

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**28 October 2003  
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**FIFTY-FIFTH PARLIAMENT — FIRST SESSION**

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## Tuesday, 28 October 2003

The **PRESIDENT (Hon. M. M. Gould)** took the chair at 2.02 p.m. and read the prayer.

The **PRESIDENT** — Order! Before proceeding to the daily program I ask members to pose for the Legislative Council chamber photographs.

### ROYAL ASSENT

Message read advising royal assent to:

21 October

**Grain Handling and Storage (Amendment) Act**  
**Heritage (Amendment) Act**  
**Instruments (Enduring Powers of Attorney) Act**  
**Mental Health (Amendment) Act**  
**Planning and Environment (Port of Melbourne) Act**  
**Travel Agents (Amendment) Act.**

### QUESTIONS WITHOUT NOTICE

#### Sport and recreation: major events

**Hon. ANDREA COOTE (Monash)** — My question today is to the Minister for Sport and Recreation. In a media release on 14 April 2003 regarding the Rip Curl Classic, the minister said that about \$7 million is likely to be pumped into our economy with the majority flowing into the Surf Coast over Easter. What methodology did the minister use to establish that \$7 million would be pumped into the Victorian economy?

**Hon. J. M. MADDEN (Minister for Sport and Recreation)** — I thank the member for her question, and I welcome it. President, you would appreciate that the government invests in a number of major events. In particular we have invested in a number of regional major events to offset the city-centric focus of the Kennett government. In making that investment we use external consultants to give us advice on the economic benefits and multipliers associated with the particular events. That is part of the basis on which this government makes its decisions on investment for those major events.

#### *Supplementary question*

**Hon. ANDREA COOTE (Monash)** — Is this the same methodology that the government will use to evaluate the Rugby World Cup boost to the Victorian economy?

**Hon. J. M. MADDEN (Minister for Sport and Recreation)** — There are probably two issues associated with the question: one is the estimated economic impact as indicated by the relevant consultants, and the other is the economic impact that is evaluated post the event.

We have learnt from many of the rugby events hosted in this country that in many ways the culture of rugby is new to the city of Melbourne and to Victoria, and on many occasions the economic impact is greater than the initial estimate. That has been the case with the Rugby Lions who have toured in recent years, and those travelling around Melbourne at the moment would understand the significant presence of rugby supporters.

The government will undertake an evaluation to make a comparison between the initial estimate and what is estimated as the outcome as a generator to the economy of Victoria.

#### Aboriginals: government initiatives

**Mr PULLEN (Higinbotham)** — I refer my question to the Minister for Aboriginal Affairs. Could the minister advise the house how the Bracks government is working with the indigenous community to strengthen Aboriginal communities and build positive relationships between indigenous and non-indigenous Victorians?

**Mr GAVIN JENNINGS (Minister for Aged Care)** — I thank the member for his question, enthusiasm and commitment to improving the quality of life of Victorian Aborigines. As he would know, as part of the 2002–03 budget the Bracks government announced that it would provide funds to support Aboriginal community capacity building. The feature of the last two budgets, and I am pleased to say the feature of budgets to come, is to release funds to Aboriginal community organisations to look within their organisations to find out what skills and capacities should be added to their wherewithal and the strength of their communities.

During the last funding round some 25 such projects were successful for the cumulative sum of \$895 000. Those projects include the establishment of a Koori businesswomen's network to provide support to Koori women who want to go into business, run their own businesses and play a role in the economic development of not only their communities but also the state.

Another important project being undertaken is to support Aboriginal youth leadership. The project came out of a fantastic seminar, workshop and empowerment

process run in conjunction with the Victorian Aboriginal Youth Social Advisory Committee and the Royal Melbourne Institute of Technology to provide the wherewithal for Aboriginal youth leaders.

A great project I was happy to be part of was launched in July at the Mildura community cabinet meeting. It is being funded through this process and is called Torch; it is rebuilding and reuniting communities. A number of communities, such as Bairnsdale and Warrnambool, have been beneficiaries of it. It brings together not only members of the Aboriginal community but members of the broader community generally.

For the past few months there has been an engagement in the communities in Robinvale, Swan Hill, Kerang and Mildura to bring people together in the spirit of reconciliation beyond the Aboriginal experience to talk about and establish new ways of communicating and achieving new levels of understanding. In a week, in Robinvale at the end of this week — —

**Hon. Andrea Coote** — At the end of the week or a week?

**Mr GAVIN JENNINGS** — At the end of this week, 31 October, in Robinvale there will be the opening of a production called *The Bridge*, which is the culmination of this community activity. You will hear the voices of members of the Aboriginal community, of members of the non-indigenous community and members of a whole a range of communities that live along the Murray River.

**Hon. P. R. Hall** — It's a pity you haven't invited Barry and Damian!

**Mr GAVIN JENNINGS** — I hope in Robinvale that local members will make it to the production. I unfortunately will not be there, but I want to make sure that the local members are in touch with their community and become aware of what is happening in their community, because this is something that has a groundswell of support and will be performed in a whole range of schools. More than 100 people throughout the region will be participating in it.

**Hon. Bill Forwood** — Why didn't you invite the local members?

**Mr GAVIN JENNINGS** — Hopefully the local members will tap into this great groundswell of community support. But if people cannot attend there will be another opportunity to do so, because the production is coming to Melbourne in early December. It will be a crowning achievement of voices and understandings being enhanced right throughout

communities along the Murray River. People in Kerang, Swan Hill, Robinvale and Mildura will have opportunities to be involved — especially schoolchildren — and to promote a greater level of understanding about the great capacities of communities right along the Murray River region.

### Environment: seismic surveying

**Hon. BILL FORWOOD** (Templestowe) — My question without notice is to the Minister for Resources, the Honourable Theo Theophanous. I refer to the recent decision to permit seismic surveying for oil and gas in Victorian waters and to the minister's statement on *Stateline* on ABC TV last Friday, in which he said:

I can say to the fishing industry that all of the available information that we have in relation to this proposal suggests to us that there will be no effect in relation to their industry from this activity.

What information was available to the government to enable it to reach this conclusion?

**Hon. T. C. THEOPHANOUS** (Minister for Resources) — I thank the honourable member for his question and for his interest in this area. I know he takes a fairly responsible approach to this issue. These issues are not easy in terms of decision making for governments, and at least I can say in regard to the member opposite — I cannot say it about some of his colleagues — that he does consider the issues involved.

**Hon. Philip Davis** — Name them!

**Hon. T. C. THEOPHANOUS** — I'm glad you said that, because we had the Honourable John Vogels on the one hand criticising us for making a decision not to allow seismic testing in the Benaris application and then criticising my decision to allow Woodside to do seismic testing in a region in the Otway Basin which was not in a national park.

Mr Vogels is lining up with the Australian Greens party to criticise us. It is a marriage of convenience — or a marriage of something — to criticise the government for making what was a responsible decision. The decisions in this case were made as the result of rigorous environmental tests that the government applied in relation to these matters. The exact process is that when an application comes to me as the Minister for Resources, I make a determination in due course. If the application applies to a marine national park, I am obliged to refer it to the Minister for Environment.

I referred the Benaris application to the Minister for Environment, and the decision that came from that consultation was that we would not allow the permit to

go ahead in that region. That decision was based on a precautionary approach. We could identify no evidence that it would damage the environment. However, we could not conclusively say that this was the case, and because we apply a higher standard in the case of a marine national park, we decided not to proceed in relation to Benaris.

The decision in relation to Woodside is an important one for the government, because it gives a signal to the industry that we are interested in progressing exploration — and honourable members should remember that without seismic testing we do not know what reserves of oil and gas might be underneath the seabed. In that instance the environmental procedures were examined by my department. Woodside was required to provide a range of information in relation to its procedures and how it would protect the environment.

Once the seismic study occurs there will be follow-up in which we will examine exactly how that went and whether we can learn any lessons from the point of view of protecting the environment.

*Supplementary question*

**Hon. BILL FORWOOD** (Templestowe) — I thank the minister for his comprehensive answer. I wonder if the minister could please place a copy of the information used in the Woodside decision in the parliamentary library.

**Hon. T. C. THEOPHANOUS** (Minister for Resources) — As I have indicated in the past in relation to this, the issues are a little complex in the sense that much of the information is the company's involved and not ours, therefore there are some commercial issues involved in that. However, I will examine the information from the point of view of the department, and I will respond to the honourable member in relation to that.

**Housing: neighbourhood renewal program**

**Hon. C. D. HIRSH** (Silvan) — I refer a question without notice to the Minister for Housing. Could the minister please advise the house of how the Bracks government is delivering on its election commitments with regard to strengthening communities through the highly successful neighbourhood renewal program?

**Ms BROAD** (Minister for Housing) — I thank the member for her question and for her interest in the government's agenda around community strengthening, including through the neighbourhood renewal program.

Neighbourhood renewal is a whole-of-government approach to building safer and stronger communities as well as reviving communities in a number of ways, which include improving housing and urban design, creating local employment and training opportunities, and reducing crime rates. It is transforming communities and providing opportunities right across Victoria.

At the last election the Bracks government committed to an expansion of the neighbourhood renewal program by 5 sites — that is, 5 more in addition to the 10 that were delivered in the government's first term of office. These new sites are located at Broadmeadows, Colac, Chadstone, Ashwood-Ashburton as a combined area, and Doveton-Eumemmerring as a combined area. Funding of \$10 million for this expansion was delivered in full in the government's budget this year.

Recently I, together with the member for Burwood in another place, Bob Stensholt, had the great pleasure of officially starting up neighbourhood renewal at the Ashburton site. The Bracks government is providing \$1.9 million in this financial year, which will result in immediate improvements to 92 public housing properties and upgrades to a further 29 properties. In addition job and training opportunities will be created for local people through the community jobs program. I am looking forward to the official commencement at the other four sites over the next couple of months.

While the government's focus is to get the new sites up and running, of course work is continuing at the other 10 sites, which were commenced in the government's first term of office. As an example of that, recently while I was in Seymour with another upper house member Mr Robert Mitchell, I was able to celebrate neighbourhood renewal's first birthday there and reiterate the government's commitment to an additional \$1.38 million for the program at Seymour for this current financial year, which builds on the existing \$1.6 million that the government allocated in the last financial year.

This will ensure the continuation of major upgrade works, community building, employment and training, and improvements which include improved security, which is important, and better lighting, landscaping and fencing.

At the Seymour site over the last 12 months we have seen already the creation of 48 jobs, which offers local people the chance to gain work experience and recognises vocational skills by working on projects of benefit to their own community. Major internal upgrade works have been carried out on 43 Office of Housing

properties, with a further set of improvement works to be carried out on another 120 properties, with further work to follow.

Neighbourhood renewal is playing a valuable role in further strengthening Victoria's communities. This is a very important part of the government's agenda in its second term. We are getting on with the job of ensuring that neighbourhood renewal is delivering real change for communities right across Victoria, giving people a fair go regardless of where they live in Victoria.

### **Sport and recreation: regional assemblies**

**Hon. D. K. DRUM** (North Western) — My question without notice is to the Minister for Sport and Recreation. Why is the government up to nine months in arrears in its funding to regional sports assemblies?

