indicated, on 31 January the Productivity Commission issued its annual report, which provides a benchmark and report card for service delivery across all jurisdictions in the nation. It is an opportunity for us to reflect on the relative performance of state jurisdictions in relation to the provision of services, in this case to people with disabilities.

I am pleased to say that that report card builds a similar picture to what was published a week or two earlier by the Australian Institute for Health and Welfare. It indicated that the state of Victoria performs very favourably on virtually all indicators in relation to the provision of disability services — for example, the Australian Institute for Health and Welfare reported that 13 199 Victorians were in receipt of residential support in the reporting period. This is compared with 5980 in New South Wales, which is a bigger state. In relation to providing community support, Victoria provided 33 521 clients with services and support in the community, whereas New South Wales had 19 082 clients.

On the basis of the raw performance Victoria clearly provides a quantum level of service far beyond that provided in the largest state in the nation. I am pleased to say that the New South Wales government has subsequently made a major investment in disability services. Hopefully over time it will reduce the disparity between service provisions in Victoria and New South Wales.

Coming back to the Productivity Commission report, I am pleased to say that despite the ongoing concern I might have about the level of provision of services to people with disabilities, Victoria performs extremely admirably on any measure compared to any other jurisdiction and particularly in relation to the national average — for instance, in access to respite services. I am sure this issue will be commented on in this community and this chamber time and again. Victoria

currently delivers 180 per cent of the national average of respite services. In relation to community support services, Victoria provides in excess of 150 per cent of the national average.

We can go through all of the indicators. When it comes to the provision of regional services, Victoria outperforms every other state on the basis of its distribution of regional services. On the basis of accommodation support and on the basis of support for members of our indigenous population who have disabilities, on each and every one of those indicators we outperformed the national average in an exemplary fashion.

In relation to our commitment to meet the service needs of people who have been institutionalised, at the moment in Victoria 91 per cent have been moved from institutional care into community-based settings — that is, 91 per cent and not 100 per cent, so we have got some work to do — compared to the national average of 83 per cent. On every one of those indicators the state of Victoria is moving forward.

As I indicated to the house earlier this week, the risk we may have in terms of meeting ongoing demand in the future was telegraphed from the federal Parliament this week during the Senate estimates process when the commonwealth indicated that its intention is not to fund any growth to the disability sector through the commonwealth-state disability agreement. The commonwealth is committing to no growth at this point in time. In terms of indexation, it is prepared to provide indexation of 1.8 per cent. That is clearly not enough to meet the ongoing needs and expectations of people in Victoria in relation to provision of services for people with disabilities. The state of Victoria will stand up; we want the commonwealth to stand up too.

### **Hazardous waste: Tullamarine**

**Mr FINN** (Western Metropolitan) — I direct my question without notice to the Minister for Planning. Does the minister endorse the often repeated public claim by his parliamentary secretary in the lead-up to the November 2006 state election that the only thing necessary for the imminent closure of the Tullamarine toxic waste dump would be the re-election of the Bracks government at that election?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome the member's question in relation to these matters. In relation to all matters to do with toxic waste — as you might describe it — these are matters for which at the end of the day we have made the hard decisions that need to be made. We have gone where

the Liberal Party would not go and where The Nationals would not go. We stood by our commitment to adhere to the planning panel process on this decision, and we abide by that.

What we also did as a government — although it is not my job to do it, but I know the Minister for Water, Environment and Climate Change in the other place was able to do it — was raise the levies on this waste. Over a considerable period of time we have seen a reduction in this waste to the point where industry itself wants to reduce it and it is diminishing. We are confident with the hard decision made by our government in relation to the levies on this waste. We made a decision on the levies that the opposition was never going to make — it would never have announced it — but it has been made. We are very confident that we will see a reduction not only in the production of this waste but a reduction in the need for a repository for this waste going into the future.

*Supplementary question*

**Mr FINN** (Western Metropolitan) — In my supplementary question I ask the minister to advise the house if his parliamentary secretary's claim outside the Westmeadows Primary School on the morning of 25 November 2006 that a re-elected Bracks government would close the Tullamarine toxic waste dump within 18 months is now government policy?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome the member's supplementary question — —

**Mr Finn** — Just a simple yes or no will be fine.

**Hon. J. M. MADDEN** — It is worthwhile for Mr Finn to appreciate that I have a reasonable regard for most of the members on the opposition benches and I would normally dignify their questions with a reasonable response, but you can tell from my response to you, Mr Finn, that I do not hold you in the same regard that I hold most of the other people in the opposition — —

**The PRESIDENT** — Order! The minister is being very unhelpful in directing his discussions to Mr Finn across the chamber. The minister should finish his answer through the Chair.

**Hon. J. M. MADDEN** — My comments may have been unhelpful but the response from the opposition was particularly helpful because everybody on those benches laughed except for Mr Finn. Now I not only know the regard in which we hold Mr Finn but I also know in what regard the opposition holds Mr Finn.

**Major projects: rural and regional Victoria**

**Mr DRUM** (Northern Victoria) — My question is for the Minister for Major Projects, the Honourable Theo Theophanous. Can the minister inform the house of any major projects planned for regional Victoria for which he will have responsibility?

**Hon. T. C. THEOPHANOUS** (Minister for Major Projects) — I take my major projects portfolio especially seriously. It is one of a number of portfolio responsibilities which I have, and it includes a range of responsibilities which also go to VicUrban which, as members would know, is involved in a range of delivery services — —

**Mr P. Davis** — No, major projects! The member asked about major projects.

**Hon. T. C. THEOPHANOUS** — For Mr Davis's information, he might not consider VicUrban's development of the Docklands area to be a major project; he might not think a \$500 million building for National Australia Bank or the ANZ Bank in the Docklands is a major project — it may not matter to him. He might not think that the transit cities that we are developing, including the Geelong transit city project, are important major projects for this government, but we think they are major. We think the development of the Aurora Project, for example, is a major project; it will potentially house 25 000 Victorians. I take my responsibilities in major projects, which includes VicUrban, to be of special significance.

I thank the member for his question, because we have a number of major projects that are being delivered across the state. Some have already been delivered or are in the process of completion such as — —

**An honourable member** — Which ones, list them?

**Hon. T. C. THEOPHANOUS** — There are a range of them. There may be some that the member does not like too much. We delivered the Austin Hospital.

We have a range of projects in relation to the regional fast rail project, which have been delivered. I look forward to the delivery of the Geelong — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! I do not know how many times I have had to warn members of the house about undue conduct. I know Hansard staff are clearly indicating they are struggling to hear. If that is the case,

rest assured someone will be going on rest and recreation out of here for half an hour.

**Hon. T. C. THEOPHANOUS** — We have delivered a range of major projects, including one which I am sure the member is aware of in his own electorate. The Tower Hill development in Swan Hill is a significant development of, I think, close to 1000 houses. We are delivering and have delivered a range of major projects in regional Victoria. We continue to seek to deliver a range of major projects around the state. I am especially interested in working with members in regional Victoria in relation to the Geelong cultural precinct, which is something we would like to spend a considerable amount of time on.

The major projects division in this state consists of a very professional group of people. They have delivered some very important projects. The Australian Synchrotron, which is coming on stream, will benefit not only the area it is in but also research into a whole range of issues, including issues that are very relevant to regional Victoria that will be examined, looked at and researched in that very important facility. We are pleased to be able to deliver a range of projects. As major projects minister I am always looking for new projects, and I am happy to talk to the member if he has some that we should be doing.

*Supplementary question*

**Mr DRUM** (Northern Victoria) — It seemed as though the minister was struggling, along with his government, to come up with a number of projects that are currently in line for investment in regional Victoria. Would the minister welcome a list of project possibilities from The Nationals for his consideration?

**Hon. T. C. THEOPHANOUS** (Minister for Major Projects) — The answer to the member's question is, of course, yes. We are always interested in looking at new projects. I want to emphasise that we have delivered a range of major projects in regional Victoria — not just the one in Mildura — through the major project facility. I have mentioned a couple — fast rail and the one the member mentioned — but there have also been developments in Hamilton, Wodonga and a range of other places.

However, we are happy to consider any proposal which The Nationals put to the government in relation to major projects. I will personally give an undertaking to the member that I will look at those projects.

**QUESTIONS ON NOTICE**

**Answers**

**Mr LENDERS** (Minister for Education) — I have answers to the following question on notice: 4 and 5.

**CONTROL OF WEAPONS AMENDMENT (PENALTIES) BILL**

*Introduction and first reading*

**Received from Assembly.**

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

**MURRAY-DARLING BASIN AMENDMENT BILL**

*Statement of compatibility*

**For Hon. J. M. MADDEN (Minister for Planning), Mr Lenders tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Murray-Darling Basin Amendment Bill 2006.

In my opinion, the Murray-Darling Basin Amendment Bill 2006, as introduced into the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

**Overview of bill**

The purpose of the bill is to amend to the Murray-Darling Basin Act 1993, to approve an amendment to the Murray-Darling Basin Agreement to facilitate the operation of the Murray-Darling Basin Commission's water business on appropriate commercial principles.

**Human rights issues**

There are no human rights protected by the charter that are impacted by the bill.

**Conclusion**

I consider that the Murray-Darling Basin Amendment Bill 2006 is compatible with the Charter of Human Rights and Responsibilities because it does not limit, restrict or interfere with human rights.

John Thwaites, MP

*Second reading***Ordered that second-reading speech be incorporated on motion of Mr LENDERS (Minister for Education).**

**Mr LENDERS (Minister for Education) — I move:**

That the bill be now read a second time.

**Incorporated speech as follows:**

The purpose of this bill is to approve and ratify an amendment amending agreement to the Murray-Darling Basin Agreement 1992.

