

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Tuesday, 11 November 2008

(Extract from book 16)

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By authority of the Victorian Government Printer

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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CONTENTS

TUESDAY, 11 NOVEMBER 2008

ROYAL ASSENT.....4829

QUESTIONS WITHOUT NOTICE

Planning: urban growth zone 4829
Metabolomics Australia: Melbourne centre..... 4830
Public transport: rolling stock..... 4831
Cobboboonee National Park: proclamation..... 4831
Manufacturing: government strategy..... 4832
Planning: Lake Nagambie development..... 4833
Economy: performance..... 4834
Business: red tape initiative 4835
Waterbirds: numbers..... 4836
Employment: Geelong..... 4837

Supplementary questions

Planning: urban growth zone 4829
Public transport: rolling stock..... 4831
Manufacturing: government strategy..... 4833
Economy: performance..... 4834
Waterbirds: numbers..... 4837

QUESTIONS ON NOTICE

Answers 4838

PETITIONS

*Driver Education Centre of Australia: Careful
Cobber program* 4838
Water: north-south pipeline 4838

SCRUTINY OF ACTS AND REGULATIONS

COMMITTEE

Alert Digest No. 14..... 4838

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Financial and performance outcomes 2006-07..... 4839

PAPERS 4839

BUSINESS OF THE HOUSE

General business 4840

MEMBERS STATEMENTS

Minister for Industry and Trade: conduct 4840, 4841
Children: specialised car harness 4840
*Andersons Creek Primary School: space station
contact*..... 4841
Rail: Ferntree Gully station..... 4841
Minister for Agriculture: comments 4841
Automotive industry: government support 4842
*Minister for Agriculture and Minister for Roads
and Ports: comments* 4842
Remembrance Day..... 4843, 4844
Libraries: Doncaster..... 4843
Old Macaroni Factory: 150th anniversary..... 4843
Barack Obama 4844
Natimuk: community calendar..... 4844
Kilmore and Pyalong: life-saving equipment..... 4845

HEALTH PROFESSIONS REGISTRATION

AMENDMENT BILL

Second reading..... 4845
Third reading..... 4849

WATER (COMMONWEALTH POWERS) BILL

Second reading..... 4849, 4862, 4865
Legislation Committee 4878

HEALTH: DOCUMENTS 4860

PUBLIC TRANSPORT: DOCUMENTS..... 4861

TRANSPORT: DOCUMENTS..... 4861

DISTINGUISHED VISITORS 4861, 4865

ASSISTED REPRODUCTIVE TREATMENT BILL, RESEARCH INVOLVING HUMAN EMBRYOS BILL and PROHIBITION OF HUMAN CLONING FOR REPRODUCTION BILL

Second reading 4881

ADJOURNMENT

Police: Bendigo..... 4886
Emergency services: telephone alert..... 4887
Greater Geelong: councillor 4887
Water: restrictions 4888
Gaming: licences 4888
Poliomyelitis: services 4888
Middle Park: beach renourishment..... 4889
Autism: student funding 4889
Cycling: Diamond Creek-Hurstbridge path..... 4889
Member for Footscray: conduct..... 4890
Bendigo Hospital: redevelopment..... 4890
Responses..... 4891

Tuesday, 11 November 2008

The PRESIDENT (Hon. R. F. Smith) took the chair at 2.04 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent to:

**Greenhouse Gas Geological Sequestration Act
Labour and Industry (Repeal) Act
Medical Research Institutes Repeal Act.**

QUESTIONS WITHOUT NOTICE

Planning: urban growth zone

Mr GUY (Northern Metropolitan) — My question is to the Minister for Planning. Noting that the Planning Institute of Australia's annual report card found that Victoria's rating on housing fell from a C-minus to a D-plus — a D being described by the institute as inadequate progress — I ask: will the minister give a guarantee to the house that his February pledge to reduce land costs by \$10 000 through the creation of the urban growth zone will be met on time, or was his pledge in February just another hoax on Victorian homebuyers?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's question. I have been looking forward to a question from Mr Guy for a number of weeks in Parliament, and I have finally got one. There are a lot of ways in which organisations, in particular professional organisations, might indicate whether they think the status quo or reform may do justice to their profession on one front or another. That is not to say the assessment by the Planning Institute of Australia is close to the mark or far from the mark, but what I can say is that if the measure of housing performance is affordability, then as I have said in this chamber on many occasions, we are doing pretty well on that front, because in terms of the eastern seaboard states, Victoria has one of the lowest entry points into the market in relation to housing. That cannot be a bad thing.

Mr Guy interjected.

Hon. J. M. MADDEN — I take up Mr Guy's interjection about \$10 000. I have made the point on many occasions in relation to the commitment that providing more access to housing on all fronts is always going to mean that the market is more competitive, but if Mr Guy is seeking to have us bring down the value of a house by \$10 000, that is a different proposition. If

Mr Guy wants us to bring down the value of houses by \$10 000 — —

Mr Guy — You said it!

Hon. J. M. MADDEN — I take up Mr Guy's interjection. I am always happy to take up his interjections. What we did say is that getting more land out there more quickly — with the emphasis on more quickly — would stop the escalation of house prices into the future. I look forward to seeing and maintaining the affordability of housing in Victoria, and by that I also mean by ensuring that we do not let the market fall away, because sometimes I get a bit confused by the proposition put by the opposition as to whether it wants housing to remain buoyant or whether it wants it to just fall away and become as cheap as it may have been in the Latrobe Valley when the Liberal Party and The Nationals were in government. What is particularly important here is that we provide amenity for communities, livability for communities and infrastructure for communities, but most importantly we must maintain our reputation and our viability to ensure that Victoria is the best place to live, work and raise a family.

Supplementary question

Mr GUY (Northern Metropolitan) — I thank the minister for his answer, but I further ask as a supplementary question: if the government will not honour its pledges on land cost, cannot honour its pledges on 2030 livability, breaks its pledges on third-party appeal rights and fails in its pledges on infrastructure for growth areas, will the minister now stand by his latest pledge, made to the Planning Institute of Australia in response to its report card on his performance, that Melbourne has up to 25 years of land supply left within the current urban growth boundary despite population growing 50 per cent faster than forecast?

Hon. J. M. MADDEN (Minister for Planning) — Mr Guy is confused on a number of fronts around the proposition that he puts forward. We no doubt have a commitment to maintaining land supply in the growth areas of this state. On Mr Guy's verbalising of some of the things he thinks we might have said, I would like to see those references, because while we have made a number of commitments in terms of land supply — we are committed to maintaining a minimum supply — we are also ambitious over and above that minimum supply. Mr Guy might be a bit confused about what our ambitions are and what the minimum is that we are prepared to accept. One of the things we are committed

to is monitoring land supply, and on a regular basis we continue to — —

Mr Atkinson interjected.

The PRESIDENT — Order! Mr Atkinson will not mislead the house.

Hon. J. M. MADDEN — On a regular basis we report on land supply in those growth corridors. We will continue to do that, and we will continue to monitor the situation, because if there is high demand, that high demand is good for the building industry. If there is high demand, it is a good critique on and a compliment to the livability of Melbourne, and it is good for economic prosperity and opportunity. We want to make sure we provide for that. We also need to provide not only the standard quarter-acre block or allotments of that nature out at the fringes but also housing opportunities and housing options right across the community. We are committed to maintaining that.

We have a plan, and we have a policy. We are committed to it, and we are going to deliver on it, but unfortunately the contrast we see in this arena is poor, because the opposition has no plan, no proposition and no policy — it offers a vacuum when it comes to the livability of Melbourne and the prosperity of Victoria. We will maintain our commitment, efforts and intention to make sure that Victoria is the best place to live, work and raise a family.

Metabolomics Australia: Melbourne centre

Mr EIDEH (Western Metropolitan) — My question is to the Minister for Innovation, Gavin Jennings. Could the minister outline to the house how the Brumby Labor government is supporting new science through national collaborations that will drive advances in health and sustainability into the future?

Mr JENNINGS (Minister for Innovation) — I thank Mr Eideh for his question and the opportunity to talk about a fantastic new facility I had the good fortune to launch and open last week at the University of Melbourne, the Victorian centre for metabolomics. Many members of the community may not understand this important and exciting scientific endeavour. It is at the leading edge of scientific analysis — —

Mrs Coote interjected.

Mr JENNINGS — Some opposition members are obviously recent converts to the value of metabolomics. The opposition bench knows a little more about proteomics and its important work in discovering the genetic makeup of materials that actually straddle

humans, animals and plant life. What we see with this centre is its great capacity to look at many of the indicators of the success of drug therapies in the future. It will be able to look at the genetic structure of illness patterns within humans and animals, and it will be able to look at genetic strains that may be evident in plant life which may have either been genetically modified, subjected to climate-change scenarios or placed under stress. This capacity to look at the most fundamental building blocks of the structures of organisms and life will assist in great scientific breakthroughs.

Unsurprisingly for an announcement such as this, I was joined by the vice-chancellor of the university, Glyn Davis, the deputy vice-chancellor for research, Peter Rathjen, and the head of the centre, Tony Bacic. We were joined by many members of the Victorian scientific community, who can see the great potential of this centre. Far beyond providing 11 full-time jobs and positions for researchers of international calibre, it will provide opportunities for students to be trained through the facility and for collaboration between our universities and our hospital sector, and it will build on our great spirit of collaboration in Victoria.

I am very pleased to say that the financing arrangement was a partnership between the Victorian government, the university — obviously — and the commonwealth government. We came together to provide the funding for the Victorian node of the metabolomics institute across Australia. It will lead to great scientific capability, great collaborations and great breakthroughs.

One of the issues that can be established by the centre is the genetic predisposition of someone to be receptive to drug treatment. As many members of the chamber would know, quite often therapeutic intervention has been unsuccessful because the body of the person actually rejects the therapeutic intervention, which has sometimes limited the effectiveness of what could be a life-saving and curing intervention. The profile of each individual can now be assessed to assist in the appropriate and timely delivery of therapeutic interventions.

This is just one example of some of the exciting work that can be undertaken by this centre in collaboration with scientists around Australia. We as a community should be very proud of our capability at the University of Melbourne, those who work there and those who will work there in the years to come. The Victorian government was pleased to provide the financial support required for the centre to be created.

Public transport: rolling stock

Mrs PEULICH (South Eastern Metropolitan) — My question without notice is directed to the Treasurer, Mr Lenders, in his capacity as Acting Minister for Industry and Trade. I refer to state government studies carried out by Interfleet Technology from 2005 and 2006 which showed that ample capacity exists to manufacture at least 50 per cent of Victoria's train and tram needs by companies within Victoria. I therefore ask the minister, given the dire circumstances of Victorian manufacturing industry, what guarantee can the government provide to hard-pressed Victorian manufacturers and their employees that Victoria's future train and tram rolling stock needs will be met and manufactured within Victoria?

Mr LENDERS (Acting Minister for Industry and Trade) — I thank Mrs Peulich for her question and her new-found interest in Victorian jobs. She was part of the government that flogged off the rail system — not just the stock, but the tracks as well. I note with interest her discovery on the road to Damascus — a transformation that would make St Paul blush — but I take it on good faith that she has now changed her mind and actually has an interest in Victorian jobs and an interest in running services.

Mrs Peulich raised two issues. There is the issue about whether or not individual Victorian companies could meet hypothetical contracts going out. As she knows, a number of contracts have recently been issued for rolling stock, and as she knows some of those contracts have been issued to Bombardier, a company in her electorate, which is at the moment producing rolling stock for regional Victoria. She knows that work is being done in Victoria on building trains for Victoria. I might add that the Bombardier ones are for rail lines that the Liberal Party and The Nationals said were a waste of money, a waste of time, not worth spending money on and a white elephant.

I am delighted that Mrs Peulich has discovered this bit of the map, which is the road to Damascus. I am absolutely delighted she has discovered it. I would suggest that she visit Bombardier in her electorate and see some Victorian workers building rolling stock for Victorian rail lines, which were reopened by the state Labor government and supported by the Labor government — and which were not supported by her team when she was in government.

We will continue to work with industry and with the community on how we can best deliver services across the state at value. We welcome the federal government's massive intervention into the

manufacturing sector announced in the car statement yesterday. We will always work with industry to build jobs in Victoria, because that is what makes this state such a great place to live, work and raise a family.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — I am glad the Acting Minister for Industry and Trade made mention of manufacturing in my region, where there is a concentration of a very significant number of businesses, or there has been to date. I am glad he mentioned the Bombardier firm located in Dandenong, in my electorate, and other firms, including those located in Ballarat, which are certainly capable of meeting orders for tram rolling stock in a timely and cost-effective way. Unfortunately I note that recent government orders for trams and trains have been placed with suppliers in China, Poland and Italy. I therefore ask whether the minister would accompany my shadow ministerial colleagues and I on a visit to Bombardier in order to meet its management and employees and establish for himself the suitability of this firm as the location for construction of future rolling stock orders.

Mr LENDERS (Acting Minister for Industry and Trade) — I can certainly tell Mrs Peulich that I have met with Bombardier many times in my nine years as an MP, first as a local member for the Dandenong North electorate in the Legislative Assembly and then as a member for Waverley Province. Subsequently as a minister I have met with Bombardier many times. If Mrs Peulich wants to have a tour of great manufacturing in Dandenong, perhaps I could also take her to Volgren, which she obviously does not know about. This company is a great manufacturer of buses in Victoria; it produces a lot of the buses that run in her electorate. There are a lot of other great Victorian manufacturers.

I would also say to Mrs Peulich, while we are talking about the great things in this state, that she should perhaps have a quiet word to the shadow Treasurer and her leader in this place about talking up jobs in Victoria, talking up the state and not trashing the show like the rest of the Parliamentary Liberal Party members do with every possible breath.

Cobboboonee National Park: proclamation

Ms PULFORD (Western Victoria) — My question is to the Minister for Environment and Climate Change. Can the minister inform the house how the Brumby Labor government is enhancing Victorians' access to

our shared natural heritage through our parks and reserves?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Ms Pulford for the opportunity to talk about the proclamation of the Cobboboonee National Park, which occurred within the boundaries of the electorate she shares with Ms Tierney and others in this chamber. There was great celebration last Sunday when we proclaimed this addition to the national park reserve system in Victoria — the 41st national park in Victoria. One hundred and ten years ago our community had the foresight to reserve national parks, so we have a 110-year tradition of doing this in Victoria. With the Cobboboonee National Park, 18 500 hectares was added to the national park system last weekend, and we as a community can be very proud of that.

In terms of management, the Cobboboonee National Park will adjoin the Lower Glenelg National Park, creating a continuum of 45 000 hectares of national park within the region. It is abutted by what will become the Cobboboonee Forest Park, which means that about 8500 hectares of forest will be managed for more intensive recreational usage in the years to come. This park plays a very important role in terms of protecting habitat and biodiversity, which has a value in its own right. It contains the headwaters of the Fitzroy and Surry rivers, which flow into the Glenelg River and are an important part of the Glenelg catchment.

The Cobboboonee National Park is a beautiful place to visit, and we are confident that in the future thousands of people will come to visit the park and immerse themselves in the rich natural environment of the south-west of Victoria — a beautiful part of the world.

Mr Barber interjected.

Mr JENNINGS — Indeed we should be. Mr Barber was indeed one of the people who voted for the bill, so I will acknowledge his interjection in that spirit. He provided some goodwill. He should provide it for a little bit longer to enable us to celebrate that achievement.

In terms of the ongoing management of the park, the Victorian government has allocated \$3.044 million for the establishment of the park, to provide for visitor facilities and amenities and for appropriate management. A recurrent budget of a bit over \$600 000 will be allocated for management of the park into the future. Next year we anticipate a high degree of community involvement in establishing a management plan to ensure that the community is involved in

various ways in providing for access, for pest and weed management, and for fire management. We are trying to make sure that the community is well and truly engaged in such a way that it will relate to this landscape into the future and reduce the ecological load it is subjected to whilst we try to encourage thousands of Victorians and people from elsewhere to immerse themselves in the rich splendour of the Cobboboonee National Park.

Manufacturing: government strategy

Mr DALLA-RIVA (Eastern Metropolitan) — I direct my question to the Acting Minister for Industry and Trade and refer to the review of the Victorian industry participation policy (VIPP) conducted by Strahan Research at a cost of \$30 000, which was completed in September 2006. Given the government's failure to produce its manufacturing policy statement and the fact that this review of VIPP would form an integral component of such a statement, will the minister now release the Strahan review in its entirety to provide some direction for the important manufacturing industry?

Mr LENDERS (Acting Minister for Industry and Trade) — I truly welcome Mr Dalla-Riva's question and the new-found interest of opposition members in manufacturing. I am absolutely delighted they have an interest and have discovered this interest. It is like a birthday present for my 29th day in the portfolio as acting minister to see this awakened interest in manufacturing.

What I have to say to Mr Dalla-Riva, without tedious repetition, is that he should re-read the reply I gave him on the Tuesday that the house sat in Lakes Entrance. I gave him a comprehensive reply in answer to his question without notice on manufacturing. That response outlined our step-by-step process of dealing with manufacturing.

The Victorian industry participation policy was a Victorian Labor government initiative that was scoffed at by the opposition, which thought it was a joke. When VIPP was introduced by this Labor government the opposition scoffed at it and mocked it. Clearly in the party room this morning Mr Baillieu pulled out a few atlases with maps of Damascus and pointed to the road to it, because this is a road-to-Damascus, Paul-like response from the opposition today. It is as if suddenly it has done a complete backflip and decided to be a supporter of VIPP and a supporter of manufacturing. Mr Dalla-Riva should re-read my response to his question in Lakes Entrance. I look forward to his supplementary question, which I am sure will be

helpful and encouraging of other policies that opposition members have opposed previously.

Supplementary question

Mr DALLA-RIVA (Eastern Metropolitan) — The Strahan review of VIPP looked at improving its outcome performance by adjusting its policy and procurement settings and improving its implementation, while having regard for the economic, policy and administrative environment in which VIPP operates. I do not recall hearing that in the minister's substantive answer a month ago. Therefore, is it government policy that VIPP should operate separately from any overall manufacturing policy, or should it be a key driver of this policy? If so, how will it be incorporated into the government's long-awaited manufacturing strategy plan, which is now 692 days late?

Mr LENDERS (Acting Minister for Industry and Trade) — The simple answer to the first part of Mr Dalla-Riva's question is no. VIPP is certainly not taken in isolation; it is taken as part of the broader government response to manufacturing. The second part of his question was substantively answered by my response to him 28 days ago in Lakes Entrance, which was essentially that we have had an ongoing approach to manufacturing in this state to bring in jobs.

Mr Dalla-Riva is hung up by a piece of paper, but if he looks to our manufacturing strategy as I recounted, he will note that after the original statement was made a major thing, from my perspective, happened — the election of the Rudd Labor government. As I said 28 days ago in Lakes Entrance, we wanted to first watch what the federal government did on this, because it is a far larger player than us financially. Mr Dalla-Riva also did not mention that yesterday the Prime Minister and Senator Carr launched their car plan. They launched that yesterday, and out of that \$6 billion investment we, as a state government, said we would then complement that plan with our manufacturing statement.

What I have said is totally consistent with what I said in Lakes Entrance. I remind Mr Dalla-Riva that if he read my response to his question 28 days ago, he would also find that in the budget we cut land tax, cut payroll tax, cut stamp duty and reduced WorkCover premiums — all to assist manufacturing. He would also find that we had an innovation statement on science and technology some months later from my colleague Mr Jennings — a \$300 million-plus investment to deal with the critical research and development needed by the manufacturing industry.

If Mr Dalla-Riva had listened to the answer 28 days ago, he would have found out we also had the skills statement — a \$300 million item that is critical to manufacturing in this state. I stand by my answer of 28 days ago. The only new question Mr Dalla-Riva has asked today is whether the VIPP (Victorian industry participation policy) is related to manufacturing. The answer is an unequivocal yes, and we are acting on it — as we have done so to date.

Planning: Lake Nagambie development

Ms DARVENIZA (Northern Victoria) — My question is to the Minister for Planning, Justin Madden, and I ask the minister to update the house on what recent action the Brumby Labor government has taken to promote regional development and strengthen communities across Victoria?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Ms Darveniza's question and her interest in this matter. Last week I stood on the banks of Lake Nagambie and turned the first sod of soil in a fantastic development which will be great not only for Nagambie but also for the broader region and particularly for regional Victoria. There are plenty of tourism opportunities across the state, but sometimes the crystallisation of those does not quite come together for various reasons. On this occasion, however, we will see a development occur on Lake Nagambie.

The proposition is a \$250 million development which will pave the way for new residential and tourism opportunities on the shores of Lake Nagambie. This will be great not only for the township of Nagambie but also for the region. Part of the development is known as Elloura — if I have the pronunciation correct — and it includes a 100-room resort complex; a commercial precinct, including a conference centre; restaurants; shops; even a chapel, so people can get married on the banks of Lake Nagambie; and a camping and caravan resort and a retirement village. The best part about it is that 250 to 300 jobs will be created throughout the course of construction, and by its completion, of the order of 100 jobs will be created within the facility itself.

This comes about as a result of a recent planning scheme amendment made to the Strathbogie planning scheme at the request of the Strathbogie Shire Council. Amendment C36 rezones certain land from residential 1 and farming zone to comprehensive development zone. I would like to congratulate the Strathbogie shire for doing that strategic work. From time to time we hear criticism from members on the other side of the chamber on the question of why land zoned as farming or residential cannot be developed in

a particular way. Well, it always can be — but local government has to do the strategic work to justify what might take place in the future.

We will also see some significant upgrades as part of the development that will improve the amenity of the lake itself. We will see the existing waterway upgraded and a new continuous pathway along the lake foreshore linking the development to the Nagambie township. For those who stop for a coffee and sit on the banks of Lake Nagambie to have that coffee and take in the vista, they will then be able to walk along the path to the development and enjoy this new facility. It will provide a range of lot sizes and dwelling types — so this is a great opportunity for people to either move in permanently or holiday in the area.

This is a great commitment not only from the proponent but also from the council itself and state government officers, so I would like to congratulate everybody involved. I look forward to seeing this project rolled out in the future, because it is part of the government's commitment to work in collaboration with communities to make Victoria the best place to live, work and raise a family.

Economy: performance

Mr D. DAVIS (Southern Metropolitan) — My question is for the Treasurer. Why is Victoria the only state to see project investment fall in the September quarter, according to the latest Access Economics *Investment Monitor*?

Mr LENDERS (Treasurer) — A lot of this is really a case of seeing things as a glass half empty or a glass half full.

Honourable members interjecting.

Mr LENDERS — If it is a prompt, President, you will confiscate my glass! This glass is actually about 80 per cent full! Depending on your perspective on the world, you can always twist statistics however you choose. I say to Mr Davis that if he is asking a question about investment in Victoria, under this Labor government the general government infrastructure spend has gone up from just a shade under \$1 billion, when the government Mr Davis was a part of was ousted by the Victorian community on 18 September 1999, to about \$4.4 billion a year as I stand here today on 11 November 2008.

Firstly, let us look at investment in this state by the government itself. Secondly, if we go over the nine years since we had the privilege of being elected to government in this state, we see a massive increase in

private sector investment with government partnering. When using statistics, you need to match apples with apples. If in the state of Victoria, for example, you were to look as a whole at those sitting opposite, you would see a coalition of the Liberal Party and The Nationals. In South Australia they are separate parties, so you cannot match the coalition here with the Liberal Party in South Australia or The Nationals in South Australia. You need to match apples with apples when you match investment figures in other jurisdictions. As Mr Davis probably remembers, because he voted for it, the Kennett-McNamara state government sold off the railway system, the energy utilities and a range of other things. This obviously means that investment in those types of structural issues is, in other states, on the public sector balance sheet, but in this state it is on the private sector balance sheet.

You need to match apples with apples. We know Mr Davis does not often work that way. He has read something in a newspaper in the morning, and as he came into this house and started a run on the Members Equity Bank because he misread a newspaper article, I would urge him to carefully read material before he asks questions. What I say to him is this: look at the facts of what the government has done. We have seen investment in infrastructure increase fourfold, and we have seen the private sector follow. Figures go up and down from month to month, but this investment has made Victoria an even better place to live, work and raise a family.

Mrs Peulich groans at 'live, work and raise a family'. She should go to the Victorian Electoral Commission website and look at what Rohan Fitzgerald, the Liberal candidate for Gippsland in the federal by-election, said in his statement to the Latrobe City Council — that he wants to make Traralgon a better place to live, work and raise a family. He is on message!

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I note that the Treasurer tries to blame the bearer of the news in this case. The Access Economics report also states that investment levels in Victoria are spluttering as the state's economy struggles to avoid shedding jobs. Will the Treasurer inform the house how much funding he has sought from the federal government for infrastructure projects and how much is now available in the Victorian budget for new capital works?

Mr LENDERS (Treasurer) — I thank David Davis. There are a couple of things. He talks about the Victorian economy spluttering. The glass half full is now the glass 1 per cent full. He talks about the

Victorian economy spluttering and about jobs. If Mr Davis had bothered last Thursday to look at the Australian Bureau of Statistics job figures, he would have seen that they predicted jobs growth in the state of Victoria of more than 8000 for the month of October. These figures bounce up and down, and you should not pay too much attention to a single month's job figures, but if he had drilled more deeply into the Australian Bureau of Statistics figures for Victoria, he would have seen net jobs growth in the previous 12 months of 32 000 jobs.

Mr Davis comes in here and talks of spluttering. Many businesses in Victoria are doing it tough because of the global economic downturn. It is unequivocal that that is happening. The government has its shoulder to the wheel supporting those businesses in their endeavours to keep jobs and grow jobs in Victoria. In that environment it is churlish of David Davis to talk about spluttering jobs when there are 32 000 net extra jobs in the state of Victoria, including 8000 that the Australian Bureau of Statistics forecast last Thursday. Let us get that into perspective. It is no comfort for someone who has lost a job, but if we are talking about the wellbeing of the state as a whole, we are in difficult global economic times.

Mr Davis asked a question specifically about what funding was there into the future for infrastructure. If he reads the budget papers, he will know there is more than \$4 billion a year going forward. If he goes back over the record, he will know that in the last five years this state in the general government sector has spent \$14.7 billion on infrastructure, and the commonwealth has actually kicked in \$2.9 billion, most of that during the shameful Howard years when the commonwealth was asleep at the wheel and gave no assistance.

Mr Davis can be as gloomy as he likes, but this government will continue to work with Victorians and businesses to create jobs. We are seeing jobs grow in the state. We are there with our community in working forward and building consumer and business confidence to create more jobs. We are not trashing the show, like Mr Davis and his party like to do. We will work with the community to build on the great strength of this state. I am an optimist for the state of Victoria, because this is a great place to live, to work and to raise a family.

Business: red tape initiative

Mr PAKULA (Western Metropolitan) — My question is to the Treasurer, John Lenders, and I ask: can the Treasurer update the house on the progress of the Brumby Labor government's plan to slash the

regulatory burden on business and communities to make Victoria a better place to live, work, raise a family and do business?

Mr LENDERS (Treasurer) — I thank Mr Pakula for his question. It is a fantastic segue, I might add, from the previous question, which asked what Victoria was doing, and Mr Pakula's question hits it on the head in asking about a business making a decision on where to invest.

Mr Guy interjected.

Mr LENDERS — Mr Guy does not really care about businesses investing in Victoria. We know that, because he is not paying attention. What we do know is that when making decisions about where to invest and where to create jobs, businesses look at issues like regulatory burden. As I told the house last year, on appointing me as Treasurer the Premier set some key performance indicators about reducing the regulatory burden — in fact it was 5 per cent a year for the next five years. I have great delight — and Ms Mikakos and Mr Madden would also be very interested in this — in telling my colleagues and the house that on Thursday I had the privilege of speaking at a well-attended meeting at the Victorian Employers Chamber of Commerce and Industry where they were talking about the economy and the great state of Victoria. VECCI's chief executive officer went on to say in the media that one of the critical issues for growth in this state is confidence, and we cannot let confidence slip. David Davis should pay heed to what VECCI says, which is that confidence is critical.

But back to Mr Pakula's specific question, reducing the regulatory burden on business creates confidence and encourages businesses to invest. Measures to date will take \$260 million a year out of the cost of running businesses in Victoria, and that is not just a statistic. I urge members opposite to read the booklet or to go onto the Department of Treasury and Finance website —

Mr Dalla-Riva interjected.

Mr LENDERS — Mr Dalla-Riva likes the word 'spin'. I would say to him that if were interested in manufacturing and he wandered into his electorate, and if he happened to trip over a car dealer and asked them about regulatory burden in difficult times, he would find that our removal last year of the requirement to keep a manual —

Mr Dalla-Riva interjected.

Mr LENDERS — Mr Dalla-Riva has asked how we are helping cars. I am giving him some advice. If he

were to trip over a car dealer and ask about regulatory burden, he would find that last year those dealers would have had to keep a manual record of every sale and that most of them, being good new businesses, keep electronic records. This government, through my colleague Noel Pullen, who was a member of this house in the last Parliament, did a review of the Motor Car Traders Act and came up with the answer that it was an unnecessary regulatory burden to have a duplicated record. From Mr Pullen's recommendation, we have seen carried into this report \$7.5 million —

Honourable members interjecting.

Mr LENDERS — All Mr Davis cares about is preselections. What I on this side of the house care about is jobs for Victorians. What I say to the house — and to Mr Davis, if he actually focused on something other than internal preselections — is that the practical result of Noel Pullen's work is now an administrative burden change that means that motor car traders in Victoria will save \$7.5 million a year by not having to have a manual record of car sales to match the electronic records that most of them are doing. The regulatory burden review is all about practical solutions like that — ones that make businesses want to invest in this state. And it is these actions that make Victoria a better place to invest, as well as live, work and raise a family.