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I do not believe that is the case, and I am happy to answer the question in relation to regional sports assemblies. We have worked very closely with the regional sports assemblies — in fact we have increased their funding in recent years. We have worked very closely with a number of those organisations to make sure that their methodology, their outcomes and their vision are appropriate for the work they do.

Upon coming into government in 1999 we invested heavily and substantially in the regional sports assemblies to ensure that they continue the good work that they do. During the time between 1999 and the last election we saw the federal government decide it was not appropriate for it to fund regional sporting assemblies through state governments. Because of that there was a significant reduction in the level of investment made into those regional sports assemblies. But at the last election we as an impending government ensured that we increased our commitment to regional sports assemblies to make up for the withdrawal of funds that came about because of the policy position of the federal government.

In that time we have also seen added investment not only by Sport and Recreation Victoria on behalf of the Bracks government but investment through Vichealth, ensuring that the future of the regional sports assemblies is enhanced and continues to be enhanced, but also appreciating that a number of the regional sports assemblies needed to focus on specific outcomes so that the benefits were more focused and targeted to the needs of many of those in regional Victoria.

### *Supplementary question*

**Hon. D. K. DRUM** (North Western) — On a supplementary question, I am glad the minister has mentioned Vichealth, because the Participation in Community Sport and Active Recreation funding is the sole reason some of these sports assemblies are still viable and still have their doors open. Is the minister aware that he recently received notification from a sports assembly, following one of the community cabinets, freely stipulating the difficulty associated with receiving recurrent funding and that if this funding does not arrive shortly, these sports assemblies are going to have to cut down on some of the programs the government is already claiming credit for?

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I welcome the member's supplementary question. As I have mentioned, we were ensuring the delivery of additional funds to the regional sports assemblies. No doubt there were some more specific targets that the assemblies had to ensure they could deliver on in relation to their funding, but we appreciate that some of the regional sports assemblies were having difficulty with administration in relation not only to compliance issues but also in ensuring they were able to complete the application process.

We have given additional support through Sport and Recreation Victoria regional managers to assist those organisations to make sure that their paperwork was compliant and that they fulfilled the expectations placed upon them by the department. We will ensure that the funds are delivered — —

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

### **Sport and recreation: female administrators**

**Ms ARGONDISSO** (Templestowe) — I refer my question to the Minister for Sport and Recreation. Labor's policy on sport and recreation entitled *A Gold Medal for Participation* states that the Bracks Labor government will assist in skilling and upgrading female sports administrators. I ask the minister to inform the house how the Bracks government is getting on with the job of delivering on this commitment.

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I welcome the member's question and her specific interest in the matter of female sports administrators. Whilst we have a very strong sporting culture in this state, we recognise as a government that in terms of sporting administrators there is an under-representation of women. Whilst they participate

in high numbers across many sports in the state, we have not seen that translate into large numbers of female sports administrators.

To try to increase the opportunity for many women who are committed to sport and would like to take up the opportunity or have a fledgling career in sports administration, we introduced last year and are continuing this year the women's sport and recreation leadership program. This program aims to build the capacity of women as leaders and decision makers and supports women in order to make sure they play meaningful and visible roles in sport at all levels.

This also complements a number of other initiatives to increase not only female participation in sport but also the profile of women in sport across the board. Earlier this year I advised the house of a number of grants made under this program. We provided 12 grants to women from a diverse range of sports to be used for professional development under this program. We have seen some significant outcomes. One of those outcomes, as an example, is the development of a three-tiered accreditation system for volunteer ski guides in Australia and the establishment of a project to look at disabled access to alpine areas.

As part of that program we will see these grants included in this financial year. We have made some minor alterations to make sure that the outcomes are even further enhanced. The successful applicants for this leadership program will receive funding of up to \$1500 to assist in professional and personal upskilling through formal education, either in sports management, sports development or sports coaching and official development. They will attend a compulsory two-day leadership workshop, participate in key industry forums and events and undertake a presentation of their involvement in the program.

We are very proud not only of the strong sporting culture and strong female participation in sport in this state but also of the great investment we are making as a government to increase the number of women participating in sporting administration across the state — again reinforcing that we are getting on with the job of developing and growing the whole of the state.

### **Housing: water-saving projects**

**Hon. E. G. STONEY** (Central Highlands) — I direct my question without notice to the Minister for Housing. I refer to the minister's recent launch of water-saving projects on public housing estates, and I ask: taking into account the capital investment, what

will be the cost of each litre of water saved in these projects?

**Ms BROAD** (Minister for Housing) — I thank the honourable member for his question and his interest in saving water. I am certainly very proud as the Minister for Housing that the Office of Housing is doing its bit to produce both water and energy savings on public housing estates. The member did not actually identify the project he was referring to, but I could hazard a guess that he might have been referring to the project which I had the pleasure of launching with the Deputy Premier and Minister for Environment on Friday at Richmond. This is a terrific project involving a car wash which recycles water twice over, and on the second recycle it ends up on the gardens, which improves the amenity of the estate and is great for the residents.

My recollection, because I do not have the papers in front of me, is that the water savings are in the vicinity of around 500 kilolitres and that the contribution being made to paying the costs is being made by Melbourne Water and the Environment Protection Authority, with a small contribution from the Office of Housing. Those savings, of course, will be savings in perpetuity. How one would apportion the capital investment in setting that up against the water savings that will be achieved for our drinking water for an indefinite period for the future would be an interesting accounting exercise. If it is possible to come up with an acceptable accounting treatment of that, I would be happy to provide that information to the member. It is a terrific scheme, and I look forward to being able to contribute at other housing estates in partnership with agencies which are willing to make contributions to these types of projects.

### *Supplementary question*

**Hon. E. G. STONEY** (Central Highlands) — The minister said it would be possible to evaluate the cost. I ask her: will she indeed evaluate the cost of the savings per litre? She said it is possible to do that; will she actually do it?

**Ms BROAD** (Minister for Housing) — I think I gave a clear answer: the costs are in the vicinity of \$110 000, and only a small proportion of that is being contributed by the Office of Housing. How that is apportioned to an estimate of the kilolitres of water that will be saved into the future is something I will look into and respond on if it is possible to do so.

**Gas: Bass Strait**

**Mr SMITH** (Chelsea) — I refer my question to the Minister for Resources. I refer to the announcement last week regarding a massive oil and gas exploration program in Bass Strait by Esso-BHP, where many of my old union mates work, including the Leader of the Opposition, I might add! Can the minister inform the house of the details of this announcement and what the Bracks government is doing to facilitate oil and gas development in Victoria?

**Hon. T. C. THEOPHANOUS** (Minister for Resources) — I thank the honourable member for his question and his interest in this area — and in protecting both current and former employees of Esso down at the rigs. Last Friday, during an offshore visit to Bass Strait, I announced the largest exploratory drilling program by Esso-BHP for almost two decades. Members may be aware that over the last three years Esso-BHP has invested some \$60 million in seismic testing to obtain data in Bass Strait. As a result that seismic testing has identified large potential gas reserves.

This is an example of the way in which seismic testing can deliver results for the people of Victoria. It is another example of why we have to take a balanced approach to this issue. On the one hand we protect the environment but on the other hand we gather valuable data which is required in order to be able to do this kind of exploration. This drilling program is a massive investment. It will provide in itself a significant economic boost for the state with an estimated initial expenditure of up to \$100 million for such exploration. Already we are talking about \$60 million for seismic testing and a further \$100 million for drilling. This is as a result of the environment that has been created for this industry. So we are in the midst of a renaissance for the resources industry that is providing revenue to the state and jobs in regional areas like Gippsland.

The Esso-BHP joint venture began in 1969. Since that time it has produced 3.5 billion barrels of oil, and over 5 trillion cubic feet of gas have also been produced. But there is still plenty more in the Gippsland basin, and we are in the business of attempting to realise that potential. We do so by providing data ourselves through the Victorian Initiative for Minerals and Petroleum program, by which we provide world-class geological data.

In the last three years expenditure on oil and gas exploration has soared, ranging from \$75 million to \$190 million per annum. In three years we have had an explosion in exploration expenditure. We have found

that Esso-BHP alone has spent \$60 million on seismic data and a further \$100 million is now to be spent in relation to drilling. This has all happened in the last three years compared with an average of \$36 million in exploration that occurred under the Kennett government.

This is why these industry giants are investing. It is a signal of the confidence they have in Gippsland but also of the confidence they have in the Bracks government and what it is trying to do. That is contrary to the view of the opposition, which unfortunately does not support seismic testing which may deliver further results, according to Mr Vogels. It does not support wind power, and it has a formula for driving Victoria backwards.

**Brothels: illegal**

**Hon. A. P. OLEXANDER** (Silvan) — I direct my question to the Honourable John Lenders, Minister for Consumer Affairs. I refer the minister to a recent report from the adult entertainment industry in which it alleges that over 400 illegal brothels currently operate in the state of Victoria and to the fact that crisis talks have been held between police, health and Consumer Affairs Victoria officers to address this issue. The minister has repeatedly told this house that illegal prostitution is not in his area of portfolio responsibility, so I ask the minister: why were Consumer Affairs Victoria officers involved in these discussions?

**Mr LENDERS** (Minister for Consumer Affairs) — Mr Olexander informs the house that I have previously, I guess in answer to a question, said that illegal brothels are not my responsibility as Minister for Consumer Affairs, and that is correct. I am minister responsible for licensed brothels. However, the very serious issue in our community, whether it be sex slavery or illegal brothels generally, is one that this government and presumably the government before it has been working on to find a way to stop any of these cases falling through the net.

Clearly in the instance here any government that is prudent and serious about dealing with the issue of illegal brothels will, across the whole of government, be trying to work out the best possible solution to deal with this. Clearly illegal brothels fall under the purview of the Chief Commissioner of Police to enforce those laws; licensed brothels fall under consumer affairs, but where there is any ambiguity, it is an issue for all agencies to try to work together to deal with the problem so that the laws of Victoria are enforced, so that the people who work in this industry, whether it be legal or illegal, are protected; and so that the

community has confidence that this particular industry is being administered under the terms of the legislation, which received bipartisan support in this Parliament.

*Supplementary question*

**Hon. A. P. OLEXANDER** (Silvan) — I thank the minister for his acknowledgment that there is a whole-of-government approach in dealing with the issue of illegal brothels and that a meeting actually did take place and Consumer Affairs Victoria officers took part. My supplementary question then is: what was the outcome of that meeting that took place between the minister's officers, the police and the health department, and what specific actions will this government take to address the illegal prostitution problem in Victoria?

**Mr LENDERS** (Minister for Consumer Affairs) — I guess, as Mr Olexander and this house will understand, by some reckonings prostitution is the oldest known profession on the planet. If Mr Olexander has a view that any interdepartmental meeting will somehow or other, on his terms and in his timing, find a solution to the enormous social, legal, health, occupational and criminal issues that go with prostitution and the licensing of brothels in this state, then I think he needs to have a look at history. But I will assure Mr Olexander and this house that this government, like former minister Jan Wade in the Kennett government before it, is conscious of trying to find a bipartisan solution that deals with the community but which protects workers, clients and neighbourhoods. We will continue to work across agencies and the whole of government to achieve that outcome. We will certainly bring forward legislation if needed.