As some members would be aware, the Murray-Darling Basin Agreement is an agreement between the commonwealth, NSW, Victoria, South Australia, Queensland and the ACT, that articulates how governments will work together to manage the shared water, land and environmental resources of the Murray-Darling Basin. In doing so, it creates both a ministerial council and a commission.

The Murray-Darling Basin Agreement, and its predecessor, the River Murray Waters Agreement, has been in operation since 1914 and, over the years, has been refined to reflect our better understanding of best practice water management.

A major improvement in water management occurred in 1994 when the original COAG water reform principles were adopted by governments. Since that time, it has become apparent that the Murray-Darling Basin Agreement should be amended to better reflect these principles.

Negotiations between governments on the form of these amendments have extended over several years; however, final endorsement by the Murray-Darling Basin Ministerial Council was received earlier this year. The details of the agreed amendments are articulated in the Murray-Darling Basin Agreement Amending Agreement 2006.

In order for the amending agreement to take effect, approval by each jurisdiction's Parliament is required. Members may recall that legislation to this effect was previously introduced into the Legislative Assembly on 9 August 2006.

However, at the commencement of debate on the bill, a minor error was discovered in clause 20 of the amending agreement relating to changes in auditing arrangements, which had the effect of duplicating clause 78(3) in the Murray-Darling Basin Agreement. Due to the potential for confusion arising from this duplication, it was determined that the bill should not proceed in its present form.

A revised amending agreement correcting this error was approved by the Murray-Darling Basin Ministerial Council on 29 September 2006. Due to the minor nature of this change, first minister re-approval of the revised amending agreement has been effected through an exchange of letters between the chair of council, the Prime Minister and relevant state-territory first ministers.

As a consequence, the commonwealth government on 7 December 2006 introduced legislation giving effect to the revised amending agreement. It is now appropriate that

legislation containing the corrected amending agreement be once again put before the Victorian Parliament for approval.

The amending agreement will amend the Murray-Darling Basin Agreement to:

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

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

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

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

Specifically this involves enabling powers:

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

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

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

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

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

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

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

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

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

I commend the bill to the house.

**Debate adjourned on motion of Mrs COOTE (Southern Metropolitan).**

**Debate adjourned until Thursday, 22 February.**

## GOVERNOR'S SPEECH

### Address-in-reply

**Debate resumed from earlier this day: motion of Ms PULFORD (Western Victoria) for adoption of address-in-reply.**

**Mr SCHEFFER** (Eastern Victoria) — Last year's elections for the Legislative Council were for the first time conducted on the basis of proportional representation as set out in the Constitution (Parliamentary Reform) Act that was passed in this house in 2003. I strongly supported proportional representation for electing members of the Legislative Council, and it is a privilege to have been re-elected to this house and to be able to participate in the next chapter of parliamentary democracy in this state.

Collectively, the members of this house now represent a greater diversity of organised political opinion than was possible under the old system, and it is very good to see five political parties now represented in the 56th Parliament. I congratulate members of the Greens and the Democratic Labor Party on their election and wish them well. I also congratulate the members of the Liberal Party and The Nationals on their election.

The success of yesterday's motion to establish a select committee on gaming licences is a product of the reforms to this place that the Labor Party introduced and supported in the face of sustained opposition from the Liberals and The Nationals over many years. During yesterday's debate the government put its case, negotiated some amendments and ultimately failed to persuade a majority of members on some other amendments.

We do not like the way the select committee motion was developed and believe some of the content of the motion is ill-advised. But this view on the motion is quite separate from our full support of the reforms that made the outcome of the motion possible. The distinction is important and no-one should confuse the government's disappointment at losing a vote in the Council with its unwavering support of proportional representation in this place.

Before moving to the substance of the Governor's address, I would like to add my voice to those members who have already acknowledged the high quality of the first speeches made by new members. I have listened to most of them, and while I obviously do not necessarily agree with everything that has been said, I am deeply

impressed by the breadth of experience and insight that was so evident in many of the contributions.

I also take this opportunity to once again thank the voters of the 11 lower house seats that make up Eastern Victoria Region for electing five candidates who nominated on Labor, Liberal and The Nationals lists. I also acknowledge and thank the many members of the ALP local branches across the region who worked so hard and successfully for the return of the Bracks government.

I have already paid tribute to former Labor MPs Heather McTaggart, Ian Maxfield, Brendan Jenkins and Rosy Buchanan who regrettably lost their seats, and endorse the remarks made by Matt Viney in his contribution earlier today.

Eastern Victoria Region covers approximately 46 000 square kilometres and is geographically and demographically diverse. It includes parts or all of nine shires and some 14 major centres from Orbost to Mornington and from Lilydale to Omeo.

The new Legislative Council regions are not and were not intended to be communities of interest in the way that lower house districts are. Upper house regions — and especially the three non-metropolitan regions — cover very large geographical areas and comprise approximately 400 000 voters. It is not possible, nor was it intended, for upper house members to provide the kind of representative service that lower house local members are able to provide. How we represent our regions and how we bring the views of voters in those regions to bear on the deliberations in this place is a work in progress. But what is clear is that Labor was elected on the basis of its commitments, and the government will honour those commitments.

The Legislative Council is a house of review, and the fact that five political parties are now represented here is already ensuring that a wider perspective is brought to bear on the issues that we have a responsibility to determine. The strength of the Labor campaign lay in the quality of our policies and their integration into the work that was done by the government over the last seven years. During the campaign Labor released 24 individual policy statements. Most of these policies impact to a greater or lesser degree on most Victorians but some of them have special relevance to particular communities.

One of the first policies released during the campaign set out the government's country health policy. We committed to further upgrading health facilities in regional centres, including residential aged-care

facilities in Leongatha. The policy also committed to the redevelopment of the community health centre in Morwell, and I was delighted during the campaign to have attended the announcement of that investment.

The government also announced that it would invest \$24.7 million to retain rural doctors through increasing allowances for those who work on call in emergency departments and by providing more rural training posts for medical specialists, and to run a recruitment campaign to find more GPs to establish themselves in rural locations. Very importantly, the government agreed to build new teaching facilities to train more health professionals and to expand rural ambulance services.

As a Labor government we have a strong commitment to redressing disadvantage and, as our campaign policy said, investing in a fairer Victoria — including support for people with a disability, better services for homeless people, and ways to assist people out of poverty, especially those in credit debt and financial hardship. As well we have released positive policies that go to addressing drug and alcohol programs, family violence and housing for people on low incomes. Overwhelmingly Victorians supported those election commitments.

Industrial relations was also an issue on voters' minds during the campaign, and the government's election policy built on its practice in government since 1999. The policy links workers rights to work-family balance and assistance for working parents, and to occupational health and safety. Labor also actively supports business. Our policy commits the government to consider the views and claims of businesses and their representative organisations as well as those of workers and their unions. We strive for a balanced and cooperative workplace approach in which collective bargaining can take place. One result of this approach is that Victoria has seen a 30 per cent decrease in industrial disputes and record levels of investment, especially in the building industry.

Labor is of course opposed to the federal government's WorkChoices legislation and is doing everything possible to protect Victorian workers from the negative impacts of these federal laws. The evidence that these laws are having a negative impact on workers is starting to come out very strongly. Yesterday's *Age* reported on the study undertaken by David Peetz from the Griffith Business School, which shows that the 'workplace laws have cut wages, stripped overtime penalties and removed award protections for workers'. It reports that according to Peetz:

... real wages for full-time working adults fell by 1.1 per cent in the six months to August, which he described as a 'remarkable occurrence during the tightest labour market in 30 years ... Normally real wages should be booming in such circumstances'.

The Victorian government's approach will be to as far as possible protect workers from the negative effects of the commonwealth legislation through setting a pay and conditions standard and encouraging employers to use the standard in their workplaces. As well we encourage conciliation processes for industrial dispute resolution and will amend the Equal Opportunity Act to make it unlawful to discriminate against an employee in their workplace because the employee has asked questions about their pay and conditions.

The Leader of The Nationals, Mr Hall, observed in his contribution on Tuesday that the Governor had opened his address with an acknowledgement of the courageous efforts of Victoria's emergency services and the thousands of volunteers who fought to contain the fires that were then burning in Gippsland and other parts of Victoria. I have previously paid tribute to the great work of the Victorian firefighters, and while the fire season is not over, the fact that the fires were contained and have now abated is of course very good news.

The immediate tasks now lie in delivering recovery services, and the government is doing well. The news we received during question time yesterday from the Minister for Community Services, Gavin Jennings, that East Gippsland, Wellington and Latrobe shires would each receive \$80 000 to help towns and communities recover from the fires was very welcome. Members will recall that the cabinet met at Lakes Entrance and Sale on Monday, 22 January. Besides receiving detailed presentations from the East Gippsland and Wellington shire councils on the impacts of the fires, the cabinet met with business representatives and ministers made a variety of visits to see local conditions firsthand. As well the first meeting of the bushfire recovery task force committee took place in Lakes Entrance. The government has wasted no time and spared no effort to ensure that everything that had to be done was done to contain the fires and to assist everyone affected.

The key to the recovery phase is to provide support to get communities up and running self-sufficiently. Tourism in Gippsland is worth about \$600 million a year, employs some 4500 people and was very badly affected by the fires. I take this opportunity to commend the way the tourism industry supported and is supporting the response efforts and the excellent work of Chris Buckingham, the general manager of Gippsland Tourism and convenor of the Gippsland

Tourism Response and Recovery Group, who worked hard throughout the fire period focusing on how to provide additional assistance to the industry.