Waterbirds: numbers

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Environment and Climate Change. Every year in late October and early November the minister's department conducts surveys of waterbird numbers. The data over the last 10 years has shown an 80 per cent decline in the numbers of those birds. Can the minister tell me what the information for this year's survey is indicating?

Mr JENNINGS (Minister for Environment and Climate Change) — President, I note that Mr Hall and Mr Drum were keen to jump to their feet to add a supplementary question on this matter. This will probably become a feature of concern and consideration in the months to come from a variety of different vantage points.

As Mr Barber indicated in his question, the pressures that our wetlands and waterways have been under over the last decade have actually been measured in one way by the breeding season for duck species across Australia and indeed across south-eastern Australia. As he has indicated, there has been significant evidence over the last decade of the stress that those duck and

waterbird populations have been under. Of the last 13 potential duck seasons in Victoria, only 3 seasons have proceeded unamended or unadjusted. Over the last 13 years, 3 seasons have actually taken place without any restrictions, 3 have not taken place at all, and the remaining 7 have been undertaken with some degree of adjustment.

In terms of the scrutiny that is applied to the deliberations leading up to duck season, this is a very important issue for everybody who is involved — whether they are for or against a duck season. The scrutiny that is applied to this is quite intense. Mr Barber refers to one measure that is undertaken by officers in my department in terms of bird surveys conducted during spring, which is one aspect of the analysis we undertake. We also consider the prevailing temperature, the rainfall outcomes, the inflows into our rivers and streams, and the rainfall projections. We are very scientific about this. We analyse the southern oscillation index, which is a measure of the prevailing atmospheric conditions across our oceans and how they impact upon prevailing temperatures and weather conditions in south-eastern Australia.

We are mindful of national waterbird and duck surveys that are undertaken right around Australia, and the most important for us in terms of having a look at the prevalence of ducks along the eastern coast come from the eastern Australian aerial waterbird count, which is undertaken under the leadership and stewardship of Professor Richard Kingsford from the University of New South Wales, who is a recognised expert in this field and who provides this nation with very important information about the breeding behaviour of waterbirds right along the eastern coast. He provides us with some useful advice about the way we digest all this material and make decisions about whether we should proceed with a duck season.

Mr Finn interjected.

Mr JENNINGS — The greatest problem with Mr Finn's interjection is that I probably know too much about this subject, and I could probably talk about it for a great length of time — not perhaps as long as he could! I certainly know that in fact the clincher in relation to Mr Barber's question, because he asked me about a subset of those analytical tools that we use, which is the survey that the Department of Sustainability and Environment compiles in spring, is that I am advised that the survey that has been undertaken in that particular part of the analytical tool was completed last weekend. The evidence is being compiled at this moment, and I have been advised that by the end of this week — so he is a bit unlucky with

the timing of his question — that material will be in a form to be analysed and enable us to engage in the decision-making process that will lead to a determination. I would anticipate that after being considered by the hunting advisory committee and the relevant parts of the department, it will then come to me in December for me to make a decision.

All of those factors will be put together. Mr Barber probably knows the waterways are under great stress. He probably knows there is evidence of bird populations breeding in northern Australia, but not so much in south-eastern Australia. But we will need to digest these factors and be fully apprised of them before a decision is made by the end of the year.

Supplementary question

Mr BARBER (Northern Metropolitan) — I thank the minister for that answer. Given that the minister has confirmed that that information is part of his decision making, and given that he has also confirmed that it will go to the hunting advisory committee, where one group of people with one view on this will be able to examine that data, can he undertake that before he makes his decision the information from that survey will be made publicly available?

Mr JENNINGS (Minister for Environment and Climate Change) — Thank you, President, for giving me a bit longer to work through what I was going to say to Mr Barber. But that is okay; I could have jumped to my feet. Last year Mr Barber asked me a very similar question — not exactly the same but a very similar one. At that time I said that — —

Mr Barber interjected.

Mr JENNINGS — I am not too anxious about this matter. I am happy to rely on what the science says, because the science will actually be determining where my decision lies in relation to this matter. I confidently asserted last summer that I was of the view that the science would indicate a certain outcome that would assist my decision making. Whether that was well received by 360 degrees of the interests in this field is another question, but ultimately I relied on the science. I will rely on the science again.

In terms of sharing the information, I will consider when is the appropriate time to release that material. I would always like to be able to account for my decision in relation to the science, and from my vantage point the science will not be contaminated by public debate about the matter. So if Mr Barber wants that assurance, he can have that assurance, and then beyond that I will take advice about how the material should be released.

Employment: Geelong

Ms TIERNEY (Western Victoria) — My question is to the Acting Minister for Industry and Trade, John Lenders. Can the minister outline to the house how the Brumby Labor government is listening to and working with regional communities and stakeholders, and more specifically how it is doing so in the Geelong area?

Mr LENDERS (Acting Minister for Industry and Trade) — I thank Ms Tierney for her question, and I understand the parochial angle of her question about the city of Geelong and her pride in that great city. This government believes in working with regional communities to deliver jobs for the ongoing future of those cities. In the case of the great city of Geelong, we have a very different view to that of the government from which we inherited office, which closed 12 hospitals and cut 179 schools in regional areas. We believe in working with regional communities to rebuild.

I was delighted last week to go to Geelong at the invitation of the Geelong people. I was there with a number of other ministers, including Lisa Neville — who as well as being Minister for Mental Health is, like Ms Tierney, a very passionate supporter of everything about Geelong — and Jacinta Allan, the Minister for Regional and Rural Development. We had a roundtable with business leaders in Geelong to talk about the future for Geelong, an extraordinary area with low unemployment and strong jobs growth but one which is facing some challenging circumstances resulting from decisions made by the Ford Motor Company as well as some of the flow-ons from the global economic uncertainty.

What is important to note in the government's work with Geelong — with Ms Tierney and others from Geelong — is that since the day it was elected this government has shown great interest in Geelong. It is interesting that almost three years ago, in 2006, this government made the decision to move the Transport Accident Commission (TAC) from the central business district of Melbourne to Geelong. That was not an easy decision for the government to make, because clearly it was a great institution that was ensconced in Melbourne and had a workforce which was very attached to where it was. This government took the workforce and the City of Geelong through the benefits of the TAC moving to Geelong, which included diversifying Geelong's great economy by providing more allied health, insurance and finance jobs. Next year we will see 600-plus jobs come to Geelong out of that decision alone, diversifying Geelong's economy.

My colleague Mr Theophanous has periodically spoken in this place about Satyam, the IT company for which this government has facilitated the move to Geelong. The fact that highly paid IT jobs have come from Bangalore in India to Geelong in Australia is an extraordinary coup for Victoria and for Geelong. There will be 1400 different jobs coming to Geelong as a result of this.

Mr Guy rolls his eyes. Clearly Mr Guy does not think it is important or exciting to have 1400 extra jobs coming into Geelong. Those jobs do not excite Mr Guy as much as they excite Ms Tierney and me. If I am boring, and if the opposition thinks it is boring to talk about 600 TAC jobs and 1400 IT jobs coming to Geelong, they are truly the children of Jeff Kennett — who said regional Victoria was the toenails of the state, not its beating heart! There is another generation of children there. Mr Guy has recently become a father. I thought that was all a cunning plan to boost the Liberal vote in the 2028 general election — but no, they are the children of Jeff Kennett!

The PRESIDENT — Order! I remind the minister of the standards of the house and that it is inappropriate to overtly criticise the opposition. Reference to members of the opposition as being the children of Jeff Kennett is overt criticism.

Mr LENDERS — In addition to these two very significant increases in the number of jobs in Geelong, the government has invested in road infrastructure, in rail infrastructure and in Deakin University. The short answer to Ms Tierney is that this government will continue to work, as it did at the roundtable last week in Geelong that Ms Tierney came to, on these decisions. We will continue to work to make Geelong an even better place to live, work and raise a family.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Treasurer) — There are answers to the following questions on notice: 1211, 1336, 1540, 2005, 2007, 2067, 2429, 2665, 2766, 2806, 2846, 2874, 2886, 2926, 2963–5, 2992, 3010, 3089, 3137, 3142, 3271, 3304, 3363, 3382–94, 3400–22, 3427, 3431, 3433, 3456, 3458, 3460–2, 3468, 3470, 3530, 3559, 3564, 3574, 3576, 3588, 3597, 3600, 4569–617, 4747–83, 4794–802, 4805, 5073–149, 5163, 5165, 5168–75, 5184, 5188–90, 5808.

PETITIONS

Following petitions presented to house:

Driver Education Centre of Australia: Careful Cobber program

To the Honourable the President and members of the Legislative Council assembled in Parliament:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council its opposition to the Brumby Labor government's decision to cease funding for the Careful Cobber program which has been delivered at the Driver Education Centre of Australia (DECA) in Shepparton for 30 years.

We believe the government should immediately reinstate funding for this crucial road safety education program for Victorian primary school students, and therefore call on the Legislative Council to support the reinstatement of funding for the Careful Cobber program.

**By Ms LOVELL (Northern Victoria)
(48 signatures)**

Laid on table.

Water: north–south pipeline

To the Honourable the President and members of the Legislative Council assembled in Parliament:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council its opposition to the proposed building of the north–south pipeline by the Brumby Labor government which will steal water from country Victorians farmers and communities and pipe this water to Melbourne. We believe there are better alternatives to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens, and therefore call on the Legislative Council to oppose the construction of the proposed pipeline.

And your petitioners, as in duty bound, will ever pray.

**By Ms LOVELL (Northern Victoria)
(172 signatures)**

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 14

Mr EIDEH (Western Metropolitan) presented *Alert Digest No. 14 of 2008, including appendices, extract from proceedings and minority report.*

Laid on table.

Ordered to be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Financial and performance outcomes 2006–07

The Clerk, pursuant to Parliamentary Committees Act, presented government response to recommendations in report.

PAPERS

Laid on table by Clerk:

Anderson's Creek Cemetery Trust — Minister's report of receipt of 2007–08 report.

Australian Centre for the Moving Image — Report, 2007–08.

Ballaarat General Cemeteries Trust — Minister's report of receipt of 2007–08 report.

Barwon Regional Waste Management Group — Minister's report of receipt of 2007–08 report.

Calder Regional Waste Management Group — Minister's report of receipt of 2007–08 report.

Calvary Health Care Bethlehem Limited — Report, 2007–08.

Central Murray Regional Waste Management Group — Minister's report of receipt of 2007–08 report.

Crown Land (Reserves) Act 1978 — Minister's Order of 18 October 2008 giving approval to the granting of a lease at Chiltern Public Park Reserve.

Desert Fringe Regional Waste Management Group — Minister's report of receipt of 2007–08 report.

Film Victoria — Report, 2007–08.

Food Safety Council — Report, 2007–08.

Gippsland Regional Waste Management Group — Minister's report of receipt of 2007–08 report.

Goulburn Valley Regional Waste Management Group — Minister's report of receipt of 2007–08 report.

Grampians Regional Waste Management Group — Minister's report of receipt of 2007–08 report.

Highlands Regional Waste Management Group — Minister's report of receipt of 2007–08 report.

International Fibre Centre — Minister's report of receipt of 2007–08 report.

Library Board of Victoria — Report, 2007–08.

Lilydale Cemeteries Trust — Report, 2007–08.

Mental Health Review Board incorporating the Psychosurgery Review Board — Minister's report of receipt of 2007–08 report.

Melbourne Recital Centre Limited — Report, 2007–08.

Mercy Public Hospitals Incorporated — Report, 2007–08 (two papers).

Mildura Regional Waste Management Group — Minister's report of receipt of 2007–08 report.

Mornington Peninsula Regional Waste Management Group — Minister's report of receipt of 2007–08 report.

Museums Board of Victoria — Report, 2007–08.

National Gallery of Victoria Trustees — Report, 2007–08.

North East Regional Waste Management Group — Minister's report of receipt of 2007–08 report.

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

Boroondara Planning Scheme — Amendment C74.

Brimbank Planning Scheme — Amendments C103, C106 (Part 1) and C114.

Darebin Planning Scheme — Amendment C61.

Greater Bendigo Planning Scheme — Amendment C94 and C107.

Greater Geelong Planning Scheme — Amendment C140.

Greater Shepparton Planning Scheme — Amendment C95.

Hume Planning Scheme — Amendment C101.

Kingston Planning Scheme — Amendment C101.

Manningham Planning Scheme — Amendment C75.

Maribymong Planning Scheme — Amendment C76.

Maroondah Planning Scheme — Amendment C64.

Mildura Planning Scheme — Amendment C38.

Moonee Valley Planning Scheme — Amendment C92.

Moreland Planning Scheme — Amendment C50.

Mornington Peninsula Planning Scheme — Amendment C96.

Strathbogie Planning Scheme — Amendment C36.

Whittlesea Planning Scheme — Amendment C20.

Wyndham Planning Scheme — Amendment C99.

South Western Regional Waste Management Group — Minister's report of receipt of 2007–08 report.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 — No. 126.

Crimes (Controlled Operations) Act 2004 — No. 127.

Estate Agents Act 1980 — No. 128.

Road Safety Act 1986 — No. 131.
 Subordinate Legislation Act 1994 — No. 124.
 Tobacco Act 1987 — No. 129.
 Transport Act 1983 — No. 130.
 Victorian Plantations Corporation Act 1993 — No. 125.

Subordinate Legislation Act 1994 —

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 125, 128, 130 and 131.

VicFleet Pty Ltd — Minister's report of receipt of 2007–08 report.

Victorian Arts Centre Trust — Report, 2007–08.

Victorian Coastal Council — Report, 2007–08.

Water Act 1989 — Upper Ovens River Water Supply Protection Area Declaration Order 2008.

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

Consumer Credit (Victoria) and Other Acts Amendment Act 2008 — Parts 5 and 6 — 31 October 2008 (*Gazette No. G44, 30 October 2008*).

Crimes (Controlled Operations) Act 2004 — Whole Act, except section 52 — 2 November 2008 (*Gazette No. G44, 30 October 2008*).

Crimes (Controlled Operations) Amendment Act 2008 — Part 2 — 30 October 2008 (*Gazette No. G44, 30 October 2008*).

Major Crime Legislation (Office of Police Integrity) Act 2004 — Part 8 — 30 October 2008 (*Gazette No. G44, 30 October 2008*).

National Parks and Crown Land (Reserves) Acts Amendment Act 2008 — Remaining provisions — 9 November 2008 (*Gazette No. G45, 6 November 2008*).

BUSINESS OF THE HOUSE

General business

Mr D. DAVIS (Southern Metropolitan) — I move, by leave:

That precedence be given to the following general business on Wednesday, 12 November 2008:

- notice of motion 3 standing in the name of Mr Rich-Phillips relating to major information and communications technology projects;
- notice of motion 48 standing in the name of Mr Barber relating to the revocation of certain provisions of amendment VC49 to the Victorian planning provisions;

- notice of motion 61 standing in the name of Mr D. Davis relating to the production of certain health documents;
- notice of motion given this day by Mr D. Davis relating to the Australian National Academy of Music; and
- notice of motion given this day by Ms Lovell relating to the Water (Commonwealth Powers) Bill 2008.

Motion agreed to.

MEMBERS STATEMENTS

Minister for Industry and Trade: conduct

Mrs PEULICH (South Eastern Metropolitan) — The shadow minister for police has written to the President and asked him to explain two simple questions in relation to his management of the circumstances relating to the police investigation into the Minister for Industry and Trade. The two questions were: firstly, when was an investigation by Victoria Police into a member of the government first brought to the attention of the President or any member of the President's staff; and secondly, when did the President or a member of the President's staff first inform a member of the government or government staff of a police investigation into the Minister for Industry and Trade? To those questions I would like to add two additional questions: thirdly, when did the President tell the Premier or a member of his staff of the investigation for the first time; and fourthly, prior to 13 October, which parliamentary colleagues did the President advise about the police investigation and when?

The answers the opposition seeks do not affect the police investigation. They refer to the appropriateness of the manner in which the President has conducted himself in relation to this matter. It is time for the President to provide a full explanation of his conduct to the Parliament to which he is accountable, and I request that the President do so before the end of this week.

Children: specialised car harness

Mr DRUM (Northern Victoria) — In August of this year I had a meeting with a constituent of mine who has a daughter who suffers from frequent and serious epileptic fits as well as a range of other problems. An occupational therapist who has assessed the daughter has advised that a normal car restraint is not appropriate and that a special five-point harness will be necessary to keep the girl in a safe situation.

Whilst living in Ballarat Ms Bartrem qualified for a funding package that was going to be able to help her pay for this child restraint. However, unforeseen

circumstances forced Ms Bartrem back to Bendigo, and there has been a delay in this funding coming through, so she came to me to see if I could speed things up. I sent a letter off to the regional manager of the Department of Human Services at Loddon Mallee. He then sent a letter off to the Minister for Health to see if he could help. The Minister for Health then referred this matter to the Minister for Community Services, Lisa Neville.

All the while my constituent has been waiting for her package to enable her to get a child restraining seat. We are now informed that the matter of funding for a specialised child restraint has been referred to a third minister, the Minister for Children and Early Childhood Development, Maxine Morand. If this little dance in avoiding responsibility does not ring alarm bells for somebody within government, then obviously it says volumes about a government that cares more about spin than it does about helping people who care for vulnerable Victorians.

Andersons Creek Primary School: space station contact

Mr LEANE (Eastern Metropolitan) — I want to congratulate the students of grades 5 and 6 at Andersons Creek Primary School, who on Monday got to speak to Commander Mike Fincke, who is aboard a National Aeronautics and Space Administration space station. I also congratulate the school principal, Des McKenzie. I spoke to him in person last Friday, and he was very excited about being able to organise this contact. I again congratulate those kids, who I am sure asked some very interesting questions of the astronaut on the space station.

Rail: Ferntree Gully station

Mr LEANE — I would also like to commend the Minister for Public Transport, Lynne Kosky, and James Merlino, the Minister for Sport, Recreation and Youth Affairs and local member for Monbulk, on the announcement that Ferntree Gully train station will be upgraded to a premium station and that the funding will be provided shortly. This will mean that the station will be staffed from first train to last train seven days a week. There will also be work to boost the amenities, including closed-circuit television cameras for safety, extra lighting and upgraded toilet facilities as well as an enclosed waiting room. I am sure the community that utilises that train station will be very happy with this announcement and with the end result, which will be seen soon.

Minister for Industry and Trade: conduct

Mr DALLA-RIVA (Eastern Metropolitan) — I rise in relation to the police investigation into the Minister for Industry and Trade. I note that the President has not answered questions put to him by the shadow minister for police. Instead he stated in the *Age* newspaper of 22 October:

It is inappropriate for Mr McIntosh to be asking the presiding officers ... to divulge matters which are confidential under the terms of the memorandum of understanding between the police and ourselves.

It is a fact that the latest memorandum of understanding (MOU) between Parliament and Victoria Police was signed on 24 July 2007 between the President and the Chief Commissioner of Police, Christine Nixon. It is also a fact that contrary to public statements, this MOU contains absolutely nothing in relation to confidentiality, nor does it prevent the commissioner or the President from openly answering any questions regarding this matter.

The Premier on two occasions publicly identified only the presiding officers of Parliament as having advance knowledge of the police investigation into Mr Theophanous. What is happening here is that the Premier does not want to answer questions about when and what he knew, so he is hiding behind the President. The President, however, is claiming confidentiality under the MOU, but the fact is that the MOU has no confidentiality provisions at all. Accordingly I ask that the President provide a full and frank explanation to the chamber in relation to this matter.

Minister for Agriculture: comments

Mr HALL (Eastern Victoria) — I was called by Peter Hunt of the *Weekly Times* this morning and was quoted lines from a government press release headed 'Coalition collude with Greens to put farmers and motorists at risk'. I was left flabbergasted by the fact that government ministers would engage in what is an absolute and disgraceful distortion of the truth. The press release issued by the government refers to a motion scheduled by the Greens for debate in this chamber tomorrow and without an ounce of shame says that motion is being supported by the Liberals and The Nationals.

Despite the fact that the debate is not until tomorrow, I want to state categorically in this Parliament that the opposition — the Liberals and The Nationals — will not be agreeing with and supporting the motion to be moved by the Greens tomorrow. The inept agriculture minister is quoted in the press release as stating:

A disallowance motion from the Greens on native vegetation exemptions with the support of the Liberals and Nationals is an attack on Victoria's farmers.

I want again to state very clearly that we have a proud record in the coalition of actually standing by farmers and country communities — something this government still has not learnt to do. Further, the Liberals and The Nationals differ from the government in that we believe any member from any party has the absolute right to raise matters for discussion in this chamber. The bare-faced hypocrisy from this government has reached a new level. Members of the government claim to be great advocates for democracy while in reality they try to gag all of those who dare to express a different view. They stand condemned.

Automotive industry: government support

Ms TIERNEY (Western Victoria) — Australia is one of only 15 countries in the world where vehicles are manufactured. Vehicle manufacturing is important to general industry, the Australian economy, employment, skill levels and innovation. Yesterday I was at the Automotive Centre of Excellence when the Prime Minister announced A New Car Plan for a Greener Future. The plan defends all of the above, but it also provides a new direction that embraces environmental challenges whilst at the same time creating jobs. The \$6.2 billion plan will protect the capacity of the industry. It is a bold plan that is about transforming the industry. It is a timely announcement that provides a path through what has been — and has been experienced by many as — a most difficult time for the car industry. It is a most welcome announcement, and I will make every effort to see that Ford Geelong and Geelong manufacturing generally take up the challenge and are part of the solution and part of the plan.

The Labor government and the Labor Party know the importance of car and car component manufacturing and are proud and keen to defend it and act to put it on a proper footing for the future. I thank former Victorian Premier Steve Bracks for all the work he and his team undertook with the Bracks automotive inquiry, and I take this opportunity to thank and congratulate Senator Kim Carr and Prime Minister Kevin Rudd for their timely, bold and decisive plan, which gives us all a vehicle-manufacturing industry in this country into the future.

Minister for Agriculture and Minister for Roads and Ports: comments

Mr GUY (Northern Metropolitan) — Members may be aware that when the Greens moved a motion of

disallowance on the Whitten Oval redevelopment the Minister for Planning headed off to what he hoped would be a career-saving press conference to claim the coalition was backing the stopping of development at this site. He was wrong.

This morning I am aware of yet another piece of work by two other well-known underperforming Labor ministers who are also looking for that career-saving media opportunity — ministers Helper and Pallas. They are claiming that with the Greens moving yet another disallowance motion, this time in relation to native vegetation removal, the coalition is automatically supporting it as well. Once again, as Mr Hall said, Labor is wrong.

But it is not the continual lies, the misleading behaviour or the deception from Labor that is concerning, and it is not the fact that we have a government so out of touch with society that it trots out such rot on a regular basis — it is the fact that Labor clearly hates democracy. In this parliamentary term Labor has tried to shut up councils, it has tried to silence council candidates, bully public servants, intimidate the Parliament and starve committees of funds, but it has now stooped to a new low. Casting aside the concerns its members once had for freedom of speech, which peppered their 'Integrity in public life' document and the 'Restoring democracy' brief authored by John Brumby, Labor now wants members of Parliament to move motions that suit the Labor Party and only the Labor Party.

I say to Labor that there is one defining difference between us and them — members of the coalition may not support every motion that appears in this chamber, but unlike Labor we defend the right to free speech and the right of all people to express their views.

Honourable members interjecting.

Mr Leane — You are idiots; that is the difference!

The PRESIDENT — Order! Mr Leane might like to expand on that for me. I just heard something about 'idiot'.

Mr Leane — If that is what I said, I will withdraw, President.

The PRESIDENT — Order! 'If'?

Mr Leane — If my memory serves me correctly, it may have been around that area.

Remembrance Day

Ms PENNICUIK (Southern Metropolitan) — On this 90th anniversary of the end of World War I my Greens colleagues and I join with millions of Australians to remember the men, women and children killed and maimed in war and those who have railed at the brutality and futility of war.

From a population of 5 million, some 300 000 Australians participated in World War I. More than 60 000 died, and 156 000 were wounded or taken prisoner. I still find these figures difficult to take in. As is so for most people in this place, WWI touched my family. Both my grandfathers went to war — Ronald Pennicuiik to Gallipoli and the Western Front, and Walter Edward Reid to France and Belgium. My great-uncle, Alfred John Wilson, was killed in France in April 1918, aged 20. I am told his brother, Rupert George, never recovered from it.

On this day two years ago, just before his health began to fail him, my father, John Pennicuiik, a WWII veteran, was interviewed at the Shrine of Remembrance by the ABC's *Stateline*. He said, 'I cannot understand war. I cannot see the reason. There must be some other way. Think of all those fellows who cannot come home, all the fellows we buried at sea. I remember one afternoon we buried 39 blokes off the *Australia* in one afternoon. We had five kamikazes in one day. What did war ever prove? It does not prove that Jerry is a better fighter than the Aussie or the Japanese or whatever. It does not prove that at all. It proves nothing except that perhaps we are not all as bright as we think we are. I hope there is not a war in their time'. He was referring to the young people at the shrine that day.

Many regional MPs would have missed local Remembrance Day services today due to having to be in Melbourne for Parliament. I think Parliament should not sit on Remembrance Day, just as it does not sit on Anzac Day.

Libraries: Doncaster

Mr TEE (Eastern Metropolitan) — Many predicted that the computer and then the internet would be the death of the local library and that the printed book would become obsolete, but libraries have continued to thrive because they serve a greater purpose. They are an important social and educational focal point for local communities. They provide access to the internet and a range of events that encourage children to be inspired by the wonderful world of books. They promote a lifetime of great reading habits and make learning

easier for children. For many, particularly the elderly, the library is an important part of the local community.

I am pleased the Brumby Labor government has decided to allocate some \$500 000 to a new library in Doncaster. This funding is part of the government's Living Libraries renewal program, which has made \$31.5 million available for the renewal of public library infrastructure. This money, together with \$7 million from the Manningham City Council, will see a new, state-of-the-art library being built.

The library is part of the Doncaster precinct, which means it will sit in the civic, cultural and community heart of Manningham. The new library will mean that Manningham will have a central place for people to meet and to access technology, information, books and other reading materials. I congratulate the government for its efforts.

Old Macaroni Factory: 150th anniversary

Mr VOGELS (Western Victoria) — Next year marks the 150th anniversary of the Old Macaroni Factory in Hepburn Springs. Under the auspices of the Melbourne Italian Festival, Maria Viola, the owner of the macaroni factory, and members of committees and groups from Hepburn Springs, an application has been made for a grant from the Victorian Multicultural Commission to help celebrate this milestone and publish a booklet to reflect the heritage surrounding this icon.

The macaroni factory in Hepburn Springs is Australia's oldest Italian-style building. It was constructed in 1859 by the Lucini family, who were Australia's first pasta manufacturers. The objective of the celebrations is to focus on bringing the families of the original settlers, along with history lovers and the curious, back to the picturesque village to celebrate and reflect on the gold prospecting that brought so many Italians to the region, on the finding of mineral water and on the establishment of the first macaroni factory in country Australia.

There will be many benefits of granting funding towards this 150-year milestone. In the social context it will celebrate a national heritage site of Victoria that forms part of the Italian culture and identity. The economic benefits will be that the celebration will act as an attractor in its own right and as an add-on to the spa country dining and cultural tourism for the region. This project is clearly aligned with the objectives of the Victorian government's multicultural policy, and I therefore ask that Maria Viola's application for funding be supported by this house and the Victorian Multicultural Commission.

Barack Obama

Mr PAKULA (Western Metropolitan) — I know that it is uncommon to remark on international political events in a members statement, but I could not allow this week to pass without referring to the momentous decision made by the American people last week when they elected Barack Obama as their 44th President.

Watching an American election campaign can be both frustrating and uplifting. Frustrating because, to my ear, hearing a mildly redistributive tax policy denounced as socialist sounds bizarre. And I really do not know what is meant when I hear rural America feted as ‘the real America’. But the campaign was uplifting too, and not just because of Obama’s remarkable speeches. In a time of global turmoil this election led to a renewal in the political engagement of young people and previously disenfranchised minorities and unprecedented interest around the world.

It is not hard to see why. A mere seven years after 9/11 a 47-year-old black man, born in Hawaii to a Kenyan father, schooled in Indonesia, with Hussein as his middle name, was on the verge of taking on the most powerful elected office in the world. That he won is a stunning tribute to the capacity of the US political system to self-correct and of the nation’s ability to constantly reinvent itself. I believe most global democracies are hungry for real American leadership and renewed global engagement. I think all of us hope Barack Obama is truly the man that the times demand.

Remembrance Day

Mrs COOTE (Southern Metropolitan) — On this Remembrance Day it is salutary to remember all Australians lost to this wonderful country. Six years ago in Bali 83 precious Australians lost their lives, and hopefully the events of this week in Indonesia will enable their families and friends to have some sense of closure. Ninety years ago some 60 000 young Australians lost their lives fighting for a better life for us all. In today’s terms that would have amounted to 250 000 young Australians. The effect of those deaths was profound then and resonates with us today as we commemorate their lives.

As I watched today’s ceremony at the Shrine of Remembrance, sitting in the sun, surrounded by people of all ages, beside Sue Pennicuik, my colleague from a different political party, looking at our impressive city, watching the Royal Australian Air Force flying overhead and seeing the young cadets and students, I was moved by the words of our national anthem:

Australians let us all rejoice,
For we are young and free ...