**Information and communications technology:  
computer games industry**

**Mr VINEY** (Chelsea) — I refer my question to the Minister for Information and Communication Technology. The minister has recently informed the house of the Bracks government's initiatives that support the Victorian computer games industry, which she has described as world class. Will the minister advise the house of any recent achievements by the Victorian computer games industry that strengthen the claim that Victoria is a world-class location for computer game development?

**Hon. M. R. THOMSON** (Minister for Information and Communication Technology) — I thank the member for his question and his interest in this sector. As members of the house are aware, I am personally

very supportive of the computer games industry, as is the Bracks government. Through its games plan policies the Bracks government has helped the development of the local computer games industry through a number of measures, such as the innovative Playstation and Xbox developer kit programs that I recently announced in the house, raising the international profile of our local computer games developers or through its trade fairs and missions program.

Computer games form a rapidly growing industry currently valued at upwards of US\$30 billion per annum, which is not a small amount. The Australian computer games industry generates export revenue of more than \$100 million. Victoria is, without question, Australia's computer games capital. Hundreds of games, many of them international top sellers, have been developed in Victoria. Members with daughters may know of the *Saddle Club* game, which was developed in Victoria; the *Le Mans 24 Hours* game would interest petrolheads; and *Jurassic Park* is for those who are interested in the study of dinosaurs. Not only that, Victoria has also developed a distinctly Australian game, *AFL Live*, which has become a no. 1 hit.

I am pleased to announce that IR Gurus Interactive, the company that developed *AFL Live*, has just entered into an arrangement with Sony Entertainment Europe to develop the first officially licensed Gaelic football computer game, which is not bad considering that on Friday night we will see a game in Melbourne between Ireland and Australia.

This partnership is tremendously pleasing because it will create 12 highly technical new jobs for the Victorian IT industry and bring in new investment of at least \$2.3 million. That is a great boon for the Victorian industry. This is a groundbreaking partnership as it is the first time an Australian computer games developer has struck a deal directly with Sony Entertainment Europe.

This deal shows that a Victorian computer game development company based out of Carlton is up there with the best developers in the world, and so are many Victorian companies in the computer games industry. The Bracks government has supported and acted to ensure that the future is bright for this industry, and it will ensure it continues to support and act on behalf of the best interests of the computer games industry.

**QUESTIONS ON NOTICE**

**Answers**

**Mr LENDERS** (Minister for Finance) — I have answers to the following questions on notice: 317, 564, 606, 633, 643, 653, 654, 722, 723, 770, 773, 776–8, 780–4, 786, 795, 797, 803–7, 815, 816, 818, 821, 822, 825–7, 831, 832, 834, 836, 838, 841, 845–8, 856, 857, 859, 862, 863, 866–8, 872, 873, 875, 879, 881–4, 892–4, 896–8, 900, 901, 905–8, 960.

**MEMBERS STATEMENTS**

**Preschools: funding**

**Hon. R. DALLA-RIVA** (East Yarra) — It is important that members continually remind themselves of the importance of preschools, particularly kindergartens. I know many members have had an experience with kindergartens, either from being a member of a preschool committee or from being actively involved in preschool activities, and as their children grow and go through the school system and the like.

I was quite disturbed to see a recent Kindergarten Parents Victoria newsletter entitled ‘Preschool matters’. It outlined the concerns that KPV has in relation to the new price index that this government is allowing, which says in a sense, ‘We will fix our funding to the price index’, which will transfer an inappropriate level of risk to preschools.

I had some involvement with KPV in the past, and it represents the vast majority of preschools and kindergartens in this state. It has called for an alteration to the new preschool funding system to take into account the importance of preschools and kindergartens. The new funding regime indicates — this is what it is quoting — that the price index will allow government at some time in the future to say, ‘Look, we gave you an increase, and whatever happens to wages is your problem’. I do not think that is acceptable to the future of our society or our children in preschools.

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

**Ukrainian memorial**

**Hon. KAYE DARVENIZA** (Melbourne West) — I inform the house that on Saturday I had the honour of attending a tree planting in my electorate at the Point Cook Coastal Reserve, along with my parliamentary

colleague in the other place, the honourable member for Derrimut, Telmo Languiller; Nicola Roxon, the federal shadow spokesperson on immigration and population, and my parliamentary colleague Andrew Olexander.

The tree planting commemorated the 70th anniversary of the deaths of millions of Ukrainians between 1932 and 1933 as a result of a famine, which was created by Stalin’s policy of forcibly taxing and collecting all the grain that was produced by Ukrainian farmers.

The tree planting ceremony was very well attended and saw some 300 trees planted by children, their parents and the elderly. While it was a very moving experience, the trees symbolised both life and durability and will live on and stand as many generations pass. I believe the trees are a very fitting memorial to those who died.

I congratulate Mr George Fedyszyn, the president of the Association of Ukrainians in Victoria, Mr Stefan Romaniu, the chair of the Australian Federation of Ukrainian Associations and Parks Victoria for organising this important and moving commemoration.

**Motorcycles: grand prix ride**

**Hon. ANDREA COOTE** (Monash) — Two Saturdays ago I attended the launch of the Motorcycle Riders Association of Australia grand prix ride to Phillip Island. Sadly the Victorian Minister for Tourism did not think the event was important enough for him to attend. About 10 000 motorcyclists left the rallying point in Cranbourne for their annual run to the Phillip Island racetrack. It was a most impressive sight, with families and old and young observers enjoying the special event. I congratulate the association for organising such a successful event.

This event focused on safety and emphasised the length to which the Motorcycle Riders Association values increased safety for all users on Victorian roads. This event was a great highlight for the region and a great tourist event. The grand prix enjoys worldwide television coverage.

This year for the first time Tasmania conducted a week-long motorcycle event, and Victoria has a great opportunity to market these two events together, thereby increasing tourism to southern Australia. I ask the minister to overcome his prejudice against the Motorcycle Riders Association and support Victorian motorcyclists.

**Legislative Council: reform**

**Ms ARGONDIZZO** (Templestowe) — I would like to express my disappointment at the manner that

legislative councils in Australia were represented on the *Sunday* program of October 26. In a week when Australia was hosting two of the most powerful political leaders in the world, the *Sunday* program focused on political bashing without any purpose or objective analysis.

I cannot speak in respect of council members in other states. However, in the short time I have been a member of this house my own experience and observation is that its members make a great commitment to serve our community and fulfil our role as community leaders in discharging our duties. I noted with interest that the Victorian Legislative Council was not prominent in the program. I also noted that the feature focused on the negatives of all other states in managing their legislative councils.

The Bracks government in Victoria has adopted a strategy to ensure that the Legislative Council plays an important role in the management of government on behalf of the people of the state of Victoria. Premier Bracks has been consistent with the government's philosophy of listening and acting. The Bracks government established the Constitution Commission of Victoria in March 2001 with the objective of reporting on recommended changes to improve the effectiveness and good governance of the Legislative Council of Victoria.

The Bracks government has implemented the key recommendations of the report, which is appropriately named *A House for Our Future*. The reforms have begun to be implemented through the introduction of four-year terms, the reduction in the number of members and proportional representation. These reforms together with other proposals will ensure that the Legislative Council of Victoria will act as a house of review and serve our community well in the 21st century. I was disappointed that the program did not highlight these positive steps and unfortunately concentrated on negatives.

### **Water: wetlands program**

**Hon. ANDREW BRIDESON** (Waverley) — Melbourne Water has embarked on a program to develop 60 wetlands around the metropolitan area supposedly to reduce nitrogen entering Port Phillip Bay. However, there is a disturbing lack of adequate research to justify this expensive project thereby casting doubt over its stated aims. The lack of research means the predicted lower rainfalls have not been factored in, and low flow rates will turn wetlands into stagnant mud pits. It means that information about the likelihood of

adverse effects such as mosquitoes and their associated threat of disease is not available.

In a recent mail-out to households the Premier announced that the Victorian Water Trust is spending \$320 million to convert open channels into closed pipelines to reduce water loss through evaporation, yet Melbourne Water is spending huge sums to convert closed pipelines into open wetlands with no reference to the issue of water conservation.

There has been a questionable urgency to push ahead with this agenda in the face of mounting opposition from local communities which are losing these valuable recreational spaces. These communities are now demanding a postponement of operations until thorough testing has been done, the genuine process of negotiations occurs and a more integrated approach is adopted. I make specific reference to the proposed wetland development of the Mount Waverley flood retarding basin and the adverse effect this is going to have on some members of the surrounding communities.

### **Dromana: boat ramp**

**Hon. J. G. HILTON** (Western Port) — Last Saturday I had the great pleasure of opening a new boat ramp in Dromana in Western Port Province at a location known as Anthonys Nose. At the opening I was accompanied by Mr Martin Dixon, the MP for Nepean in the other place. It was pleasing that such an occasion had bipartisan support.

The original boat ramp is described in the 2001 *Melway* as:

... two-lane timber ramp, hazardous during northerly winds. Often unsuitable due to sea damage during winter ...

The new boat ramp is obviously a tremendous and much-needed improvement on the original. The Peninsula Power Boat Club contributed \$60 000 to the project, which was matched dollar for dollar by the Bracks government's boating facilities program, which reinvests \$1.1 million of recreational vessel registration fees back into the community each year.

Boating is a very popular pastime on the Mornington Peninsula, and I am sure this new boat ramp will be very well received by all participants. As I said, I was very pleased to be asked to open the boat ramp and delighted that it received bipartisan support.

### Police: Mansfield festival

**Hon. E. G. STONEY** (Central Highlands) — Last weekend the Mansfield-Stringybark Remembrance Festival was held at Mansfield and at Stringybark Creek near Tolmie. Weekend events included the swearing in of a batch of new police recruits. This was the first time police have been sworn in outside the police academy. It was a very social weekend with the Mansfield shire hosting visiting police and sponsoring a cocktail party, a dinner and a community breakfast.

The mayor, Don Cummins, the chief executive officer, Gary Gaffney, and councillors represented the Mansfield shire and community very well and did a very professional job. Acting Inspector Bruce Klinge was the organisational force, and he and his staff should be commended for putting on a great weekend show. Police chief commissioner, Christine Nixon, unveiled a plaque at the famous police monument in the centre of Mansfield. The monument honours the three police slain by the Kelly gang 125 years ago. Many police dignitaries and members of Parliament were also in attendance, including Bill Sykes, the member for Benalla in another place, Sophie Panopoulos, the federal member for Indi, and me. It was extraordinary that no member of the government attended any function during the two days of very special police celebrations. Perhaps government members do not work on weekends or at night. Who knows!