The Victorian government was unstinting in its support. To date the government has provided a \$4 million package to assist in the recovery of tourism in north-east Victoria and Gippsland. It has provided \$150 000 to fund the Bairnsdale and Mansfield municipal emergency coordination centres, as well as making a \$350 000 contribution for small business grants under the Commonwealth-State Community Recovery Fund. The government has also contributed \$100 000 to the Red Cross bushfire appeal. There are many more initiatives, but these examples demonstrate the kind of assistance that communities need to get them back on their feet. The work on the bushfire recovery task force still has a way to go.

Horrific as the fires were, their destruction was not nearly as bad as was caused by fires in the past. We should reflect for a moment on the fact that in the Ash Wednesday fires of February 1983, 72 people died and more than 2000 homes were lost. We have come a long way in a quarter of a century, and the progress that has been made is due to the rigorous inquiries that have examined what occurred and the steps taken towards improvement. As a result of this sustained work over decades by very many individuals and organisations, the fires this summer have so far inflicted a relatively minor impact on private property and people's wellbeing. But that is not in any way intended to minimise the severe personal suffering of many individuals.

The Governor's address identified three major challenges faced by Victoria: bushfires, drought and the economy. Bushfires, drought and the economy are all dimensions of the cluster of issues that come under the rubric of climate change. During the election the government released its policy on climate change, which built on the work it has undertaken in over seven years in office. There is no issue more important than climate change. Overall the government's policy for tackling climate change through reducing greenhouse gas emissions, boosting the use of renewables, conserving and recycling water, protecting significant old-growth forest and keeping Victoria nuclear free got the green light from voters.

Clearly this is a very big debate, and while different assessments will be made about how fast we need to move and what it is possible to do, there has to be a level of goodwill to give the various interests room to move. I am not sure how the government's greenhouse gas reduction targets square with the policies of the

Greens. For example, how does the government's long-term target of a 60 per cent reduction in greenhouse gas emissions by 2050 compare with the Greens' target of a 20 per cent reduction by 2015 and 80 per cent by 2050? It is critical that, as a Parliament, those of us who are serious about tackling the problem — and the government is — give each other a hearing and be prepared to work cooperatively.

The Governor's speech drew attention to the Office of Climate Change, which has now been established in the Department of Premier and Cabinet. This is an important initiative, as it will pull together the policies and strategies on a whole-of-government basis and enable us to look at longer term issues.

Labor went into the election campaign with comprehensive and wide-ranging policies that had been carefully and collaboratively developed by members of the ALP, our affiliated unions and the parliamentary wing during 2005 and 2006. I acknowledge the fine work undertaken by many volunteers in the labour movement who generously contributed their ideas, expertise and experience.

**Mr LENDERS** (Minister for Education) — I rise with pleasure to make my contribution to the address-in-reply debate.

**Mrs Coote** interjected.

**Mr LENDERS** — Your comment is so uncharitable, Mrs Coote.

I am delighted to speak in the address-in-reply debate. It is the third Parliament in which I have had the privilege of doing so. I have now listened to three governors' speeches and, while I have only been here seven years, it is interesting to reflect on what each of them said. It is also interesting to reflect on the changes that have occurred.

I look back to 1999, when then Governor Sir James Gobbo made his speech. It was my first Parliament, and it was a very exciting time for me to come in as a new member of the Bracks government. It was a very exciting time when 60 per cent of government MPs were new. I listened to the issues the Governor raised. They were really about the new style of leadership that Steve Bracks introduced. Victoria was calling for new leadership. We had had seven years of the Kennett government — and members opposite were obviously very proud supporters of the Kennett government, but from our perspective it was time for a change. It was great to see a government that listened and acted.

It was also great to see a government that was prepared to re-engage with communities and to cherish democracy in this place. It is no coincidence that it was in 1985 that the Labor Party changed its policy from abolishing this house to reforming it. It is interesting that as recently as last week Denis Napthine, the member for South-West Coast in the other place and a former Leader of the Opposition, called for the abolition of the Legislative Council. It is interesting how the cycle has turned. In 1985 the Labor Party changed its policy from abolition to reform, and last week a former Leader of the Opposition called for the abolition of the Legislative Council. It is amazing how times change.

In 1988 the Labor Party had a new plan for reform of this place. During the last year of the Kirner government in 1992 we lost the legislation to bring in the sort of proportional representation that we have now, with an 85-member Assembly and a 35-member Council. It passed the Legislative Assembly, but ironically — surprise, surprise! — was rejected by the Legislative Council. We went into the 1996 election with a platform of reform, but we did not win the election. In 1999 we also had a reform platform. The legislation for reform — pretty much the current model — passed the Assembly but was yet again rejected in the Legislative Council. We then had the constitution commission, then the 2002 election followed by that magical day in February 2003 when the Legislative Council finally voted to reform this place.

It is interesting to see, Acting President — and I congratulate you, Acting President Leane, on what I believe is your first stint in the chair — the change that has come about. The Legislative Council was the last bastion of fuddy-duddy privilege in this country. This was a place that until 1972 rejected the right of married women to serve on juries; a place that held to the very end that the only right to suffrage was for university graduates, returned servicemen and property owners.

**Mr Viney** — It rejected women's right to vote 19 times.

**Mr LENDERS** — That is correct.

On a magical day in 2003, as former Governor John Landy outlined in his speech, the reform bill came through. It was absolutely overdue. As a consequence of that, we now see five political parties represented in the Legislative Council. While the government may find this difficult at times, it is a reflection of the fact that Victoria is a democracy and that we have proportional representation. If it were in the hands of

the Liberal Party, we would probably still have suffrage limited to returned servicemen, university graduates and property owners. Reform has been brought about, which is refreshing to see, although it will be challenging.

I move on from the Governor's speech in 1999, when the Bracks government brought in a new style of leadership. And was Steve Bracks a different style of leader to Jeff Kennett! We cherished communities, enshrined in the constitution the rights of local government and engaged with people. We said, 'We want to talk to people'. We brought in community cabinets. There is nothing radical about a community cabinet, other than that it shows that the government is not fearful of people but engages with them.

Mr Theophanous, who is in the chamber, other ministers and I will go to a community cabinet meeting.

**Mr O'Donohue** interjected.

**Mr LENDERS** — The cabinet will meet, and we will inevitably be briefed by the local municipal council, something that we cherish. Mr O'Donohue interjected along the lines of 'So do we'. I remind Mr O'Donohue that his party sacked 210 of the 211 municipal councils in Victoria. If he can explain to me why Jeff Kennett did not sack the Queenscliffe council, then I suspect he has a secret a lot of the state has wondered about: what dirt did the council have on Kennett? After he sacked 210 of the 211 councils, what did he do? Did he say, 'We will amalgamate them into 78 councils'? Yes, he did. But did he then say, 'Let us trust the people, let them elect the councillors?'. No, he appointed mates to run these councils for a period of time in absolute contempt of democracy.

As was outlined in previous Governors' speeches, those reforms were progressively rolled out in Victoria. They have made the place a far more vibrant democracy. We also introduced proportional representation into municipal councils. This reform was opposed by conservatives at every step of the way; they are fearful of proportional representation, and this is why yesterday I appealed in such a heartfelt way to the Greens and the Democratic Labor Party (DLP) to support the concept of proportional representation at every step of the way.

**Mr Barber** interjected.

**Mr LENDERS** — I take up Mr Barber's interjection. His party has probably shown support for proportional representation, with the unfortunate exception of yesterday in this house, for all its existence. It is nothing on the DLP. Mr Kavanagh's

party has supported proportional representation since 1955. Other than Mr Kavanagh's decision yesterday to not support proportional representation when there was a choice before him, it has stuck to that principle since 1955.

I will move on. We have gone through the picture of how the face of Victoria has changed. In Governor Landy's speech there was reference to the carrying out of the commitment to listen and act, which was Steve Bracks's commitment to Victorians in 2002. We had heard what Victorians wanted and we were acting on what they wanted. A range of things were delivered in the last term. For example, Victorians cried out for expenditure on infrastructure. In our first term we returned the services. We overturned the closing of hospitals and the slashing of hospital staff with the sacking of nurses and cleaners in hospitals that the Kennett government had brought in. My friend Mr Viney successfully campaigned in the Frankston East supplementary election for that seat in the Legislative Assembly on the issue of the disgrace of what the Kennett government had inflicted on the Frankston Hospital.

In the first term of the Bracks government we restored services. Teachers in schools, schools being built, new hospitals being built — —

**Mr O'Donohue** interjected.

**Mr LENDERS** — I take up Mr O'Donohue's interjection about train services. He should know, coming from the Mornington Peninsula, the disgraceful policies of Robin Cooper, a former member for Mornington and Minister for Transport in the other place, in flogging off the public transport system to the first bidder and what that did for Victoria. When National Express pulled the plug, chucked in the keys and left the country, the Victorian government was left in the lurch. The Kennett government's failed privatisation cost Victorian taxpayers, including those in Mr O'Donohue's Eastern Victoria Region, \$1 billion to fix up the mess created by Alan Stockdale, a former Treasurer, and Robin Cooper.

Mr O'Donohue should know that the Kennett government closed the railway lines to Bairnsdale and Leongatha. I find it extraordinary that Mr O'Donohue should be here defending the Kennett government, which flogged off the public transport system and closed the Bairnsdale and Leongatha rail lines. The Liberal Party must wonder why Susan Davies, a former member for Gippsland West in the other place, and Craig Ingram, the member for Gippsland East in the other place, were elected as Independents. It was as a

repudiation of the coalition government, which abandoned rural Victoria.