We are free because of the sacrifice of some 60 000 young Australians 90 years ago. We thank them and say, ‘Lest we forget’.

Natimuk: community calendar

Ms PULFORD (Western Victoria) — Over the weekend Ballarat hosted its annual agricultural society show. Amongst the many stallholders in attendance were Judith Bysouth and Robert Rogers from the Natimuk Agricultural and Pastoral Society selling their community calendar. Natimuk is a small rural community situated at the base of Mount Arapiles in western Victoria. It is a rural community that has been hit hard by the drought, with the Natimuk Lake all but dry. In the face of the challenge that the drought has posed to this rural town, it would appear that Natimuk’s residents have not lost their sense of humour. The calendar is advertised as a celebration of the human form — nude but not rude.

Whilst nude calendars are not new, what sets this one apart from the others is its diversity of participants: farmers, three doctors, footballers, netballers and even a prize-winning show dog, to name a few. There must have been many people wanting to participate, because the calendar spans 18 months. Not only does it provide a good laugh, it is excellent value for money. The calendar is available from Readings, and I would encourage everyone to support the Natimuk community. The proceeds of the sale of the calendar will be divided between the Natimuk Football Club, the Natimuk Netball Club and the Natimuk Agricultural and Pastoral Society. I congratulate Judith, Robert and all the other stars of the Natimuk calendar for their courage, sense of fun and sense of community.

Remembrance Day

Mrs KRONBERG (Eastern Metropolitan) — Today we solemnly commemorate the 90th anniversary of the armistice — the 11th day of the 11th month of 1918, when the guns fell silent on the Western Front. This marked the end of World War I. For Australia World War I was our most costly war in terms of deaths and casualties. In 1914 early post-colonial Australia had a population of less than 5 million. But remarkably 416 809 Australian men enlisted to fight in the conflict. As a nation our pain was measured by the 60 000 who were killed and the 156 000 who were wounded, gassed or taken prisoner.

After World War II Armistice Day was renamed Remembrance Day to commemorate people killed

during both world wars. Today as Australians we remember those who fought and died for our country in war and armed conflicts. We remember those who are still suffering from the agony of war, both physically and emotionally. We remember our servicemen and women of the First World War, the Second World War, the Korean War, the Vietnam War, the first Gulf War and other conflicts.

The courage, fortitude, skill and collective will of Australian fighting men and women may one day be matched, but will never be surpassed. We humbly give thanks for their service and pray for their wellbeing. Today we also give thanks for the participation of our service men and women currently in harm's way in East Timor, Iraq and Afghanistan and in peacekeeping roles around the globe. We pray for their safe return.

Kilmore and Pyalong: life-saving equipment

Mrs PETROVICH (Northern Victoria) — I rise to speak today on the wonderful community spirit that is alive and well in country Victoria — and thank goodness it is. In particular I want to mention the achievements of two communities who have rallied together to purchase vital pieces of life-saving equipment.

The Kilmore ambulance auxiliary had to launch a fundraising appeal to purchase a mechanical ventilator to help paramedics treat critically ill patients. The roads between Broadford, Kilmore and Wallan have seen more than their share of road accidents, so I know this mechanical ventilator will improve the care paramedics can give to critically injured patients as they are transported to major trauma hospitals in Melbourne.

In just over a week the community has pledged over \$1000, and now a wonderful lady, Bev Carman, has stepped in and offered to fund an additional \$7000 from her community war chest, Can Do More, which she first established to help cancer victims and, thanks to the generosity of the community, can now widen her net to help other much-needed community projects.

Just down the road in Pyalong the small community, led by another great community leader, Moira Waye, rallied together to raise funds for the purchase of a defibrillator to be used for heart attack victims who are too far away for medical care. She also organised the training of 23 volunteers and the necessary safety equipment.

This life-saving work is happening throughout country Victoria on a daily basis, and it is thanks to these volunteers that many lives are saved and no thanks to

the miserable Brumby government that has units on order but will not put its money where its mouth is. It is a sad indictment on the state of Victoria's regional health system that the provision of essential services and equipment, such as these examples, have been left to the goodwill of these local communities.

HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL

Second reading

Debate resumed from 30 October; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Mr D. DAVIS (Southern Metropolitan) — I am pleased to make a contribution to the Health Professions Registration Amendment Bill 2008, and in doing so indicate that the opposition will not oppose the bill.

The bill seeks to amend the Health Professions Registration Act 2005 in relation to a number of procedural matters, such as fees, registration, transitional provisions and other matters, including issues surrounding the growth of pharmacy ownership for friendly society type companies and ensuring that growth is limited and managed.

In 2005 the passing of the original act saw the coalescing of the separate health profession registration acts under the one act; the 12 registered professions were brought together — that is, medical practitioners, nurses, pharmacists, dental care providers, chiropractors, osteopaths, optometrists, podiatrists, Chinese medicine practitioners, psychologists, medical radiation practitioners and physiotherapists. I make the point that at the time the Liberal Party opposed that legislation because of the lack of support from almost all of those professions to the changes and also the lack of progress on a national approach that the then minister was pushing strongly forward. A number of those concerns still remain.

The opposition does not take exception to many aspects of this bill, and for that reason will not oppose the bill. However, the opposition places on record its concern about the implementation of any national approach. I make the point that there has been much delay with a national approach, which was foreshadowed by the opposition at the time of the original legislation.

National approaches can deliver some benefits in terms of the ability of people to move between jurisdictions and the simplicity of applications for registration in

different states, and those aspects are to be commended. Equally, the question of professional standards for health professions is important, and any diminution of those standards would concern most Victorians.

When the 2005 act was passed it was indicated that the Queensland bill that was being mooted at the time would become a standard or a national template. If members want to read my speech, they will see I had a number of concerns about that approach. I do not think the Queensland health care registration system is a model or a standard that we should necessarily aspire to.

At the time when the original bill was passed the issues surrounding Dr Patel in Queensland were significant. I note that those matters still continue. The idea that simply having a national approach is necessarily better is always one to be examined closely, because the question comes around as to what standard you are talking about, in what professions and how those standards are to be applied. If there were any reduction in standards, then Victorians, who have generally had a high standard of health-care regulation, would be concerned. With those caveats I make the point that there is much in this bill of a minor but not insignificant nature.

The original act was introduced in July 2007. The Council of Australian Governments intergovernmental agreement to establish national registration had preceded that, and it was finally signed on 26 March 2008 by federal, state and territory governments. A commitment has now been made to have the national scheme operational by 1 July 2010.

Again I put on record not opposition but wary concern about these national approaches that are rushed. If there is any indication of excessive haste with matters that might not be attended to as firmly and freely as they should be, then many in the community would be cautiously concerned. In a sense these national approaches will depend on how they proceed and how the standards and arrangements are to be implemented.

There are other aspects dealt with in the bill. When the Pharmacy Practice Bill was passed in November 2004 it introduced fundamental changes to ownership and operation of pharmacies in Victoria. It lifted the number of pharmacies that a community pharmacist could own from the then capped number of three to five, as well as strengthening the unprofessional conduct provisions in the act.

It should be noted that the number of pharmacies is controlled through federal legislation via approval from the pharmaceutical benefits scheme, so in a sense the

state layer of regulation is exactly that: an additional layer controlling the number of pharmacies. But the standards of practice for pharmacists are set by the Victorian board.

The Pharmacy Practice Bill capped at six the number of pharmacies that a friendly society could own. If before the date of royal assent for the bill a friendly society owned less than six pharmacies, it would be able to acquire ownership of up to six in the ensuing four years. If before the assent date a friendly society owned more than six pharmacies, it would be able to increase ownership by up to 30 per cent in the following four years. Where there was an amalgamation of two friendly societies after the date of royal assent, the following examples would apply: if one of the amalgamating societies owned four pharmacies, it would be able to increase that number to six; if another amalgamating society owned 10 pharmacies, it would be able to increase that number by 30 per cent to 14. There was a sunset of the provisions in the bill of four years from the date of assent, which is why, in part, this legislation is before the chamber today.

This bill provides for a number of amendments to the Health Professions Registration Act. Firstly, it amends the act to give the government explicit fee-charging powers in relation to examinations of international practitioners applying for registration, and for accreditation of tertiary courses required to establish eligibility for registration of graduates. Without such an amendment, these fees would not remain GST-free.

Secondly, under the repealed Medical Practice Act 1994 a grant of provisional registration existed to allow interns on graduation to be registered for the 15-month period from their December graduation to the March 15 months on. The Psychologists Registration Board of Victoria has a two-year provisional registration pathway to general registration, and that is understandable given its training arrangements. Clause 5 amends section 9(4) of the act to increase the flexibility of those provisional registration arrangements.

Thirdly, the bill addresses an omission of the act which prevents the Nurses Board of Victoria from granting the renewal of registration to direct-entry midwives who do not have a general nursing qualification.

Fourthly, clause 8 will amend section 130 of the act to allow boards to use alternative methods of communication, such as videoconferencing or teleconferencing, in relation to suspending a health practitioner where there is a serious risk to public health and safety. Again, this is a sensible provision.

Fifthly, this bill deals with the sunset clause restricting the ownership of pharmacies. I have said something about the background of that issue. This bill extends the pharmacy ownership restrictions for friendly societies so that they may grow by a further 30 per cent from 17 November 2008, but then they will be permanently capped.

As I said, the provisions in the bill are mostly things that we do not take exception to, but I think that the community is entitled to keep a careful watching brief on the processes surrounding registration at a national level, and in particular its implementation. There is considerable concern among many of the health-care professional groups about how this legislation will apply. The key fact that needs to be kept in mind by the state and federal authorities as this process is worked through is the assurance of quality and the guarantee of public safety.

Ms HARTLAND (Western Metropolitan) — As the previous speaker has gone into some technical detail on this bill, I will not repeat what has been said. For the Greens this is a straightforward process bill, and we will be supporting it.

Ms PULFORD (Western Victoria) — I will also make a few brief comments on the Health Professions Registration Amendment Bill. This bill seeks to make some minor amendments to the Health Professions Registration Act to provide for its continuing smooth operation. It also seeks to extend the growth caps for pharmacy ownership by friendly societies to provide for controlled and minimal growth for those organisations.

The main purpose of the Health Professions Registration Act is to protect the public by providing for the registration of health practitioners and to provide for a common system of investigations into the professional conduct, performance and ability to practise of registered medical practitioners. The act provides the legislative framework for 12 registration boards, including the Medical Practitioners Board of Victoria and the Nurses Board of Victoria. It also provides for the regulation of their respective professions to ensure the best protection for the public.

The Health Professions Registration Act came into operation in July 2007. Since that time the Council of Australian Governments (COAG) has agreed to establish a national registration and accreditation scheme for health professionals. It agreed to this course of action in March this year and seeks to have that new national scheme operational by July 2010. The early stages of the implementation of this scheme are progressing. It is the intention of the parties, having

agreed to this course at COAG, that draft legislation will be developed to facilitate the harmonisation of the registration of these boards in the next few years. Of course it is essential that this act is kept up to date and continues to be responsive so that all health professions are regulated in a way that is contemporary to their needs.

I will comment on some of the details in the bill. As Mr David Davis indicated in his contribution, the bill seeks to change the status of examination fees for health practitioners to make them GST free. The bill also seeks to provide that a health board may specify a period of up to 24 months of provisional registration instead of the current 12 months.

I note that the Victorian branch of the Australian Medical Association has particularly welcomed this proposal to extend provisional registration to up to 24 months. In its comments on the bill the AMA states:

Currently, interns must re-register part way through their intern year; the amendment will remove this requirement and remove red tape for interns.

That is an important feature of the bill.

The bill seeks to modernise the Health Professions Registration Act and enable a health board to use alternative methods of communication for board meetings — for example, videoconferencing or teleconferencing. This is not currently provided for by the act, but we believe it is important that boards have the capacity to quickly assemble and make decisions in circumstances where there is a serious risk to health and safety and the suspension of a health practitioner may be warranted. As a member representing a large rural electorate I often talk to people in different organisations who warmly embrace new technology that enables meetings to take place between those who are often many miles apart. I welcome this change, because it will make it more possible for boards to take timely action in serious circumstances such as those I suggested earlier.

The bill seeks to amend the act in relation to procedural matters for fees, registration and transitional provisions. It will facilitate, expand and clarify procedures and powers in respect of those matters.

The second feature of the bill is the way in which it relates to friendly societies. It provides for caps on the growth of pharmacy ownership. Under the Health Professions Registration Act friendly society type organisations and pharmacist-owned companies can own pharmacies in Victoria, but there are caps on the number of pharmacies they can own. The growth cap

on friendly societies was originally imposed, as Mr David Davis indicated, some four years ago, and it is due to sunset later this month. In 2004 the government made a commitment to review the growth cap on friendly society pharmacy ownership; this has now been considered, and the response is captured in the bill.

Currently the act provides that friendly societies can own up to six pharmacies and that friendly societies that owned more than six pharmacies prior to November 2004 may grow by 30 per cent over four years. The act limits to five the number of pharmacies a pharmacist or pharmacist-owned company may own. This bill provides for controlled growth for friendly societies, in particular for those that own six or more pharmacy businesses, and it proposes that the growth cap will be ongoing. In this respect the government has committed to providing an opportunity for parties affected by the changes to comment on the appropriateness of these regulatory arrangements, should one of the friendly society type companies reach its growth limit of 30 per cent.

These are important changes to an important piece of legislation. It is essential that our health professions — a dozen in all — and the way in which health professionals are regulated are supported by robust and modern legislation. The legislation is important, as is the work that the Council of Australian Governments (COAG) is undertaking to bring some consistency to health profession regulation throughout the commonwealth. I commend the bill to the house.

Ms DARVENIZA (Northern Victoria) — I am pleased to rise and speak on the Health Professions Registration Amendment Bill 2008. In a previous life, before I was involved in politics, I was fortunate enough to sit on one of the registration boards — the nursing registration board, as it was then. In those days people were elected to the board from the field of nursing. Before getting involved in politics, I worked as a nurse for many years.

Mrs Peulich — You would have been dangerous!

Ms DARVENIZA — I was a very good nurse, and I enjoyed nursing very much. I started nursing when I was quite young. I grew up in the country and like many women my age the options that were available were basically nursing or teaching. In my family we had a good mixture of both. Many went into teaching, but many also took up nursing. I followed in the footsteps of many of the women in my family and many of those in previous generations and went into

nursing. I started my nursing in the country, where I grew up — in Shepparton.

Mrs Peulich — With a very large thermometer!

Ms DARVENIZA — I did have cause to use thermometers on a number of occasions, Mrs Peulich, and I had a very nice nurse's watch, which I still have today. As I said, I took up nursing originally in the country, in Shepparton, where I grew up and went to school and where I now live. I worked for some time as a prospective student before I came down to Melbourne to do my training. I worked in many fields of nursing, but psychiatric nursing was my field of specialty. I enjoyed nursing very much, and I saw many changes in the field of mental health nursing while I was a nurse and while I was involved in the Health Services Union, representing nurses and other workers in the fields of not only mental health but intellectual disability, general nursing, general health, community health and dental health. So I am very familiar with the structures of our health system and our health registration bodies and their importance in the regulatory work within our health system and for the health professional bodies. We now have many health registration boards.

As I said, I was very pleased to serve on what was then the nurses board for many years and to be elected by nurses to the nurses registration board to represent them. I cannot remember exactly how many elected positions we had, but as time moved on changes were made to that regulatory board and the elected positions ceased to exist. Times do move on and change, and this bill represents further changes that are being made to the Health Professions Registration Act, and I am pleased to say a few words in support of it.

The bill has been through extensive consultation. A number of these amendments are in response to issues that have been identified by the 12 health practitioner registration boards that operate under the principal act. The Australian Taxation Office was also consulted with regard to the fee-charging powers of boards in relation to fees being GST free. The decision in respect of the continued growth cap on pharmacy ownerships for friendly society type companies followed extensive review and consultation by the Department of Human Services, and all government departments were also consulted.

My parliamentary colleague Jaala Pulford has already gone through the amendments in the bill in some detail, so I will just deal with them briefly. There will be amendments to a number of sections of the principal act and a new section 5(1B) will be inserted to give specific powers to health practitioner registration boards to

charge applicants for registration a fee to sit an examination for registration purposes and to charge educational institutions a fee for accreditation of educational courses so that such fees already charged by boards may continue to be GST free. This also covers approval of part of a course of study.

Other amendments provide that boards may specify a period of up to 24 months of provisional registration rather than 12 months. Provisions in the bill will also mean a person registered under section 7(2) of the principal act, which applies to midwifery, may apply for a renewal of their registration rather than having to apply afresh each year. There are a number of other amendments which, as I said, the previous government speaker went through.

In conclusion, the proposed amendments ensure that the act remains up to date and responsive to the emerging challenges for boards in the lead-up to the implementation of the national scheme for main health professions by 1 July 2010. The bill also extends the period of pharmacy ownership restrictions for friendly society type companies under section 174 of the principal act.

This is a good bill, which comes into the house following extensive consultation with registration boards that are supportive of the changes being made to the act. I commend the bill to the house.

Motion agreed to.

Read second time; by leave proceeded to third reading.

Third reading

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

That the bill be now read a third time.

In doing so I thank members of the chamber for their contributions.

Motion agreed to.

Read third time.

WATER (COMMONWEALTH POWERS) BILL

Second reading

Debate resumed from 29 October; motion of Mr LENDERS (Treasurer).

Ms LOVELL (Northern Victoria) — In standing to speak on the Water (Commonwealth Powers) Bill 2008 I indicate at the outset that the Liberal-Nationals coalition will not be opposing this legislation. However, we will be moving to refer it to the Legislation Committee for further scrutiny.

The purpose of the bill is to give effect to the intergovernmental agreement on Murray-Darling Basin reform of 3 July 2008. In order for this to take place, Victoria and the other basin states — New South Wales, Queensland, South Australia and the Australian Capital Territory — must all introduce bills to refer various state powers relating to the Murray-Darling Basin and other water management to the commonwealth. The referral of these powers requires the amendment of the commonwealth Water Act 2007, which will take effect through the commonwealth Water Amendment Bill and also give effect to the Murray-Darling Basin reforms.

The commonwealth Water Amendment Bill 2008 was tabled in the South Australian Parliament. It will only be tabled in that one Parliament due to an agreement that it had to be tabled in only one house of the basin states. The part of that bill that is relevant to the ongoing management of the Murray-Darling Basin is schedule 1, and the commonwealth legislation stipulates that schedule 1 can be amended by unanimous agreement of the Murray-Darling Basin Ministerial Council without legislation having to be passed by the relevant parliaments that are party to the agreement.

The Murray-Darling Basin is an important part of Victoria, and Victoria is also important to the Murray-Darling Basin. I would like to talk about the part of the Murray-Darling Basin which is in my electorate of Northern Victoria Region. Two of northern Victoria's catchment management authority (CMA) areas provide about 49 per cent of all inflows into the Murray-Darling Basin, so northern Victoria is a very important part of the Murray-Darling Basin. Those inflows are provided from an area that is only about 4 per cent of the geographic area of the Murray-Darling Basin, but within that 4 per cent, 49 per cent of those inflows are captured.

The North East CMA's website notes that the area's geographic size is about 2 per cent of the Murray–Darling Basin, but the region provides 38 per cent of the total water in the Murray–Darling Basin. The Goulburn-Broken Catchment Management Authority also has an area of about 2 per cent of the Murray–Darling Basin and provides about 11 per cent of the water. Forty nine per cent of the water from only 4 per cent of that geographic area is quite significant.

Both of these areas are very important to our state's economy. They are areas of highly productive agriculture and horticulture. On its website the North East Catchment Management Authority includes dairy, beef, lamb, wool, cropping and horticulture, forest products and tourism as making a contribution to Victoria's economy of around \$3.24 billion, and the Goulburn-Broken catchment area includes the very productive Shepparton irrigation region — well known for its dairy production and horticultural industry, with most of the fruit being grown in the Goulburn Valley. It is also known for its wool, timber and tourism, and its economic output is about \$4.5 billion. These two catchment management authorities cover an \$8 billion regional economy that is vitally important to Victoria, as is its contribution to the Murray–Darling Basin. They are vital not only to our local markets but also to international trade, as the dairy industry is the largest exporter from the port of Melbourne.

When looking at the history of the Murray–Darling Basin and the way it has been managed, it is important to note that Victoria has led the way in the management of water resources in Australia, due to the good work done by Alfred Deakin in setting up water policy in this state very early on — and that good work continued. Before Federation, the Murray–Darling Basin was a very difficult area to manage, because at the time each of the states was a colony and there was friction between those colonies. The Murray River was also a major means of transport, and with the first diversions of water from the Murray for irrigation in the 1880s conflict developed between those concerned over the use of the river for navigation. We know that ultimately the use of the river was a catalyst for Federation, and we can see that the Murray–Darling Basin has played an important part in the history of Australia.

One of the first discussions about managing the Murray–Darling Basin took place in 1863 at a conference that was held in Melbourne with representatives from New South Wales, Victoria and South Australia, where putting locks on the river to improve its navigability was considered. Although nothing resulted from that conference, at least all of its participants were in agreement. Many other

conferences were held over the following 40 years, but little progress was made — largely due to the prevailing parochialism of the three colonies at the time.

The severe drought from 1895 to 1902 largely brought the colonies — later the states — together. A non-government-organised conference in Corowa in 1902 provided the catalyst that eventually resulted in a workable agreement between the states; however, it was not until 1915 that the River Murray Waters Agreement was signed by the governments of Australia, New South Wales, Victoria and South Australia. It took a further two years to establish the River Murray Commission, which had the task of putting the River Murray Waters Agreement into effect. This agreement was a pioneering document that was ahead of its time, as was the River Murray Commission. Its prime task was the regulation of the main stream of the Murray to ensure that each of the three riparian states, especially South Australia, received its agreed share of the Murray's water.

Over the 70 years that it was in operation various amendments were made to the River Murray Waters Agreement, reflecting shifts in community values and changes in economic conditions. The powers of the River Murray Commission were gradually extended, by both the amendment and informal practice, but its prime concern remained water quantity. The Hume and Dartmouth dams were built, as were 13 locks and weirs between Blanchetown and Torrumbarry, the Lake Victoria storage, the Maude and Redbank weirs on the Murrumbidgee and the barrages at the Murray mouth.

In the late 1960s the River Murray Commission conducted salinity investigations in the Murray Valley, and this initiative ultimately led to further amendment to the River Murray Waters Agreement in 1982 and the broadening of the commission's role to take account of water quality issues and its water management responsibilities. In spite of the changes made to the River Murray Waters Agreement in the early 1980s, it was recognised that the River Murray Waters Agreement and the River Murray Commission were increasingly unable to meet the needs of the basin's management and its growing resource and environmental problems.

These mounting pressures came to a head in October 1985 when a meeting was held in Adelaide of ministers responsible for land, water and other environmental resources from the governments of New South Wales, Victoria, South Australia and the commonwealth. The meeting was followed by two years of intensive meetings and negotiations by politicians and bureaucrats from the four governments, and the

outcome was the Murray-Darling Basin agreement — signed in 1987. The Murray-Darling Basin agreement established the Murray-Darling Basin Commission in 1988 to implement that 1987 agreement. Queensland joined the Murray-Darling Basin initiative in 1992, and this legislation is the next stage in the management of the Murray-Darling Basin.

The first plan for a national response to the issue of the Murray-Darling Basin was put forward by the Howard government in January 2007, and the legislation before us largely embraces the principles of the Howard plan. The state Labor government's position at the time of John Howard announcing his plan was not to look at the benefits that that plan might provide to the Murray-Darling Basin or indeed to investment in infrastructure in Victoria. The state Labor government's response was to use the issue as a political football for its own political gain. Looking back, my guess is that the state government already had the plan in mind to take water from the Murray-Darling Basin, and government members knew that if they signed up to John Howard's plan their own plan would be put at risk.

Shortly after John Howard announced his plan in January 2007 — in fact only days afterwards — the food bowl group announced a plan it said it had put forward to the Brumby government, which was to have investment in irrigation infrastructure in northern Victoria in return for 75 gigalitres of water to be piped out of the Murray-Darling Basin to Melbourne. This plan has not been welcomed by the people of northern Victoria. On hearing of this plan I immediately asked for a briefing from the group that was saying it had put forward that plan. I was given that briefing in March 2007. At the briefing the food bowl group apologised to me for not having briefed me earlier, but its members also admitted they were not ready to release the plan but the Howard strategy had forced them to release it before they were ready to do so.

I then asked them to brief the Liberal Party on their proposal, and it took until 6 June to arrange a time with them when they were able to brief the Liberal Party. In the meantime we were already hearing leaks from the department that the Brumby government was about to announce its plan for the north-south pipeline. I think there is a distinct pattern there showing that members of this group were talking to the government long before they said they were doing so. In fact I was told during the election campaign in 2006 that a group of people was talking with the government about this proposal, yet the government went to the election with a commitment that it would not pipe water from north of the Divide to the south.

As I said, the community has not received this plan well. People are enraged about the plan to remove water from the Murray-Darling Basin and pipe it to Melbourne. Indeed at the time it was announced — in fact on Saturday, 10 March — the *Age* carried a story about this proposal. Comments in the article were attributed to Don Cummins, the then chairman of Goulburn-Murray Water. Mr Cummins noted that Goulburn-Murray Water's customers were very concerned that this would take away the incentive for Melbourne water authorities to clean up their own act. I think that is right; there is no incentive for Melbourne authorities to invest in their own infrastructure or new infrastructure within their own catchments when they could pipe water from north of the Divide.

In the article Mr Cummins is quoted as having said:

... once you start water flowing in that manner, jobs and farmers go with it — it is immoral to move water vast distances. (And) it's never going to come back.

Politicians are considering this now because Melbourne is running out of water, and Melbourne takes what Melbourne wants,' he said.

They were Don Cummins's comments at the beginning of this project, and they are absolutely correct. It is immoral to remove this water from the Murray-Darling Basin and to pipe it to Melbourne. We all agree with investing to modernise irrigation infrastructure in northern Victoria, but that water should remain within the Murray-Darling Basin to ensure that environmental water flows are available and to ensure security of water for those who are reliant upon the Goulburn and Murray systems for their water.

The Mansfield branch of the ALP has also condemned proposals by the Victorian government to construct the north-south pipeline and to take water from the Goulburn and Murray systems for Melbourne. The branch has sent letters to the federal Minister for Climate Change and Water, Penny Wong, and to the Victorian Premier expressing its members' strong opposition to this flawed plan.

I think we should look at the cost of this plan to Victoria. Under the Howard government's plan some \$6 billion of the almost \$11 billion was set aside for off-farm water-saving projects. At that time we had detailed discussions with the federal government about how much of that money would come to Victoria. Of course the federal government was unable to give a definitive answer because the funding was project based and would depend on what projects the Victorian government put forward. Nevertheless, the federal water minister at that time, Malcolm Turnbull, acknowledged that Victoria had the largest, oldest and most dilapidated

infrastructure within the Murray–Darling Basin. He acknowledged that the majority of that money would have been spent in Victoria, and from those discussions we believe the level of funding would have been somewhere between \$2 billion and \$3 billion.

At that time Malcolm Turnbull wrote to Peter Walsh, the member for Swan Hill in the other place:

If the Victorian government were to come on board with the national plan for water security by referring powers for water management in the basin, the large size and the age of irrigation infrastructure in the Goulburn–Murray system will inevitably attract significant investment from the Australian government.

John Brumby did not sign up to that plan at the time. He delayed signing up to that plan until he could get his plans through to build the north–south pipeline and to remove 75 gigalitres of water from the Goulburn–Murray system and pipe it to Melbourne. He then did a deal with the new federal Rudd government to get up to — I repeat the words ‘up to’ — \$1 billion worth of investment in infrastructure in the Goulburn–Murray system. That means we were going to get somewhere between \$2 billion and \$3 billion under the Howard plan and were only going to get ‘up to’ \$1 billion — maybe not even that — from the Rudd federal government, so we were already about \$1.5 billion out of pocket in federal funding.

However, further costs have been imposed upon Victorians due to John Brumby not signing up to the Howard government plan. Those further costs are the \$600 million taxpayers will contribute to the modernisation of the infrastructure in northern Victoria, the \$300 million Melbourne water users will contribute to the modernisation of that infrastructure and the \$750 million that will be used to construct the pipeline. That amounts to \$1.65 billion that could have been spent on other water projects in Victoria to assure greater water security for Melbourne, and we could have used the additional \$1.5 billion from the federal government to modernise the irrigation infrastructure. The plan John Brumby has signed up to has actually duded Victoria by attracting less federal money and costing Victoria about \$1.65 billion that could have been spent on other projects.

What are the challenges facing the Murray–Darling Basin as we go into the future? Some of the challenges raised in recent times include the challenge to ensure that the critical human needs of the communities within the basin are met. Last February a federal government media release was issued by the federal Minister for Climate Change and Water, Penny Wong. It says:

... the states would now implement measures to ensure the critical human needs of Adelaide and towns reliant on the Murray continue to be met throughout 2008–09.

The Murray–Darling Basin contingency planning process was established on Melbourne Cup Day in 2006 to ensure the critical drinking water needs of people reliant on the Murray — including Adelaide residents — were able to be met following the unprecedented dry conditions across the basin in 2006.

When the contingency planning process was established, it was envisaged normal operation of the basin would resume in 2007, but continued low inflows mean the transition back to normal Murray–Darling Basin operations is very unlikely to take place in 2008.