### Melbourne International Arts Festival

**Hon. H. E. BUCKINGHAM** (Koonung) — I rise to praise the extraordinary success of the Melbourne International Arts Festival, which concluded on the weekend and provided Victorians, including me, with a wealth of diverse events both ticketed and free for all to enjoy. I condemn the shadow spokesman for the arts, Mr Olexander, a member for Silvan Province, for his suggestion that the Melbourne festival should be subject to censorship by the arts minister of the day. Whilst this is further evidence that the opposition will do anything to grab a headline, the honourable member's suggestion that the government should control the artistic programming of the festival and the arts is ludicrous and a threat to the free and tolerant society we live in.

As it should, final approval for the program rests with the board of the Melbourne festival. The board features such members as the former shadow spokesperson for the arts, Lorraine Elliott. Yesterday's *Age* editorial summed it up perfectly. It states:

Arts festivals entertain, disturb and provoke.

As the Minister for the Arts said, this is not North Korea! I join Juliana Engberg, artistic director of the Australian Centre for Contemporary Art, in commending the arts minister for her rejection of Mr Olexander's suggestion. In her letter to the *Age* last Friday Ms Engberg commented:

Arts minister Mary Delahunty's remarks were appropriate and right in supporting the need for artistic independence.

The Leader of the Opposition should clarify whether Mr Olexander's proposal — —

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

### Relay for Life: Shepparton

**Hon. W. A. LOVELL** (North Eastern) — It is my honour to congratulate the women of the Shepparton Women's Community Service Club, who over the weekend of 25 and 26 October organised the Shepparton Relay for Life. Relay for Life is an annual event that raises funds for cancer research and attracts teams from community organisations, schools, hospitals, workplaces, families and friends. Relay for Life takes place over an emotional weekend when the community comes together to remember those we have lost to cancer and to celebrate the lives of those who have survived.

Each team has its own special motivation for participating in Relay for Life. Many are motivated by their own personal experience with cancer and others are motivated through the experience of or loss of family members or friends.

This year's event was the second Relay for Life the Shepparton Women's Community Service Club has organised. Last year 68 teams competed and the event raised over \$145 000. This year 83 teams consisting of over 1200 people gathered at Princess Park in Shepparton to walk non-stop for 17 hours, which raised in excess of \$210 000 for cancer research. Under the guidance of chairperson Ellen Maxwell, the women of the Shepparton Women's Community Service Club organised a sensational weekend that was enjoyed by all. Relay for Life is one of the greatest community events that I have ever had the pleasure of being part of.

### Police: Bellarine station

**Mrs CARBINES** (Geelong) — Last week I was delighted to attend the official opening by the Minister for Police and Emergency Services of the new Bellarine 24-hour police station in my electorate at Ocean Grove.

This was a fantastic community event attended by many representatives of all the townships from across the Bellarine Peninsula. We all enjoyed the formal ceremony, despite the driving rain, and our tour of the state-of-the-art station. The opening of the \$5 million facility signifies the delivery of the warmly received election commitment made to the people of the Bellarine Peninsula by the Bracks government.

The Bellarine 24-hour police station will complement the existing stations at Portarlington, Drysdale and Queenscliff, and will therefore significantly enhance police presence across the peninsula. Bellarine residents called for improved policing, and the Bracks government has listened and acted.

### **Commonwealth Parliamentary Association: Bangladesh conference**

**Hon. W. R. BAXTER** (North Eastern) — I take this first opportunity to report to the house that I recently had the honour to represent the Parliament of Victoria at the 49th Commonwealth Parliamentary Association conference in Dhaka, Bangladesh. The conference was attended by delegates from 48 countries representing some 67 parliaments. Not surprisingly, the major topic was global security and terrorism, which dominated the discussions.

I was pleased to be invited to join a panel as a discussion leader, and I believe I was able to represent Victoria in that regard. I pay tribute to the people of Bangladesh for the tremendous hospitality and excellent arrangements they accorded to the delegates.

Bangladesh is approximately the size of the province represented by Ms Lovell and me. We have about 130 000 people, but in Bangladesh in the same area there are about 130 million people. The city of Dhaka has a population of 12 million. Bangladesh is a country that is not really on the world radar, but the conference was run so well that it now has 500 people who are spread throughout all parts of the commonwealth who will speak very highly of Bangladesh and will go a long way to raise the profile of that very poor but confident country.

### **Glen Huntly Progress Group**

**Mr SCHEFFER** (Monash) — I commend the work of the Glen Huntly Progress Group in my electorate of Monash Province. President Stewart McDiarmid, secretary Orek Tenen, newsletter editor and vice-president Sue Nolle, and Andrea Palamarczuk and Mary Walsh work with great intelligence, enthusiasm and energy to encourage community interest and

participation in the improvement of our streets, public and private buildings, parks and spaces.

The Glen Huntly Progress Group takes a keen interest in local urban planning and design. Besides writing and letterboxing a regular newsletter, the progress group has conducted community surveys and run forums on local planning issues. While members of the Glen Huntly Progress Group are keenly interested in Melbourne 2030, they come to it with a sober scepticism, taking nothing at face value. They know it is big and complex but reckon it offers an opportunity to participate and make a difference.

I know that the Glen Huntly Progress Group is delighted that the Glen Eira City Council has received a \$40 000 government grant to help implement Melbourne 2030's sustainable growth initiatives.

There has been vigorous community debate on the future of the Glen Huntly precinct. Glen Huntly has a medium-size shopping centre that has tram, train and bus services that are second to none. It is right near Glen Eira College and the Glen Eira University of the Third Age.

The great thing is that this \$40 000 grant means all stakeholders will work together on a project to put together a plan that has firm community backing. The Glen Huntly Progress Group will contribute to building Glen Huntly into an even more dynamic locality than it already is.

### **Phil Dwyer**

**Hon. C. A. STRONG** (Higinbotham) — I pay tribute to Mr Phil Dwyer of my electorate. Mr Dwyer is a builder who, like many small builders, has been put out of business or had his business dramatically curtailed by the builders warranty crisis, a crisis that, despite their best intentions, the government has done nothing about. It remains a blight on the building industry. We have basically one insurer in the industry, Royal Sun Insurance, which covers some 94 per cent of the market throughout Victoria and Australia. Clearly it has tremendous monopoly power.

Mr Dwyer has not stepped back from the fight of trying to improve the situation. He has formed the builders collective, first in Victoria and now nationwide, to represent builders in the warranty insurance battle. He has made submissions to the Australian Competition and Consumer Commission on the monopoly situation. He has also made submissions to the Victorian, New South Wales and federal governments. I believe actions like Mr Dwyer's can make a difference. I commend

him for his energy and determination and urge him to continue, because it is by this sort of action that the government will be moved and the warranty crisis resolved.

### Skilled Stadium: Geelong

**Hon. J. H. EREN** (Geelong) — It is an exciting time in Geelong, for there is much development happening throughout the region, and one of the biggest is the Skilled Stadium redevelopment. The Bracks government has allocated \$13.5 million towards rebuilding the major Geelong icon. Other moneys are coming from the Australian Football League and the City of Greater Geelong, which is providing \$6 million.

I congratulate the Minister for Commonwealth Games, who is also the Minister for Sport and Recreation, for his work in delivering such a wonderful project to Geelong. Last week the minister came to Geelong to officially launch the redevelopment. He said at the time, ‘This is a celebration for Geelong Football Club, its fans, local sports participants and the region overall’.

The impressive eastern stand, which is to be built, will have comfortable undercover seating, new amenities and unimpeded views of the on-field action. Most importantly this redevelopment will ensure that the Cats will have a viable future in Geelong, and the \$13.5 million from the government will pay great dividends.

According to reports the construction project will boost local businesses and create about 70 jobs, and the flow-on benefits to Victoria from the project will be about \$42 million. Once again this government is honouring its election commitments, which is great news not only for the Cats but for Geelong as a whole. Now all we have to do is win a grand final.

### Budget: surplus

**Hon. J. A. VOGELS** (Western) — Today’s *Age* says that under the framework used by all other states and the commonwealth Victoria’s surplus was a whopping \$1517 million. Why then does this cruel government want to slash funding to people most in need, such as our frail and elderly? Last year it was the same, with \$1646 million. The report goes on to say that it is becoming farcical, yet it seems that the Treasurer likes it that way. Will this lead to more cuts?

The multipurpose taxi service has until now provided our most vulnerable citizens with access to half-price taxi fares to do their shopping, visit the doctor or the chemist, attend day programs organised by disability

support groups, visit friends or relations, go to church and so on — in other words, an essential service.

In Warmambool, Vantage chief executive officer Dr Thomas Block said that the changes would have a severe effect on the services for 120 disabled clients. He said they are reducing funding and now they are reducing access to services. Why is the government doing this to the disabled, of all people?

The government has once again shown its insensitivity to our disabled, frail and elderly, and I fully support Cath Smith, chief executive officer of the Victorian Council of Social Service, in saying, ‘It is time for the government to take better care of our vulnerable people’. I urge the Bracks government to spend some of its whopping surplus on our most vulnerable citizens.

## PETITIONS

### Planning: amendment VC19

**Hon. PHILIP DAVIS** (Gippsland) and **Hon. J. A. VOGELS** (Western) each presented petition from certain citizens of Victoria requesting that the Victorian government and the Minister for Planning take note of the objection to planning amendment VC19 and that they not proceed with this amendment (969 and 126 signatures respectively).

Laid on table.

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### Alert Digest No. 8

**Ms ARGONDIZZO** (Templestowe) presented *Alert Digest No. 8 of 2003*, together with appendices.

Laid on table.

Ordered to be printed.

## PAPERS

Laid on table by Clerk:

Agriculture Victoria Services Pty Ltd — Report, 2002-03.

Auditor-General — Report on Managing logging in State forests, October 2003.

Budget Sector — Quarterly Financial Report No. 4 for the period ended 30 June 2003.

City West Water Limited — Report, 2002-03 (two papers).

Commonwealth Games Arrangements Act 2001 — Notices of Approval of Amendments to the Melbourne Planning Scheme — C85 and C87.

Dairy Food Safety Victoria — Minister for Agriculture's report of receipt of the 2002-03 report.

Duties Act 2000 — Treasurer's report of 21 October 2003 of approved exemptions made on corporate reconstructions for 2002-03.

Equal Opportunity Commission — Report, 2002-03.

Greyhound Racing Victoria — Report, 2002-03.

Harness Racing Victoria — Report, 2002-03.

Legal Ombudsman's Office — Report, 2002-03.

Legal Practice Act 1996 — Practitioner Remuneration Order, 14 October 2003.

National Parks Act 1975 — Advice of National Parks Advisory Council to Minister on proposed excisions from Point Addis and Twelve Apostles Marine National Parks.

Phytogene Pty Ltd — Minister for Agriculture's report of receipt of the 2002-03 report.

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

Bendigo — Greater Bendigo Planning Scheme — Amendment C52.

Colac Otway Planning Scheme — Amendment C16.

Darebin Planning Scheme — Amendment C37.

East Gippsland Planning Scheme — Amendment C14.

Frankston Planning Scheme — Amendment C15.

Geelong — Greater Geelong Planning Scheme — Amendment C40.

Manningham Planning Scheme — Amendment C15.

Moreland Planning Scheme — Amendment C39.

Towong Planning Scheme — Amendment C11.

Wellington Planning Scheme — Amendment C19.