Going back to the 2002 address-in-reply debate, our first term was about the restoration of services and the second term was about the rebuilding of critical infrastructure in Victoria. The Bracks government increased infrastructure spending threefold compared to what the Kennett government did. We upped our annual infrastructure expenditure to something in the order of \$3 billion a year. My friend Mr Theophanous has the privilege of being the administrator of much of the result in his current term as Minister for Major Projects, and as he was so eloquently telling the house at question time, those projects are for the whole state. He reminded the house of some of the amazing work of VicUrban, whether it be houses in Hamilton — —

**Mrs Petrovich** interjected.

**Mr LENDERS** — Mrs Petrovich will be very interested in the enormous amount of work done in her electorate by VicUrban in cooperation with the council in the redevelopment in Wodonga. There was also work in Hamilton, which is in Western Victoria Region, at the call of the council. Also she would be quite amazed — it is not in either Mr Theophanous's portfolio area or mine — at the regional fast rail project, which the opposition mocks. It is the first commitment to public transport in regional Victoria in several generations. Mrs Petrovich might scoff at it, but the idea of regional fast rail to Bendigo is something the Kennett government would have laughed at.

**Mrs Petrovich** — It is not fast!

**Mr LENDERS** — Mrs Petrovich says it is not fast. It is safe and efficient and it is a commitment to rail. The Kennett government flogged off the *Vineland* and wondered why it lost Mildura. It flogged off the Bairnsdale line and wondered why it lost Gippsland East. It flogged off the Leongatha line and wondered why it lost Gippsland West. The story goes on. The Victorian community, particularly rural Victoria, values public transport.

*Honourable members interjecting.*

**Mr LENDERS** — Long may Mr O'Donohue and Mrs Petrovich mock public transport in regional Victoria, because as long as they do the Liberal Party will remain irrelevant to country Victorians. If they want to come to my office, I have a wonderful picture of the toenails. An artist did it. The Labor members of this chamber have had to endure my picture of toenails — it is pretty gross, really — but it reminds us of that infamous statement by Jeff Kennett that the

beating heart of Victoria was in Melbourne and the toenails were regional Victoria. And he wonders why Seymour, Ripon, Bendigo East, Narracan, Bellarine and Geelong rejected his toenails statement. He wonders why Gisborne and regional Victoria turned on his government.

I would advise Mrs Petrovich, Mr O'Donohue and other Liberals from regional electorates to remember that public transport is something their constituents call out for. The more they talk down the state, the more they mock, the more they will be held to account. Perhaps I should present to both Mrs Petrovich and Mr O'Donohue a Victoria badge. Jeff Kennett — not that I like much that he did — tried to instil in the Liberal Party the view that they should wear a badge of Victoria and have some pride in their state. I can only assume from Mrs Petrovich and Mr O'Donohue's statements that they are factional friends of David Davis, who spends his entire time in this chamber talking down the state.

There is a great story to tell in regional Victoria, but there is more to be done. Regional Victoria expects the Bracks government to continue delivering services, and there is more to be done.

In my portfolio area I am delighted that as part of the Bracks government's program of rebuilding schools we will be able to deliver a lot of educational facilities to regional Victoria. With the ultranet we are rolling out sophisticated information technology into every school in the state, and that will help every school in regional Victoria as well as metropolitan Melbourne. The ultranet means that our 1597 government schools in this state will have state-of-the-art technology, and that is particularly important. Of course we can deliver that technology to these schools because of the broadband that the Bracks government rolled out across regional Victoria in cooperation with some of our private sector partners.

These are the things that make a difference in the lives of Victorians, and this is why the Governor's speech outlined what the Bracks government intends to do in Parliament. We are about rebuilding this state. We have worked on the human services, we have worked on the infrastructure and now we are looking to the future. The Premier's national reform agenda is all about how we build in cooperation with the commonwealth a better future and a better state — and that can be done. We need to work on our human capital — we need to work on removing impediments to the creation of jobs in this state brought about by some of the red tape and inefficiencies we have. We are about jobs, because in

the Labor tradition there is nothing better than jobs to look after families in Victoria.

We are going to make Victoria a better place to live, work and raise a family. In doing that we need to create jobs, jobs, jobs and jobs! That is the Labor mantra — jobs, jobs, jobs. Jobs give our young people an opportunity, jobs build our economy, jobs give people dignity in their retirement and income support — jobs help the state. That is what Labor is about. That is what the Bracks government is doing. That is why we have the national reform agenda — to build on this. I have had the privilege of hearing three Governor's speeches, and each one gets better. Why? Because they are all part of the Bracks government. I commend the Governor's speech to the house.

**Hon. T. C. THEOPHANOUS** (Minister for Industry and State Development) — It gives me great pleasure to speak during this important debate, because as members know the Governor's speech outlines the program of the government over the next four years. It is a very important speech made by the Governor, and it is absolutely appropriate that we come into this house to debate it.

I want to make some points in the course of my contribution and perhaps take up what Mr Lenders said in his contribution about the importance of jobs in our community and our society. I recognise that John Lenders has a very important job to do as our Minister for Education because we have often said that education is our no. 1 priority, and it is from the point of view of service delivery to the people of Victoria. But in recognising that, many of us would also say that what is of utmost importance in terms of social equity and being able to deliver to the people of Victoria almost the best thing you can do for a family or an individual for their self-esteem, their capacity to live and their capacity to play a part in your community is to give them a job. I know that the Acting President is fully aware of how important a job is to members of our community and how much it plays a part in providing that self-esteem and building families, which is ultimately what this community is all about.

I wanted to mention during the course of this contribution that I was very pleased today to have launched the VicUrban sustainability charter, because one of the things that comes under my area of responsibility, as I mentioned in question time, is VicUrban. VicUrban is doing a very important job in helping to build our communities, and it is doing it in line with the idea of sustainability. The concept is that VicUrban is our main agency for sustainability in the building sector in this state, so I was very pleased at

7.30 this morning to launch the charter and the accompanying publication entitled *VicUrban Sustainability Charter — Creating Thriving Communities*. It is meant to not just be a charter that would apply to VicUrban as such for its projects and the important work it does but also to provide leadership for other proponents or developers in this industry so that through their leadership they set a certain kind of standard in sustainability.

It is important to note that in the proposing and developing of this charter there were five fundamental aims. I will mention one aim first — that is, that projects should have commerciality. It is obvious to everyone that for a project to succeed it has to stack up in terms of economics, in terms of numbers and in terms of its commerciality. We accept that that is one of the aims of project delivery at VicUrban — and of course it is a more general aim in the industry — but we also think that for a project to be sustainable it also has to meet a number of other important criteria. There are a number of key words I want to mention, and one of them is 'communities'. A project has to fulfil the needs of our communities. It has to build communities, otherwise it will not really be about making Victoria a more livable place. A project will not be about the quality of life we have in Victoria unless it has an emphasis on fulfilling the needs of that particular community. Community is a very important aspect and a very important aim of sustainability.

A second aim is that when we design these facilities — these buildings, these homes — they have to measure up in design excellence. Why do we have design excellence as an aim? Acting President, I am sure you are aware of many places around Victoria where the design of housing has been less than ideal. Housing that has been built has not lived up to the test of time; it has not fulfilled the needs of the community. Design excellence and being a leader in design excellence is one of the aims of VicUrban. We hope VicUrban is not only able to achieve that aim, but is also, by example, able to show the rest of the industry how to do it.

There is hardly any point in building houses if they are not affordable, so housing affordability is another one of the fundamental aims of sustainability in this sector. On this side of the house we are especially concerned to ensure that VicUrban plays its part in providing affordable housing, because if VicUrban is able to provide affordable housing it puts competitive pressure on the rest of the industry in Victoria to also provide housing which is affordable for Victorians. Affordability is also an important component of sustainability.

Finally, an aim which is very important to me is that of being environmentally appropriate. It is especially important as we move forward, and I want to spend a little bit of time on this. Before I do let me make this point: I said initially that a project had to be commercial, be good for communities, have design excellence, be affordable and environmentally appropriate, but we do not see those aims as being in conflict with the commercial component. In fact it is not a question of a development being either commercial or having all of those features.

Increasingly what we are trying to show to the community through VicUrban and its work is that a project will not be commercial if it does not have those other elements of sustainability, if it does not address the needs of communities, and if it does not have design excellence. If it is not affordable and if it does not address the environmental issues, then it will not be commercial either. Those projects which are commercial are the ones which also meet the other four aims. That is a message we want to send out to the rest of the community.

At VicUrban we rate highly the environment and environmental sustainability. In many ways I am very pleased that we have representatives in this house from a section of the community that has special concern for the environment. The Greens have come into the Parliament and are contributing in the house, and I am sure they will contribute over the course of the next four years. Let me make this point: this government has put the environment higher on its agenda than any previous government. We look forward to support from the Greens when we have initiatives that support the environment.

I well remember in the last Parliament how much we struggled to get opposition members interested in the environment in any way, shape or form. We now see members of the opposition going over and trying to make arrangements with the Greens and somehow trying to pretend they have come on board with the environment. I will be reminding them constantly that they voted against just about every environmental initiative that we had on this side of the house. They were not interested in progressing emissions trading schemes. They voted against the Victorian renewal energy target scheme, and they came into this house every week and opposed wind development. They opposed renewal energy development in this — —

**Mr Vogels** — For example?

**Hon. T. C. THEOPHANOUS** — The honourable member asks, 'For example?'. Opposition members

opposed every proposed wind development to the point where they went out during the election and said they would repeal the Victorian renewable energy target legislation. They said they would stop the future development of wind farms. We had a situation where wind farm developments were ready to go and the opposition was trying to stop them, often on spurious grounds. We had the farce of the federal environment minister seeking to stop the Bald Hills wind farm development on the basis that he had found a study which claimed there was a chance that an orange-bellied parrot might be killed near a wind farm on one occasion in every 1000 years. Of course it was an absolute nonsense; it was a sham, and in the end he had to reverse his position.