The two-year period to November 2007 recorded the lowest ever inflow to the Murray River.

Inflows during this period were 43 per cent lower than the previous record low, which occurred at the end of 1938.

In February the federal government was worried about the Murray–Darling Basin being able to sustain the critical human needs of communities within the basin. In July 2008 there was a joint statement issued by the Prime Minister, the premiers of New South Wales, Victoria and South Australia and the Chief Minister of the ACT. In that joint statement they noted:

Based on the current water availability and assuming inflows at or above historic minimums, there would be sufficient water for critical human needs and water quality maintenance upstream of the lower lakes through 2008–09. However, if inflows are less and losses greater than expected, further contingency measures may be required to be implemented to secure critical human needs.

It also noted:

Work is continuing on contingency planning in order to protect critical human needs for 2009–10 should inflows remain at or below record minimums through winter. Governments would also need to consider how they would set aside water early to protect critical human needs for 2009–10.

The federal minister also put out a release based on that joint statement. In it she said:

Special water sharing arrangements to secure the critical human needs of Adelaide and other towns reliant on the Murray River will need to remain in place throughout 2008–09.

She went on to say:

... water available for households, irrigators and the environment remained at record low levels across much of the basin.

More than 1 million people draw their drinking water from the Murray, so it's essential that we continue to make critical human needs our no. 1 priority.

Here we have a concern about the availability of water to sustain the critical human needs of the more than

1 million people who draw their drinking water from the basin, and yet the Brumby government seems to think it can still remove 75 gigalitres of water from the Murray–Darling Basin to pipe to Melbourne.

Another challenge facing the Murray–Darling Basin of course is the ongoing drought. The drought update on the Murray system for September 2008 notes:

For large parts of southern and eastern Australia, dry conditions have persisted since October 1996, a total of almost 12 years.

It goes on to note:

The average inflow of 3800 gigalitres ... during the current drought (2002 to 2008) is lower than that experienced in the previous worst two droughts on record; 4900 gigalitres ... in 1897 to 1904, and 5600 gigalitres ... in 1938 to 1946. The current drought has also recorded the lowest inflows for virtually all periods from one month to 10 years. In particular, for the two years ending August 2008, Murray system inflows were 3540 gigalitres which is almost half the previous two-year minimum prior to this drought ...

As we can see, the drought we are experiencing at the moment is the worst on record and the inflows are particularly low and do not look like improving very much, which is putting more and more stress on the Murray–Darling Basin.

CSIRO produced some sustainable yields reports. In May this year it reported on the Goulburn–Broken catchment and said:

If the recent (1997 to 2006) climate were to continue, average surface water availability would be reduced by 41 per cent ...

And that:

... downstream of McCoys Bridge would be reduced by 58 per cent.

We can see CSIRO is projecting that there will be much less water in the Goulburn system. It also produced a sustainable yields report for the Murray system in July this year that noted:

If the recent (1997 to 2006) climate were to persist, average surface water availability for the Murray region would fall by 30 per cent ... and end-of-system flows would fall by 50 per cent.

So the outlook for the basin is not good when it comes to the drought and water availability within the Goulburn–Broken and the Murray systems.

Rainfall in northern Victoria and in the Murray–Darling Basin has been significantly low. In fact we had below-average October 2008 rainfall across most of Victoria, Tasmania, South Australia, and southern and western New South Wales. For the eight-month period

from March to October 2008 areas of serious to severe rainfall deficiencies have persisted throughout much of Victoria. This includes the area that is within the Murray–Darling Basin. In fact the Murray–Darling Basin Commission itself put out a media release in September, noting that the:

... August rainfall was below average and inflow during the month of 275 gigalitres was less than a fifth of the long-term average of 1550 gigalitres.

This was also the time when it noted:

In the two years ending August, Murray system inflows were 3540 gigalitres — a new record low.

Let us look at rainfall in two of our catchment areas, the Hume Reservoir and Lake Eildon. Rainfall in the Hume Reservoir area in September this year was 15.6 millimetres. This was well below the average rainfall of 61.9 millimetres. That reservoir area received only 11.4 millimetres of rainfall for October — well below the average of 69.4 millimetres. In the Lake Eildon area, our main catchment in northern Victoria, the rainfall in September was 28.4 millimetres, compared to an average of 81.7 millimetres; and in October it was 26.6 millimetres, compared to an average of 79.7 millimetres.

Everywhere in northern Victoria received much lower than average rainfalls, but I just highlight the rainfall in two of the major communities: Bendigo received 7.4 millimetres, compared to an average of 54.2 millimetres, in September; and only 8.6 millimetres, compared to an average of 52.4 millimetres, in October. The rainfall in Shepparton was 8.4 millimetres in September, compared to an average of 54.8 millimetres; and 7.2 millimetres, compared to an average of 51.9 millimetres, in October.

We can see that rainfall in this area continues to remain at critically low levels, and that will be an ongoing challenge for our region to manage. It continues to exacerbate the drought conditions. We know that even when, we hope, rainfall returns to normal, and if we were to get average rainfalls, we will actually have less run-off and inflows into the storages because the ground is so dry it will sap up most of that water.

Another report that has been released recently, in June of this year, by the Murray–Darling Basin Commission is the sustainable rivers audit. It rated the ecosystem health of all the valleys in the Murray–Darling Basin. Only one system was rated as good, and that was the Paroo system. A couple were rated as moderate, but all the valleys in Victoria were rated poor or very poor. Falling within the rank of poor were the Ovens, the Murray Lower and the Murray Central. Under the

category of very poor were the Murray Upper, Wimmera, Avoca, Broken, Campaspe, Kiewa, Loddon, Mitta Mitta and Goulburn. Unfortunately the Goulburn River was rated as the least healthy ecosystem in the Murray–Darling Basin.

The report also breaks that down into the sections of the Goulburn River where it was most stressed. The area where the river was most stressed was in the slope zone, which is around Yea — the very area out of which this government feels it can take 75 gigalitres of water and pipe it to Melbourne. Even if it were to achieve the savings it says it can achieve in the Goulburn irrigation district, it cannot push those savings back upstream to help the environmental health of the slope zone. It will mean additional stress on that area of the river.

I now turn to the main provisions of the bill and what schedule 1 of the commonwealth bill will mean for Victoria. The federal bill relies on the commonwealth's constitutional powers and a referral of powers by the Murray basin states to enable it to carry out certain measures as part of basin reform. This includes transferring the current powers and role of the Murray–Darling Basin Commission to the new Murray–Darling Basin Authority, strengthening the role of the Australian Competition and Consumer Commission (ACCC) to regulate water market rules and water charges, and allowing the basin plan to provide for critical human water needs. I have a mind map here that was supplied to us by the department — it is a little bit like the Labor Party's 'noodle nation' map, with arrows pointing everywhere and in all directions — showing how this new structure to manage the Murray–Darling Basin will be constructed.

The Murray–Darling Basin Authority will be established to replace the existing Murray–Darling Basin Commission, and the Murray–Darling Basin Authority will assume all existing powers, functions and operating rules of the commission. The authority will develop, implement, monitor and enforce the basin plan, which will give it control of the management of the basin's water and other natural resources as a whole. The authority will consist of a chair, a chief executive and four part-time members with specialist water knowledge. The federal water minister will be the ultimate decision-maker on the basin plan, and he will adopt the basin plan which has been developed by the authority. The minister will have the power to send the basin plan back to the authority for suggested amendments, and the minister will oversee the Murray–Darling Basin Authority and determine the water charge and water market rules, following advice from the ACCC.

The ministerial council that will be formed will be chaired by the federal water minister and include one minister from each of the basin states. The council will provide advice to the federal minister on the basin plan and will have the power to send the basin plan back to the authority only once for review. The council will be able to vary the state's water share and make decisions on the Living Murray initiative and, in some cases, critical human needs and natural resource management programs, but it can only do that by unanimous agreement.

The Basin Officials Committee will comprise officials representing and appointed by each of the basin states, and it will be chaired by a federal representative. It will provide advice to the Murray–Darling Basin Authority on the basin plan. The committee will provide advice to the ministerial council on major policy issues that are not addressed in the basin plan and which affect the management of the basin's water and other natural resources. In addition, it will be charged with reconciling discrepancies between the operation of the basin plan and the states' management and delivery of their water entitlements and allocations such as water shares.

Appointments to the Basin Community Committee will be made by the ministerial council. This committee will give advice to the ministerial council, where it is sought, as well as to the Murray–Darling Basin Authority, and it will replace the community committee that is in place at the moment.

The basin plan is central to the Murray–Darling Basin reform, and it aims to improve the health of the Ramsar-listed and other important environmental sites in the basin by managing the water resources as a whole. It includes the creation of sustainable diversion limits, the environmental watering plan and the water quality and salinity management plan, and provision for the delivery of water for critical human needs. State water shares are not dissolved by the basin plan, and they can only be varied by agreement of all the basin states or until the current state water share agreements expire. I believe Victoria's water share is set for review in 2020. Importantly, the basin plan determines the amount of surface water Victoria, New South Wales and South Australia can extract from the Murray River system, but it cannot change the states' water shares — that is, the percentage of water that is shared by each state.

The basin plan sets out the amount of water needed from the basin for critical human water needs, including core human consumption in urban and rural areas and non-human consumption needs that would be required

to prevent prohibitively high social, economic or national security costs. Critical human water needs are considered the highest priority water use in the basin, and that provision is and will remain the responsibility of each basin state. We have been told that the volume of what are considered to be critical human water needs in each state is 75 gegalitres in Victoria, 75 gegalitres in New South Wales and 200 gegalitres in South Australia.

The commonwealth Water Amendment Bill strengthens and expands the role of the Australian Competition and Consumer Commission within the basin to monitor and enforce water market and water charge rules for all irrigation infrastructure operators and all bodies that charge regulated water charges. The ACCC will have the power to delegate its responsibility to an accredited state regulator; therefore in Victoria the ACCC could choose to delegate its powers to the Essential Services Commission, which in the past has carried out this role. Each basin state can also opt to have the ACCC carry out these same roles within its state for areas outside the basin to provide for uniform regulation right across that state. I guess it makes sense for one body to be doing that rather than the ACCC doing it within the basin and the Essential Services Commission doing it for the rest of the state and coming up with different answers. It would be far better if uniformity of regulation extended right across the state.

South Australia will, for the first time, have the ability to store water in Victorian and New South Wales storages, including the Hume and Dartmouth dams, to enable it to provide water for its critical needs and private carryover. I presume this means that if we are fortunate enough to get to a stage where our storages are filling up once again, the first water that spills will be South Australian water, and I presume that will be the case so that it will not impact on Victoria's capacity to store that water. This is one of the things we would hope to receive some clarification on during the Legislation Committee stage of this bill.

Victoria and all other basin states will be able to terminate their part of this agreement at any time by terminating their initial reference. In Victoria this would be triggered through the Governor in Council.

The opposition has concerns about this bill, particularly in relation to the federal minister being the ultimate decision-maker on the basin plan, which will determine any future action in the basin. This bill represents a major change to water legislation and water management in Victoria, and we are concerned about the impacts it will have on water management in this state. Therefore we will be referring this bill to the

Legislation Committee of the upper house for detailed questioning on the possible impacts that the federal legislation will have on Victorian water users. The Legislation Committee process will enable us to have a detailed look at the ramifications of this legislation for Victorian communities, irrigators and businesses due to the referral of powers to the commonwealth, and will also provide an opportunity for us to ensure that there is no disadvantage to Victoria by this referral of powers.

In closing I would like to say that I hope we will be able to gain the support of the Greens and the Democratic Labor Party to have this legislation sent to the Legislation Committee to enable us to look at the legislation in far greater detail and to question those involved in far greater detail to ensure that it will not have negative impacts on water management and water-sharing arrangements within Victoria. I note again that the opposition will not be opposing this legislation.

Mr BARBER (Northern Metropolitan) — To respond to Ms Lovell's last matter first, the Greens support the idea of complicated and important legislation such as this being dealt with by the Legislation Committee. If it is our equivalent of a bills committee such as the Senate regularly operates, then we support such an approach. The parallel piece of federal legislation is currently being considered by the federal Parliament's bills committee. I have it on good authority that it is about to conduct hearings, it has taken submissions from the public, it expects to report in late November and as far as can be determined its intention is to complete this piece of legislation in the sittings in the early weeks of December. If the amendment the coalition is prepared to bring forward has a time limit on it that means that we will be back here on the first Tuesday of our next and last remaining sitting week for the year, then we would support that amendment on the basis the bill will not be delayed.

Of course when the Senate referred this bill off to a bills committee there was some commentary that said, 'You people just want to further delay a pressing environmental problem'. The response at that time was, 'You guys signed off on this in July. You made a commitment at the time that all state parliaments would have passed the relevant legislation by 1 November, and they have not done it'. In fact Victoria, which was dragging the chain throughout the whole Council of Australian Governments (COAG) agreement, is still dragging the chain in that it is one of the last jurisdictions — apart from the Australian Capital Territory, which has just had an election — to bring this forward. There should be no argument that this short

delay for a proper consideration of the legislation is a bad thing.

In terms of the legislation itself and what it does, Ms Lovell has already outlined many of our problems in the Murray–Darling Basin. We have been speaking about water, water and water ever since I was elected here. I think the first bill we ever dealt with was the critical water infrastructure bill which was so critical that after it was amended in the upper house it went back to the lower house and has never been re-presented.

I have been involved in many of these issues around the state in my time as an elected parliamentarian. I have been to the Otways and to the Western District looking at the problems of groundwater there. I have been to Shepparton a couple of times, where I have seen the rollout of some of these water-saving programs and spoken to irrigation farmers. I took a spin along the Murray Valley Highway and saw the large plantings of various perennial crops by managed investment schemes. I had a look at the effects of some of the environmental water that is being provided to the Hattah Lakes as a Living Murray icon site. I have been up to Yea and across the Great Dividing Range and stood in the dry bed of the Eildon Dam at Bonnie Doon and checked out the results of the lack of inflows into that dam from mountain forests that used to be incredibly reliable water catchments. They are not any more. As we discussed a bit earlier in question time, I have taken an interest in the effect all of this has had on the population of native waterbirds. I have also been to Adelaide, by the way, to talk to colleagues over there.

Rather than further discuss the problem of the Murray–Darling Basin, except insofar as it is necessary to elucidate particular clauses of the bill, I want to address in some detail the effects of the bill, or at least what I believe are the effects. That will give other speakers and the minister in reply — even if we end up in the committee stage or if the bill is referred to the Legislation Committee — the opportunity to address my particular assertions and, if they like, they can tell me I am wrong.

We are referring our water powers to the federal government. The referral of state powers to the commonwealth has been done many times since Federation, but in the case of the Murray–Darling Basin, as far as I understand it there has always been a different approach, which is a sort of scheme-of-legislation approach. A bunch of states and the commonwealth government want to cooperate, so they pass a set of laws such that the provisions will be the same in every state, and the powers retained by those states give enactment

to the things we are trying to do. That was tried with the Corporations Law, but subsequently things changed, and we are proposing to make dramatic changes here.

We are relying on a section of the federal constitution to create a new power for the commonwealth to legislate, and that is not merely the same as delegating a decision-making power to a lesser body. Once we have delegated up to the commonwealth, it will be a full power under which the commonwealth can make laws, and other provisions of the commonwealth will then start to apply. One of those is section 109 of the constitution, which says that if a federal law and a state law are inconsistent, the state law is inactive to the extent of the inconsistency. It is not that the whole law gets chucked out, but just that any bit of it that is found to be inconsistent is simply emasculated. When we aim to do what we are doing here, it is worth understanding a little bit more about the history of that and how it has been interpreted by the courts and what various learned people tell us about that process.

Quite a useful paper on this, entitled *New Directions in Cooperative Federalism — Referrals of Legislative Power and their Consequences* was given at the 2005 constitutional law conference in Sydney on 18 February by Pamela Tate, SC, solicitor-general for Victoria. She informs us that the section we are relying on — that is, section 51 (xxxvii) of the constitution — was controversial even at the time that it was written at the constitutional conventions. The relevant text of that section is that:

matters referred to the Parliament of the commonwealth by the parliament or parliaments of any state or states, but so that the law shall extend only to states by whose parliaments the matter is referred, or which afterwards adopt the law.

Ms Tate refers to the continuing debate and uncertainty about that provision's legal operation and effect. By the time the provision came to be debated in those early constitutional conventions, questions were being raised. Ms Tate said:

Some of these questions have not yet been definitively answered today. The most significant and vexed questions raised were threefold: (1) whether a reference could be revoked by a state; (2) whether a referral deprived a state of the legislative power to make laws on the same matter — that is, whether the commonwealth acquired an exclusive power to make laws on the matter referred; and (3) the continuing constitutional status of federal laws made by reason of a referral if the reference were to be revoked or otherwise expire.

In this quite useful paper she goes through those questions. She quotes Deakin, one of the founders of the constitution, as saying:

I should be inclined to think that it had no such power, but the question has been raised, and should be settled. I should say that, having appealed to Caesar, it must be bound by the judgement of Caesar, and that it would not be possible for it afterwards to revoke its reference.

There were others at that conference who disagreed with it. One of them was Quick, and he said that if a reference was irrevocable, it would have worked its way around the constitution — the original method for amending the constitution — and become, in his words:

an amendment of the states' constitution, incorporated in and engrafted on the federal constitution without the consent of the people of the various states.

So depending on how much of a constitutional purist you are, you might think that what the states are doing here is a bad thing, that they are effectively just ganging up together and finding a way around the constitution and cutting out the role of the people in that constitution to decide what the federal government can have power on. It has always been the way that when the federal government has come to have power over the environment, not greatly envisaged by the people writing the original constitution, it has always been through the backdoor: the Franklin dam case was treaties power; the recent High Court case was corporations power. We have signed up to various international treaties such as biodiversity convention and Ramsar, and the commonwealth Water Act as it exists now purports to rely on those powers.

The Greens senators supported John Howard's changes to the commonwealth Water Act even though the states at that stage were all running a campaign against them. We supported federal responsibility at the basin-wide level for the management of those basin resources for all the many reasons that people often bring forward, such as state boundaries not being particularly relevant to catchment boundaries and state governments being more interested perhaps in their own economic interests than a broader environmental good that we have joined with other nations to protect. Our objection at the time of the original John Howard Water Act was that that act having relied on those external affairs and treaties powers did not set up any mechanics to ensure that the objectives of those treaties were being met. We refer to Ramsar as the basis of the new Water Act, but then we do not actually put anything in the Water Act that says we will protect it. Some will argue, and it began to be argued in the case of *Brown v. Forestry Tasmania*, that if you are going to rely on a power that says we have got this power because we are trying to protect the environment, then the mechanics of your legislation, not to mention the way it is operated, has to actually protect the environment. 'Protect' means protect, and that is a matter that still has to be tested. In this

legislation we are loading in more areas of constitutional uncertainty because we are at a particular moment in time when we have wall-to-wall Labor governments across the basin and federally, but we are not addressing some fundamental issues. This legislation does very little to protect the environment.

Ms Tate's paper goes on to talk about the question of revocation and quotes various cases, one being *Airlines of New South Wales Pty Ltd v. New South Wales*, which involved an issue that was new and crossed state boundaries. Justice Windeyer commented:

... any law made by the commonwealth Parliament with respect to a subject referred for a limited period, could, I consider, only operate for the duration of the period of the reference.

The paper continues:

At the expiry of the reference the federal act would no longer have a continuing operation ...

However, Ms Tate also refers to Justice French in providing a comment outside a formal legal judgement, raising the question, in his words, of:

What happens to a commonwealth law passed pursuant to the referral power if referral by the state is terminated, whether according to a self-executing sunset clause or by revocation?

Justice French then proffered the view that:

Absent any other provisions, it would be expected that such a law would continue in force for there is nothing in the grant of the power which makes the laws under it self-terminating upon revocation of the referral.

I looked up Justice French's paper, and in a section headed 'The future of the referral power' dealing with the scheme of legislation and referrals made in relation to the Terrorism Act — if I had been here at the time of the Terrorism Act I might have been making the same set of arguments, I suppose, and certainly taking the same interest in the subject matter — he concluded:

Any legal complexity or uncertainty could become a focus for litigation about the effectiveness of new federal terrorism offences. Suitable state references would avoid these kinds of problems by providing clear support for comprehensive terrorism offences of national application.

He backed up the view that section 109 of the constitution regarding the aspect of inconsistent state laws would be real. He noted that it is not necessary merely for the state to refer a particular text — as we have in this case, a set of words to be put into a federal act — but it is also possible to refer a matter. He quoted a speech given by the commonwealth Attorney-General in which that individual said:

Two types of references are possible: 'subject matter' and 'text' references. An example of the former was reference of the matter of 'air transport' by Queensland to the commonwealth in 1943 and 1950. The mutual recognition scheme and the Corporations Law scheme were both examples of 'text' references subject to the amendments reference in the later scheme.

Justice French said:

There is an important open question as to whether a reference unlimited in time is irrevocable. However, there is little controversy that a referral may be for a fixed period.

The bill before us does not contain a fixed period, but it contains a mechanism for revocation.

On another question about when a law based on an initial referral can be later amended — that is, a federal amendment — Justice French said:

Where the referral is of a subject matter rather than a precise text then, so long as the referral subsists, there would seem to be little doubt that the commonwealth could amend laws made pursuant to it provided the amendment did not take the laws outside of the scope of the subject matter.

I will come back to that issue in a moment. He said:

The effect of amendment upon the law and states which had adopted the original law rather than referred the subject matter is questionable.

He also stated:

A mechanism by which referring or adopting states may deter the commonwealth from non-consensual amendment would be to make the referral or adoption subject to a condition that it would be revoked in the event that the law were amended otherwise than in accordance with some agreed mechanism for obtaining consensus.

The following is important:

Even then the question remains about the operation of the original version of the common law if the referral for adoption is revoked.

I take that to mean that he is standing by his earlier statement — that is, you can say in your state referral that it is revokable, but that particular learned justice expresses some doubt. In simple terms, this may be a one-way street. We do not know, but the Greens are less concerned about it because, as I said earlier, we supported federal responsibility for these matters. It appears to be the government that is more concerned and is seeking to, with various mechanisms in the bill, limit the referral and give itself the option to pull the rip cord and get out of the deal any time it wants.

But you need to follow the structure of the legislation closely in order to understand how and when that might work specifically. The bill we are seeking to enact, the

Water (Commonwealth Powers) Bill 2008, is in two major parts: the first part deals with the reference of powers, which is part 2, and part 3 is an amendment to our own Murray-Darling Basin Act. If we were simply amending our own Murray-Darling Basin Act, and we have done that once before in the life of this Parliament, then these issues would not arise. The states agree on a bunch of changes to an agreement, the MDBA (Murray-Darling Basin agreement), and then they all go home and pass all the changes in their own jurisdictions to get that through, but it is the earlier part of the bill, part 2, that does something quite different.

The two things that it does are to provide a text reference and a subject reference. The text reference is for what they call 'schedule 1 of the tabled text'. Schedule 1 of the tabled text is in fact the commonwealth bill, and it does a whole range of new things in terms of setting up new architecture for a new Murray-Darling Basin Authority. There are some changes to the ministerial council and there is a community advisory committee; there is a whole range of things that are new in this bill.

There is a second part in relation to what we are doing here and that is found in clause 4(1)(b) of the bill. It is a subject referral of powers. Clause 4 commences:

- (1) The following matters are referred to the Parliament of the Commonwealth —
 - ...
 - (b) the referred subject-matters, but only to the extent of the making of laws with respect to any such matter by making express amendments of the Commonwealth Water Act.

What are express amendments? They are defined earlier in the definitions clause of the bill:

express amendment of the Commonwealth Water Act means the direct amendment of the text of Parts 1A, 2A, 4, 4A, 10A and 11A of that act —

which is the commonwealth Water Act. In other words, by my reading, this is giving the federal government a licence to amend, amongst other sections, part 2A of the commonwealth Water Act, to achieve an effect in relation to certain subject matters. What are those subject matters? They are also defined:

referred subject-matters means any of the following —

- (a) the powers, functions and duties of commonwealth agencies that —
 - (i) relate to Basin water resources; and

We then go through paragraphs (b) to (f), with paragraph (b) being:

- (b) the management of Basin water resources to meet critical human water need ...

By my reading we are giving the federal government an open-ended power to amend part 2A of its act, which refers to critical human water needs, in relation to that exact subject matter. What are critical human water needs? They are defined in part 2 of this bill, 'Reference of powers':

critical human water needs means the needs for a minimum amount of water, that can only reasonably be provided from Basin water resources, required to meet —

- (a) core human consumption requirements in urban and rural areas; and
- (b) those non-human consumption requirements that a failure to meet would cause prohibitively high social, economic or national security costs ...

I will summarise the point we have reached. We are doing three things: one, amending our own Murray-Darling Basin Act; two, giving the federal Parliament permission to amend its act with a specific bit of text; and three, we are giving it the power to amend part of its legislation to do things it needs to do to provide those critical human water needs.

It has been argued to me by an adviser to the government that what I just said is not right. The government is arguing — and I do not know if the minister will continue to argue when he gets the chance — that it is only critical human water needs in relation to all the stuff that we put in the intergovernmental agreement, and it is reflected in the federal government's text. I do not read it that way. In fact the two bits, the text referral and the subject referral, were actually separate sections of the intergovernmental agreement. In the intergovernmental agreement section 2.4.1 states:

The basin states agree to use their best endeavours to give effect to ... by passing legislation to provide for a limited text referral of powers ...

Then when we go down to section 2.4.1(c) we see that the states have also agreed to provide that referral to:

enable the basin plan to provide for critical human water needs.

That, to me, looks like they are two separate sections, but at this time they seem to be both referring to a limited text referral. The question I need answered by the minister is whether there is a broader subject referral here. There is another hint in the bill which suggests that there is; that in fact these amendments to federal legislation for critical human water needs could

continue into the future. That is found in clause 4(4)(a) of this bill which says:

- (a) the Commonwealth Water Act may be expressly amended, or have its operation otherwise affected, at any time after the commencement of this Act by provisions of Commonwealth Acts whose operation is based on legislative powers that the Parliament of the Commonwealth has apart from under the references ...

Then we have another part of the bill, in clause 4(2)(a), which says there can only be an amendment:

if and to the extent that the matter is not included in the legislative powers of the Parliament of the Commonwealth ...

That is obvious. We are only referring powers that the commonwealth does not currently have. The bill also says in paragraph (b):

if and to the extent that the matter is included in the legislative powers of the Parliament of the State.

That is also equally obvious. We can only refer a power that we have. So when it comes to the issues of critical human water needs I have some real concerns. Of course I support the work of my colleagues from South Australia in trying to ensure that Adelaide and other Victorian urban and rural communities within the basin that rely on the basin's water resources have enough water to drink. The words 'core human consumption requirements in urban and rural areas' found in the bill under the definition of critical human water needs seem to satisfy that, but it does not make it at all clear that those core human consumption requirements in urban and rural areas must arise in the basin.

We are referring state power to the federal government. We are referring any Victorian powers needed by the federal government to meet those needs. I cannot see where this bill says that those needs must be the needs that have arisen as a result of what is occurring in the Murray-Darling Basin. In fact, the discussion about Adelaide, which is outside the basin, suggests that it does not.

As we know, Bendigo and Ballarat have now got a pipeline into the basin. Ballarat is drawing water out of the basin, over the hill and into an area on the southern fall. 'Critical human water needs' means anyone who has a pipe into the Murray-Darling Basin. It is those needs that are to be given priority, and it is a federal minister who will have that power. If the north-south pipeline is built and water starts being drawn out, I believe it will be argued that some of those people may have critical human water needs being met by the water resources of the basin. It seems possible to me that the federal minister could override anything a state might

do if he or she believes they need to in order to achieve the critical human water needs of Melburnians.

This provision also relates to other critical human water needs — not only core human consumption needs but also:

... those non-human consumption requirements that a failure to meet would cause prohibitively high social, economic or national security costs ...

Apart from the environment I do not know what has been left out. It is about core human consumption needs and any other non-human consumption needs that will cost us too much or have a social effect or even a national security effect. If someone could tell me, I would like to know what the national security effect is. It seems that if there are critical environmental needs, they will not be protected. It is about the failure of this entire process, the entire COAG intergovernmental agreement, where yet again the environment has been put at the back of the queue, or at least we are not prepared to give the federal government any power over it.

I will propose an amendment to the bill. I would be happy for the amendment to be circulated now, but I understand there is a delay. I am sure it will be ready for the committee debate. It is a simple amendment; in fact it is the simplest amendment I have proposed. It simply inserts the word 'environment' into clause 3(1), the definitions clause, under the definition of 'critical human water needs'. Arguments have been put that this bill will not be able to be changed at the federal level. Apparently it is part of the COAG intergovernmental agreement and if anyone tries to change anything, it will destroy the entire agreement and send the whole thing around again. Firstly, I do not think that is true. Secondly, I think it is the right and responsibility of the Parliament to sign up to what it wants to sign up to and not to be bullied or stampeded into this.

The ACTING PRESIDENT (Mr Leane) — Order! The house has not yet received Mr Barber's amendment, but he is able to speak on it.

Mr BARBER — The Parliament should not be coerced or told that it has no choice, so there should be a better way. In any case my amendment merely adds the word 'environment' and expands the scope of the subject matter that we as Victorians are prepared to refer to the federal government. No other states should have an objection to it. In fact I think some states will quite like it. I believe South Australia would. All it will do is allow, if necessary, the federal minister to pass a bill that will have power over only Victorian law for the purpose of meeting critical environmental needs,

although the environmental needs would be defined as a subset of human needs.