Whittlesea Planning Scheme — Amendment C48.

Yarra Planning Scheme — Amendment C45.

Public Advocate's Office — Report, 2002-03.

Public Prosecutions Office — Report, 2002-03.

Public Record Office — Report, 2002-03.

South East Water Limited — Report, 2002-03.

Statutory Rules under the following Acts of Parliament:

Occupational Health and Safety Act 1985 — No. 121.

Pharmacists Act 1974 — No. 120.

Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 120.

Veterinary Practitioners Registration Board of Victoria — Minister for Agriculture's report of receipt of the 2002-03 report.

VicFleet Pty Ltd — Minister for Finance's report of receipt of the 2002-03 report.

Victorian Environmental Assessment Council — Report, 2002-03.

Victorian Government Purchasing Board — Report, 2002-03.

Yarra Valley Water Limited — Report, 2002-03 (two papers).

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

Australian Crime Commission (State Provisions) Act 2003 — Items 11 and 14 of Schedule 1 — 16 October 2003 (*Gazette No. G42, 16 October 2003*).

Health Legislation (Research Involving Human Embryos and Prohibition of Human Cloning) Act 2003 — 16 October 2003 (*Gazette No. G42, 16 October 2003*).

Terrorism (Community Protection) Act 2003 — Part 2 — 16 October 2003 (*Gazette No. G42, 16 October 2003*).

**Ordered that the report of the Auditor-General on managing logging in state forests be considered next day on motion of Hon. E. G. STONEY (Central Highlands).**

**Ordered that the report of Harness Racing Victoria be considered next day on motion of Hon. D. KOCH (Western).**

**Ordered that the report of the Equal Opportunity Commission be considered next day on motion of Hon. W. A. LOVELL (North Eastern).**

**Ordered that the report of the Victorian Environment Assessment Council be considered next day on motion of Hon. P. R. HALL (Gippsland).**

**Ordered that the report of the Public Prosecutions be considered next day on motion of Hon. ANDREA COOTE (Monash).**

**Ordered that the Greyhound Racing Victoria Report be considered next day on motion of Hon. D. KOCH (Western).**

## SCOTS' CHURCH PROPERTIES (AMENDMENT) BILL

### *Second reading*

For **Hon. J. M. MADDEN** (Minister for Sport and Recreation), Mr Lenders (Minister for Finance) — I move:

That the bill be now read a second time.

### **Second-reading speech as follows incorporated on motion of Mr LENDERS (Minister for Finance).**

The trustees of Scots Church, Melbourne have sought the introduction of this bill to make certain alterations to the Scots' Church Properties Act 1891 and the trust deed under which they hold the property bounded by Collins, Russell and Little Collins Streets.

The trustees hold the property on trust for the congregation of Scots Church and the General Assembly of the Presbyterian Church of Victoria. The trust deed is given statutory effect by the Scots' Church Properties Act 1891 and cannot be varied except by an act of Parliament.

The property includes the Scots Church, the building formerly occupied by Georges, the church hall on Russell Street, shops and a car park. The land on which the Assembly Hall on Collins Street now stands was part of the property in 1891 but was held on trust for sale to the Presbyterian Church of Victoria Trusts Corporation for the erection of an assembly hall. The sale took place in 1913. The trusts corporation and the Scots Church trustees have recently entered into a contract for its re-acquisition by the Scots Church trustees.

The Scots Church and the church hall comprise the part of the land designated under the trust deed as the church site, which is set aside for public worship and associated purposes. The remainder of the land is for the charitable purposes of the trust and may be used for commercial purposes to generate income to be divided equally between the two beneficiaries of the trust.

The changes proposed to be made to the trusts by this bill would excise from the church site the church hall and a 3-metre strip of land between the Scots Church and the Assembly Hall and make them part of the land that may be used to generate income. The changes would also remove the present 50-year limit on the terms of leases granted by the trustees. It is also proposed to extinguish a carriageway shown in the trust deed and to make a small adjustment to the boundary between the church site and the rest of the property.

The proposed alterations to the trusts will enable the trustees to make use of their commercial land on terms that more readily match market demand. In turn, this will enable the commercial land to be used more effectively to generate income for the beneficiaries.

It should be noted that this bill in no way indicates the government's view regarding the merits of any planning applications or redevelopment proposals in respect of the Scots Church properties. No redevelopment proposals can proceed without all necessary planning, heritage, subdivision and other relevant approvals first being obtained.

The beneficiaries of the trusts (the congregation of Scots Church and the General Assembly of the Presbyterian Church of Victoria) have agreed to the proposed changes to the act and the trust deed.

For your reference, a coloured plan of the Scots Church properties (illustrating the alterations proposed by this bill) and the trust deed are on display in the parliamentary library.

I commend the bill to the house.

### **Debate adjourned on motion of Hon. C. A. STRONG (Higinbotham).**

### **Debate adjourned until later this day.**

## ROYAL BOTANIC GARDENS (AMENDMENT) BILL

### *Second reading*

For **Ms BROAD** (Minister for Local Government), Mr Lenders (Minister for Finance) — I move:

That the bill be now read a second time.

### **Second-reading speech as follows incorporated on motion of Mr LENDERS (Minister for Finance).**

The purpose of this bill is to amend the Royal Botanic Gardens Act 1991 to:

facilitate the Royal Botanic Gardens critical work relating to biodiversity research and conservation;

improve the licensing and leasing powers;

make further provision in relation to the powers of authorised officers and the term of appointment of board members; and

make other minor amendments.

The Royal Botanic Gardens is one of Victoria's greatest assets. Comprising sites at South Yarra and Cranbourne, as well as the National Herbarium of Victoria and the Australian Research Centre for Urban Ecology, it is a treasured part of the state's scientific, cultural and natural heritage.

The Royal Botanic Gardens, Melbourne, one of only six royal botanic gardens in the world, is regarded by many as the 'jewel in the crown' of Melbourne's world-renowned parks and gardens. Established in 1846, 10 years after the foundation of Melbourne, the gardens have figured prominently in the growth and development of this city and have developed an international reputation as a world-class modern botanic garden. Their outstanding heritage significance has been recognised by their listing on the Victorian Heritage Register, the register of the National Trust of Australia (Victoria) and the register of the National Estate.

The Royal Botanic Gardens is also home to the state's oldest scientific institution, the National Herbarium of Victoria, this year celebrating the sesquicentenary of both its founding and the commencement of systematic botany in Australia.

The Royal Botanic Gardens, Cranbourne, is less familiar to most Victorians. However, it contains some of the most significant remnant vegetation of the Melbourne region, with more than 25 species of flora and fauna that are recognised as threatened, including several listed as vulnerable or endangered. It is also the site of a new garden — the Australian garden — which is due to open in 2005 and which will showcase the diversity of flora from all corners of Australia.

The role of the botanic garden throughout the world is evolving. In addition to traditional activities such as horticulture and taxonomy, modern botanic gardens have become important centres of biodiversity research and conservation due to the unrivalled expertise and unique resources they contain.

The Royal Botanic Gardens is no exception. It has become a vital contributor to research into and the conservation of Victoria's biodiversity, working both independently and in partnership with external agencies and organisations, such as the Department of Sustainability and Environment, Parks Victoria and universities.

The Australian Research Centre for Urban Ecology (ARCUE), a division of the Royal Botanic Gardens, is the only research institute in Australia — and one of very few in the world — having as its prime focus the biodiversity and conservation of remnant islands of natural habitat within urban areas. With the rapid expansion of urban areas, ARCUE's research will become increasingly critical for the conservation of biodiversity.

It is against this background that I now turn to the key amendments introduced by the bill.

Clauses 4 and 5 modernise the objectives of the act and functions of the board to specifically recognise the broader biodiversity research and conservation role of the gardens.

Understanding and managing plants in the context of the complex and interactive natural systems in which they exist, rather than in isolation, is critical for their conservation. The Royal Botanic Gardens' contribution to this field has developed in recent years under the existing objectives of the act and functions of the board.

These amendments will make clear the gardens' role in this field. They will facilitate the application of the gardens' unique expertise and knowledge to advancing ecological and biodiversity research, and its contribution to biodiversity conservation. This will contribute to the government's strong record of protecting the state's rich biodiversity and reinforce its commitment to protecting the environment for future generations.

Clause 7 amends the board's power to grant licences by extending the maximum licence term from 5 to 10 years. The current maximum term of only 5 years can be unattractive to businesses operating within the RBG grounds due to the limited returns they can achieve over that time frame, particularly where projects require a significant investment.

Clause 8 introduces a specific power to enable the board to lease land at the Royal Botanic Gardens, Cranbourne, where the lessee proposes to conduct a business of a plant nursery. This provision makes it clear that a lease for this purpose is within the board's power, even though the board is prevented

from engaging in the business of selling plants in its own right.

A total area of no more than 10 hectares within the 363-hectare site will be able to be leased under this new provision. The area intended to be leased for the plant nursery is previously cleared land, with little or no conservation significance.

The new provision will allow the Royal Botanic Gardens board to take advantage of a new commercial opportunity to generate additional lease revenue that can be directed back into managing these splendid gardens. The selling of plants by a private operator will also generate additional employment in the local region and encourage more visitors.

Clause 10 will enable authorised officers to request the name and address of a person who they reasonably believe has committed an offence. This will assist in the enforcement of the act and regulations. To date, staff of the Royal Botanic Gardens have been hampered in their ability to enforce the act and regulations because they do not have this power.

Clause 13 aligns the period of appointment of the chairperson and deputy chairperson of the Royal Botanic Gardens board with their terms as members.

In conclusion, the bill will ensure that the legislation under which Victoria's Royal Botanic Gardens is protected and managed reflects the role and requirements of a modern botanic garden and that it remains at the forefront of the world's great botanic gardens. The bill will also facilitate appropriate business opportunities without compromising the protection of the gardens and will assist its efficient administration.

I commend the bill to the house.

**Debate adjourned on motion of Hon. ANDREA COOTE (Monash).**

**Debate adjourned until later this day.**

## WATER LEGISLATION (AMENDMENT) BILL

### *Second reading*

**For Ms BROAD (Minister for Housing),  
Mr Lenders (Minister for Finance) — I move:**

That the bill be now read a second time.

**Second-reading speech as follows incorporated on motion  
of Mr LENDERS (Minister for Finance).**

This bill is an important part of the government's water reform initiatives; initiatives designed to ensure that Victoria uses its water responsibly and equitably. There will be an increasing demand for water but no new source of water. We must make do with the water we have, and be smarter in how we use and manage it.

The government in planning for Victoria's future water needs has already introduced a range of initiatives designed to ensure the provision of sustainable water supplies. These

initiatives include the establishment of the Victorian Water Trust to provide a secure source of funding for much-needed investment in Victoria's vital water resources and infrastructure, the move to independent economic regulation of the water industry by the Essential Services Commission, and legislation in relation to farm dams and safe drinking water.

The ministerial statement *Valuing Victoria's Water* made on 10 April this year outlined government's future direction on working towards sustainable water supplies and on 27 August the government released its green paper *Securing Our Water Future* which includes more than 80 proposals to protect and manage Victoria's long-term water supplies and to safeguard the health of our rivers and flood plains.