The issue of wind farm development will also test the Greens in this house. It is not clear to me that the Greens necessarily support wind farm development in Victoria. In fact we get conflicting messages in relation to this issue. Quite often decisions have to be made about the siting of these developments, and quite often there are issues about whether the community supports the development in that area. We have made some fairly tough decisions in relation to the development of wind farms, and we look forward to members of the Greens taking a realistic approach, as we did, in the development of wind farms. We look forward to them supporting the wind farm developments that we have proposed, because it is not just about the contribution they make to renewable energy in this state, it is also a multi-billion dollar industry.

I was very pleased to see just how much industry potential there is. If you go down to Portland to the Vestas factory that is building the blades for the wind farms, or to Keppel Prince to see the building of the towers themselves using Australian steel, and consider all the jobs that are involved in that — hundreds of jobs in Portland alone — and look at the level of investment, you will see this is a really important industry. I urge members in this house to consider the record of the government very carefully on each occasion when there are issues in relation to the environment.

I look forward to a motion being moved in this house by one of the minor parties during a debate on opposition business which supports the adoption of an emissions trading scheme in this country. I flag with members of the Greens that if they move a motion in support of an emissions trading scheme or in support of wind farms in this house during a debate on opposition business, I can assure them the government will support such a motion. But I cannot say the same for an opposition which was discredited at the last election.

**Ms BROAD** (Northern Victoria) — I too welcome this opportunity to respond to the Governor's speech, a speech which sets out the government's program and priorities for the next four years. Those policies and programs of course concentrate on the issues and matters which are important to working families across the length and breadth of Victoria. They are things like better schools and better access to technical education, improved health care, a healthier environment, secure water supplies, reductions in greenhouse gas emissions and a fair go at work, something which is very much under threat at this time as a result of the federal government's policies and priorities.

Of course as well as the government's program and priorities for the next four years, there are many priorities and policies which the government put in place during its first two terms in office. However, the government realises there are new challenges ahead, such as climate change and the ageing population. That is the reason the government is not stopping at the achievements — and they are significant achievements — of its first two terms. The government has put in place a comprehensive program and priorities for the next four years.

That program addresses challenges that include, as I said, climate change and, along with that, the very large challenges in relation to water security. The issues there are water for the environment, water for business and the jobs that depend on water supplies, particularly in northern Victoria — in my electorate. There are also the many rural towns and families in the more remote parts of the state which rely on those water supplies.

I take this opportunity to thank the people of northern Victoria for electing me and the other Labor representative, Kaye Darveniza, to represent them in the Northern Victoria Region. As many people have observed, that region is a very large geographic area to represent. Due to our principles of proportional representation, which have been debated in the chamber this week, the region's population — on the basis of one vote one value — is the same as that of all the other regions. But the Northern Victoria Region is almost 40 per cent of the state; it is a large area indeed to represent, and there are many challenges to work through in just how that representation can be effected in a practical way.

Expectations are very high right now as to what this new system of upper house representation is going to deliver. I am sure it is going to take a little time to sort through for all members involved, particularly for those representing the very large rural and regional regions. I want to congratulate all of the candidates who have

been elected under the new system, particularly in northern Victoria. I would especially like to congratulate my Labor colleagues in the lower house, who also represent parts of the Northern Victoria Region — Joanne Duncan, the member for Macedon; Ben Hardman, the member for Seymour; Jacinta Allan, the member for Bendigo East who is also the Minister for Skills, Education Services and Employment and the Minister for Women's Affairs; and Bob Cameron, the member for Bendigo West who is also the Minister for Police and Emergency Services and the Minister for Corrections, with whom I campaigned through the election period.

I commiserate with all the candidates who were unsuccessful, especially a former member of this chamber, Rob Mitchell, who represented the former Central Highlands Province, which included Benalla and is in what is now the Northern Victoria Region. Rob Mitchell worked tirelessly for his constituents in the Benalla area in particular but also for those right across the former Central Highlands Province, and I for one am going to miss him very much as a colleague. I particularly acknowledge Marg Lewis, who did a great job in the no. 3 position on the Labor ticket for the upper house in the Northern Victoria Region. Marg did a great job in supporting candidates in all of the areas of the region, and I place on record my thanks to her.

I would also like to thank all the campaign workers and supporters, especially in those places where Labor formerly has not had representation in the Victorian Parliament. As a former Labor Party organiser and assistant national secretary, I certainly appreciate that standing up and identifying yourself as a Labor supporter and member in some of these localities is not an easy thing to do. You do not always get a lot of thanks for it. But I would like to acknowledge now that there are many people — and I hope there will be more in the future — who are very excited at the possibilities as a result of having Labor representatives in their area, something they have never had before.

I also express my appreciation of the parliamentary services staff for the temporary accommodation they have provided me with as a result of my having to move from my former office to represent the new area. Their considerable assistance has meant that I was able to get on with the job of representing constituents in northern Victoria as soon as practicable, and I would also like to thank them in anticipation of their finding me permanent accommodation very soon as well!

Getting on with the job at this time has meant supporting many families and businesses, including small and large businesses, and communities that have

been affected by a lot of challenges at a time of the year when a lot of people think about spending time with families and celebrating and having a bit of a break. I am sorry to say that for significant numbers of people in northern Victoria that has not been possible. It has not been possible because of the very big challenges they face because of drought and bushfires. But there are many people — including personnel in emergency services such as the Country Fire Authority; people such as local government contractors and local government workers; and simply friends and families — who have been out defending their properties and helping others in the community defend their properties. They have also saved livestock and wildlife and of course tried to secure water supplies which are much-needed for emergency services in order for them to be able to fight bushfires.

There have been some very difficult decisions people have had to make about how much water to leave for a family and a business to survive on and how much is needed for immediate emergency use. I am very pleased that I was not the one who needed to make those decisions in some cases when people saw their dams disappear in order to enable nearby properties to be defended.

I am very pleased that I have been able to represent the needs of those communities and families and do what I can to help at a very challenging time. I would like to also acknowledge the government members of the bushfire task force who have been travelling around the state at a time when they might otherwise have been looking forward to spending a bit of time with their families. Instead they have been out doing everything they can on behalf of the Bracks government to lend assistance to those communities, to find creative ways across government agencies and departments of helping.

Alongside these challenges I am pleased to say that there are many opportunities and a great deal of prosperity as well in the Northern Victorian Region. I am pleased to say that with the assistance of the Bracks government's policies we are continuing to see jobs growing and the population growing for the first time in a very long time right across regional Victoria. That population growth is not only generating jobs, it is attracting more people, and in some cases it is attracting people back to regional and rural Victoria who perhaps thought, having left at a young age, that there would not be opportunities for them to take up. It is very pleasing to see that happen for the communities they are coming back to.

I would also like to say that, notwithstanding my remarks earlier about the geography of the region I have been elected to represent, my own background means that this is not something I find especially daunting, having been brought up from a very early age on farming and rural properties, including sheep stations. The geography of it is not something I find particularly daunting, being used to travelling very long distances from a very early age indeed.

The challenges of representing this area are ones that I am very much looking forward to. I am hoping, like everyone else, that in terms of the rural situation and the towns which are very anxious about their water supplies, we do find some relief in the weather soon, but even if we do find that relief very soon, I think everyone understands climate change is here to stay and whatever happens in the short term, the long-term picture is now something we are going to have to invest in and invest in very heavily.

It is a great shame that the Prime Minister and the federal government are still so slow to recognise this challenge which threatens so much of what Australians and Victorians have worked for for a very long time. Certainly the Bracks government is doing everything it can to get the federal government to come on board and support the actions which are being taken at a state level, not only in Victoria but in other jurisdictions as well, and to join in and invest in the measures which must be taken now if we are to turn this situation around — and that will take many decades, even with immediate action right now.

It is certainly something I can assure the house that my new constituents in northern Victoria appreciate very well indeed. They recognise the extremely difficult choices to be made about, for example, how water is to be allocated between the needs of the environment and our rivers as well as town water supplies and the businesses, including irrigators, that very much depend on it. They do not need to be convinced, but for some reason that is hard to understand the federal government is continuing to be slow to act. Everyone appreciates that we are running out of time in dealing with these matters.

I again thank the house for the opportunity to respond to the Governor's speech, and I greatly look forward to the results of the program the Bracks government will implement over the next four years — not all in the first year, but over the next four years — as we deliver on those commitments to working families right across Victoria, including, very importantly, rural and regional Victoria.

**Debate adjourned on motion of Mr SOMYUREK (South Eastern Metropolitan).**

**Debate adjourned until later this day.**

## **CONTROL OF WEAPONS AMENDMENT (PENALTIES) BILL**

*Statement of compatibility*

**For Hon. J. M. MADDEN (Minister for Planning), Mr Lenders tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Control of Weapons Amendment (Penalties) Bill 2006.

In my opinion, the Control of Weapons Amendment (Penalties) Bill 2006, as introduced in the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

### **Overview of the bill**

The policy objective of this amendment is to discourage the carriage of weapons without a lawful excuse by increasing the penalty for the offence in section 6(1). A further and related objective is to reduce the likelihood that weapons will be used in altercations thus reducing the incidence of serious injury, trauma and death. The aggravating effects of weapons being carried for use in altercations is of significant concern to the community and police. The effects of incidents where weapons are used in assaults and altercations significantly diminish the community's perceptions of safety.

The bill will amend the Control of Weapons Act 1990 as follows.

Increase the penalty for possessing, carrying, using, displaying or advertising for sale, selling, purchasing, importing or manufacturing a prohibited weapon without an exemption under section 8B or an approval under section 8C of the act. The bill increases the penalty from 120 penalty units or 6 months imprisonment to 240 penalty units or 2 years imprisonment.