Thinking about that connection makes me wonder why there has been no involvement of indigenous people in this bill. Indigenous peoples along the length of the Murray–Darling Basin struggle for land and the water that is essential to go with that land to create what they call cultural flows, which is the water necessary for them to carry on valued aspects of their culture. They understand that critical human water needs and critical environmental needs are really the same thing. That has not yet been brought into the scheme. There is some limited capacity for indigenous people to be part of the new community advisory committee, but there is no role for them to play other than that contained in this proposal. That is yet another failing of this bill.

While we continue to be disappointed with the approach of governments to this issue, and where it is well understood that Victoria's role in this COAG agreement was to be the worst kind of wrecker and that that is unfinished business, we have no particular reason to oppose the bill at the second-reading stage. However, there are one or two questions I would like to ask of the minister during the committee stage, should we have that opportunity.

Debate interrupted.

HEALTH: DOCUMENTS

The Clerk — I lay on the table the following documents received in accordance with the resolutions of the Legislative Council of 10 September and 15 October 2008:

- (1) 'Melbourne Health statement of priorities 2007–08 planning priorities'.
- (2) 'Unaudited total operating surplus (-)/deficit — Melbourne Health and Barwon Health'.
- (3) 'Unaudited performance indicators (end of financial year snapshot) — Melbourne Health'.
- (4) 'Unaudited performance indicators (end of financial year snapshot) — Barwon Health'.
- (5) 'Unaudited cash flow statement — Melbourne Health and Barwon Health'.
- (6) 'Accreditation status — Melbourne Health'.
- (7) 'Accreditation status — Barwon Health'.
- (8) 'Cleaning standards — Melbourne Health and Barwon Health'.
- (9) 'Submission of data to VICNISS — Melbourne Health and Barwon Health'.

PUBLIC TRANSPORT: DOCUMENTS

The Clerk — I lay on the table the following documents received in accordance with the resolutions of the Legislative Council of 10 September and 15 October 2008:

- (1) 'Invitation to tender — Melbourne metro train franchise volume 1, tender information and evaluation criteria'.
- (2) 'Invitation to tender — Melbourne metro tram franchise volume 1, tender information and evaluation criteria'.
- (3) 'Invitation to tender — Melbourne metro train franchise volume 2, franchise overview'.
- (4) 'Invitation to tender — Melbourne metro tram franchise volume 2, franchise overview'.

I have also received a letter from the Attorney-General advising the Council that Executive Privilege will be claimed in relation to the following documents and that therefore those documents have not been provided:

- (1) 'Tender returnables — Melbourne metropolitan train franchise'.
- (2) 'Tender returnables — Melbourne metro tram franchise'.
- (3) 'Melbourne metropolitan train franchise interactive tender guide for ITT process'.
- (4) 'Melbourne metropolitan tram franchise interactive tender guide for ITT process'.

TRANSPORT: DOCUMENTS

The Clerk — I lay on the table the following documents received in accordance with the resolution of the Legislative Council of 29 October 2008:

- (1) 'Frankston bypass EES — indicative project costs' (MBN011034).
- (2) 'Siemens braking system' (MBN011051).

The letter from the Attorney-General previously referred to also advises the Council that the following documents do not exist:

- (1) 'Siemens braking system' (ministerial briefing note MBN011050) registered by the former Department of Infrastructure on 8 April 2008.
- (2) 'DTF review into VicRoads' costs and maintenance' (ministerial briefing note MBN011139) registered by the former Department of Infrastructure on 29 April 2008.

The Attorney-General's letter also advises the Council that executive privilege will be claimed in relation to

the following documents and that therefore those documents have not been provided:

- (1) 'Taxi policy initiatives' (ministerial briefing note MBN011023) registered by the former Department of Infrastructure on 2 April 2008;
- (2) 'Registration and licensing system funding options' (ministerial briefing note MBN011037) registered by the former Department of Infrastructure on 3 April 2008;
- (3) 'EastLink — ConnectEast DRP underwriting agreement — Novation' (ministerial briefing note MBN011047) registered by the former Department of Infrastructure on 3 April 2008;
- (4) 'To advise the minister of the status of AusLink 2 projects identified as candidates for the commencement of expenditure ahead of 2009/10 2013/14' (ministerial briefing note MBN011055) registered by the former Department of Infrastructure on 8 April 2008;
- (5) 'Metropolitan rail franchising (MR3) market engagement trip' (ministerial briefing note MBN011059) registered by the former Department of Infrastructure on 10 April 2008;
- (6) 'Media interest and progress with grade separation study' (re Springvale Road, Nunawading, level crossing) (ministerial briefing note MBN011065) registered by the former Department of Infrastructure on 10 April 2008;
- (7) 'Meeting with the CEO of the bus proprietors' (ministerial briefing note MBN011091) registered by the former Department of Infrastructure on 15 April 2008;
- (8) '2009 fare changes strategy overview' (ministerial briefing note MBN011116) registered by the former Department of Infrastructure on 22 April 2008;
- (9) 'Geelong and Frankston taxi depots' (ministerial briefing note MBN011141) registered by the former Department of Infrastructure on 28 April 2008;
- (10) 'Status of the regional pilot of the NTS' (ministerial briefing note MBN011146) registered by the former Department of Infrastructure on 29 April 2008; and
- (11) 'M1 heads of agreement' (ministerial briefing note MBN011159) registered by the Department of Transport on 30 April 2008.

The letter from the Attorney-General has been circulated to members.

DISTINGUISHED VISITOR

The ACTING PRESIDENT (Mr Leane) — Order! Before we resume the second-reading debate, I would like to acknowledge the presence in the gallery of a former member of this house, Noel Pullen.

WATER (COMMONWEALTH POWERS) BILL

Second reading

Debate resumed.

Mr SCHEFFER (Eastern Victoria) — I rise to speak in support of the Water (Commonwealth Powers) Bill. The purpose of the bill is to give effect to the Murray-Darling Basin reform agreement that was entered into in July this year by the commonwealth government, Queensland, New South Wales, the Australian Capital Territory, Victoria and South Australia. The purpose of the agreement is to manage the water system across the Murray-Darling Basin, to allow the basin plan to make arrangements for critical human water needs in line with the basin governments' intentions and to extend the water market and water charge rules of the commonwealth Australian consumer commission to cover all water service providers and transactions.

The provisions in the bill give effect to the commitments made as part of the Murray-Darling Basin reform agreed upon by basin premiers and the Prime Minister earlier this year by bringing together the commonwealth basin plan, the Murray-Darling Basin Commission and the states' water management frameworks. Under the relevant provisions in the bill the current functions and powers of the Murray-Darling Basin Ministerial Council and commission are to be reallocated to a new independent Murray-Darling Basin Authority, to the new ministerial council and to a new Basin Officials Committee under a new structure.

Under the new Murray-Darling Basin agreement, the new authority is given reasonable autonomy to perform the technical and operational functions that are required to manage the Murray River system on a day-to-day basis. The authority will be charged to undertake these functions in accordance with high-level direction and oversight from the ministerial council and the Basin Officials Committee.

Members will know the Murray-Darling Basin includes the catchment areas of the Murray and the Darling rivers and their tributaries. The basin covers over three-quarters of New South Wales, more than half of Victoria, significant portions of Queensland and South Australia and includes the whole of the Australian Capital Territory. In Victoria the basin includes the Loddon, Campaspe, Goulburn, Ovens, Kiewa and the Mitta Mitta rivers.

To impress on members the extent of the basin I have a few interesting facts about it. The Darling, the Murray and Murrumbidgee are Australia's three longest rivers. According to the 1996 census the basin had an estimated population of just under 2 million of Australia's total population. At the time of European settlement the basin had 85 mammal species, 367 bird species, 150 species of reptiles, 24 species of frogs and 20 species of freshwater fish. The basin has at least 35 endangered bird species and 16 endangered mammal species, with 20 mammal species already extinct. There are 11 introduced species of fish, and it is estimated there are more than 30 000 wetlands in the basin.

The total area of crops and pastures irrigated in the basin is around about 1.5 million hectares, which is 71 per cent of the total area of irrigated crops and pastures in Australia. Around 70 per cent of all water used for agriculture in Australia is used by irrigation in the basin. The basin is Australia's most important agricultural region, accounting for some 41 per cent of the nation's gross value of agricultural production. The manufacturing industries in the basin have a turnover of just under \$11 billion, so we are talking about an area that is critically important to Australia. It is a vast system upon which our agricultural production and our livelihood depend.

This bill is necessary because it gives effect to the commitments in the agreement on Murray-Darling Basin reform that was signed, as I said earlier, by the premiers in July this year. Through these reforms the governments committed to referring powers to the commonwealth to support a new governance regime for Murray-Darling Basin water management, allowing the basin plan to also address planning for critical human water needs and extending the application of the commonwealth's water market and water trading rules. These agreements are now set out in the legislation before us.

It is necessary to refer powers to the commonwealth because managing Victoria's water resources is largely the responsibility of the state government, and the state therefore needs to pass this legislation to refer specific legislative powers to the commonwealth. All basin states are passing legislation similar to this to allow the commonwealth to pass its own legislation around the Murray-Darling Basin governance in accordance with the reforms previously referred to.

The 1992 Murray-Darling Basin agreement has been reworked under this new process. The only changes that are being made to the 1992 agreement are those that are essential to implement the intergovernmental

agreement. The agreement reallocates the current functions and powers of the ministerial council and the commission to the commonwealth's independent authority, a new ministerial council and the officials committee. Reallocation of these functions is guided by a principle agreed to in the intergovernmental agreement that the authority would be given reasonable autonomy for day-to-day functions, with high-level decisions being made by the ministerial council and the Basin Officials Committee. These new arrangements bring together the current Murray-Darling Basin Commission with the new Murray-Darling Basin Authority.

No direct impacts will be generated by the bill because, as I said previously, it is simply referring powers to the commonwealth, limited by the necessities of the agreement. The reforms on the matters that were agreed — —

Mr Dalla-Riva — Acting President, I draw your attention to the state of the house.

Quorum formed.

Mr SCHEFFER — By way of conclusion, the commonwealth's Water Act creates a new Murray-Darling Basin Authority with a skills-based, independent board. The new authority is tasked with drafting a whole-of-basin plan that will include caps on water extractions, an environmental watering plan, salinity and water quality targets and trading rules. The new arrangements allow the basin plan to also include planning requirements to make sure that there is enough water available each year to cover the evaporation and seepage losses incurred when delivering human water needs, such as drinking water.

This bill contributes to strengthening the cooperative efforts of the commonwealth and the states in delivering good water policy for the Murray-Darling Basin and is a fine example of the leadership being shown in this area by the Rudd federal government. It will make an important difference to the basin, and I commend it to the house.

Mr VOGELS (Western Victoria) — I want to make a short contribution on the Water (Commonwealth Powers) Bill. I do not intend in my contribution to go over the same ground which has been very well covered by Wendy Lovell, who has an intimate knowledge of the needs of the irrigators of northern Victoria for water from the Murray-Darling Basin, or by Greg Barber, who gave us a great outline of the legal issues involved in commonwealth and state powers. I have not got any idea about any of that, so I am not

going to talk about it. I am just going to talk about my personal views on what we should have been doing in the past but have not done.

As has been said, the purpose of the bill is to refer various state powers relating to the Murray-Darling Basin and other water management matters to the commonwealth. Victoria and the other basin states — New South Wales, Queensland, Australian Capital Territory and South Australia — must introduce such bills to actualise the intergovernmental agreement on Murray-Darling Basin reform of 3 July 2008. Once this legislation passes the Murray-Darling Basin Authority will be established. According to the second-reading speech we will have an independent, skills-based board, the members of which will develop a basin-wide plan to address the issues now confronting the basin, in particular critical human water needs.

This debate started back in January 2007 when the then Prime Minister, John Howard, and the coalition government brought forward a \$10 billion plan to tackle the water woes of the Murray-Darling Basin. True to form, the only state government not interested at that time was the Victorian government, the members of which wanted to play politics with this vital issue. Now here we are, nearly two years later, debating the plan for the Murray-Darling Basin of the federal Minister for Climate Change and Water, Penny Wong, which is almost identical to the original plan put forward by the previous federal coalition government.

We all understand that Victoria's interests need to be protected, as most of our food bowl is situated in the basin, but now we find that, for some reason, the Goulburn River has been excluded from the Murray-Darling Basin. It is obvious that water in the Goulburn River has been earmarked for Melbourne's critical water use if the dry seasons continue, which they have for the last ten years or so.

The bill goes on to speak about water sharing and critical needs. Basically there are three tiers. The first tier applies if there is decent rain, the dams are full and rivers and streams are flowing — everybody will get their fair share, and there will be no problem. The second tier will apply if the current levels continue — everybody will get a percentage of what their entitlements would otherwise be. Obviously some will receive nothing, as they do now. With the third tier, if things get worse than they are now, essential human needs will take priority.

How have we got to this critical situation? There are four or five reasons, but the main one is a lack of rain over the past ten years, and there is not much anybody

can do about that. I think we are in this situation because we have failed to upgrade infrastructure in the past, so billions of gigalitres have been lost over the last ten years because of failing channels and pipes and leaking infrastructure — problems we all knew about. Now we are trying to address those issues. There has been no forward planning to build new dams and infrastructure. I often hear people on the government side say that dams do not make it rain. We know that, but we still have floods, such as the huge floods in Gippsland last year. Most of that water disappeared into the ocean because we did not have infrastructure in place to catch some of that water when it did rain. We have also made no investment in recycling.

As a farmer I spend a lot of my time at weekends on my farm checking for water leaks. We rely entirely on dams for our water as we have no underground water and we are not hooked up to water authorities, so we are completely reliant on our farm's dams. When I get home I always check the cattle troughs and pipes to make sure no water is being wasted. Dams can run out in a couple of weeks if there is a leak or a pipe has burst. I would have thought that in a city the size of Melbourne, which has infrastructure and pipes in place, billions of litres of water may have been wasted every year because we have not upgraded infrastructure, some of which has been in place for more than 100 years.

It always amazes me to talk to city people on the phone after we have had rain in the country. When there has been 20 or 30 points of rain, they say, 'You must have got some water in your dams down at Scotts Creek' — which of course we have not. They see water falling on footpaths, on cement and on tar, and they watch as it runs down the gutter. Instantly they seem to think that that is what happens in our catchment areas, but of course it does not. The ground is so dry that it needs to be saturated before there is any run-off. It would be like tipping water on the floor of this chamber where the Acting President is sitting and letting it gravity feed. Not one drop would get to where I am standing; it would all be soaked up by the carpet. That is exactly what has happened in the Murray–Darling Basin. The basin is so dry that even if we did get some torrential rainfall, very little of it would actually hit the rivers and streams and go into our catchment. Sometimes we hear of floods in Queensland at the top end of the Darling River, and we wonder why the water has not gravity-fed its way through New South Wales and into the Murray at Mildura, but the water just does not get that far.

This bill gives powers to the Australian Competition and Consumer Commission to set water charges and to be in charge of all transactions within the basin. This

conflicts with what the public has been told by the Brumby government. As we all know, before the last state election the former Premier, Steve Bracks, said unequivocally that no water from north of the Divide would be pumped south, which has been proved untrue. Now we are being given an assurance by this Labor government that no water will be traded down the north–south pipeline. Personally I do not think water will ever flow down the north–south pipeline, because there will not be any water to pump by the time the pipes have been laid. Lake Eildon is dry, and most of our catchment areas are dry. You can put in as many pipes as you like, but if there is no water at the other end to pump, it will be an enormous waste of money. A very expensive pipeline will come from the north of the Divide to the south of the Divide, and it will be full of air.

I find it interesting that this bill excludes the management of the Goulburn River from the Murray–Darling Basin arrangements. When conditions are normal the Goulburn River provides about 11 per cent of the water for the basin, but that water has been excluded. This says to me that water from the Goulburn River has been earmarked for use in Melbourne so we can flush it down toilets at this end of the world.

In conclusion, the coalition does not oppose this piece of legislation. It has been obvious for many years that bickering between the states and territories will not solve the water crisis we are now facing. In my opinion it will take national leadership of the scale of that of the Snowy Mountains scheme to fix Australia's ailing water issues. I fully support a proposal I have often read about by eminent scientists and other people, who say we should be looking at a Snowy Mountains-style scheme in Queensland. They say we should be harvesting the water that pours into the ocean from monsoon rains and directing it inland into the top of the Darling, from where it would gravity-feed all the way down to Victoria and South Australia.

The creation of some of the great projects of this country and the reason we still have a food bowl is that our forefathers had some foresight. For example, the Snowy Mountains scheme was started in 1949 under Labor Prime Minister Ben Chifley. It is still seen as one of the wonders of the world. It employed more than 100 000 people, it cost some \$820 million — which in those days was an enormous amount of money — and it took about 25 years to build. We need to look at projects like that. We can come in here and pass as many pieces of legislation about water as we like, but it will not create one more drop of water. We have to look and think outside the square and ask ourselves how we can replenish the water in the Murray–Darling Basin.

As I said, a Snowy Mountains-type scheme in Queensland would cost a lot of money, but I believe it would be a nation-building project that could fix many of the problems we have. I believe such a project will happen eventually. We are the driest continent in the world, and if we have another 10 years of the same climate we have had for the past 10 years, all our dams will be empty.

The coalition does not oppose this motion, but it will vote to have it referred to the Legislation Committee.

Debate interrupted.

DISTINGUISHED VISITOR

The ACTING PRESIDENT (Mr Leane) —

Order! I would like to acknowledge the presence in the gallery of a former Cain and Kirner government minister, Caroline Hogg.

Debate resumed.

Ms DARVENIZA (Northern Victoria) — I am very pleased to make a contribution to the debate on the Water (Commonwealth Powers) Bill. Unlikely as I am to agree with the opposition, I do agree with something Mr Vogels said. It does not often happen, but Mr Vogels is right: you cannot pass a piece of legislation and make it rain; it will not create one bit of water. But as a government and as a Parliament we can put plans in place that will secure water for Victoria. That is exactly what both the former Bracks Labor government and the Brumby Labor government have done, and we have been supported by a Rudd federal Labor government to secure water for our farmers, irrigators and the environment in Victoria. We have put policies, plans and funding in place that will do that.

Opposition speakers come into this chamber — Mr Vogels did this, as well as Mr Barber from the Greens — and say, ‘Look, here we are with a bill before the house, but it has taken years. The Howard government had a proposal years ago that we could have signed up to’. And they are right; we could have signed up to it, but if we had done so, we would not have been securing water for our irrigators and farmers in Victoria. The plan and scheme that John Howard proposed and asked us to sign up to would not have delivered that security, would not have given us a say in the planning and would not have given us any opportunity to take those plans back to the federal government if we disagreed with them.

But of course what the Murray-Darling agreement did was provide a real winner for Victorian farmers and for

the environment. What we won were very important concessions, including the provisions to give all state water ministers the right to disagree with the Murray or Murray-Darling Basin plan and to send it back to the Murray-Darling Basin Commission for further work. That was something the Howard proposal did not give us. That is something Mr Barber has come in here and said we should have signed up for. He said we should not have waited until the states, through the Council of Australian Governments (COAG), and the commonwealth came up with a more reasonable and fairer arrangement for the state. Mr Vogels said the same thing, ‘Why didn’t we sign up for it years ago?’. That is why we did not sign up for it. Under the original Howard plan Victoria did not even have a seat at the table to help develop the Murray-Darling Basin plan, and the Greens — —

Ms Lovell — Acting President, I draw your attention to the state of the house.

Quorum formed.

Ms DARVENIZA — As I was saying, the Howard arrangement, which is what the opposition and the Greens say we should have signed up to, did not even give us a seat at the table in the development of the plan. But under the agreement we have now developed through COAG not only do we now have a say in the future planning for the Murray-Darling Basin, but Victoria and other states also have an opportunity to work through any disagreements we have with the commonwealth around those plans. So it was indeed worth waiting for, just so that we could have a say in the development of a plan and work through disagreements. Of course the Murray-Darling agreement came with other very real advantages for Victorian irrigators and farmers.

Mr Drum — The irrigators are farmers.

Ms DARVENIZA — Mr Drum does not like to hear this, because the Liberal Party and The Nationals coalition has no policy on water. Coalition members say one thing to one group of people and then go somewhere else and say another thing to another group of people. They do not know what they support. They do not support the north-south pipeline one day and say they will turn it off; the next day they are going to turn it back on again. They go this way, they go that way. They do not know what they stand for, because they stand for absolutely nothing.

But some of the real winners from the Murray-Darling agreement were, as I said, our farmers and irrigators. The farmers and irrigators in the Mildura region were

big winners, with \$106 million being provided for the Sunraysia modernisation project by the commonwealth government. That was money that the commonwealth gave to spend on infrastructure in Victoria which, had we signed up to the Howard government's agreement that it was putting forward, would never have come to Victoria. The Mildura region would not have seen that \$106 million. The Sunraysia modernisation project will see upgrading to pumping arrangements as well as either pipe lining or relining of channels as part of a major renewal project, which will save around 10 gigalitres of water. So it will ensure a long-term and sustainable future for one of Australia's fastest growing and most important regional communities.

That is one of the wins we achieved through the COAG agreement on the Murray–Darling Basin. But those communities were not the only winners. Of course the food bowl modernisation project is one of the largest investments that has ever been made by any government in regional Victoria. The Brumby Labor government had already committed a billion dollars to improving and upgrading antiquated and degraded irrigation infrastructure that was leaking, seeping and causing evaporation. Billions and billions of litres of water were lost every time that irrigation system was in action. But we had already put a billion dollars towards improving, upgrading and modernising the system and bringing it into the 21st century.

As part of the Murray–Darling agreement we got an additional billion dollars from the commonwealth government to be spent in Victoria on upgrading and going towards stage 2 of that food bowl modernisation project. The 200 billion litres of water that will be saved through that additional funding spent by the commonwealth in northern Victoria will be shared between farmers, irrigators and the environment — half for the farmers and irrigators and half for the environment. So they were big wins for Victoria and for our food-producing regions. They were big wins for those who rely on irrigation to produce and grow the food that we in this state rely on, and of course much of that food is also exported.

A lot of other benefits will come to the region from having that vital and very large economic driver in the community set up and sustained so that it can continue to operate into the future. That is not just about the additional investment but also about industries such as tourism that will also benefit from it.

Recently the early works for the food bowl modernisation started. The early works program will see some 1000 automated gates installed in major channels of the Goulburn–Murray irrigation district by

the end of 2008. The early works started in May 2008. The project will automate the entire irrigation system with intelligent technology known as the total channel control system, which is designed and developed as well as manufactured here in Victoria. That will replace the 100-year-old system of manually opening gates throughout the whole main irrigation channel. Each of those automated gates contains the equivalent of a small computer inside it, and that enables it to measure the water flow and regulate it by opening and closing the gates automatically. It communicates with other gates and receives information from the central control centre and recognises problems, such as leaks and breaches of the channel and other discrepancies in water volume, and is able to alert staff to those issues immediately. Not only was that money put in for the food bowl modernisation project by the Brumby government but it was also added to with an additional \$1 billion from the commonwealth, which came out of the Murray–Darling Basin agreement.

The bill we have before us today does a range of things, and I will quickly run through what the bill provides. It implements the commitment that Victoria made under the agreement on the Murray–Darling Basin reforms, which was signed off by our Premier on 3 July 2008. The bill provides for the making of a new Murray–Darling Basin agreement, as scheduled in the commonwealth Water Act 2007. It also expands the functions and powers of the Murray–Darling Basin Authority and the Basin Community Committee to include those set out in the new Murray–Darling Basin agreement and provides that these functions must be exercised in accordance with that agreement. It inserts a new part 2A in the commonwealth Water Act, which requires the basin plan to deal with the provisions of conveyance water and critical human water needs. It also provides for the re-enacting of part 4 of the commonwealth Water Act to extend the reach of water charge and water market rules within the basin to cover respectively all bodies that have regulated water charges and all irrigation infrastructure operators. It also inserts a new part 4A into the commonwealth Water Act to allow for the referring states to opt in to apply the water charge and/or the water market rules in its jurisdictions beyond the Murray–Darling Basin. It also provides for staff and assets and liabilities of the Murray–Darling Basin Commission to be transferred to the new authority in accordance with the agreement.

It is a good agreement that was put in place by the Council of Australian Governments, by our Premier and other premiers and the commonwealth. As a result of that agreement we have this bill before us today. It is a good bill, and it deserves the support of all members of this chamber. I commend the bill to the house.

Mr P. DAVIS (Eastern Victoria) — I will make a few comments on the Water (Commonwealth Powers) Bill, and I do so with some hesitation. That is because while it is important that we as legislators look for as much common ground as we can, my hesitation in regard to this bill is one of principle. It relates effectively to the recognition, over some years, of Victoria as leading reforms and having exceptionally progressive views, relatively speaking, in the matter of land and water management. You can turn back nearly 40 years to the establishment of the Land Conservation Council and its transition to the Environment Conservation Council and then to its present status as the Victorian Environmental Assessment Council. It was the Environment Conservation Council in the interregnum in the late years of the Kennett government. The LCC, now VEAC, in effect has led to a massive change in the way that some of Victoria's landscape is managed, in particular public land and marine waters.

Also there has been a long history of commitment by local communities to various initiatives of land and waterway management, in particular our early river management authorities, which have a history going back more than 60 years. Some people who have experience in that area would say it was somewhat regrettable when they were subsumed into the broader functions of what are now the catchment management authorities (CMAs). That was an innovation: the development of fully integrated catchment management under the auspices of boards of governance established by the government of the day, initially with a revenue collection power, which was met with some hostility in areas which had not had the experience of contributing financially to the health of the river management authorities. Those communities that had that 50-year experience were quite readily appreciative of the benefits of that integrated catchment management and the financial contribution by the community, meaning that funding from both the government and the local community could be directed to projects and problems which had been identified and were essentially implemented by boards of management, which were reflecting community aspirations.

Regrettably that has been somewhat diminished in recent years. Without criticising the people who presently serve on those boards, my sense is that there is not such a high level of community engagement. That is in part due to the fact that people like to see where their dollars are being spent when they are making a financial contribution. The fact that the catchment management tariff was abolished very quickly separated out the enthusiasm for following the activities of the CMAs by the general community, and

there was much less awareness and certainly less public discussion about them in regional areas. However, they still perform a useful function.

It is true that Victoria was recognised as a true leader with a number of positive initiatives in land and waterway management. I would like to think that was still the case. The evidence is in that the state of the Murray–Darling Basin is attributable to the longevity of poor understanding about the need to manage a catchment holistically. While it is very easy to be in the south and point north and say it is all their fault, I am quite satisfied in my mind that Victoria's comparative management and allocation of its water resources stands any objective test compared to the northern states.

The state of the Murray–Darling Basin has been magnified by the overallocation of water resources in the northern states, and Victoria has done a much better job over a long period than those states. That is why I hesitate about the referral — in effect — of Victoria's powers in this area to the commonwealth. There is a complicated regime, and I was very impressed by the dissertation given by the Greens member Mr Barber. I thought he nailed the constitutional issues and legislative issues very well. Were I to have studied more closely the technical nature of the legislation and the references that he made to the commonwealth regime, I believe I would not have made a better case. He made an excellent case.

What it leaves us with is a sense of disquiet that we have been able to lead and we have been able to develop initiatives that other states have followed over time, and yet we are giving up in effect to a new regime which is, in my view, a camel because of its complicated nature. Perhaps in 100 years somebody reading this speech might not understand what I mean by a camel, although most people here would know. For the record, it is a horse designed by a committee, and I think any horse designed by the states and the commonwealth inevitably is going to end up being a camel. We have got a camel and it is going to drink a lot of the water, frankly. There might not be much left over for Victoria in the end.

There are some things on which I can agree with the government — unfortunately, because sometimes we like to be opponents when we are in opposition.

Mr Lenders — You can do it 100 per cent of the time, Mr Davis, if you want to.

Mr P. DAVIS — Not 100 per cent, Mr Lenders, no; just from time to time. I will acknowledge that some of the government initiatives have some merit. They have

merit because they were initiatives proposed by the opposition — not that the government adopted them because we proposed them; the government adopted them because they were sensible. For example, the food bowl project in northern Victoria is in its own way a sensible project. It would have to be sensible because I recall a previous shadow water minister in the Assembly, Tony Plowman, talking about it several years ago. He was clear about the objective, which was that there should be a significant state investment in improving the water delivery mechanisms in the irrigation districts of northern Victoria because there was an outrageous waste of water, and that in doing so the government would achieve significant water savings which would then be able to be shared between irrigators, the environment and other consumptive uses. That is not a bad project in itself.

Then of course at the last election Ted Baillieu, the Leader of the Opposition, took the running on water policy and announced not just that the opposition was in favour of building a new dam to harvest some water at Arundel but that, more importantly and more significantly, it would commit to building a desalination plant. The government at the time ridiculed that idea, but six months after the election it adopted it, so we see the government now implementing what was our policy.

This is the rub in both the food bowl project and the desalination project: the government has been taking an approach which has been incredibly divisive. Instead of saying to the community in northern Victoria, 'We're here from the government, and we're here to help', it said, 'We're here from the government, and we're here to help — but by the way, before we give you any help we're going to take your water'. That was the point at which the community said, 'This is just outrageous'.

In my view it is a project which should have universal support. A project to stop the waste of water harvested in the catchment of the Goulburn River, which is primarily dedicated to irrigation, could have been seen to be something the whole community could support, but for the fact that the government decided it was going to reallocate waters out of the Goulburn catchment before any savings were achieved. It is no wonder, therefore, that that project is causing so much division.