As the ministerial statement indicated, we must change the current patterns of consumption to protect our future. In accordance with the commitment given in the statement this bill provides for the introduction of permanent water savings measures for Melbourne in the form of permanent water saving plans. Good rainfalls from late July and throughout August have seen Melbourne's storages recover from a low of 40 per cent of capacity on 24 July to 46 per cent capacity on 26 August. Whilst this recovery is very promising, there is long way to go. It will take around five to six years of average rainfall for storage levels to recover to 90 per cent of their full capacity. It is therefore vital that we take action to promote this recovery. The proposed permanent water saving plan will help in ensuring that the water we have is not wasted.

The nature of the measures to be included in such a plan for Melbourne will be determined over the next few months. Research conducted during stage 1 water restrictions in Melbourne has indicated that the community is generally very supportive of the introduction of commonsense measures that promote water conservation and water use efficiency. For example, around 60 per cent of those surveyed supported permanent bans on the use of hoses to clean driveways and the requirement that vehicle washing be undertaken using hand-held hoses fitted with trigger nozzles. Half supported no watering of gardens and lawns between 10.00 a.m. and 5.00 p.m. on an all-year-round basis. Whilst considering the measures that should be included in the plans, the existing restrictions and prohibitions under the current drought response plans will be reviewed to ensure that the plans operate in a complementary way.

The ministerial statement also referred to the possibility of the adoption of permanent water saving plans in regional areas and the bill also provides the mechanism for permanent water saving plans to be implemented by water authorities in other areas after consultation with their communities.

To provide the opportunity for the public to have input into a proposed permanent water saving plan the bill provides for a notice containing the summarised provisions of restrictions and prohibitions proposed by the permanent water saving plan and inviting comments or submissions to be published in the *Government Gazette* and a newspaper circulated in the area.

Contravention of a restriction or prohibition under a permanent water saving plan will attract a maximum fine of \$1000 for a first offence and \$2000 for a subsequent offence.

The current restrictions and prohibitions under drought response plans do not include restrictions or prohibitions on

water use by the Country Fire Authority or the Metropolitan Fire Brigade. Similarly, it is not intended that restrictions or prohibitions be placed on those authorities under the proposed water saving plans.

Breach of a restriction or prohibition under a drought response plan is a serious offence. The penalties currently provided under the legislation do not reflect the gravity of a breach of a restriction or prohibition. The bill therefore provides for an increase in the penalty and for the doubling of the current maximum fine for a breach of a restriction or prohibition from \$2000 to \$4000 for a first offence (the maximum of three months jail remains the same) and from \$4000 to \$8000 for a second offence (with the maximum of six months jail remaining as currently provided in the legislation).

In addition to the increase proposed for breach of a restriction or prohibition under a drought response plan the bill also provides for an increase in the penalties for unauthorised use of water. Theft of water impacts on our available water supplies and is unfair to other water users. The health of our rivers and the continued use of our ground water systems in the longer term depend on sustainable management. While most Victorians do the right thing and do not steal water, unfortunately there are some that do. We must send a clear message that taking water illegally is not only unfair, but can also have serious impacts on other users and on the environment.

We need to manage our water resources carefully. For many years in the regions licences have been required to take water from waterways and ground water. Amendments to the Water Act passed in April this year extended the licensing powers to include irrigation and commercial dams off waterways and to springs and soaks used for irrigation or commercial purposes. Government not only expects people to obtain the appropriate licence before taking water but it also expects licence-holders to stay within their licence entitlements. Anyone who uses more than their licence entitlements does their neighbours a disservice. Unauthorised use can lead to greater and more frequent restrictions being imposed on legitimate users. It also has the potential to do irreparable harm to our water resources and the ecosystems that depend on them.

The water authorities will continue to have responsibility for ensuring that no-one takes water including surface and ground water to which they are not entitled. A person who steals water, for example, by tampering with a meter so as to benefit from an increased flow above an entitlement or to avoid paying for the use of the water, will now face a stiffer maximum penalty, a penalty that better reflects the seriousness of these offences. The maximum financial penalty for unauthorised use of water will be trebled from \$2000 to \$6000 for a first offence and from \$4000 to \$12 000 for a subsequent offence. The maximum jail sentence will be doubled from three months to six months imprisonment for a first offence and from six months to 12 months for a subsequent offence.

Unlike water authorities provided for under the Water Act 1989 the metropolitan retailers who hold licences under the Water Industry Act 1994 do not have the power to bring proceedings for alleged breaches of restrictions and prohibitions under drought response plans. Nor would they have power to bring proceedings in relation to the proposed permanent water saving plans. Licensees are also currently unable to bring proceedings against alleged offenders under

sections 288, 289 and 290 in the Water Act 1989 and which apply to the licensees by specific reference. These sections cover interference with property, wrongful taking of water and uncovering or exposing works. This distinction with other water authorities is unwarranted. The bill therefore provides for the metropolitan licensees to have the capacity to bring proceedings for alleged breaches of these provisions.

Both the Water Act 1989 and the Water Industry Act 1994 provide for the Victorian Civil and Administrative Tribunal to hear proceedings under those acts and to make various orders. However, unlike specific provisions provided in relation to the tribunal's powers under other acts, such as the Fair Trading Act 1999, the tribunal has no express power to make an award of damages in the nature of interest in proceedings under water legislation. The bill will provide the tribunal with an express power to award interest by way of damages where that is appropriate.

Victorians are aware that our water resources are finite and that water reform to ensure the security of our water supplies is an issue that cannot be deferred. The current drought has graphically highlighted the value of water to all of us. This bill will help to ensure that our water resources are protected and available to sustain future generations and that sustainable and equitable water supplies are available for all Victorians.

I commend the bill to the house.

**Debate adjourned on motion of Hon. E. G. STONEY (Central Highlands).**

**Debate adjourned until later this day.**

## EDUCATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

### *Second reading*

For **Hon. T. C. THEOPHANOUS** (Minister for Energy Industries), Mr **LENDERS** (Minister for Finance) — I move:

That the bill be now read a second time.

**Second-reading speech as follows incorporated on motion of Mr LENDERS (Minister for Finance):**

The bill implements a range of important measures to address anomalies in existing legislation; to remove outmoded provisions; to strengthen existing provisions disqualifying teachers convicted or found guilty of sexual offences from teaching in schools, and other miscellaneous amendments.

In summary the bill will implement the following changes.

1. First, it will repeal section 27 of the Education Act 1958. This section lists the subjects that may be studied in high schools or higher elementary schools. The section has been in its current form since at least 1958. It is out of date, is no longer used, and can be repealed.

There have been many developments since 1958 that have overtaken the relevance of the section. In

particular, it is out of date with the curriculum and standards framework (CSF) and the eight learning areas in schedule 2 of the Education Act 1958.

The curriculum standards framework provides the basis for curriculum planning in Victorian schools from preparatory–year 10 (age 5–16) and for reporting on student achievement. It sets out the major areas of learning to be covered and describes learning outcomes to be achieved by students. Its content is organised into the following eight key learning areas agreed nationally:

1. the arts
2. English
3. health and physical education
4. languages other than English (LOTE)
5. mathematics
6. science
7. studies of society and environment
8. technology.

2. Secondly, the bill will update the delegation sections in the Teaching Service Act 1981 and Education Act 1958. These sections enable the secretary and minister to delegate powers and functions under those acts. It has long been an accepted principle of management that government could not operate efficiently unless ministers and secretaries are able to delegate their various powers and functions, with ministers being answerable to Parliament on those delegations.

The current delegation powers of the secretary and minister under the Teaching Service Act 1981 and Education Act 1958 only enable delegations to 'officers and employees', or 'professional officers, teachers or other officers', or 'persons employed in the administration of the Act', or 'persons employed in the administration or execution of the Act'.

The changes are being sought so as to provide consistency in the various delegation sections; overcome the difficulties caused by the interpretation of words such as 'administration or execution', and to widen the scope of the power to allow delegations to persons other than persons already 'employed' in the administration of the act. As examples, the changes will:

- (i) clarify that the Minister for Education and Training could delegate powers to another minister or parliamentary secretary, or other person as appropriate.
- (ii) enable the secretary to delegate discipline and other powers to experts, such as retired judges or retired tribunal members, to hear discipline matters and make recommendations to him, or for other appropriate matters.

Limitations are inserted in the bill so that neither the regulation-making power nor the compulsory acquisitions power can be delegated. The bill also prevents the delegate from being able to further subdelegate the same power.

3. Next, the bill strengthens the provisions dealing with teachers who are convicted or found guilty of a sexual offence against a child or refused registration by, or are deregistered by, the Victorian Institute of Teaching. In relation to sexual offences against children, a degree of trust is needed between parents, teachers and students. The trust referred to is the trust that every parent must have in his or her child's teacher to look after the child and to care for the child. That trust enables parents to send their child to school knowing that his or her child will be well looked after. This government accepts the responsibilities which flow from that trust, and quite separately is also committed to protecting all children from abuse. The measures in this bill are in accordance with the government's commitment to protecting children.

Similarly, the department is legally responsible for the day-to-day care of the children in its schools. Paedophilia is the antithesis of this responsibility, as well as being abhorrent and offensive to the general public. The bill strengthens the current provisions by the following changes.

- (i) The bill will amend the Teaching Service Act 1981 and the Education Act 1958 to state that a person convicted of a sexual offence against a child is, irrespective of the date of the conviction, ineligible for employment in the Teaching Service, and to state that the secretary, or if employed by a school council then the school council, must terminate the employment of any teacher so convicted. The main change this implements is that the provision is retrospective to cover any such conviction, irrespective of when it occurred, and makes a dismissal mandatory.
- (ii) Next the bill will amend the Victorian Institute of Teaching Act 2001 to provide that a person convicted of a sexual offence against a child is, irrespective of the date of the conviction, disqualified from being registered with the Victorian Institute of Teaching. As the act presently provides that a person must be registered with the Victorian Institute of Teaching before they can teach in a school, this amendment will prevent such teachers being employed in schools. Again, the main change this implements is that the provision is retrospective to cover any such conviction, irrespective of when it occurred.
- (iii) Also the bill provides that a teacher whose registration by the Victorian Institute of Teaching is refused, cancelled or suspended, can be suspended by the secretary or a state school council without pay, and that if the teacher remains unregistered for 12 continuous months, then that person's employment is automatically terminated. As the Victorian Institute of Teaching Act

presently states that a teacher cannot be employed in a school unless registered, this provision appears sensible and reasonable given that if unregistered, the teacher will not be able to perform the duties for which he/she was employed. The 12 continuous months will not include periods of approved leave from employment, so that, for example, a teacher on seven years family leave who lets his or her registration lapse for 12 months or more will not be dismissed.