Increase the penalty for possessing, carrying or using a controlled weapon without lawful excuse. The bill increases the penalty from 60 penalty units or 6 months imprisonment to 120 penalty units or 12 months imprisonment.

### **Human rights issues**

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

The proposed amendment to section 6(1) of the Control of Weapons Act 1990 (the act) is consistent with the Charter of Human Rights and Responsibilities in that whilst there still remains the lawful excuse element to the offence, the proposed amendment to section 6(1) does not alter the

elements of the offence and does not limit in any way a person's rights under section 25 of the Human Rights Act 1990 (the right to be presumed innocent).

Reverse onus offences may undermine the presumption of innocence as there is a risk that an accused person can be convicted despite reasonable doubt of his or her guilt. Reverse onus provisions do not necessarily violate the presumption of innocence where they are within reasonable limits and maintain the rights of the defence.

The bill will not affect the existing ability of a defendant to raise a defence that they possess, carry or use a controlled weapon with a lawful excuse. Section 8 of the act continues to provide that section 130 of the Magistrates' Court Act 1989 (evidential burden on defendant for exceptions, excuses or qualification) applies in respect of a claim of 'lawful excuse'.

The effect of the amendment is simply to increase the penalties which are inadequate and do not reflect either the gravity of the offence or the community concern surrounding the illegal carriage and the use of such weapons. This view is supported by Justice Charles (*R. v. Nguyen* BP VGRS LL10) who observed 'that the maximum penalties available under sections 5 and 6 of the Control of Weapons Act 1990 should be substantially increased'.

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

The provisions of the bill do not impose any limitations on human rights protected by the charter.

### Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not limit, restrict or interfere with any human rights protected by the charter.

Justin Madden, MP  
Minister for Planning

### *Second reading*

## **Ordered that second-reading speech be incorporated on motion of Mr LENDERS (Minister for Education).**

**Mr LENDERS** (Minister for Education) — I move:

That the bill now be read a second time.

### **Incorporated speech as follows:**

The bill amends the Control of Weapons Act 1990 to enhance community safety by increasing penalties for offences under sections 5(1) and 6(1) of the act. These amendments represent the first tranche of the government's proposed amendments to the control of weapons regime.

The Control of Weapons Act 1990 regulates access to non-firearms weapons in order to protect the community. Under the act, non-firearms weapons are divided into three classifications — prohibited weapons, controlled weapons and dangerous articles.

The bill amends section 5(1) of the act to increase the penalty for possessing, carrying, using, displaying or advertising for

sale, selling, purchasing, causing to be imported or manufacturing a prohibited weapon without an exemption under section 8B or an approval under section 8C of the act. The bill increases the penalty from 120 penalty units or six months imprisonment to 240 penalty units or two years imprisonment.

The bill also amends section 6(1) of the act to increase the penalty for possessing, carrying or using a controlled weapon without lawful excuse. The bill increases the penalty from 60 penalty units or six months imprisonment to 120 penalty units or 12 months imprisonment.

The bill also provides for the automatic repeal of the amending act on 1 July 2008. This is in accordance with the recommendation of the Scrutiny of Acts and Regulations Committee that all amending acts contain an automatic repeal provision. The repeal of this act does not affect in any way the operation of the amendments made by this act.

I commend the bill to the house.

## **Debate adjourned on motion of Mrs COOTE (Southern Metropolitan).**

**Debate adjourned until Thursday, 22 February.**

## GOVERNOR'S SPEECH

### Address-in-reply

## **Debate resumed from earlier this day; motion of Ms PULFORD (Western Victoria) for adoption of address-in-reply.**

**Ms MIKAKOS** (Northern Metropolitan) — I am very pleased and honoured to be able to speak in response to the Governor's speech, which was made in this Parliament on 19 December last year. I want to take this opportunity to congratulate the Governor, Professor David de Kretser on his appointment. It is fabulous that we have as Governor of this state someone of non-English-speaking background and someone who has made a reputation for himself in the sciences. I have often remarked that we certainly value our sportspeople in this country, but I think we could do a great deal more to value our eminent scientists. It is fabulous that we have at the helm of this state someone who has made his reputation working in the area of male reproduction and the sciences.

I wish him well for the remainder of his term as Governor.

I take this opportunity to congratulate the President, Bob Smith, on his election to that office. I had the great pleasure of sitting next to him in the chamber for a considerable period during my time in this Parliament. I know the ministers sitting in the front row, sitting in front of us, particularly the Leader of the Government,

used to make frequent remarks to us about our incessant chattering during question time over the last few years. I also congratulate Bruce Atkinson on his election as Deputy President of this chamber. I am sure that both the President and Deputy President will conduct themselves in a way that is worthy of their positions and be even-handed in their approach.

I take this opportunity to sincerely thank the voters of the Northern Metropolitan Region, which I have the privilege to represent together with four other members. I particularly congratulate Nazih Elasmr, along with Matthew Guy and Mr Barber, who have all been elected to this chamber for the first time to represent this region. I am sure that I will frequently see all of them at local events in the coming years.

I want to congratulate members of Parliament from all parties on their election to Parliament, but I particularly congratulate the new members, because it is a tremendous privilege to be elected to this place and to have an opportunity to serve on behalf of the community. As was the case for a number of members who have spoken already, I was impressed by the inaugural speeches made by the new members of Parliament. I was convinced that they showed in their speeches their personal conviction to work very hard on behalf of Victorians. I wish them well during the coming years in their work.

I take this opportunity to pay tribute to the retired and defeated members of Parliament, in particular those whom I got to know extremely well and who were members of this house during the last seven or so years that I have been here. I acknowledge their community service over the last few years. I include amongst those people Monica Gould, who served as the first woman Leader of the Government in this house and whose election to that position was a historic occasion. She also served as a minister and as the first woman President of this chamber.

I am saddened that some of my former colleagues have not returned to this place. Glenyys Romanes, whom I regard as a friend, worked extremely hard on behalf of the constituents of Melbourne Province. She was Deputy President during the last Parliament and chaired a number of local community bodies, including the Kensington Community Liaison Committee. Glenyys worked very hard on issues that were dear to her heart, including public transport and public housing. I wish Glenyys all the best in the future in whatever she undertakes.

I am also saddened by the fact that Elaine Carbines was not able to be returned to this house. Elaine is someone

I have a great deal of respect for. She served as Parliamentary Secretary for Environment and was an unflinching advocate for the people of Geelong. I recall that Elaine used to make a point of raising Geelong issues incessantly in the first term of the government, and there was a bit of a competition going on between Elaine and Ian Cover, who at that time was the other member for Geelong Province. They used to keep us all riveted by their competition in raising adjournment matters. I am saddened that Helen Buckingham has not been able to be returned to this Parliament. Helen was a hardworking member of Parliament and someone who contributed greatly to this house. I wish her well for the future.

There were many other members of this chamber on the government side who also have not been returned. They include John McQuilten, Noel Pullen, Geoff Hilton, Sang Nguyen and Robert Mitchell. All of those former members can be extremely proud of their service to the community during the time they were here. I wish all former and defeated members from across the chamber well in their future endeavours.

I would like to remark upon the fact that we have a very different complexion in this chamber as a result of reforms supported by the government, which have introduced proportional representation, fixed terms and new regions. This has meant that we have for the first time representatives from minor parties, including the Greens and the Democratic Labor Party. I believe these are very important reforms which will strengthen this Parliament. I urge all of the parties to use these changes in a respectful way and in a way that will enhance democracy in this state.

I am concerned about the way things have transpired in the past few days with the establishment of a select committee. I hope all parties will conduct themselves in a way that enhances the conduct of the Parliament and that builds the confidence of the Victorian community. We know very well that the community is extremely cynical about politicians and the way we conduct ourselves in this place. People expect to see members of Parliament contributing to debates and value-adding, so to speak, to public policy discussions which are of benefit to them and their families. They would be extremely disappointed to see abuse of the processes that have been established to strengthen this democratic institution.

As has already been remarked, the size of the new regions will be a huge challenge for all of us. My electorate of Northern Metropolitan Region encompasses the Melbourne central business district and extends north to beyond the Whittlesea township. I

must admit I am a bit daunted by the prospect of representing a region of that size; it is much larger than the Jika Jika Province I previously represented.

The new regions will necessarily mean a slightly changed role for members of this house. I have valued being very much a grassroots politician for the past seven or so years. I was effectively a de facto lower house member for my area. I endeavoured to get to as many events as I could and to be as accessible as I possibly could to the local community. I will do my utmost to represent the constituents of Northern Metropolitan Region to the best of my ability.

I want to reflect on the fact that I think the government's program for the next four years, as indicated in the Governor's speech, is a very well-balanced one. It is one I think will deliver huge benefits to Victorians, particularly in the key service areas of education — being our no. 1 priority — health, disability services, housing and many other areas, including the justice portfolio which I will come to shortly.

I am very pleased with the fact the government has now established a dedicated minister for climate change, which is the most pressing issue facing this nation at the moment. The government has also established a dedicated Minister for Mental Health, another issue I regard as extremely important.

In terms of the justice portfolio, I am honoured to have been reappointed by the Premier as the Parliamentary Secretary for Justice. I have very much enjoyed working in that portfolio over the past four years with the Attorney-General, Mr Hulls, and the then Minister for Police and Emergency Services and Minister for Corrections in the other place, Mr Holding. I also worked with Mr Pandazopoulos, the member for Dandenong in the other place, who was then the Minister for Gaming, and with former consumer affairs ministers, Mr Lenders and Ms Thomson, who is now the member for Footscray in the other place. I look forward to working with the Attorney-General, the Minister for Gaming and the Minister for Police and Emergency Services and Minister for Corrections in the other place over the next four years.