Similarly in regard to the desalination plant — a meritorious project in itself — the way the government has in such a ham-fisted way proceeded with this project has created an enormous sense of community division. In fact I was at a meeting at Wonthaggi last night talking to people about this issue, and universally

they are personally affronted by the attitude and approach of the government to a project which, again, has merit in itself as a matter of principle and which should be and ought to be supported by the community, but it cannot be because of the government's almost totalitarian way of implementing its policy objectives without regard for taking the community along with it.

I wanted to particularly emphasise an aspect of the northern Victorian project which this bill is partly about — that is, the pipeline — and come back to the divisive nature of this. It is as if there is a zero-sum game being played out here, because it has even rolled into Gippsland. How it could mystifies me, but it has. I did not attend the rally in Seymour on the Sunday before last, but I took a keen interest in it, and I was interested in the fact that there were senators from South Australia in attendance: Senator Nick Xenophon, who is better known for his interest in gaming matters than his interest in the environment — and I do not make any comment about his views at all, I am just interested that he was motivated to come to Victoria to talk about that issue — and also the Greens senator Sarah Hanson-Young. I know her mum.

Mr Drum — She came from Orbost.

Mr P. DAVIS — Yes. I know her mum quite well. I do not know Sarah, but her mum is a keen activist in the community at Orbost, and Sarah grew up in that community and knows full well the importance of Gippsland rivers to Gippsland. But Sarah Hanson-Young, a Greens senator from South Australia, and the other South Australian senator, Nick Xenophon, got up and said, 'Dam the Mitchell River. Send the Mitchell River waters to Melbourne'. Can you believe it? I cannot! It is just astounding. Two South Australian senators come to Victoria and tell us, 'Barley Charlie, don't take any water that we might have an interest in. Just take it from Gippsland, because it doesn't matter down there. Gippsland doesn't matter'. According to the South Australians, apparently Gippslanders are just a mob of peasants. I cannot believe that a girl who was born and raised in Orbost would actually sneak into Seymour and then say, 'Trust me. Take Gippsland's water. They won't object'. For heaven's sake, the whole premise of the change of government in Victoria was based around Orbost and the Snowy River! It is so stunning that it is beyond belief, and I have to say the Greens in this place should be embarrassed. I have to say to Mr Barber that there is a career in the Senate for him in South Australia, because whatever they are doing over there, there is something in the water in Adelaide.

Mr Lenders interjected.

Mr P. DAVIS — There you go. So we have this farce of South Australian senators telling Victoria, ‘Do not take water from the Goulburn to Melbourne; take it from the Mitchell River. It will be okay because those Gippsland people don’t count’. I will just make a point about the Mitchell River. The Mitchell River, like a number of other major Gippsland streams, is a major tributary to — —

Mr Lenders — But you still preference the Greens.

Mr P. DAVIS — Us!

The PRESIDENT — Order!

Mr P. DAVIS — It is a major tributary to the Gippsland Lakes. Now in case the Greens have not heard about them, the Gippsland Lakes are an environmental icon. They are Victoria’s and Australia’s largest freshwater inland waterway. They have been damaged environmentally by excessive consumptive use of water out of the Gippsland Lakes catchment. The catchment is something of the order of 20 000 square kilometres, 10 per cent of Victoria’s land base. It includes rivers like the Nicholson, the Tambo, the Perry, the Mitchell, the Avon, the Latrobe, the Thomson and the Aberfeldy, and I will come back to the Aberfeldy in a moment.

But apparently there are views around that the Gippsland Lakes do not count. I am here to say that they do. There has been a lot of concern about the health of the Gippsland Lakes recently, and I just want to touch on this briefly and come back to the point of water management. There has been a long-lasting algal bloom of *synechococcus* algae which was a result of the 2007 winter floods which we have all heard a lot about, which transported large quantities of nutrients which were liberated by the 2006–07 fires. Donna Petrovich knows full well about this subject because she has recently been a member of a parliamentary committee that gave a very insightful report on the 2006–07 bushfires and the 2007 floods. It joins the dots and makes the case very well, I think, that the disastrous management of our public land has led to huge damage not just in our native forests but also in the Gippsland Lakes and waterways, because of nutrient loads.

But on the issue of water management, if it were that the government had an intention to properly and holistically on a statewide basis engage the community to improve the way that we manage our water resources, rather than simply in an ad hoc way impose unilateral solutions without proper regard for the impact on local regions, there would be a great deal more

support for it. But, as I have pointed out, the divisive nature of the government’s approach has caused division to arise. So we have now got calls, for example, between regions, for northern Victoria to say, ‘There is plenty of water in Gippsland. Don’t take our water. There is plenty of water in Gippsland; don’t worry about that’. Of course Gippsland people may have a different view.

Also you have the problem now of some people saying, ‘Let us nominate where that water should be taken from’. One of the proposals is a suggestion that we could take some of the flood-flow to the Aberfeldy without any damage being done to the catchment of the Gippsland Lakes.

I think it needs to be understood that all of the contributions by way of a minor or major flood to the Gippsland Lakes catchment are in themselves significant. As I pointed out, while there was a major algal bloom over last winter, right through until recent times the overall health of the Gippsland Lakes has improved as a consequence of the flood event, which was the first major flood event in nearly a decade. The Gippsland Lakes catchment requires ongoing flood events. If you continue to dam the streams which contribute to the health of the Gippsland Lakes and avert more water for consumptive use then it will have an inevitable long-term consequence.

I can only say that will cease to be an issue only when the Gippsland Lakes become a fully marine system. They were originally an entirely freshwater system. They are in a period of transition — that is the most polite way I can describe it — as a consequence of two major factors: the opening of a permanent entrance at Lakes Entrance in 1886, and the salting effect of the land clearing in the catchment. But eventually some have given a prognosis that the barrier will be breached, and the sea will come into the lakes. Until then we need that water for our rivers, streams and lakes.

I simply wanted to speak on this bill from a parochial, regional view, to say it illustrates to me that the government has not given sufficient consideration in any of its policy solutions to the integrated, holistic nature of catchment and integrated catchment management. It is a little bit like a balloon: if you have a balloon full of air and you push a finger in one place, it is going to pop out the other. It is impossible to have an impact on the environment without its affecting another part of the environment because everything is in the end connected.

Along with the other speakers from the opposition who have spoken on this bill, I indicate that I will not be

opposing it. But I have to say it is with some real reservation that I see a further transfer of Victoria's responsibilities to be a leader in land and water management to a blancmange of a process, in my view, which will be much less accountable than the arrangements which have existed previously where clearly the state of Victoria, the government of Victoria for the time being, has had a fairly transparent accountability and responsibility. I do not think that is a good thing.

In terms of a solution, we can come to the view that it is impossible to withstand the juggernaut of the billions of dollars that have been on offer and have inevitably seduced the Victorian government to comply with the aspirations of the Rudd government in terms of this project. Whether or not it is good for Victoria and good for water management, I still have my doubts, but I will be interested to hear the committee stage of this debate because I understand there is a fair bit to go yet.

Sitting suspended 6:23 p.m. until 8:04 p.m.

Mrs PETROVICH (Northern Victoria) — I am pleased to speak today on the Water (Commonwealth Powers) Bill. The purpose of this legislation is to refer to a variety of state powers which relate to the Murray–Darling Basin and a variety of other issues relating to water and the commonwealth. I say from the outset that the coalition is not opposing this legislation but would like to see this bill go to the Legislation Committee for amendment.

In saying that, I would like to express my personal disappointment at the lack of responsibility and awareness of the plight of the Murray–Darling Basin by the Premier, John Brumby. He refused to sign off on the Murray–Darling Basin agreement, which showed scant regard for the state of drought and the condition of the Murray–Darling system and was cheap politicking on his part.

The former Prime Minister, John Howard, formed a plan which the other states recognised as a step forward in a national water initiative. The other states reacted favourably, but unfortunately in his wisdom, or lack of it, Premier Brumby did not come on board. At that point the Brumby government would not sign up to or have a bar of the Howard plan. There was a lot of discussion around that, a lot of toing-and-froing, and at the time there were discussions with the federal opposition leader, Malcolm Turnbull, in making sure that Victoria got a reasonable amount of the package in our irrigation system. We wanted to ensure that the water rights of our farmers would be protected currently and into the future.

My understanding is that \$2 billion to \$2.5 billion was on the table to come to Victoria if this state government had signed at that time. Many people in northern Victoria believed they were sold out. The irrigators had a feeling that they missed out on a significant pot of money. They now have before them not the \$2 billion to \$2.5 billion on the table at the time, but \$1 billion from the state government for stage 1 of the food bowl modernisation project and \$103 million to be put into the Sunraysia modernisation project.

This leads me to something that is dear to my heart, and I have spoken on it many times in this house — that is, my opposition to the north–south pipeline. This pipeline is flawed because it is based on the premise that there will be 75 gigalitres of water available for the environment, 75 gigalitres for the farmers and 75 gigalitres for Melbourne, and the Premier has said that Melbourne will get its water regardless. That argument is flawed, and I will tell members why it is flawed. The figure of 75 gigalitres the government talks about is based on figures in the year 2000, but at that stage there was significantly more water in the system. Unfortunately because of drought and climate change that water is no longer there. The savings the government talks about making through the food bowl modernisation project will not eventuate.

This project rips the guts right out of our northern communities. I ask the government: who will feed Melbourne when the north–south pipeline takes the remaining viable water from the drought-ravaged environment? Wendy Lovell and I have grave concerns for those communities. We have raised this issue many times — —

Ms Lovell interjected.

Mrs PETROVICH — Many, many times. Ms Lovell is right. There has been a large amount of petitioning going on for those communities. It is not just a nimby syndrome. It is about production of food and fibre, which is a vital part of what needs to happen. We are not even talking about export product. We are talking about 80 per cent of the food produced in that northern area going to the metropolitan area to feed the Melbourne community. It is simply not good enough.

The water is simply not there any more. Irrigators have not had their full allocations for many years. Farmers are selling their water rights since the unbundling process has been introduced, and that leaves their farms with very little value. They are not doing this to be difficult; they are not doing this because they are petulant or they are making too much money. They are doing it because they are struggling to keep their

businesses going. Not only have they experienced 10 years of drought; they have been paying for water allocations they have not received. Some of their bills amount to hundreds of thousands of dollars. We know they have received some relief through funding from the Brumby government to assist in paying those bills, but it is still not enough.

The interesting part about all this is that when you look at the long-range weather forecasts for the Murray–Darling Basin you see that it has changed significantly over a number of years. But in some graphs I have here it is apparent that the weather is quite cyclic. The 20th century opened with the federation drought, and relatively dry conditions persisted for half a century, accentuated by severe drought periods around the time of the First World War and in the decade from the middle of the 1930s through to the end of Second World War. The second half of the 20th century was generally wetter than the first half, but dry conditions similar to the first half of that century have returned in recent decades, and the accumulated anomaly is demonstrated in some documentation I have which I am able to present to the Parliament today. It clearly shows that the downward trend in that early part of the century was quite longstanding, and long-term weather predictions show us going into a similar trough. Not only are we faced with global warming, but we have a severe drought as well.

One of the issues I have with all this, and it intrinsically relates to this bill, is that not enough has been done soon enough, and I really do not believe there is an acknowledgement of the severity of the problem. I would like to set a challenge for the Brumby government and the city of Melbourne. As a matter of urgency it should fully develop alternative solutions in relation to education for the Melbourne population on the critical nature of drought coupled with climate change. It seems there are an enormous number of alternative solutions being developed, and I have recently been privy to a large number of them. They are being developed in communities, and communities outside Melbourne have gone ahead in leaps and bounds. The city of Brisbane and communities in Queensland have really bitten the bullet and gone into a plethora of water-saving activities which has started them well on the way to becoming truly sustainable communities.

This government has completely dropped the ball on alternative water sources and solutions. We should make water conservation a major goal for our communities, and we need to articulate this in such a way that communities understand the seriousness of the issue. If you look at the historical usage of water — that

is, litres per person per day — for Melbourne it was up to 423 litres in the 1990s, and it is still 331 litres in 2005 and 2006 under restrictions. There has not been a significant drop. For all the talk about stage 3a and water-saving shower devices, it is simply not enough. If we look at what is going on in Victoria, our current plans only drop our water consumption by 10 per cent. The activities I have seen recently in Queensland have resulted in a 30 per cent drop in its water usage in one year, and it is still 40 per cent below Melbourne's water usage.

As I said, there is a whole range of things happening in the wider world. Australia is the third highest consumer of water internationally, according to a United Nations study, and if you look at what is happening elsewhere there is a very strong case for purified recycled water for Melbourne. I do not think we can afford to continue to waste this precious resource. In south-eastern Queensland the western corridor recycled water project is now complete and operational. In the USA the Occoquan Reservoir in northern Virginia has been operating for 30 years. There is a water factory in Orange County, California, which has been operating for a number of years. It commenced operation in 1965 and it can supply 265 million litres a day of high-quality water. There are other projects in Montebello, Los Angeles, Singapore, Belgium and Essex in the United Kingdom. Other countries have led the way. We are living on one of the driest continents and have done very little.

We are gluttons for water. There is a very strong case for purified recycled water. We have great examples of what is going on at Gunnamatta Beach where we have relatively untreated sewage flowing out to sea from the outfall, causing absolute carnage in our marine environment. It is in fact an environmental catastrophe. There has been complete lack of action by this government and previous governments in cleaning that up and planning alternative uses for that water. Even if it were not used for human consumption, it could be used as a non-potable supply for industry, and that would take the pressure off our potable supply.

There should be an urgent acknowledgement of what is going on in the country by getting on with the job of looking at alternative sources of water. Our stormwater is an untapped resource. We are looking at 900 000 megalitres of water flowing out to sea. I have seen figures that show that with purification we could capture 450 000 megalitres of potable water. Not only would we assist our bay by cleaning up an environmental problem, because the stormwater that flows into our bay contaminates our marine

environment, but it would also provide a reliable and a valuable source of water for us.

If we were fair dinkum, we would put in rainwater tanks around our houses. In Brisbane one in four homes is connected to a rainwater tank.

Mr Finn — I have one.

Mrs PETROVICH — Any responsible person has a rainwater tank.

Mr Hall interjected.

Mrs PETROVICH — Mr Hall, people in northern Victoria and other country areas have been doing it for many years. They have been into sustainability principles in a big way.

Between 1900 and 1999 the average rainfall per year was 680 millilitres, which is about 28 inches, but the average rainfall between 1999 and 2008 has dropped to 450 millilitres. The catchment of an average-sized house — although probably not so average when you look at some of the McMansions that have been built — with a 175-square metre roof size, which is a 17.5-square metre home, is quite significant. With 3 millilitres of rainfall you would expect to pick up 500 litres of fresh rainwater. The average daily water consumption inside the home is 500 litres of potable water. A house fitted with a 2680-litre tank, assuming that 85 per cent of the water is collected and can be used, would equate to 60 000 litres of fresh water. The surprising part about that is it is the equivalent of 120 days of household water use.

If we used tank water for non-consumptive purposes — for example, connecting the tank to the toilet, the washing machine, the dishwasher and even the shower — the tank water would supply 150 days of consumption. If we are really talking about sustainability principles, we are not talking about pinching water from the north but about making Melbourne a sustainable community. We all know that according to the 2030 figures the estimated growth for Melbourne is an extra 1 million people, so even if we look at retrofitting, there is a real opportunity to turn Melbourne into a state-of-the-art community that can stand on its own feet.

In looking at the costs we note the base cost of a rainwater tank is \$1.20 per 1000 litres. With desalination it is about \$1.73 and treated sewage about \$2.23. The cost of water from a rainwater tank is looking pretty good, and this is a simple solution that people can get themselves. The big problem we have is that we have water guzzling communities that have

become spoilt. The government will not go to stage 4 water restrictions in metropolitan Melbourne, and the argument I hear is that it is because of job losses. I do not want to see anyone suffer an economic detriment, but what we are imposing on the communities in northern Victoria equates to job losses, and that is something I am not comfortable with.

The desalination plant at Wonthaggi is interesting. The Liberal Party led the way with its policy for a desalination plant as part of its plethora of solutions for water shortages. The difference between our desalination plant and the Labor government's desalination plant is that there has been no community consultation, it is poorly sited and is three times bigger than anything else in Australia.

I have looked at the desalination plant in Western Australia. It is sited in an industrial area amongst industrial shedding, which is quite appropriate. It is one-third the size of the plant proposed at Wonthaggi. I have looked at the desalination plant at Tugun near Coolangatta in Queensland. It is sited alongside the airport and has a residential interface, but it is in a suitable position because of the way it has been built and the amenity is quite good. It is not highly industrialised although it is in an industrial area around the airport. There are concerns about the outfall, about dispersing the saline produced from the outfall, and the area is quite shallow.

This is a concern we have at Wonthaggi as well. The community there has been stifled in its opposition to this ill-conceived plan, and the sad part about that is the project will probably go ahead anyway. I know, the government knows and Melbourne Water knows that facility will produce so much water that we will not have the capacity to store it, because we have a government with a no-dams policy. I am a little disappointed by the way this has all played out.

As I have said, our party will not be opposing this bill; we are very keen to get it to the committee stage, because it needs some work done on it. But there are other issues we need to sort out. We believe the government has acted too late. The Murray–Darling Basin has been in trouble for a long time. The Brumby government did not act when it could have — when the Howard government first put its proposal forward — and it has missed out on \$1.5 million of revenue.

We know we have a situation with our food bowl modernisation project. Very few people are opposed to it, and there is no doubt that 150-year-old channels are in need of some maintenance. The issue is water savings: they are simply not there, because the water

that was there in 2000 is no longer there. The great shame of that, as Ms Lovell and I know firsthand, is that those communities will be completely devastated by the implementation of this program.

I do not think members of Melbourne's community have any idea — and if they did, they would be most ashamed — that the work they have done in terms of water savings has not been capitalised on properly. A range of such activities is going on in the community, but there simply have not been the budget allocations and the commitment from this government to move forward on alternatives. Instead, there has been a knee-jerk reaction to pipe water out of the north, over the Great Dividing Range — which the government said it would never do — and build an ill-conceived desalination plant which the community is petrified of and does not want to live with.

While the state government of the day exists in a state of denial and noncommunication with its metropolitan constituency about the critical situation of our water resources — and the lack thereof — we will continue to turn city against country and state against state. Rivers such as the Murray and the Goulburn will continue to suffer environmental and riparian damage, and metropolitan Melbourne will go on, oblivious, turning its tap on and not knowing the difference between what is going on in metropolitan Melbourne and what is going on in the country.

I draw an analogy with what has gone on in bushfire-affected areas, referring to the effect of the lack of public land management and bushfires on water catchments. I was part of the environment committee that produced a fairly substantial document a couple of months ago following a huge amount of community consultation and work done across Victoria after the 2006–07 fires in the north-east. One of the things that came out of that that I think needs to be articulated was the strong link between hot burning wildfires taking hold and sufficient work not having been done in national park and state forest areas. When I say work I am talking about public land management, which requires staffing, knowledge and budgetary allocations. The recommendations of that committee pointed to the need for three times the prescribed burning that has been done — an increase from 130 000 hectares to 390 000 hectares of prescribed burning — which should be done during autumn and spring.

We have recently heard in this house a bit about the level of commitment of the government to firefighting. There has been little acknowledgement that this is about preparation and planning — it is not about spending money after the fact. I have grave fears that if

we go down that path and get a wildfire on a 40-degree day or 36-degree day with a northerly wind, nothing on God's green earth will stop that fire, no matter how much money has been put into choppers or trucks or whatever else.

Mr Barber — That is correct.

Mrs PETROVICH — It is correct. It is about prevention, planning and getting off your backside and doing the work. Northern Victoria is suffering enough. When those big fires occur they burn deep down into the subsoil. We saw that in Gippsland, as Mr Philip Davis mentioned earlier. When big fires burn deep down into the subsoil they wreck vegetation, the soil becomes unstable, all the seeds are burnt and the nature of the forest is changed — it is no longer a tall-standing ash forest but shrubby dense regrowth, saplings of sometimes totally different species growing very close together. That can cause the volume of the water catchment to drop by approximately 40 per cent in the first two years and 50 per cent in the first five years. That has a longstanding effect, and I am a bit annoyed about it, I have to tell you, because this is about doing the job that needs to be done.

There is a big cost to communities and to our river systems and our parkland, and I hope this government wakes up to itself before too much longer.

Mr DRUM (Northern Victoria) — I have great pleasure in taking the opportunity to speak on the Water (Commonwealth Powers) Bill 2008. I want to commend the work that the shadow minister for country resources in the other house, the member for Swan Hill, Peter Walsh, has put into this bill and into working with two federal governments, particularly the previous federal government when the water plan was first hatched by the then Prime Minister, John Howard, in 2007.

It is no secret that The Nationals were very reticent to jump on board and give that proposal our full support until we had the relevant assurances we needed to make sure that Victorian irrigators were not going to be disadvantaged and negatively impacted on by the various provisions that were put forward in that \$10 billion water plan. We spent approximately four or five months going backwards and forwards with Malcolm Turnbull, the then Minister for the Environment and Water Resources, to ensure that over a period of months various assurances were given regarding the security and comfort of our irrigators. When we got those assurances we were at a stage where we could give the \$10 billion plan our support. But that was not the start of this matter per se. Going

back three years, John Anderson, who was then the water minister, announced the national water initiative. That was the first project during my short time in public life when a government was prepared to take the hard decisions about stopping some of the blame game associated with the Murray–Darling Basin, and I will talk a little bit about that later on.

The purpose of the bill is to refer powers previously enjoyed by each of the Murray–Darling Basin states over their water management to the commonwealth government. Not only Victoria but New South Wales, Queensland, South Australia and the Australian Capital Territory have had their own regimes and structures around how they deal with and use water within the Murray–Darling Basin, but this bill will create a situation where most of those powers will be referred to the commonwealth. The main provisions in this bill will be reliant on the commonwealth constitutional powers and the referring of those powers by the basin states to enable the commonwealth to take measures as part of the basin reforms. The Murray–Darling Basin Authority will replace the current Murray–Darling Basin Commission, hopefully in a seamless transfer. The authority will assume all the existing powers that the commission currently has. Hopefully that will not be just another name change, but it will create a better structure and the authority will be able to implement and monitor the basin plan.

The federal minister for water is going to have some far-reaching decision-making powers within this new legislation. Penny Wong currently holds that position, and under the basin plan which is going to be developed by the Murray–Darling Basin Authority the minister will have the power to send the basin plan back to the authority if it needs to be amended in any way. The ministerial council will be chaired by the federal minister, and the Basin Officials Committee will be comprised of officials who will also have a series of roles, responsibilities and powers, representing each of the basin states.

We have concerns about some of the eligibility criteria that have been placed around the members of that Basin Community Committee. This is something that needs to be watched very carefully, because we do not want to diminish the ability of people who have had a lifetime of experience within the irrigation sector or within the water management and water use sector prohibited from being a part of that committee simply because they may be seen to have some sort of vested interest in the system. It has been put to me that managing water is not rocket science but is much more complex than that, and I think that is a pretty accurate assessment of just how difficult it is to get a handle on water. I might add

that that is why so many Labor governments flounder when it comes to creating genuine water policy. They simply have not had a lifetime of experience dealing with water, the complexities associated with its use and the regimes surrounding its management. To think they can, all of a sudden, jump up and assume this knowledge in a short period of time is absolutely ridiculous.

I would also like to talk about some of the prospective projects in the Murray–Darling Basin at the moment. Certainly the most contentious issue has been the food bowl modernisation project. Whilst everybody is happy for governments to spend money fixing up irrigation infrastructure projects, there are not too many people who are happy about building a \$750 million pipeline and taking the so-called savings — even before they have been found — to Melbourne for Melbourne to use as it wishes. The Labor government in Victoria perpetrated the lie that the only way we were ever going to get government funding for infrastructure improvements in the north of the state was to do a deal that was going to send water to Melbourne. We have known all along that once John Howard's \$10 billion plan was put on the table, the Goulburn Valley was specifically identified as a prime location for that money to be spent. We knew at a very early stage that up to \$2 billion — probably \$2.5 billion, if not more — was going to be available to be spent once the federal government decided to get in, invest and fix up the ageing irrigation structure. We knew it would not just stop with the job half completed. We knew there was going to be a serious amount of money there.

Mrs Petrovich mentioned earlier that history is going to be rewritten by this Labor government. John Howard's government put \$10 billion on the table and asked all the states to come on board to create a national water plan. Had Victoria signed up, it would have been eligible for approximately \$2.5 billion, but Premier Brumby said, 'That's not right'. The Brumby government said, 'No, there is no money specifically for Victoria; it is all going to be spent miraculously in the other states, and none of this money is going to be available for Victoria'. The Premier was saying the only way we could fix up the ageing infrastructure in the Goulburn Valley was to get the people of Melbourne to pay for the infrastructure improvements. We knew all along the federal government was going to come good with billions of dollars. Everybody in the north of Victoria knew that we would be able to get money from Canberra. There was going to be over \$1 billion of federal government money available for infrastructure projects. We did not need a billion dollars from the city-centric Victorian Labor government to do up the infrastructure if the strings attached to it meant

sending water to Melbourne. We knew we did not need that money, because we were going to get the money to fix the infrastructure from Canberra with no strings attached in relation to taking water back to Melbourne through the north–south pipeline.

John Brumby would have us believe otherwise. He would have us believe that no money was ever going to come from Canberra, but that was proved wrong six months later. John Brumby would have us believe that he had Victorian farmers' interests at heart when he held off jumping on board and signing the national water plan. The only thing the Victorian Premier was interested in was somehow miraculously excising the Goulburn River system from the Murray–Darling Basin. He was also miraculously able to convince the federal government that that sounded like a good plan.

The single most stressed system in the Murray–Darling Basin is the Goulburn River, and it has now been excised from the Murray–Darling Basin. If the government has its way, it will be used to pump 75 000 megalitres of water every year. Once the government builds the pipeline, it will be used to pump water to Melbourne. You cannot trust government members; once they build the pipeline, they will pump the water. They will change the rules, the allocations and the bulk entitlements. We know that will happen under this government.

Once they were able to get the Goulburn out of the Murray–Darling Basin, they then came on board in the guise of finally sticking up for Victorians and doing the right thing by Victorian irrigators. It was quite deceitful, because the assurances the Premier announced once he had signed on board had already been agreed to by the federal government three months earlier. No assurances were gained by the Premier when he came on board with the Murray–Darling Basin plan. The only reason Mr Brumby refused to accept the initial \$2 billion in John Howard's plan was so that he could yet again break his promise to all Victorians that he would not pump water over the Great Dividing Range to Melbourne. Whilst that cost Victoria \$2 billion, Mr Brumby got what he wanted — that is, the ability to take water and pump it directly to Melbourne so that he could shore up his electorate at the next election. That is how narrow this water policy is.

The Murray River has an extremely rich history, and we need to be aware of that. We need to look at that history as we write another significant chapter in the way we manage the water going forward. From the mid to late 1800s the river was a very important means of transport in eastern Australia. Much of our art reflects clearly and succinctly the important role the river

played in the transportation of stock and timber in the Goulburn Valley and up around Echuca and the Riverina.

Unfortunately the parochial attitudes of each of the states associated with the Murray–Darling Basin dominated water allocation and water policy. It was not until the time of the national drought, when the lack of water started to bite hard, that the states turned their attention to working together to come up with some common-sense water policies and allocation policies that would serve all of the Murray–Darling Basin states in a way that could see them all go forward with some sense of confidence and surety. A range of talks and conferences were held in the 1900s, which led to the River Murray Waters Agreement between the federal government and the state governments of New South Wales, Victoria and South Australia.

Next came the Murray–Darling Basin Commission. For some 70 years the commission has overseen the rules and allocations of water within the Murray–Darling Basin. It was set up to help implement all the directions and actions that were agreed upon under the original River Murray Waters Agreement. During that time major work started to take place. The Dartmouth and Hume dams were built, and works were completed around Lake Victoria in New South Wales for water storage. Many weirs and locks were built along the Murray River as well. In a sense, what we are debating is simply the next phase or another phase in the ongoing management of the Murray River. This new stage will be a further step towards making sure we do away with the parochial policies that have dogged the river for most of its recent history.

The Howard plan was designed to address the ever-present blame game that exists in relation to the Murray–Darling Basin. John Anderson tried to work through these problems with a national water initiative. Some three or four years ago federal politicians were simply sick of the blame game that is continually played between the states. Some sound and genuine leadership was being put in place in relation to the management of the water in the Murray–Darling Basin. This leadership was not based on trying to blame someone else, and it did not denigrate the irrigation industry as the Brumby government has done in Victoria. This government has pushed along the perception that the irrigation sector is always wasteful and has never done anything to help itself, which could not be further from the truth.

What we never hear from the Brumby government is that a whole generation of irrigation farmers have poured tens of thousands of dollars into their on-farm

efficiency programs throughout the northern part of the state. I was brought up on an irrigation farm, and I understand just how much money has to be spent to increase water efficiencies on such a farm. My oldest brother spent 20 or 30 years as a laser grader operator. He also played his role, along with many other farmers in the north of the state, in spending hundreds of thousands of dollars laser-grading all his paddocks to increase water efficiency. These are some of the expenses incurred by the struggling farmers referred to by Mrs Petrovich.