4. Next the bill updates the Children and Young Persons Act 1989 by replacing the reference to 'a person registered as a teacher under Part III of the Education Act 1958 or permitted to teach under that Part' to refer to a 'person registered as a teacher under the Victorian Institute of Teaching Act 2001 or permitted to teach under that Act'. This is a consequential amendment arising from the transfer of the registration of teachers from the Registered Schools Board to the Victorian Institute of Teaching.
5. Finally, the bill will enable advertisements for and provisional appointments to positions under the Teaching Service Act 1981 to be published on the Internet. This will enable the department to post the relevant positions on an Internet site, and to keep that site updated.

I commend the bill to the house.

**Debate adjourned on motion of Hon. B. N. ATKINSON (Koonung).**

**Debate adjourned until later this day.**

## EDUCATION (WORKPLACE LEARNING) BILL

### *Second reading*

For **Hon. T. C. THEOPHANOUS** (Minister for Energy Industries), Mr Lenders (Minister for Finance) — I move:

That the bill be now read a second time.

The Workplace Learning Bill 2003 supports the government's commitment to value and investment in lifelong learning.

It also supports the achievement of the government's goals and targets for education and training.

It will assist in the preparation of students for their transition from school to work and provide for better links between schools, business and communities.

This bill seeks to clarify issues between schools, pupils, parents and employers in relation to the provision of workplace learning opportunities for pupils. The proposals seek to address the issues surrounding the

responsibility for occupational health and safety and duty of care at the workplace where a placement of a pupil occurs through work experience, work placement or school-based new apprenticeships.

Consultations have indicated support for the direction and spirit of the bill. The bill reflects recommendations by stakeholders to a review of workplace learning conducted by the Department of Education and Training in March–May 2003.

Some of the recommendations of the review include:

clarification of duty-of-care issues in relation to pupils undertaking workplace learning;

pupils to complete occupational health and safety training prior to commencing their placements;

monitoring of pupils during their workplace learning;

raising the minimum age for work experience pupils;

greater flexibility in the number of work experience days per term.

The proposed ‘workplace learning’ amendment implements the major recommendations of the review.

The bill proposes renaming the heading to part IVA of the Education Act 1958 from ‘Work experience’ to ‘Workplace learning’ in order to reflect the broader learning undertaken in the workplace by pupils as part of their curriculum.

At present, there is confusion amongst schools and employers about the differences between work placement and work experience with the terms often used interchangeably. There is need for a clear distinction between work placement and work experience as they each perform different functions. The amendments proposed by this clause will achieve this result.

Work experience involves mainly years 9 and 10 students in short-term industry placements which broaden their experience and understanding of the world of work and career opportunities.

Work placement (proposed to be renamed as ‘structured workplace learning’) involves pupils in structured on-the-job training during which they are expected to master a designated set of skills and competencies related to courses accredited by the Victorian Qualifications Authority.

Clause 4 of the bill proposes that the reference to ‘work placement’ wherever stated in part IVA of the Education Act 1958 should be replaced with ‘structured workplace learning’.

In order to better meet the government’s goals and targets, it would be advantageous to have greater flexibility so that pupils over 21 years of age are eligible to undertake work experience.

Clause 5 of the bill will enable the Minister for Education and Training to make an order specifying the circumstances under which a principal may make a work experience arrangement for a pupil of or over the age of 21 years and the terms and conditions under which a principal can make a work experience arrangement.

Clause 7 of the bill will enable the minister to make an order that will require pupils to complete accredited occupational health and safety training prior to undertaking structured workplace learning.

The review referred to above indicated a general concern that 13-year-old pupils may be too immature to cope with certain types of workplace learning activities and may be exposed to greater risk of injury.

Clause 8 of the bill proposes raising the minimum age of work experience pupils to 14 years.

The review also identified that some pupils may need longer than the current stipulated 10 days per term to fulfil the requirements of their work experience.

Clause 10 of the bill proposes that the Minister for Education and Training may, by order made under section 64S of the Education Act 1958, authorise a principal of a school to exceed the number of days a pupil can be placed in any school term. In exceptional circumstances, the principal would be given the discretion to increase the current 10 days per term for work experience pupils to 15 days subject to such terms and conditions required by the order, but the total number of days cannot exceed 40 days per annum.

Clause 11 of the bill proposes to substitute section 64O of the Education Act 1958 to provide the same immunity to a teacher, principal and school when a pupil is employed pursuant to a structured workplace learning arrangement or a school-based new apprenticeship agreement, as that provided to teachers, principals and schools under the current section 64O of the Education Act 1958 when a pupil is employed under a work experience arrangement.

Through the review of workplace learning, it became obvious that there are a number of matters, particularly those relating to occupational health and safety of pupils, that need to be clarified. It is important that work experience pupils are not exposed to risks to their health and safety.

The requirement that pupils complete occupational health and safety training prior to their work experience would address some of the concerns raised in relation to their safety in the workplace.

The requirement for police records checks on any criminal record of the employer and any person who will directly supervise all work experience pupils under the age of 15 years (or where that supervision is in itself not directly supervised) would be consistent with the intent of the Child Employment Bill 2003, particularly the intent to protect the moral welfare of children.

Clause 13 of the bill proposes to extend the matters in respect of which the Minister for Education and Training can make orders.

This proposed amendment will enable the minister by order to:

require the pupil to acknowledge in the arrangement form that he or she has completed occupational health and safety training prior to the work experience placement;

require a police records check on the criminal record of the employer and any person who will directly supervise work experience pupils under the age of 15 years (where that supervision is in itself not directly supervised);

requiring schools to contact work experience students during their placement.

A broad range of organisations and government departments have been consulted on the proposals including the Victorian Association of State Secondary Principals, the Australian Education Union, the Victorian Employers Chamber of Commerce and Industry, Group Training Australia, the Association of Independent Schools of Victoria, the Catholic Education Office and the Victorian Workcover Authority.

#### **Statement relating to section 85 of the Constitution Act 1975**

I make the following statement under section 85(5) of the Constitution Act 1975 of the reasons why it is the

intention of the bill to alter or vary section 85 of that act.

Clause 14 of the bill proposes to insert a new section 81A(3) in the Education Act 1958 that states that it is the intention of the proposed new section 64O to alter or vary section 85 of the Constitution Act 1975 to the extent necessary to prevent the bringing before the Supreme Court of an action of the kind referred to in the proposed new section 64O.

Clause 11 of the bill proposes to insert a new section 64O in the Education Act 1958 which has the effect that no action will lie against a school or the principal, head teacher or teacher of a school because of a breach of a duty relating to the care or control of a pupil of the school while the pupil is employed under a work experience arrangement, a structured workplace learning arrangement or a training agreement under the Vocational Education Act 1990.

The reason for the prevention of the bringing of such an action is that it is impossible for school staff to exercise effective supervision of a pupil while the pupil is working in accordance with an arrangement or agreement. In effect, that pupil is working in an employment situation under the supervision of the employer with whom the pupil is placed. The rights of pupils to compensation for work-related injuries in relation to a work experience arrangement or a structured workplace learning arrangement are adequately protected because they are deemed to be workers for the purposes of the Accident Compensation Act 1985 by the definition of 'worker' in section 5(1) of that act.

In relation to a training agreement the pupil is employed by an employer under an industrial award or workplace agreement. The pupil is a 'worker' of that employer for the purposes of the Accident Compensation Act 1985.

I commend the bill to the house.

**Debate adjourned on motion of Hon. B. N. ATKINSON (Koonung).**

**Debate adjourned until later this day.**

**Hon. P. R. Hall** — On a point of order, Acting President, I seek clarification in respect of the government business program. My understanding is that the bill before this Education (Workplace Learning) Bill — that is, the Education Legislation (Miscellaneous Amendments) Bill — was amended in the lower house and that the Education (Workplace

Learning) Bill, which the minister has just second read, was not amended in the other place.

What we did with the bill before the one we have just looked at is move under sessional orders that the second-reading speech be incorporated in *Hansard*. Due to the fact that that bill was amended in the other place, it is my belief that sessional orders did not allow us simply to incorporate a second-reading speech which is a new second-reading speech into the record. It is my belief that we have the two bills mixed up in terms of doing the second reading.

Correct me if I am wrong, but I would like some assurance that the Education (Workplace Learning) Bill has not been amended and is as was originally presented in the other chamber, but the Education Legislation (Miscellaneous Amendments) Bill has been amended.

**Mr Lenders** — On the point of order, Acting President, the bill I just second read — that is, the Education (Workplace Learning) Bill — was not amended in the Assembly. It was second read simply because it had a section 85 statement. On the other matter, I am not aware that it was amended. With your leave, Acting President, I will seek clarification on that. Then it will be in the hands of the house. Given we have already incorporated it, if it had been amended by the other house I would certainly, by leave of the house, make the required statement to rectify that.

**Hon. P. R. Hall** — On the point of order, Acting President, there were government amendments to the miscellaneous amendments bill, so I would appreciate it if the house would deal with it as quickly as possible. Given the fact that the house is expected to have the second-reading debate on the bill within the next day or two, I think it is important that that issue be clarified.

## VICTORIAN QUALIFICATIONS AUTHORITY (AMENDMENT) BILL

*Second reading*

**Debate resumed from 15 October; motion of  
Hon. T. C. THEOPHANOUS (Minister for Energy  
Industries).**

**Hon. ANDREW BRIDESON** (Waverley) — I rise to speak on the Victorian Qualifications Authority (Amendment) Bill, and in so doing I say at the outset that the opposition does not oppose this piece of legislation.

The purpose of the bill is essentially twofold. Firstly, it gives the Victorian Qualifications Authority, which is known as the VQA, the power to delegate further power to vocational education and training providers. Secondly, it addresses quite a few inconsistencies and gaps in the current VQA legislation, and I will cover some of those shortly.

The Victorian Qualifications Authority began its operations in March 2001. I think it is important to put on the record what the main roles of this authority are. Essentially they are threefold. Firstly, the VQA safeguards the standard of Victorian qualifications and ensures that they are of the highest quality. Secondly, it ensures that the qualifications work for Victoria's economic future by linking courses and qualifications which will meet current and future employment needs. Thirdly, it provides a comprehensive range of course and qualification options that give all Victorians an opportunity to pursue career and personal ambitions.

Victoria is very fortunate to have as director of the Victorian Qualifications Authority Dr Dennis Gunning who, in the mind of the opposition, is doing a wonderful job.

Earlier this year this Parliament debated a VQA bill which gave providers power to accredit courses. This bill goes just one step further by allowing providers to determine the range of courses they will offer. This is subject to criteria that are set by the VQA and also to VQA audits as a means of regulation.

I said earlier that I would address some of the inconsistencies and gaps in the current VQA act. This bill addresses some of those, including the fit-and-proper-person test in the provider registration criteria, the suitability tests for service providers for courses offered to overseas students and the prevention of ministerial direction in issuing certificates. It enables the Victorian Qualifications Authority to take certificates from students if they are wrong or have been obtained fraudulently, and to have the payment of fees and expenses to members of the VQA become consistent with other Victorian education authorities. It also allows more responsive setting of fees for courses compared with the previous 12-month time frame for setting course fees.

As I said earlier, the opposition is not opposing any of the purposes of the bill. It consulted widely with all TAFE institutes and training organisations, which did not get back to it, so it is assumed they do not oppose any of these amendments. That is a positive sign and augurs well for the progress of this bill.