We have set out a number of very important policies in justice. These will build on the reforms already put in place to make access to justice more affordable and available to Victorians. They include things like increasing community legal services across the state. I am pleased that we have already expanded many community legal centres across this state; we will do more in that area. We will also focus on things like

alternative dispute resolution, the implementation of further reforms and support for victims of crime, which is tremendously important. We will continue to strengthen our court system and to promote a fair go for all Victorians. I am very much looking forward to the implementation of the Charter of Human Rights and Responsibilities over the next 12 months. I think this will be regarded as a lasting legacy of this government. It will benefit all Victorians and protect human rights in this state.

Over the past few years we have overseen a reduction in crime rates in this state. We now have the lowest crime rates of any state in the country. This is a result of the 800 additional police we have put in place over the past few years and our commitment to continue to expand police numbers.

I commend the Governor's speech to the house. I wish all members of this house well for the next four years, and thank the Governor very much for his speech.

**Debate adjourned on motion of Mr SOMYUREK (South Eastern Metropolitan).**

**Debate adjourned until next day.**

## WATER AMENDMENT (CRITICAL WATER INFRASTRUCTURE PROJECTS) BILL

*Introduction and first reading*

**Received from Assembly.**

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

### ADJOURNMENT

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

That the house do now adjourn.

**EastLink: freedom of information application**

**Mr DALLA-RIVA** (Eastern Metropolitan) — My adjournment matter is for the attention of the Treasurer. It relates to the issue that has concerned me for a while, and that is the ongoing saga of the case involving EastLink and the acquisition of documents, in particular the documents related to the public sector comparator report. The report dated February 2004 was produced by PricewaterhouseCoopers. As the government and other members would know, this report has been the

subject of much debate concerning freedom of information applications. This has cost huge amounts of taxpayers money.

It has been revealed that something in the vicinity of \$37 000 was spent by the government in defending a case at a two-day hearing at the Victorian Civil and Administrative Tribunal (VCAT). A Queen's Counsel and other lawyers were involved, and we on this side of the chamber also had to engage a QC and obtain legal advice. It has been an ongoing saga. Recently the matter went to the Court of Appeal. I noted in the judgement the appearances for the appellant — in other words, the Secretary of the Department of Treasury and Finance, for which the Treasurer has responsibility. At a hearing on 28 November 2006 Ms P. Tate, SC, the Solicitor-General; Mr P. J. Hanks, QC; and Ms J. K. MacDonnell appeared for the appellant, and the solicitors acting on its behalf were Maddocks Lawyers. This is an ongoing saga with a huge amount of money being spent by the government to stave off the production of this public sector comparator report.

My request of the Treasurer is to get real, to be fair dinkum to the people of Victoria and to those in the eastern suburbs who voted for the Labor government before the 2002 election in the belief that there would be no tollway on the EastLink project. I request the Treasurer to release the public sector comparator report to avoid the whole saga of us going back to VCAT, back to the Court of Appeal and possibly to the High Court while we try to get these documents.

### **Planning: Doncaster Hill**

**Mr TEE** (Eastern Metropolitan) — My matter is for the Minister for Planning. I ask the minister to identify for the City of Manningham the assistance that is available to support the Doncaster Hill strategy.

The City of Manningham, which is in my electorate, is dealing with the changing housing needs of its residents, including the needs of an expanding and ageing population — empty nesters who may want to retire in the community, many of whom want the option of being able to sell the large family home and move into a smaller apartment in their community, close to family friends and shops. Recently the Manningham council gave me a tour of Doncaster Hill, where it has a 20-year vision for a mixed retail and residential development. The Doncaster Hill strategy provides for shops, apartments and other facilities, all within walking distance of each other. The council has worked hard with its community, and there are already a number of successful developments, including a new 140-room hotel and 5, 6, 7, 8 and 9-storey apartment

buildings. The apartments provide alternative housing close to shops and parklands. I congratulate the council on developing a long-term vision for the community. The vision is consistent with the government's vision for alternative housing set out in Melbourne 2030. I ask the minister to identify for the City of Manningham the assistance available for that strategy.

With an increasing population we know that the alternative is urban sprawl — a concrete jungle and urban isolation, with people having to travel vast distances in cars just to get to work or to the shops. Unfortunately, as we have come to expect, there are critics within the Liberal Party who are opposed to a choice in housing — those who are opposed to the Doncaster Hill strategy and those who hanker after the white picket fences of the 1950s Menzies era. The federal member for Menzies, Kevin Andrews, and the state member for Doncaster in the other place have both been identified in the *Manningham Leader* as critics of the Doncaster Hill strategy. Unlike the City of Manningham, they do not realise that in housing one size does not fit all.

### **Colombia: kidnappings**

**Ms PENNICUIK** (Southern Metropolitan) — My matter is for the Premier. On 23 February it will be five years since Ingrid Betancourt and her colleague Clara Rojas were kidnapped by the Fuerzas Armadas Revolucionarias de Colombia (FARC) guerrillas in Colombia. I referred to Ingrid in my inaugural speech. Since the kidnapping, numerous Greens have visited Colombia to support the campaign for their release, including Senator Bob Brown. No proof that Ingrid and Clara are alive has been seen since a recording was released in August 2003 — three and a half years ago — but we believe they are still alive.

Colombia is in the grip of a civil war exacerbated by a criminal violence. The war is little reported in the English-speaking world despite the internal displacement of 3 million people in the last three years. It is second only to the Sudan situation in scale. The FARC is holding thousands of hostages — it has held some for over eight years — and almost all have been detained for the purpose of political leverage or to extract a ransom.

My request to the Premier is that he raise with the Prime Minister at his earliest opportunity the dire situation in Colombia. I also request the Premier to write to President Uribe urging the Colombian government to negotiate a humanitarian agreement, including a hostage exchange, as a further step towards a peace agreement.

### **Industrial relations: Australian workplace agreements**

**Mr PAKULA** (Western Metropolitan) — My adjournment matter to the Minister for Industrial Relations in the other place relates to a debate held last night on the *7.30 Report* between the federal Minister for Employment and Workplace Relations, Joe Hockey, and his shadow and the next Deputy Prime Minister, Julia Gillard. It relates to the question of Australian workplace agreements (AWAs). Mr Hockey, admittedly in his jovial and amiable way, made great play about AWAs and the flexibility they offer. He painted a picture that was so warm and cuddly I thought for a moment he was talking about a puppy dog. He was talking about mums approaching their employers and freely and happily entering into these Australian workplace agreements so they could have time off to pick up the kiddies. He painted a picture that they were being entered into equally and that they were all individually crafted documents for the purposes outlined.

That is not how AWAs are being entered into and is not the reason they are proliferating at the moment. They are proliferating because workers are being told that they have to sign an Australian workplace agreement or not get a job. They are proliferating because they are being told, 'Sign the Australian workplace agreement or you will not get a pay rise'. The vast bulk of AWAs are being offered to the workforce as pro forma agreements, and they are not individually crafted in any way, shape or form.

The evidence for my contention is that Mr Hockey will not ask the federal Office of Workplace Services to release the AWA statistics because he knows what a disaster it was for the federal government when they were released the last time. He knows what the statistics, if they are made public, will show — that shift loadings are being abolished, that leave loadings are being abolished and overtime penalties are being abolished. His excuse for not releasing these statistics is that there are rather too many AWAs. It is just too hard because there are so many being entered into and it is too much work for the Office of Workplace Services.

**Mr Finn** — Why do you reckon that?

**Mr PAKULA** — Because people are being forced onto them. I have a solution for Mr Hockey. My request is that the Minister for Industrial Relations write to Mr Hockey and request of him that if it is too hard to compile statistics for the whole of Australia, perhaps he could do Victoria the courtesy of compiling statistics for Victoria so that Victorian workers understand what

these AWAs are doing to working conditions in this state.

**Ms Lovell** — On a point of order, President, I believe the member asked for the federal minister to compile data. I do not believe that fits with the guidelines for the adjournment debate.

**The PRESIDENT** — Order! I am aware the member asked the state minister for it. There is no point of order.

### **Bridges: Echuca–Moama**

**Mrs PETROVICH** (Northern Victoria) — I draw to the attention of the Minister for Planning a matter concerning the planning scheme review for the Shire of Campaspe's community of Echuca. This community has a thriving tourist industry and is a destination for recreational river users, campers and visitors to the historical port precinct. The area, because of its climate and natural features, has also become an extremely desirable place to live. Growth figures for the area are predicted to reach 13 437 by 2010.

As part of state planning policy all shires are required to undertake planning reviews as part of a three-yearly cycle. As a matter which is intrinsic to the future development and planning of the port of Echuca, the community has come to an impasse on the issue of the Echuca bridge.

My request is for the Minister for Planning to assist this council to overcome what has become a stalemate for the future of this vibrant country town. The action I seek is that the minister liaise with those departments responsible for roads, bridges and Aboriginal affairs and requests a report to progress this issue and ensure proper planning for this vibrant community.

### **Holocaust: education campaign**

**Mr THORNLEY** (Southern Metropolitan) — My matter is for the Minister for Education. I request him to assist us in educating our children on the horrors of the Holocaust and the lessons that can be learnt from it for humanity.

I do not generally believe it is useful to raise matters of foreign policy in a state Parliament and in this chamber, but I believe there are important lessons that we can learn from events that happened 60 years ago on the other side of the world, lessons that are important because they have an impact in our own community and because they create responsibilities for us in our own community.

I was fortunate on Sunday night to be present with the Melbourne Hebrew congregation and a number of my colleagues — Mr Pakula; Mr Danby from the federal Parliament; Marsha Thomson, the member for Footscray in the other place; Tony Lupton, the member for Prahran in the other place; and a couple of colleagues from the other side — for the initiation of the 60 days for 6 million campaign, a very important campaign.