For many years these farmers have been paying for water they have not received, and over that time they have been working in an ever-drier environment. I think they need to be congratulated on the innovation they have demonstrated and not be continually denigrated by a Labor government in Melbourne that refers to people in northern Victoria as being totally wasteful and as having more water than they could possibly use. Members of this government think they will be doing us a favour by spending a bit of money on infrastructure that will take 75 gigalitres of water to Melbourne each year. Do members of this government think that people in the north should be grateful and happy for what is being done to them?

We know the Murray River also has some serious health problems — not just the Murray but also its associated tributaries and all the rivers in the Murray–Darling Basin. As I mentioned earlier, a CSIRO report identifies the Goulburn River as the river in the worst condition. I think it was Ms Lovell who identified that nearly all the rivers in the Murray–Darling Basin are rated as being poor or very poor. It is no surprise that the people who live in northern Victoria — not the people who pretend to live in northern Victoria — would know firsthand how many rivers in the north of the state are in poor health, and we need to be conscious of that.

A few years ago members of The Nationals took a trip down the entire length of the Murray. We finished the trip at the Coorong, where we had a good look around the mouth of the Murray and saw the state of the river in that area. We looked at the water quality around the barrages and saw the problems that existed there. We also looked at the dredging that was taking place to enable the mouth of the Murray to stay open. We had a good look at the various problems associated with the river down its entire length — it was an eye-opening tour and a very informative trip.

At that time the view in South Australia was that many of the ills being experienced in the Coorong were because of what was happening further upstream. I think the blame game is being played very clearly.

People in South Australia are quick to blame users upstream for many of the ills associated with the Coorong today. We know that is not necessarily the truth. It needs to be considered whether the landowners around South Australia have a larger role to play in fixing up the health of the Coorong; whether the upstream users also can share some of the blame associated with the quality of the water at the Coorong and the sanctuary that is so highly regarded around that area; and whether the drainage from the local agricultural sector is having a negative impact on that area as well. All of these factors have to be taken into account. We cannot just summarily say it is all to do with the upstream users.

Irrespective of the reason for the currently poor state of the Coorong, I do not think anybody can argue that if we were not taking 75 gigalitres out of the system the Coorong would be in a healthier state. Yet that is what the Labor government is telling us all. It is telling us that the 75 gigalitres — that is, 75 billion litres — does not make any difference to the state of the Murray River, the Goulburn River, the Ramsar wetlands or the whole Murray–Darling Basin. The Labor government in Melbourne would have us believe that taking 75 000 megalitres of water out of the system and pumping it to Melbourne will not have one negative impact on the Murray–Darling Basin, the Ramsar wetlands, any of the endangered rivers and creeks, any of the Murray River red gum systems, any of the irrigation systems around Mildura, other parts of Victoria and down into the Coorong in South Australia. They are saying that is just totally irrelevant.

I sometimes think some of this policy will come back and bite this government because it is based on deceit and on spin, and simply on its achieving what it wants to achieve in securing some seats in the eastern suburbs of Melbourne. It wants to pass off as fact that it has this system under control, and to hell with anybody else who disagrees with its system.

What the federal Labor government is going to do is push off and buy some stations on the northern reaches of the Darling. So Tooralie Station is now being purchased by the federal government. This action has the water experts in those upper reaches of the Darling system shaking their heads. The locals are convinced the Rudd government has just purchased some very expensive air. There is no water on many of these farms and in many of these tributaries and rivers. There is no water. The Rudd government has just gone up there and paid literally tens of millions of dollars for properties where there is no water. The locals up there think it is quite amusing. The water experts up there are shaking their heads, saying, 'If these people are running our

country, if these people are making water policies that are going to take this country forward, we are in a bit of strife'. Even in the times when there has actually been plentiful rain in the northern reaches of the Darling, only a very, very small portion of that water actually makes its way to the Coorong.

The government is happy to take 75 000 million litres out of the Goulburn system to make sure that does not get anywhere down the river, but then Labor governments are happy to run up to the top of northern Australia, into Queensland and northern New South Wales and buy entire farms and strip them of their water, because they hope these dry farms one day will send water flushing down through the Darling and down the Murray to open up the mouth of the river again. It is quite sad that we actually have this sort of leadership trying to forge its way through what is becoming one of the most critical resources that we have in this country.

When we talk about transferring water it is very easy for us to just get caught up in talking about megalitres. Members representing the regional and rural seats tend to talk about water in terms of megalitres or thousands of megalitres — in gigitalitres — but in effect what we are talking about on many of these occasions is people's jobs. We are talking about people's ability to create wealth and their ability to actually live, work and raise a family, which is just one of the ridiculous slogans this government throws back at us. And then it generates policy that does exactly the opposite.

These people on the farms are highly stressed, and are paying for water they never receive. The government refuses to talk about that. It is happy to go on to their farms and arrest these people for doing nothing more than trying to hold their ground against water authorities that are trampling all over their farms. The government is happy to take this bulldog approach, forcing its way through with its own water projects, paying no respect to people that might have a view that differs from its own. Instead of having a government that actually understands what they are going through, these people have a government that gives no support. They have a Labor government that does not talk about jobs, wealth creation or fulfilling a vital role within the Australian agricultural sector — that is, putting food and produce on tables and onto supermarket shelves. The government does not talk about that at all. All it talks about is the waste that is happening in northern Victoria.

As we know, the CSIRO report came out a few months ago on the Murray–Darling Basin sustainable yields project, which uses the yields of the last 10 years as the

normal yields for its projections and modelling going forward. These projections have the Goulburn River flows diminished by up to 58 per cent at the northern end of the river. And yet the government is telling us about the amount of savings it is going to make in the north of the region by fixing up the irrigation sector. Suddenly the future savings in this case are based on Victoria miraculously returning to the yields of not the last 10 years but the last 115 years; that will be the average rainfall going forward.

So when the government wants to create a whole raft of losses and when it wants to create a whole range of ways that it is going to save water, it says, 'In the north of the state we will return to 115-year averages'. So, somehow or other, the drought is going to finish, climate change will not exist, and in north of the state the government is working out its future projections on rainfall averages over the past 115 years.

In Melbourne, which is 100 kilometres to the south, where it is actually wetter, the government is saying that Melbourne is in dire straits; it is in all sorts of trouble. That is because the government is planning that the averages for the last three years will be the norm going forward. I am not quite sure how the government can do that. Obviously it does it with a high degree of deceit, a large degree of spin and a great amount of hope that the people in Melbourne are not listening to the people in the north and that the people in the north never come to Melbourne and hear what the government is saying down here. We have a government that puts out the figures it wants to put out. It puts out the selective figures that suit its purposes in Melbourne. It has to scare the pants off people who live in Melbourne. It says the averages over the last three years will be the norm for Melburnians going forward. It is saying effectively that we are in real danger of running out of water in Melbourne. In the north the government has decided to use the averages over the last 115 years for its water modelling going forward.

I would like to know how the government can do this and how it thinks it will get away with it. It is just lie after lie after lie, and I hope we can hold the government to account. I hope the people who are interested in water across the state can see through a government that has made up this water policy on the run, a government that really does not have any idea about the projects it is putting forward, a government that has got itself into an enormous hole and has totally underestimated the backlash from regional Victoria. In all the polls that have asked people whether they supported a north–south pipeline, 96 per cent of Victorians have said they did not.

It gives me great delight that the coalition is going to move a motion that this bill be referred to the Legislation Committee, where we will be able to call water experts within the state and hopefully we will be able to call the chairman and the chief executive officer of the Murray-Darling Basin Commission. We will be able to call the people we need to call to flush out some of these inconsistencies and some of the deceit that has been behind so much of the government's water policies. We certainly hope we can strengthen Victoria's position as it hands over its powers to the commonwealth, and we certainly hope we can put some more comfort around the management and the allocation of water in this state as the commonwealth government takes over these powers into the future.

Mr KAVANAGH (Western Victoria) — I have only a few words to say about this bill. Of course the Murray-Darling system represents the most precious asset we have in this country; indeed it is the most valuable resource we have on our continent. It is an asset and a resource that, of course, crosses state boundaries, and that is a situation fraught with some difficulties. We all know that with any water resource like this those downstream can easily be held hostage by those upstream and by whatever actions they take in removing water. The fact of the matter is that basically Victoria is downstream in the system, so it seems to me that Victoria has quite a lot to win from a situation where power over the river is transferred to an independent superstate authority — in this case, of course, it is the commonwealth of Australia. It seems quite appropriate that a national government should have control over a national resource, particularly one that crosses borders between different states.

We are told quite regularly that the Murray-Darling system is in desperate strife — in deep trouble — as represented by the Coorong, which I was able to take a look at only a few weeks ago. If the Murray-Darling system were to die, as some are predicting, it would bring disgrace on all of us, in my opinion. I hope these powers that are being transferred to the commonwealth will result in saving the Murray-Darling system not only for our sakes but for the sake of future generations of Australians.

Motion agreed to.

Read second time.

Legislation Committee

Ms LOVELL (Northern Victoria) — I move:

That the Water (Commonwealth Powers) Bill 2008 be referred to the Legislation Committee to report by Tuesday, 2 December 2008.

This legislation represents a major change to water management in Victoria, and the coalition is concerned about the impacts the referral of powers may have on future water management in this state. We have outlined in our contributions today many of the concerns we have and many of the assurances we would seek to gain through this Legislation Committee. The coalition wants to ensure that there will be no disadvantages to Victoria due to the referral of these powers. Referring this legislation to the Legislation Committee will enable this house to investigate in detail the ramifications of the referral of powers for Victorian communities, irrigators and businesses.

In referring this legislation to the Legislation Committee the coalition will seek that standing order 16.11(3) be suspended to allow the calling before the committee of the Minister for Water, Tim Holding; the general manager of the Office of Water in the Department of Sustainability and Environment, Mr David Downie; the chief executive officer of the Murray-Darling Basin Commission, Dr Wendy Craik; and the Secretary to the Department of Sustainability and Environment, Mr Peter Harris, to give evidence. The coalition believes the evidence of those named is vital to establishing the full extent of the ramifications of this legislation. In saying that, I seek the support of other members of the house for this motion.

Mr LENDERS (Treasurer) — The government will not be supporting Ms Lovell's motion to refer this bill to the Legislation Committee. I will speak very briefly to the motion. It is not because we have any anxiety at all about the legislation being referred to a committee that we do not support the motion; it is really because of the timing of the referring of the legislation. The history of this bill, as we know, is that the five states and the territories need to pass complementary legislation for this legislation to go through. It has been through the federal House of Representatives, and it was referred to a Senate committee, which is reporting back on 19 November. If Victoria has not addressed this legislation, it will mean that that committee will not be able to report back to the Senate. The Senate meets again in the weeks beginning 24 November and 2 December, so this bill being referred to the Legislation Committee rather than being dealt with in the committee of the whole will potentially hold back this legislation and prevent it from going through.

It is in the hands of the Victorian Parliament as to what it does with this bill. Obviously if it is referred to the Legislation Committee, we will not meet the obligations we would have hoped to have met nationally to allow this legislation to go through this year. While it is a legitimate motion for legislation to be

referred to the Legislation Committee — the government is not disputing that — what it will mean for this particular piece of legislation is that Victoria will effectively drag the chain, and that Senate committee will not be able to report. By the time this house presumably passes this bill if it has a good report from the Legislation Committee, it will be the last sitting week of the Senate, which will mean the legislation will be delayed to next year.

In the end it is in the hands of the house as to what it does with this bill. Parties opposite will make their own judgement on this motion, but from the government's perspective it will not support it because it will mean the harmonised national legislation will not be in place by the end of this year.

Mr BARBER (Northern Metropolitan) — The government's concerns about this motion relate to urgency. It was this state government that in fact dragged its heels on this legislation and did not even meet the original deadline it signed up to in the intergovernmental agreement to have the legislation in place by 1 November. It was on the insistence of the Greens that this motion limited the time for reporting to the next sitting Tuesday when we come back. Unfortunately this legislation is not able to obtain proper scrutiny in the lower house for reasons we well understand. As flagged in my contribution to the second-reading debate, I have a number of difficulties with clarity of not just the provisions of the bill but also its mechanisms. As I also stated at that time, we support the general principle — and the government needs to take this on board — that bills go to bills-style committees, as they do in the Senate. We reformed the upper house under the general banner of a house of review. This house is now seeking to adopt the methods that are par for the course for the federal Senate. Those are all matters the government needs to consider when it brings forth legislation to this place.

I am confident that with the assistance of all parties, including the government, when this bill comes back on 2 December, our first sitting day of the week, by leave we can deal with the legislation and any necessary amendments that have not been made in the Legislation Committee and dispatch it on the spot.

Mr D. DAVIS (Southern Metropolitan) — I, too, wish to comment on this motion moved by Ms Lovell and to support it. It is a sensible step to ensure the additional scrutiny of this important bill. As has been pointed out by Mr Barber, in fact it was the government which dragged the chain on a national approach, and there has been a long period of debate about aspects of this national approach, but we do have a piece of

legislation before the Parliament. It is appropriate that a committee of this chamber examine that legislation closely and seek the assurances that a number of members wish to seek on behalf of their particular electorates. It is an important piece of legislation because it changes the balance in relation to water management. It is an issue of great importance to Victoria and to country Victoria in particular.

As Mr Barber outlined, the motion is a limited motion, seeking a report by the committee on the specific date of the next Tuesday the chamber sits. As he points out, the chamber could by leave expeditiously deal with the bill on that date. I am informed that the Senate sits several days after that, and there is no reason why the Senate should not deal with it following this chamber's work. The Leader of the Government mentioned that the Senate committee is looking at this — I understand it is due to report on 19 November — and there is no reason why the Senate committee should not report that this house is dealing with the matter and seeking to have the Legislation Committee report on Tuesday, 2 December.

I seek the assistance of other members of the house in dealing with the bill by leave on the day. I will commit the opposition to dealing with that report expeditiously by leave on the day and enabling the legislation to be dealt with.

Mr DRUM (Northern Victoria) — I too support this motion. We have found ourselves with a bill before this house that contains figures we simply cannot trust. The only way we can get to the truth is by taking it to the Legislation Committee, which will allow us to call the relevant water experts before the committee and ask them where they obtained the figures from, what they are using for references and what reports they are using to come up with the data with which they are then advising the government about taking water policies forward. We have been unable to get to the truth in relation to the figures, and this will give us an opportunity to get that information.

For the government to oppose this motion on the grounds of urgency and the need to push it through is a bit rich. Previous members have spoken about the fact that it has been three or four years since this policy was announced, it has been two years since the Howard plan was put on the table, and it has been months and months that this bill has been in process.

It is worth remembering that we have been orchestrating the management of the Murray–Darling Basin for over 100 years. I do not think another couple of weeks or another month or two is going to make any

difference whatsoever. We need to make sure we get it right and obtain the figures we are looking for, and we need to make sure that all the people in the decision-making process can be held to account and that we can find out exactly where the data they are quoting has originated from.

I concur with Mr Barber's comments that the concept of having a bills committee style scrutiny of some of the more contentious bills is something this chamber should be proud of. That opportunity to take contentious bills to the Legislation Committee to enable us to flush out what we believe to be the truth is something we need to protect, and we should make sure we maintain that ability. I concur with Mr Barber on that account as well.

I support the motion; I look forward to the bill being sent to the Legislation Committee, and in going through that process hopefully we can achieve what we set out to achieve, which is to put in place better legislation for this state in relation to the Murray River.

Mrs PETROVICH (Northern Victoria) — I think it is unfair to blame members of this house for delays when in fact it has been the Brumby government that has for a long period of time sat on its hands, not only delaying the processing of this bill but also delaying the bill coming before this place. It has shown scant regard for the health of the Murray-Darling system and the expediency of the passing of this legislation. We saw that when Mr Brumby made his denials to the then Prime Minister, Mr Howard, whose plan this was originally.

If the upper house is in truth a house of review, it is only appropriate that this bill should go to the Legislation Committee. It is only appropriate, as moved by Ms Lovell, that this be supported and endorsed and that the appropriate checks and measures be put in place to give reassurance to those communities in Victoria who will be most affected, particularly those in our irrigation districts who have suffered 10 years of drought. People have been making claims about climate change in this place — there is no denying that — but we are in a drought as well as being affected by climate change. We particularly need to protect those people and ensure that they are not further disadvantaged by the passing of this legislation. We want to make sure that it is appropriate, that it is right and that the best outcome is achieved. It is not unreasonable that this should happen.

It is reasonable that the riparian areas around the Murray-Darling Basin system and those around the other systems such as the Murray and Goulburn rivers

are protected. We know the Goulburn River is one of the most damaged systems in Victoria and faces the possibility of losing 50 per cent of its current supply. It is important that we pay particular attention to what goes on downstream.

There is a level of distrust around country communities, and that has already been stated in detail during the debate. We need to offer reassurances to those communities and make sure that we get a very good outcome as a result of this legislation. The committee has the opportunity to review this legislation and provide those assurances to the communities that will be most affected around the Murray-Darling system.

Ms LOVELL (Northern Victoria) — I thank everyone who has contributed to this procedural debate. As many of my colleagues have pointed out, it is the state government that has dragged its heels. It missed the commitment deadline made when signing up to the intergovernmental agreement last March in bringing this legislation before the house. Not only did it miss that deadline it also purposely frustrated the Howard government's proposal that was put forward in January 2007. The state government did so to delay the national approach to management so it could implement its plan to remove 75 billion litres of water from the Murray-Darling Basin to pipe to Melbourne via its north-south pipeline.

As indicated by David Davis, the coalition will seek to deal with the Legislation Committee report, by leave, on 2 December to allow time for the Senate to table its report on 4 December. The coalition has already given notice of a motion to be debated tomorrow that will move to suspend standing order 16.11(3) so as to call the following people to give evidence before the Legislation Committee: the Minister for Water; the general manager of the Office of Water in the Department of Sustainability and Environment, Mr David Downie; the chief executive officer of the Murray-Darling Basin Commission, Dr Wendy Craik; and the Secretary of the Department of Sustainability and Environment, Mr Peter Harris.

I thank everyone who has contributed to the debate.

House divided on motion:

Ayes, 20

Atkinson, Mr
Barber, Mr
Coote, Mrs
Dalla-Riva, Mr
Davis, Mr D.
Davis, Mr P.
Drum, Mr
Finn, Mr

Hartland, Ms
Kavanagh, Mr
Koch, Mr (*Teller*)
Kronberg, Mrs
Lovell, Ms (*Teller*)
Pennicuik, Ms
Petrovich, Mrs
Peulich, Mrs

Guy, Mr
Hall, Mr

Rich-Phillips, Mr
Vogels, Mr

Noes, 18

Broad, Ms
Darveniza, Ms
Eideh, Mr
Elasmar, Mr
Jennings, Mr
Leane, Mr
Lenders, Mr
Madden, Mr
Mikakos, Ms (*Teller*)

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

Motion agreed to.

**ASSISTED REPRODUCTIVE TREATMENT
BILL, RESEARCH INVOLVING HUMAN
EMBRYOS BILL and PROHIBITION OF
HUMAN CLONING FOR REPRODUCTION
BILL**

Second reading

**Debate resumed from 30 October; motion of
Mr JENNINGS (Minister for Environment and
Climate Change).**

Mr KAVANAGH (Western Victoria) — We are debating three bills concurrently, the most important of which is the Assisted Reproductive Treatment Bill, which is designed to facilitate reproduction by lesbian couples and single women, and to a much lesser extent male homosexual couples. It is a measure that would in my opinion further diminish and marginalise fatherhood in our society and our culture. It is true that it is not always possible for a naturally conceived child to have the love, care and example of a committed mother and father. This bill would, however, deliberately facilitate the conception of children who it is known will never have a father or, more rarely, a mother in their lives.

In my opinion there are strong limitations on the proper role of the state in restricting or preventing people conceiving and bearing children. This bill goes far beyond preventing people reproducing, however. This bill seeks to legislatively and artificially facilitate reproduction outside the traditional family structures and at the expense of the taxpayer. The children to be conceived through this state measure will not have a father or, in some cases, a mother present throughout their lives.

During his contribution on this debate Mr Leane dared people who disagreed with him to show any evidence

that having a father is beneficial to a child. In fact there is a lot of evidence to that effect.

Mr Leane interjected.

The ACTING PRESIDENT (Mr Finn) — Order! Mr Leane is out of his place, he is interjecting and is most disorderly.

Mr KAVANAGH — I advise Mr Leane that there is plenty of such evidence, including a study in Australia by Sarantakos in 1996 which showed that family type does affect school achievements. Children from married couples showed higher levels of performance than those from unmarried heterosexual couples, which numbers in turn are higher than for children from homosexual households. Similar results were obtained when the social skills of children were examined, and I have an academic reference for the study.

There have been studies which show there is not a clear advantage for children coming from heterosexual households. Some well-credentialed critics have asserted that all such studies contain at least one fatal flaw in their research methodology, and I have an academic reference for the paper also.

Mr Scheffer and others have referred to an Australian study of August 2007 which is among those showing there is not a clear advantage in having a mother and father for a child. However, Mr Scheffer did not point out that that study was conducted by activists with a long history of working for lesbian rights.

Mr Scheffer — Is the methodology sound?

Mr KAVANAGH — In terms of methodology, if we, for example, looked at a study paid for by the smoking industry — a cigarette tobacco company — that said smoking is not harmful, even if we thought the methodology was sound we would be entitled to be a bit sceptical about the conclusions of that study.

Mr Scheffer — I would still look at the methodology.

Mr KAVANAGH — Most people would not; they would say that if it is done by a body with a history of controversy, that is taking one side in the controversy. They would feel entitled to regard the result of that study with a degree of scepticism.

In the face of the inconsistent academic evidence, what then does experience and observation tell us? As I have mentioned in this house before, as a teacher in a

classroom it was quickly obvious to me which children did not have fathers in their lives, and in particular adolescent boys who often, if they are fatherless, demonstrate social alienation and an obvious anger at the world at that stage in their lives.

Fatherhood is under attack in our society. In Britain I understand that 50 per cent of babies now born do not have a father in their lives. In the long term that is going to be detrimental to our society.

Support for this bill, expressed through members of Parliament in recent weeks, has often been premised on the presumption that discrimination should be eliminated. It has been said that this discrimination was the result of a lack of legal recognition of a mother's female partner. This situation does seem to raise issues of genuine concern in things like approving medical treatment, for example, and perhaps choosing schools and going along with children and enrolling them at the new school. This bill addresses that concern by seeking to record on a child's birth certificate two women as the child's mothers. The mother's female partner, however, is not a biological mother of the child. The solution proposed by this bill is to record falsehoods in official and important government documents. This is entirely inappropriate. We should not deal with difficult facts by simply making up falsehoods.

The preferable course of action would be to in effect allow mothers to assign certain rights of guardianship over children to whomever it is appropriate for them to do so. Such arrangements would not appropriately form, however, part of a birth certificate, which is clearly intended to record in detail a baby's biological data, including, wherever possible, biological parentage.

Many MPs were also lobbied by a lot of people earlier on to express the deep sadness in their lives that was caused by being conceived from donor gametes — a donor father — and not knowing who that man was. They also face medical difficulties because of a lack of knowledge about their genetic background. This bill attempts to redress that problem by requiring people to give evidence about their identity when they donate. However, I do not think such measures will be effective. It is quite likely that sperm donors will continue, through whatever means necessary, to conceal or falsify their identities, no matter what measures are taken in this bill or other legislation to prevent that from happening.

This bill will give effect to surrogacy contracts by which women agree to give up at birth the children they

carry. However, our own experiences and some legal cases overseas all show that a woman may feel very differently about a child after she has given birth compared to the way she felt before she conceived the child. It may be much more difficult to fulfil her end of this surrogacy contract than she expected when she signed on the dotted line. The result also, of course, is that the child will be without his or her mother for life. That happens quite often by accident; we are all aware of that. Not all children get to know their parents, and some do not have a mother or a father in their lives. However, this bill intends to create that situation deliberately, and that is quite different from the case of an accident, for example.

I know that bills like this, and other legislation involving a conscience vote, depend on our own sense of right and wrong. On the last day of debate on this bill Mr Viney spent quite a long time telling us how awful it was for people expressing their opinion about what was right during the abortion debate. After saying that, Mr Viney then explained in quite some detail what he thinks is right. As Mr Viney has raised the issue of the abortion debate, I recall during the course of that debate and when the votes were taken that Mr Viney voted against pain relief for a foetus who is being aborted, he voted against a ban on a form of infanticide known as partial-birth abortion and he voted against a requirement to help a baby who is born after a failed abortion. Mr Viney talked a lot about a moral compass, but I must say that Mr Viney's moral compass is one that I do not understand.

We all know that children can overcome the disadvantage of being fatherless, but it is a disadvantage. We all know also that many people who are not biological parents love, care for and raise children heroically and do a great job. Such people include grandparents or other relatives, step-parents and adoptive parents. This does not mean, however, that being without a father is not a disadvantage. Further, it does not mean that it is right for the state to intervene and deliberately create a situation where a child can be created who will never have a father.

There are two other bills before the house in this present debate. In respect of the embryo experimentation bill, during the course of a similar debate last year on a bill dealing with stem cell research it was clearly stated by me and several other people that experimenting on human embryos was not only ethically wrong but would soon be technologically obsolete. Although the government refuses to accept this scientific fact, experimentation on embryonic human clones is already redundant.

Mr Jennings, the minister responsible for this legislation, told this house only two weeks ago that the government rejected the advice of Emeritus Professor Jack Martin of the University of Melbourne and fellow of the Royal Society and the Australian Academy of Science that there is no longer any scientific justification for experimenting on human clones because of recent huge strides in the ability to manipulate other cells for research purposes. Those other cells have all the benefits of embryonic stem cells from the point of view of research, and none of the disadvantages.

The third bill before us claims to ban human cloning for reproductive purposes. However, all cloning is, by its nature, reproductive. Cloning involves reproducing a human being — that is what cloning is. It is claimed that this particular bill bans cloning for reproductive purposes on the basis that the embryo created through cloning must be destroyed at a very early age and not allowed to mature. That strikes me as false reasoning. Apart from all the inherent ethical reasons against reproductive cloning, I understand that a cloned individual, whether human or animal, is at the time of conception already genetically the age of the donor at the time of donation. This means, for example, that Dolly the sheep, a very famous sheep cloned several years ago, developed diseases and ailments associated with old age long before a sheep normally does so. At an exceptionally young age Dolly the sheep developed arthritis and other ailments associated with old age. Clearly it would be wrong to reproduce in this way. It would be very unfair on the person who is produced in this way.

I find myself able to support only the last of these three bills.

Mrs PEULICH (South Eastern Metropolitan) — I commend Mr Kavanagh on a very well considered and sensitive speech. It is a speech that encapsulates the sentiments of those of us who cannot find enough evidence to support the Assisted Reproductive Treatment Bill. There is a view that by not supporting the bill we are not actually judging people who choose a particular lifestyle. I am fully aware that lesbian women and gay men have existed throughout the history of civilisation and will continue to exist. Not so long ago they were probably called spinsters and confirmed bachelors, but now people are much more up-front about how they live and what they do with their lives.

For me, like Mr Kavanagh, it is all about the children. While I also agree with Mr Kavanagh that there are all

sorts of family structures through the accident of life — the choices we make, some of them accidental and some of them deliberate — and that many children are raised in heterosexual dysfunctional families, we as legislators must make sure that we provide services, support and some mechanisms to try and break those cycles of dysfunctionality. We also know that children are raised in same-sex households. I am certainly aware of friends of mine who subsequent to a heterosexual marriage ended up in a lesbian relationship and raised children previously conceived. They do that in a very loving and effective way and are committed parents.

My inability to support the bill has nothing to do with forming a judgement about how people live their lives, but I do believe and agree with Mr Kavanagh that the status of children needs to be protected and their interests need to be protected. As a legislator I am not prepared to put in place a regime that denies knowledge of one's biological origins and in a sense creates a generation of stolen children. Morally some people may feel very comfortable about supporting that. To transpose it to another time, these sorts of well-intentioned arguments may have been used to support the removal of Aboriginal children from abusive contexts, but a number of decades down the track, judged by the present code of morality and present values, we now realise it was the wrong thing to do. I am not prepared to vote for a regime or system that systematically denies children the right to know their biological origins — the right to know, wherever possible, who their father or mother is — and, like Mr Kavanagh, I am not prepared to participate in the falsification of birth records.

Without going into too much of that detail I want to focus my comments on a couple of other things. Firstly, I refer to the process that I have been a party to through my membership of the Scrutiny of Acts and Regulations Committee in considering this as well as other legislation that is introduced into the Parliament. I will then comment on some of the concepts in greater detail, and not only the need to protect the status and interests of the children, which to me are paramount and overarching all other interests and priorities. Children do deserve the best start in life, but most importantly and as a former schoolteacher I, like Mr Kavanagh, have seen the difficulties faced by children who suffer from an identity confusion, whether they were adopted or for any other reason. Often they engage in abusive behaviours — drug addiction, alcoholism, promiscuity or other sorts of destructive behaviours — as well as suffering mental health issues. I cannot in all honesty support a system which could exacerbate and contribute to that identity crisis that

many young people whose lives have been difficult can experience and that can derail their lives as a result.

I will also comment on some of the machinery provisions. Obviously the opening up of the floodgates in respect of in-vitro fertilisation to people who are not merely physically infertile but socially infertile will have an impact on waiting lists for those who are genuinely infertile, and that is a concern to me and to all the medical professionals to whom I have spoken. There are a number of other reasons. I am also concerned about the right of children to know their genetic origins for the purpose of medical treatment and therapy at a future point in time. We must also have a method of monitoring and preventing the marriage of siblings or children who are related. People of a similar age can congregate at institutions or universities and it is not beyond the bounds of possibility that they can meet, and some research supports the fact that often people who are genetically related are physically drawn to one another. So some of the machinery provisions of the legislation can lead to complications that we may not be able to foresee but are very real and must be avoided.

The *Alert Digest* No. 14 that was tabled this morning, being the deliberations of the Scrutiny of Acts and Regulations Committee (SARC), included my minority report, and I draw the attention of members to it. The reason I tabled the minority report has to do with the process in large part and also the flaws in the way the committee worked, but most importantly the failure to honour a commitment by the committee to hold open hearings. The committee resolved to hold hearings; an advertisement was placed in the paper and organisations and individuals were invited to make submissions. A couple of days were set aside in the diaries of members for hearings, but at the last minute, at yesterday's meeting, the government-dominated committee closed that opportunity and decided that we would not hold open hearings and report to Parliament. I believe the report is incomplete and not thoroughly considered.

Even sadder, 21 submissions had been made in a short period of time. Some of those submissions were quite substantial and informative. They could have informed the parliamentary debate as well as further development of legislation in this difficult area. I will just go through the list of some of those who made submissions, who will not have the opportunity of giving evidence and being quizzed, and who represent large numbers of people.

The Ad Hoc Interfaith Committee made a submission. The Australian Christian Lobby made a submission, and we know it has been active on behalf of a range of Christian and faith communities across Victoria. The Australian Family Association made a very detailed submission. The Catholic Women's League of Victoria and Wagga Wagga made a submission, as did Christine Whipp and the Donor Conception Support Group of Australia Incorporated, which contacted me today, expressing great dismay at the contents of the *Alert Digest*. A number of other individuals and bodies submitted, including organisations such as the Institute for Judaism and Civilisation, the Office of the Victorian Privacy Commissioner and the Rainbow Families Council.

It is a great tragedy that this government sets aside \$500 000 a year just for the operation and functioning of a committee which really does not have the liberty or ability to function as it was intended. Labor members take great pride in their legislative instrument of the human rights charter, which was intended somehow to bring greater fairness to the state of Victoria, and yet they callously disregard it when it suits their political agenda and adhere to it when it suits. It is a great disappointment that we have seen the process bungled. Previously we saw the gagging of the committee when it looked at the Office of Police Integrity, we saw a flawed process in the consideration of the abortion legislation and we have yet another debacle in the consideration of these three bills by SARC.

As I mentioned before, a number of people will be very disappointed, especially in the context of significant controversy and deep sentiment expressed on both sides of the debate surrounding this legislation, particularly the assisted reproductive treatment legislation. What is more, the numerous and failed attempts by members in the Assembly to move amendments, all of which were defeated, constitute a strong reason for allowing SARC to hear from experts and to have views aired, to encourage dialogue, to inform parliamentary debate and to shine a light as to future legislative development in this important policy area.

A number of concerns have of course been raised, but SARC voted not to proceed with public hearings on the grounds that there was:

no substantive issue in respect of common law rights and freedoms or issues of charter incompatibility.

That was drawn from the minutes. In response I moved that the committee proceed with public hearings, a motion seconded by Ryan Smith, the member for Warrandyte in the Assembly, but that was voted down

by the government chairman, Carlo Carli, the member for Brunswick in the Assembly; Colin Brooks, the member for Bundoora in the Assembly; Ken Jasper, the member for Murray Valley in the Assembly; Telmo Languiller, the member for Derrimut in the Assembly; and members from this place, Khalil Eideh and Jaala Pulford.

The question is: what is there to hide? What is there to fear? Given the depth of controversy, surely that sort of dialogue could allow compromises or ways of reconciling the differences to emerge. In their defence government committee members fell to saying that this was outside the role of SARC — it fell outside the charter and therefore there was no reason for proceeding. This is contrary to the terms of reference of the committee. The 2003 Parliamentary Committees Act provides under section 17 for the committee:

to consider any Bill introduced into the Council or the Assembly and to report to the Parliament as to whether the Bill directly or indirectly —

- (i) trespasses unduly on rights or freedoms;

I would have thought that was a fairly broad function that would have allowed this committee to pursue its inquiry and the public hearings. But no, government members wanted to ram this through the scrutiny committee, and presumably they want to ram it through here as well. That is on top of two other controversial pieces of legislation that we as members of Parliament, along with our communities, have had to deal with. Firstly, there was euthanasia, on which many of us were extensively lobbied. I cannot recall exactly but I think I tabled something like 7500 signatures against euthanasia. Similarly, many of us were consumed with the abortion bill.

Now, on top of that, we have this legislation. There certainly has not been ample time to engage the community. There has not been ample time to resolve or perhaps find other workable solutions to satisfy the needs of same-sex families as well as to protect the interests of children, which include the right to a birth certificate that records the biological data that Mr Kavanagh mentioned.

Further, what needs to be understood by this Parliament and this chamber is that the government's own charter of human rights is flawed. It deliberately excludes the United Nations Convention on the Rights of the Child, adopted in 1989 and ratified by Australia in December 1990. In my view that convention should have been considered by SARC when it looked at this legislation. The reason it has been excluded is that in this United

Nations convention the principle of the best interests of the child is a fundamental one underpinning the interpretation of all children's rights and freedoms. It is certainly the concern of article 3.1, which states that:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Article 3.1 covers decision making by all three arms of government — legislative, administrative and judicial — and is therefore clearly within the Scrutiny of Acts and Regulations Committee's terms of reference.

Furthermore, the onus on us as legislators has to be to consider our international obligations, and we have a reporting responsibility under that. We have also heard other significant views about the role of scrutiny. Mr Burnside from Liberty Victoria, who also made a submission in relation to this legislation, is of the view that the government's interpretation of the role of scrutiny is too narrow and shies away from consideration of important policy debates.

In closing, in relation to that process and before I move on to the substance of the concept of the legislation, I see the decision by the government not to proceed with public hearings as a political act intended to close down an area of inquiry and deliberation and to deny significant groups the opportunity to access evidence which could better inform parliamentary debate and the development of legislation. I assume this is something the government is not interested in. It has been prepared to sacrifice the integrity of its own Charter of Human Rights and Responsibilities Act 2006 when it has suited its legislative or political agenda. Selective application of the Charter of Human Rights and Responsibilities Act — that is, the government and the government's committee members' preparedness to cling to the charter when it suits them to drive a legislative reform and to disregard it when it does not — places in question the value of the charter and the expensive resourcing not only of the scrutiny committee but of every portfolio and every department which has been funded in order to implement the charter. It has to place under significant doubt the integrity of the Scrutiny of Acts and Regulations Committee, which is a pale imitation of the vigorous committees that have been able to do their work in the Parliament of Victoria in previous years, especially under the chairmanship of Mr Victor Pertou.

To move on to the substance of the legislation, let me first of all say that the Assisted Reproductive Treatment

Bill 2008, the Prohibition of Human Cloning for Reproduction Bill 2008 and the Research Involving Human Embryos Bill 2008 were introduced into the Victorian Parliament at very short notice and would, if passed, do the following: change the law in relation to access to assisted reproductive technology to allow single women and women in lesbian relationships to use this technology to have a child, even if they are not medically infertile.

I concur with Mr Kavanagh: I believe children deserve the very best start. I understand there are established same-sex families that raise children and raise them very effectively, but I believe every child deserves the opportunity of having a father and a mother. Uncles and grandfathers are great, but they will never replace a father — not ideally. Not all fathers are perfect, but this is not an ideal that our society should give up on. That does not mean that the children of same-sex relationships should be discriminated against; we have moved on from there. But there are ways and means of accommodating the needs of those families without sacrificing what is the most important consideration, and that is the best interests of children.

The bill would allow a doctor to provide treatment to a woman who in her social circumstances would be unlikely to become pregnant other than by a treatment procedure. I have concerns about the impact that would have on waiting lists for people who are physiologically infertile. I have not received any information about that and would have welcomed a public hearing to pursue those lines of inquiry further.

The bill would also remove any obligation to consider — —

Business interrupted pursuant to standing orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Police: Bendigo

Ms LOVELL (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Police and Emergency Services, and it is in relation to the need for more police resources in Bendigo. My request of the minister, who is also the local member for Bendigo West in the Assembly, is that he work with the Chief Commissioner of Police to develop a strategy to provide additional police resources to Bendigo to

assist the region's hardworking and overworked police officers.

Last weekend police arrested more than 30 men in Bendigo and subdued 6 with capsicum spray. Eight men were arrested for antisocial or drunken behaviour last Thursday night. On Friday night 10 were put in the cells for similar offences, and a further 14 were locked up on Saturday night. This large number of incidents meant that some outlying suburbs were left unprotected, particularly after the 2.00 a.m. lockout when all police resources were directed to Bendigo's central business district.

The weekend was a catalyst for Bendigo police deciding to hold a crisis meeting to discuss how they can best address the city's worsening problem of alcohol-fuelled violence. In early October a brawl at a BMX event led to seven arrests. Police were forced to use capsicum spray after enraged BMX enthusiasts hurled bottles and assaulted Country Fire Authority members who were called to extinguish a burning car believed to have been deliberately lit as a stunt. Fifteen police officers were required to attend the incident, which was believed to have been fuelled by alcohol.

On the same weekend there were numerous incidents of alcohol-fuelled vandalism, burglaries and assault throughout Bendigo. Police were worked to the bone, with 10 separate reports of vandalism and burglary in less than 12 hours. A police officer who has worked in Bendigo for the past 20 years reportedly said that behaviour over the past 12 months was the worst he had seen in all his time in Bendigo.

Bendigo police are sick of antisocial and violent behaviour, but with limited resources they are struggling to increase their presence throughout the city, and Bendigo residents do not feel safe. At a recent forum in Bendigo I asked those present if they would feel safe to walk the streets of Bendigo at night, and the group unanimously said no. Additional police resources are desperately needed in Bendigo, particularly on weekends, to ensure that Bendigo residents and visitors to the city are kept safe from harm.

I am aware that ministers in this place have in the past dismissed direct requests for police resources as a matter for the chief commissioner and not the minister. That is why I am not asking directly for additional police but for the minister to work with the commissioner to develop a strategy that will provide Bendigo with adequate police resources. I believe the situation in Bendigo has reached crisis point, and it is time the minister stopped hiding behind the police

commissioner's skirt and did something to assist his local community.

The government recently said it will put more police into the city of Melbourne, but it is not making the same commitment to country communities. I call on the minister, the member for Bendigo West in the Assembly, to work with the chief commissioner to develop a strategy to provide additional police resources to Bendigo to assist the region's hardworking and overworked police officers.

Emergency services: telephone alert

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the Minister for Police and Emergency Services. Throughout 2008 I have raised the issue of community safety and the potential for minimising harm to residents during and after hazardous incidents and events through the implementation of a community alerting and warning system.

Members will recall the Paramount Road factory fire in Tottenham that ruined last year's Christmas for many families in the inner western suburbs. The Paramount Road fire released a large quantity of toxic fumes, including chlorine, and a number of serious health effects were suffered as a direct result. Having lived in Footscray for over 20 years and having experienced such alarming hazardous events in the past, I felt it was important to find out exactly what had happened and how it could be prevented in the future. I compiled a report which allowed residents to voice their traumatic experiences and their concerns and fears about future similar events.

I also requested a meeting with the minister, but he has refused to meet with me. He informed me, through the course of numerous letters between our offices, that the community alerting and warning system was on the agenda of the Ministerial Council for Police and Emergency Management. I obtained access to the minutes of the MCPPEM's meeting of 26 March 2008. What I found most concerning about these minutes was the lack of time lines or references to tangible outcomes on this important issue.

The MCPPEM met in Sydney on Thursday, 6 November. This was its first meeting since March 2008 when the pledge was made to address the lack of a national community alerting and warning system. The action I ask of the Minister for Police and Emergency Services is to provide me with a progress report from the meeting so that I can in turn inform the community in Tottenham of what, if any, progress has been made.

Greater Geelong: councillor

Mr KOCH (Western Victoria) — I raise a matter for the attention of the Minister for Local Government. It concerns the flagrant disregard by a councillor who did not declare a prior conflict of interest or pecuniary interest in carrying out civic duties. Two weeks ago, at the final meeting of the City of Greater Geelong before going into caretaker mode for the council elections, Cr Lou Brazier, representing the Corio ward, tried to override council officers' recommendations for ratepayer support of organisations with which she has an affiliation and which employ her. Cr Brazier moved to donate a \$1 million block of council-owned land to relocate CREATE, which is a community and employment agency, from Osborne House to a greenfield development at the D. W. Hope Centre and to move thousands of dollars towards her employer, neighbourhood house, without prior declaration of a conflict of interest.

Even though Cr Brazier made a prior declaration of a conflict of interest two years ago in relation to another matter involving neighbourhood house, she chose not to on this occasion. A generous person might suggest a lapse of memory or a lack of judgement, but those who know and have been watching Cr Brazier's performance over recent times have absolutely no doubt of her intent. Five councillors who supported her two motions are also not faultless and must have known better.

Cr Brazier's later unrepentant outburst and slur, where she claimed that those who oppose her reminded her of the Bali bombers and were poised 'smiling and waiting in the background to attack', reveals her contempt for councillors who take their responsibilities seriously. After previous council elections and following earlier misdemeanours at the City of Greater Geelong, information sessions were held for councillors to avert poor judgement and unsatisfactory civic practice and to enforce adherence to the Local Government Act. The City of Greater Geelong will continue to have difficulty in securing ratepayer confidence when councillors are unaware of, ignore or deliberately put their own interests before public duties.

Fortunately for Geelong ratepayers, responsible councillors who voted against these motions were successful in removing a rescission notice at tonight's special council meeting, endorsing the recommendation of council officers of a four-stage process, through which a feasibility study, comprehensive business plan, assessment of land and building requirements and identification of funding capabilities and opportunities are required where financial support is requested. The

minister needs to initiate an independent inquiry into the latest shenanigans at Geelong and not leave it to an in-house departmental review. My request is for the minister to make Cr Brazier's nomination null and void, and for him to move quickly and independently to investigate a review that resolves this deliberate misuse of councillor privilege.

Water: restrictions

Mr DRUM (Northern Victoria) — I raise a matter for the attention of the Premier in response to recent comments made by him. When he was put under pressure as to whether or not Melbourne could be forced to go onto stage 4 restrictions the Premier was quoted in the press as having said that Melbourne would not move to the harsh stage 4 water restrictions, because doing so might cost people their jobs. When I first heard this press report I wondered whether the Premier did not know that Bendigo, Ballarat and many regional centres around Victoria are already on stage 4 restrictions, and who knows how many jobs have already been lost due to these harsh restrictions. I could not believe I was hearing yet another case of there being one rule for Melbourne and another for regional Victoria.

I call on the Premier to immediately conduct an audit on the number of jobs in regional Victorian towns, cities and communities that have already been lost due to the entrenched stage 4 water restrictions. Only when this audit has been done will we be able to compare the damage that has been caused to regional communities by these restrictions, as compared with the anticipated job losses spoken about by the Premier in metropolitan Melbourne.

Gaming: licences

Mr VOGELS (Western Victoria) — I raise a matter for the attention of the Minister for Gaming. The matter concerns the new licensing arrangements for the ownership and operation of gaming machines which will come into effect from 2012. Clubs that are operating gaming machines in my electorate of Western Victoria Region are gravely concerned that Labor's changes will disadvantage small community grassroots clubs. These clubs are concerned that under the proposed auction system the big players — the ones with the deepest pockets — will succeed while the smaller clubs and pubs will be trampled in the rush of operators who have the money to snap up lucrative licences. Local footy clubs, bowling and golf clubs and RSL sub-branches will be fighting large monopolies, while local country pubs will be competing against hotel giants.

In my electorate gaming machines are a key source of revenue for the clubs, and many will fail if they lose this key source of revenue. The action I seek from the minister is that he work with Clubs Victoria to ensure that safeguards are in place to protect the not-for-profit community club sector and many smaller pubs from cannibalisation under the proposed new licensing arrangements.

Poliomyelitis: services

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the attention of the Minister for Health concerning resourcing for Polio Services Victoria. While awareness and immunisation have made Australia largely free of the highly infectious disease poliomyelitis, we still suffer the aftermath of the polio epidemic which occurred between the 1930s and the 1960s. Some 70 000 people were paralysed by polio during that time. Most recovered to a varying extent and have proceeded to lead relatively active lives, but thousands of people now aged in their 40s and older are experiencing the late effects of polio or, as it is termed, post-polio syndrome. The onset of the syndrome can occur at any time from 15 to 40 years after the initial infection and can result in decreased muscle strength and endurance, and muscle and joint pain and fatigue. Sufferers require regular care, and their need for care increases with age.

Polio Network Victoria, which is run by Polio Services Victoria, provides a free information and support service for people with post-polio syndrome. From St Vincent's Hospital it serves around 1200 active clients with the most meagre resources: a full-time physiotherapist-coordinator; a doctor, whose services are funded for only 4 hours a week; an occupational therapist, who is funded for two days a week; and an orthotist, who is funded for one day a week. As a result, patients must endure a five-month wait for appointments with the service at St Vincent's.

The network also endeavours to maintain a travelling service to country Victoria, but its miserly budget constrains it to two-yearly visits to regional centres. With additional resources, Polio Services Victoria would be able to train personnel at regional hospitals and community health centres to provide a readily accessible service to sufferers in country areas. I therefore ask that the minister initiate a program through the Department of Human Services to train health-care personnel in country centres in the provision of services to sufferers of post-polio syndrome.

Middle Park: beach renourishment

Mrs COOTE (Southern Metropolitan) — I raise a matter for the attention of the Minister for Environment and Climate Change concerning the rock groyne at Middle Park beach in the city of Port Phillip. The government has allocated funding for the renourishment of Middle Park beach. The minister himself admits that Middle Park is one of Victoria's most popular recreational beaches, and indeed it is. However, there is significant concern that the rock groyne has not been completed, and it does not look as if it will be completed by the commencement of the summer period. This government has a track record on these sorts of issues — for example, \$14 million is supposedly being spent on the redevelopment of Princes Pier, but nothing has actually happened.

I have seen this groyne, and it is clear that it will not be completed by 21 November. There are many rocks at the site and construction equipment all over the place, but progress is inadequate. Local residents and people from all over the world come to this iconic area of our state and are greeted by an eyesore — a construction site with heavy machinery and sandbags and a big government sign telling them that the project will be completed by 21 November. That date is nearly here and there is no sign of the project being completed.

The Brumby government has a pattern of promising one thing but delivering another. It is continuing to do so, and the Port Phillip community has had enough. The community was promised the construction would be completed by a certain date, and it is now demanding answers as to why this is not happening. The action I am seeking is for the minister, as a matter of urgency, to detail to the community exactly when the promised construction of the rock groyne at Middle Park beach in the city of Port Phillip will be completed.

Autism: student funding

Mr ATKINSON (Eastern Metropolitan) — I direct my matter, under advisement, to the Minister for Community Services, but it may well be a matter of interest also to the Minister for Education. It relates to the funding for students with disabilities — that is, special needs students who are given support in school settings. I am particularly mindful of the needs of students with an autism spectrum disorder, after some discussions with a number of schools in my area and hearing the concerns that some of the student welfare coordinators have in respect of students, particularly those at the upper end of primary school who are looking to move into secondary school education.

As we all appreciate, for able-bodied students without a disability the change of environment from primary school to secondary school is a significant step and often a major dislocation, which is something that a student obviously needs to get used to. We have all been through it, and I think we are well aware of the initial challenges that confront students as they move into that secondary environment. Consider, then, those students with autism, or autism spectrum disorder. As we know, often as a result of their condition these students are resistant to change. They have real difficulty in terms of breaking habit patterns, and in that circumstance I believe they need some additional support when they move into that secondary school system.

What I have found is that in fact their funding comes under review, and in many cases those students lose their funding when they move from primary to secondary school. That is an intolerable situation because it is a time when they probably need the funding most, but it is also a situation where those students are being affected adversely by government policy or by a failure to actually address their special needs.

In this instance I would ask that the minister — and I am advised now that it would be Minister Morand, the Minister for Children and Early Childhood Development — investigate the funding circumstances of these students with autism spectrum disorder to try to obtain a more equitable arrangement to support them as they move into secondary education.

Cycling: Diamond Creek–Hurstbridge path

Mr GUY (Northern Metropolitan) — Tonight I raise an issue for the Minister for Public Transport, and it concerns land access for a bicycle track to run next to the Hurstbridge railway line from Diamond Creek to Hurstbridge.

The beauty of the outer north-east is that it is quiet, it is leafy and it is one of the most relaxing parts of the greater Melbourne area in which to live. And one of the best ways to see the north-east is by bike.

As a mad keen cyclist myself, certainly in my pre-Parliament days and when I was quite a bit younger — —

Hon. J. M. Madden — With the emphasis on mad.

Mr GUY — Maybe for you, too, Mr Madden!

I, like many locals, have ridden on many of the trails in the north-east of Melbourne — along the Yarra trail,

through the parks of Eltham such as Lower Park and Wingrove Park, up through Whittlesea and along the quiet back roads to Nutfield, and back to Hurstbridge. But one of the difficult stretches in the north-east for cyclists and pedestrians has always been the lack of a shared footway from Diamond Creek to Hurstbridge, where most of the local traffic runs to the city, Diamond Creek to Greensborough and along Main Road towards the south.

Main Road handles the vast bulk of the local city-bound traffic; it has no edges and no gutters, and in most parts not even a track for pedestrians to use. Its unsealed edges make it difficult to ride along, and the width of the road can sometimes make it difficult for cars to pass cyclists. There has to be a solution, and I believe that solution is running right alongside of it.

The Hurstbridge railway line runs in most parts right next to Main Road. Its reservation is owned by the government. It is a reservation that, with very little clearing of vegetation, could accommodate a shared footway to run from central Diamond Creek, through to Wattle Glen and along to Hurstbridge. It is a proposal worth examining, worth costing and worth considering to make bike and pedestrian traffic safer and also ease the concern of motorists travelling along Main Road who are constantly passing bikes on this road section.

My issue tonight is to ask the Minister for Public Transport to make land along this rail reservation available for the construction of a bicycle and pedestrian shared footway from Diamond Creek to Hurstbridge so that the first steps can be put in place to create another great way to see the best parts of Melbourne's outer north-eastern suburbs.

Member for Footscray: conduct

Mr FINN (Western Metropolitan) — In raising my adjournment matter this evening, I begin by recognising today as Remembrance Day and pay tribute to those men and women who are true Australian heroes that we remember today.

I wish to raise a matter for the attention of the Premier. It concerns a letter that has been brought to my attention by a number of constituents in the Maribyrnong area over the past week. It concerns a state government campaign, it would seem, that is headed 'Save water and money with a free water-saving shower head'. It explained to those who received this letter that shower heads were free, it would seem — yes, free! — and would be available at a certain place last Saturday, 8 November, between 11.00 a.m. and 1.00 p.m.

I have no problems with this particular letter, which, as it turns out, was signed by Marsha Thomson, the member for Footscray in the Assembly and Parliamentary Secretary for Industry and Trade. But there is one particular paragraph in this letter that I think would and must give us all concern. It says, after explaining that the member would be there to give out the shower heads last Saturday morning:

You will also have the opportunity to meet local council candidate for River Ward, Cesar Piperno, so you may wish to raise any state government or council matters whilst picking up your new shower head.

You may ask the question: who is this particular chap, Cesar Piperno? I did a little bit of research myself. He is the electorate officer of Telmo Languiller, the member for Derrimut in the Assembly, who is another parliamentary secretary. One would hate to think that we are getting into some sort of parliamentary secretary support group — group hug, as it were. The concern that I raise this evening —

Mrs Coote interjected.

Mr FINN — What does George Seitz think about this? I am surprised he has not raised the matter.

But my concern is that we have a situation here where clearly the parliamentary crest is being misused — and I am happy to table the copy of the letter that I have from Marsha Thomson; resources are being misused; the authority of the member for Footscray is being misused; and the Parliament itself is being misused in a campaign to support a candidate in a council election. I ask the Premier to ask his parliamentary secretary to cease and desist in pursuing a party political agenda in the council elections. I further ask the Premier to set up a code of conduct which would prevent this sort of behaviour occurring in the future. It is not only inappropriate, it is straight-out wrong.

Bendigo Hospital: redevelopment

Mrs PETROVICH (Northern Victoria) — My matter on the adjournment is for the Minister for Health and concerns the plans to rebuild the Bendigo Hospital.

On the eve of the review of the master plan being unveiled to a select few, there is still a huge amount of public concern about whether or not this government is committed to providing better health services to the people of Bendigo. The local members, Mr Cameron and Ms Allan, have done little, or more precisely nothing, to support the campaign for an improved hospital.

Many sections of the current hospital, including the emergency and oncology departments, have reached crisis point and a portable building has had to be placed by the Kurmala wing, with talk of up to 10 more being needed. The recent report on Victoria's public hospitals clearly shows that Bendigo Hospital resources are stretched to the limit, with an average of 84 more people a week presenting themselves at the emergency department — that is almost 5000 per year. Hospital admissions are also up on last year; the number of outpatients increased by more than 2000.

As a result treatment times for emergency patients on most elective surgery waiting lists have blown out. Not surprisingly patient satisfaction has fallen by 18 per cent to 74 per cent. This would be no surprise to a government that had bothered to look at the demographics. Bendigo is one of the fastest growing inland cities in Australia; why then is this government failing to keep pace with Bendigo's growth and provide adequate health services?

Ms Lovell — They don't care about it!

Mrs PETROVICH — They do not care; Ms Lovell is right. They do not care about Bendigo. With the federal government promising to increase infrastructure spending, this is an ideal time for the Premier, Mr Brumby, to commit to a new hospital for Bendigo. I ask the minister if he will make public the findings of the review of the master plan, and if so, when we can expect to see this. Will he also commit to proper community consultation in relation to a new hospital, including where the hospital should be located?

Responses

Hon. J. M. MADDEN (Minister for Planning) — I have written responses to adjournment debate matters raised by Ms Lovell on 21 August; by Mr Drum, Mr Vogels and Mr Finn on 9 September; by Mr Philip Davis on 10 September; by Mr Philip Davis, Mr O'Donohue and Mr Atkinson on 11 September; by Mrs Coote and Mr Philip Davis on 8 October; by Mrs Petrovich on 15 October; and by Ms Pennicuik on 16 October. I will provide the 12 responses to the chamber.

Mr P. Davis — On a point of order, there are 10 adjournment items in my name that have been outstanding for over 30 days, and some have been outstanding for up to 280 days. They include matters raised on 5 February for the Minister for Public Transport on the Gippsland rail line; on 10 June for the Minister for Environment and Climate Change on the Mallacoota aged-care facility; on 11 June for the

Minister for Regional and Rural Development on the Mallacoota community centre; on 12 June for the Minister for Regional and Rural Development on regional and rural Victoria tourism initiatives; on 20 August for the Treasurer concerning VicForests' performance; on 9 September for the Minister for Public Transport on the Lindenow South level crossing; on 10 September for the Minister for Environment and Climate Change concerning Genoa River weed control; on 11 September for the Minister for Education on the Sale Primary School Japanese program; on 8 October for the Minister for Environment and Climate Change on Mount Hotham leases; and on 9 October for the Minister for Water concerning sewerage at Lindenow and Lindenow South.

I would be grateful if the minister would provide an explanation for the items being outstanding. I acknowledge that while I have been on my feet, three responses have been received: one from the Minister for Environment and Climate Change concerning the Genoa weed control, one from the Minister for Education concerning the Sale Primary School languages other than English program, and one from the Minister for Environment and Climate Change concerning Mount Hotham alpine leases. This means there are seven matters remaining, including matters that have been outstanding for up to 280 days.

Hon. J. M. MADDEN — In response to Mr Philip Davis's inquiries, I am happy to seek to provide those answers to him. I note he recognised that three responses have been provided. As Mr Davis will appreciate, we do our best to get ministers in the other chamber to provide answers to this chamber, but we are not always successful. We will undertake to get those responses at the earliest possible opportunity.

In relation to the inquiries made tonight, Wendy Lovell raised a matter of policing in Bendigo, and I will refer it to the Minister for Police and Emergency Services.

Colleen Hartland raised the matter of community alerting and warning systems, and I will refer that to the Minister for Police and Emergency Services.

David Koch raised the matter of councillors at the City of Greater Geelong, and I will refer that to the Minister for Local Government.

Damian Drum raised the matter of water restrictions, and I will refer that to the Premier.

John Vogels raised the matter of clubs and the licensing of those clubs under gaming reform, and I will refer that to the Minister for Gaming.

Mr Philip Davis raised the issue of post-polio syndrome, and I will refer that to the Minister for Community Services, which I think was the request.

Andrea Coote raised the matter of Middle Park beach groynes, and I will refer that to the Minister for Environment and Climate Change.

Bruce Atkinson raised the matter of special needs and support for students with autism spectrum disorders, and I will refer that to the Minister for Children and Early Childhood Development.

Matthew Guy raised the matter of the potential for a shared reservation footpath and bicycle path along the Hurstbridge railway line, and I will refer that to the Minister for Public Transport. I appreciate that Mr Guy is a mad keen cyclist as mentioned in his request — with the emphasis on mad as well as keen!

I will refer Bernie Finn's request to the Premier in relation to water savings promotional material.

Donna Petrovich raised the matter of a master plan review for the Bendigo Hospital, and I will refer that to the Minister for Health.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.31 p.m.