I was deeply moved by firsthand accounts of survivors of the Holocaust, but importantly I was also reminded that these lessons cannot and must not be forgotten and that it is the responsibility of people of my generation to bring those lessons to the attention of our children's generation. I say so particularly because, as we were reminded on Sunday night, the efforts of people like President Ahmadinejad in Iran are bringing these issues back to the fore.

To have a conference of Holocaust deniers, cranks and wing nuts sponsored by a sovereign state of 70 million people that has publicly sought to wipe Israel off the face of the earth and to do so by the acquisition of nuclear weapons is not something that we should be taking lightly. When Hitler made promises to eliminate the Jewish race from Europe in 1939 people may have taken it lightly, and they may have taken it to be rhetoric. If they did so they were wrong. We should not make that mistake.

In my time overseas I have also been fortunate to visit Yad Vashem in Jerusalem and to hear firsthand an account of the psychology behind the forms of anti-Semitism that were so tragically witnessed in the Holocaust. I have visited Auschwitz and seen at firsthand what industrial-scale horror actually looks like. I have been to the Washington, DC, Holocaust Memorial Museum with my children to help them understand why this must not be forgotten.

Melbourne has one of the highest proportions of Holocaust survivors of any city in the world. We are also blessed to have the Jewish Holocaust Museum and Research Centre and the Jewish Museum of Australia, which have together had over 500 000 student visitors in the last 20 years.

My request to the Minister for Education is that he work together with those museums to ensure that the next generation of Victorian schoolchildren are taken through the museum to make sure that we help by bringing that total to 600 000 as quickly as possible as part of our contribution to the 60 days for 6 million campaign.

### Planning: Glenelg development

**Mr GUY** (Northern Metropolitan) — I rise to raise an issue with the Minister for Planning for action to resolve development plan overlay (DPO) 5 in the Glenelg shire planning scheme. I urge the minister to immediately provide an exemption for the areas covered by DPO 5 just as the previous minister provided an exemption for DPOs 1, 2, 3, 4 and 6.

I noted today that the minister gloated about the south-western building figures, which he has probably little to do with but which he took a lot of credit for, and note that the failure to provide the exemption for DPO 5 is playing a stifling role in the economy around the Portland region, and certainly in the shire of Glenelg.

This issue has been raised twice by the member for South-West Coast in another place, a very good man, on 19 December and 13 February. It was raised in a non-partisan manner, it was raised to get action, it was raised to get an outcome and it was raised for the government to do something. It has been featured in the local newspapers in Portland on numerous occasions over the last couple of months. It has been featured in the Melbourne media, and there is now growing interest in this issue as it is stifling economic growth and certainly damaging people's lives in and around the township of Portland. Despite knowing all of this information and despite hearing from the council, residents and the media, it appears the minister and the government have done nothing.

Let me further explain. There are people who are wanting to build their dream homes but they cannot, because at present no building activity can take place in DPO 5, so people have land on which they cannot build a house, they cannot put up a shed and they cannot put up a pergola. The land is in effect like the Chernobyl exclusion zone — that is, nothing can happen there.

**An honourable member** interjected.

**Mr GUY** — I will take up the interjection. While some Labor members might find this hilarious, many people in and around Portland do not. If you own a block of land that you cannot do anything with and you are waiting for the minister to do something about it, it is no joke. Only one person can solve this problem — that is, Minister Madden.

To solve the situation in good faith the Glenelg council, to my knowledge, has done the right thing and sent the minister a whole lot of information with the concerns about what can be done to have the issue done and

dusted, and to have the problem fixed. The information or the solution is sitting on the minister's desk. But what is the minister doing? Surprise, surprise! In true Bracks government spirit, he is doing nothing.

I ask the minister for action — tonight. I ask him to go back to his office, to lift his — I can see it is his left — hand, find the documents, grab his pen, sign the approval process or whatever is necessary, and fix the problem with DPO 5 in Glenelg for the affected residents.

### **Drug-driving: public awareness**

**Ms PULFORD** (Western Victoria) — My adjournment matter is for the Minister for Police and Emergency Services in the other place. I ask the minister how he is looking to change the perception about drug-driving in western Victoria.

I would like to draw the attention of the house to recently published survey results on this issue. A study released by AAMI and the Australian Drug Foundation found some really alarming results. The *Courier* newspaper in Ballarat recently reported findings that 13 per cent of drivers are not sure of the effects of drugs on driving, that 6 per cent of drivers thought that driving under the influence of drugs was safer than driving under the influence of alcohol, and that 30 per cent of drivers — a staggering proportion of people on the road — admitted to having at some point taken prescription drugs and then driven, despite warnings on the package and warnings from their doctor. These results are nothing short of alarming.

The Bracks Labor government has done some groundbreaking work on tackling drug-driving. Since December 2004 police have had the power to perform random drug tests on drivers, and in December last year Minister Cameron announced the provision of \$14.1 million for an additional drug-testing bus and to provide a drug-testing capacity to eight other booze buses.

Still, in Ballarat one-in-three drivers does not really know the effects of drug-driving. I ask Minister Cameron to outline how he is looking to change perceptions about these issues in western Victoria.

**Mrs Coote** — On a point of order, President, I would like a point of clarification. Prior to the adjournment Minister Madden introduced legislation by way of a first reading and then made a second-reading speech, by agreement, on the Water Amendment (Critical Water Infrastructure Projects) Bill, in which he

sought leave to incorporate the reading notes to go with that bill.

Through sharp observation by a new member of the chamber, Edward O'Donohue, we found that in fact the second-reading speech notes from another bill introduced here today — the Murray-Darling Basin Amendment Bill — were actually circulated at the same time as the Water Amendment (Critical Water Infrastructure Projects) Bill, so we do not have speaking notes for the Water Amendment (Critical Water Infrastructure Projects) Bill. I ask for your ruling. Can we indeed go ahead to debate this bill in the next week, as was agreed upon?

**The PRESIDENT** — Order! Mrs Coote is in fact correct as to what has happened. But I think it warrants some further explanation, in that an administrative — I have to be careful of the terminology I use — mistake was made and the Government Whip was given a sealed envelope containing the wrong document, which is most unfortunate, particularly for the running of the house.

I have established that the incorrect second-reading notes on the Water Amendment (Critical Water Infrastructure Projects) Bill were circulated in the house when the motion to incorporate the second-reading speech into *Hansard* was moved. The notes circulated related to another bill. In view of this, I rule that it was not competent for the second-reading to be moved at that stage and the proceedings were therefore invalid, as they were not in accordance with the standing orders.

As the house has now proceeded to the adjournment debate, it is not possible to again move the second reading today. I therefore rule that the bill be listed on the notice paper for the next sitting day for the second reading to be moved. The bill has therefore only completed the first-reading stage at this point in time.

### **Responses**

**Hon. J. M. MADDEN** (Minister for Planning) — Mr Dalla-Riva raised the matter of EastLink documents. I will refer that to the Treasurer.

Mr Tee raised the matter of the Doncaster Hill strategy presented by the City of Manningham and alternative housing options. I am pleased Mr Tee is being so proactive in relation to developing cooperative and enthusiastic support for his local government. I will be pleased to continue to work with the Manningham City Council to make sure that we can assist it in any way possible to further implement strategies to make sure it

gives housing choice an opportunity throughout the municipality.

Ms Pennicuik raised a matter for the attention of the Premier concerning hostages in Colombia. I will refer that to the Premier.

Mr Pakula raised the matter of Australian workplace agreement statistics. I will refer that to the Minister for Industrial Relations in the other place.

Mrs Petrovich raised the matter of the Echuca bridge. It is an interesting issue, because I know many of the communities along the Murray have had similar instances where there has been a fair degree of debate on the location of any future river crossings. I would be pleased to refer this to my department to make sure we can facilitate an amicable resolution to no doubt what would be a local contentious issue about the appropriate bridge crossings. I will be very pleased to pursue that on behalf of the member.

Mr Thornley raised a matter concerning the Holocaust for the attention of the Minister for Education, and I will be happy to refer that on.

Mr Guy raised the matter of the development plan overlay (DPO) 5 in Glenelg. I have been waiting for that question for some time. I noticed that Mr Guy's face appeared in the Glenelg local paper before Christmas. I have been in great anticipation of the request. Mr Guy will be pleased to know that I have in recent days signed a letter to the Glenelg shire allowing it to assist development in that area. But still some work needs to be done in relation to matters in the sensitive coastal areas. Predominantly across most of the site that is not located in the sensitive coastal areas it will be given the opportunity to give planning permits throughout the vast majority of the DPO 5 overlay. But where there are still sensitive matters to be dealt with on the coastal belt, that still needs to be worked through with the Glenelg shire.

Before Christmas I had advised my department to facilitate a resolution to this situation in relation to the whole overlay. There are still some sensitive and challenging matters to be dealt with. I think a press release may even be found on the system as we speak, my having signed off the letter recently. Predominantly even in many of those areas I think minor alterations can occur, but any major developments will have to be given greater consideration in relation to those sensitive coastal matters.

It has freed up a fair amount of that area, and I anticipate that will be a great relief to many people in that region. I would expect that would relieve a great

deal of anxiety for the Glenelg shire, because I do not think I am overstating the fact that it has had some difficulties with its own planning schemes for some time. I hope this alleviates some of that congestion and bottlenecking in terms of its system, but it will still have some challenges ahead of it in finalising some of those issues on the very sensitive coastal belt areas going into the future.

Ms Pulford raised the matter of drug-driving. I will refer that to the Minister for Police and Emergency Services in the other place.

**The PRESIDENT** — Order! The house stands adjourned.

**House adjourned 4.54 p.m. until Tuesday, 27 February.**