I will touch upon some of the specifics of this bill. The general purpose is to make service providers of vocational education more viable by bringing them into line with other states and enabling them to be more responsive to the demands of the marketplace for local employment and training needs. The opposition sees this as a very positive move. In many instances courses are needed at relatively short notice to train our work force in new procedures and practices. Whatever this Parliament can do to make this happen as the need arises and in a much quicker fashion is to be commended.

The current system has about a 12 months turnaround to allow changes to occur. This restricts providers from taking advantage of training opportunities. It is the opposition's understanding that the amendment to this aspect will allow courses to become available as early as the next semester. However, for the system to remain of value, the VQA audit system must be stringent to ensure the quality and standard of courses provided. Furthermore we say it must be strictly implemented so as not to discredit the majority of providers. I am pleased to say that in the briefing we received assurances were certainly given, and we accept those assurances that the quality and standard of courses will be maintained and enhanced.

There is a bit of a culture in the community at large that some TAFE or vocational education courses are substandard compared to a university education. I am certainly not one who subscribes to that. It is very unfair of people to put forward that idea, because universities and the TAFE sector service quite vastly different areas of need. Nevertheless the effort to improve adult education and training should be made as good as it possibly can be. As I said, we are extremely satisfied that the VQA will do or is doing everything in its power to ensure that a very high standard is met.

We also have to be careful that courses are created to satisfy a need in the workplace rather than being geared towards profit only. We see that there could be a potential problem here given the funding issues facing providers and the fact that the state government, according to the facts and figures we have, is the lowest funder of this sector in Victoria. We think the fit-and-proper-person test administered by the VQA becomes an extremely important component of this amendment and believe it ensures that the provider is well qualified and equipped to conduct training courses.

Along the same lines, the suitability test for courses offered to overseas students is also extremely important considering the fact that Victoria services approximately half of all the overseas students coming

into Australia, and quality assurance of this service can only ensure that it will continue to further grow.

The point in relation to the prevention of ministerial direction on the issuing of certificates and allowing the VQA to take certificates from students we believe is a logical one. We sincerely hope there will not be a need for the VQA to take this action in the future, but it is provided for in the bill in the event that it does occur.

The change to payment of fees and expenses to VQA members will make them consistent with other bodies such as the Victorian Civil and Administrative Tribunal. It also ensures that the VQA retains a certain degree of status that is comparable to other education authorities in Victoria.

There is one aspect of this amendment bill which the opposition is not particularly comfortable with — that is, the ability of the minister to set course fees through ministerial order rather than through regulation. The benefit, as I understand it, is to set fees that are again more responsive and efficient and not to improperly increase as they will be attached to the consumer price index. It will also bring fee setting for TAFE and vocational education in line with the practices that are currently employed by the Victorian Institute of Teaching.

However, our concern in relation to this aspect lies with the fact that there is no capacity for a regulatory impact statement which involves marketplace testing to see if there is a need and whether it is considered affordable. This is an important safeguard especially given that the government only as recently as two weeks ago announced a 25 per cent increase in TAFE fees.

I would also like to draw the attention of the house to the report from the Scrutiny of Acts and Regulations Committee in *Alert Digest* No. 7 of 2003. It is incumbent upon that committee to see whether there is an appropriate delegation of legislative power under section 4D(a)(iv) of the Parliamentary Committees Act. I quote from that report, which states:

The committee notes the amendments proposed to be made by clauses 14 and 15 will permit fees to be set by ministerial order rather than by regulations. The process for the making of regulations (statutory rules) is governed by the Subordinate Legislation Act 1994, which prescribes substantive and procedural requirements. The relevant sections of that act are sections 6, 8(1)(a) and sections 21 to 25. The committee —

that is, the Scrutiny of Acts and Regulations Committee —

is of the opinion that the mere printing of the order in the *Government Gazette* does not of itself accord transparency and accountability to the fee-fixing process.

The committee noted the reasons given by the minister for the need for such a fee-making power to be vested in the minister. It also sought further advice from the minister as to why the provisions in the Subordinate Legislation Act of 1994 should not apply in this instance. Finally, the committee said it draws the attention of the minister to the provisions and makes no further comment. I think it is important to put that on the record.

This is a relatively simple bill. It addresses some administrative issues, and we believe it does so in a satisfactory manner. In conclusion, I would like to thank Dr Gunning and the people associated with him who provided a very informative briefing. Once again I would like to note, as I think I noted on the last bill that I spoke on in this chamber on the Victorian Qualifications Authority, that Dr Gunning and his group set a very high standard and a good benchmark for other ministerial briefings. I have nothing more to add, and I wish the bill a speedy passage.

**Hon. P. R. HALL** (Gippsland) — I am pleased to take this opportunity to make some comments on the Victorian Qualifications Authority (Amendment) Bill. As it relates in large part to delegated powers to TAFE institutes in Victoria, I will make some general comments about the sorts of courses and training programs that have been delivered by our TAFE institutes.

I want to make some comments in my contribution about matters that are in the bill that have not been referred to in the second-reading speech, because the second-reading speech is a useful document. It usually makes reference to most of the contents of the piece of legislation. Sometimes if those contents are minor, they are grouped into what are commonly called machinery-type amendments. On reading the second-reading speech for this bill, I thought some fairly significant things were not mentioned. For readers of *Hansard* and indeed the courts — in future years the latter sometimes go back to second-reading debates for an interpretation of exactly what is in a bill — I think it is important for the record that we include by the way of commentary in this debate some of the provisions in the bill which are not mentioned in the minister's second-reading speech.

I go first of all to clause 5 of the bill headed 'Ministerial directions'. It says:

After section 8(3) of the Victorian Qualifications Authority Act 2000 insert —

“(4) The Minister may not give the Authority a direction in relation to any particular student about the following ...

I will not read what follows which talks about the completion of an accredited course, the awarding of a recognised qualification et cetera. I think that is a handy provision to have in the act. It separates the powers of the minister from the Victorian Qualifications Authority, and I think it is important that we have defined that separation of power. The minister virtually cannot interfere in the conduct of the Victorian Qualifications Authority in making an award of any sort. I think that is very appropriate, and it is important that we have that recorded in this second-reading debate.

The next clause I turn to is clause 6, headed 'Payment of members of authority'. Once again there is no mention in the second-reading speech of that provision. It states:

... An appointed member, other than a person who holds a full-time government office or a full-time office in the public service, teaching service or with a statutory authority and whose travelling expenses and personal expenses are paid through that office, is entitled to be paid ...

Then it mentions a couple of categories for which they are entitled to be paid, and rightly so — I have no objection whatsoever to that. But it is important for the second-reading debate to record the fact that the clause is in the bill.

The same applies to clause 12 of the bill — once again, the contents of that are not mentioned in the second-reading speech. Clause 12 inserts new section 24A, headed 'Cancellation or alteration of statements'. It gives the authority the power to get back certificates that may have been incorrectly documented or fraudulently obtained so that it can ensure that those errors are corrected for the purposes of having an accurate certificate or statement of academic qualifications. They are important powers that, I understand, the authority does not now have but needs to have. With the passage of the bill it will have that power by virtue of clause 12.

The other facet of the bill that is not mentioned in the second-reading speech is clause 13, headed 'Approval of courses for overseas students'. It introduces a suitability test for courses offered to overseas students. I would have thought that once again that is an important criterion. In accrediting any course for overseas students one should give it a test to make sure it is suitable for such people. That is an important inclusion in the bill, but it was not mentioned in the second-reading speech.

I am not suggesting that the government should have disclosed all those things in the second-reading speech

or that there was a cover-up, because certainly at the briefing those issues were explained to us very clearly. I thank the people who provided the briefing for us. As I said at the outset, for the sake of the record it is important that the second-reading debate reflects the contents of the bill.

Three substantial issues were commented upon in the second-reading speech. I will make comments on each of those separately, and I will do so in the reverse order to the way they were commented upon in the second-reading speech. The first is the setting of fees through ministerial order rather than by regulation. Clause 15 enables the setting of fees by ministerial order. We are told that the setting of fees by ministerial order rather than by the formal process of regulation will provide a more flexible and responsive operating environment.

I would be the first to admit that the process of regulation — having to go through a regulatory impact statement process — is sometimes lengthy. But it provides some important safeguards to ensure that the setting of something is fair and reasonable for all. I think this government would concede that community consultation on these matters is important. For minor matters maybe there is an appropriate way to circumvent the lengthy regulatory impact statement process. The government has attempted to do that with clause 15, which provides that fees can be set by ministerial order.

I note that there are a few safeguards in clause 15. For example, the minister can set new fees only after considering recommendations from the authority, so the authority must generate some discussion on consideration of fees before making a recommendation to the minister. I note by subclause (3) those fees must also be:

... published in a newspaper circulating generally throughout Victoria and in the Government Gazette.

The minister is also given the power, by virtue of this clause, to vary the fee at any time. So there are a few safeguards built into the process but certainly not the strength of safeguards that exist under a regulatory impact statement process. I simply make those comments and trust that the powers given to the minister under clause 15 will be used wisely.

The next area I want to talk about is the fit-and-proper-person test, which is in clause 10. Clause 10 makes some additions to section 23 of the Victorian Qualifications Authority Act 2000. Section 23 is headed 'Registration of education and training organisations'. It sets out the criteria which the

authority must consider for an organisation to be approved to deliver a course. Clause 10 (4) inserts a new subsection to test whether a person or body is fit and proper to do so. New subsection (4A) provides that the authority must consider whether a person or body:

- (a) has ever had their registration under this section suspended or cancelled; or
- (b) has ever had conditions imposed on their registration under this section; or
- (c) has ever been convicted of an indictable offence ...

And it goes on. That is what is now meant by the fit-and-proper-person test. Once again, the members of the National Party believe it is appropriate that persons and organisations, given their responsibility of delivering these courses, are assessed for their total suitability to do so and the test for a fit and proper person is appropriate to have in the bill. It is interesting to note that the test of appropriateness for a person to deliver a course for overseas students is stronger than it is currently for those delivering courses within the normal public institutes. I suppose this is levelling the playing field a bit by requiring that people have to be fit and proper in all respects for delivering vocational education courses in this country, and that is appropriate.

The third major area I want to talk about is the delegation powers which are given to the Victorian Qualifications Authority by some clauses. They will enable the VQA to delegate authority to TAFE institutes or registered training providers to deliver new courses and award new qualifications without going through an extensive application process. The second-reading speech provides justification for that particular provision:

... the vocational education and training sector can be responsive to the emerging needs of its clients. The delegation will enable providers to respond more quickly to emerging training requirements by being able to legally deliver new courses and award new qualifications without being subject to an external audit and application process for each new course.

The important thing here is to stress the flexibility and responsiveness. This is what the government is trying to build in to the TAFE system in Victoria so it is a system which is responsive to the changing training needs and is able to adapt very quickly to training needs.

Unfortunately in respect of this particular issue what the government says is fine, but I do not believe our TAFE institutes are being funded adequately to enable them to be responsive and reflective and to meet the needs of training requirements in their localities. For example, members of the National Party have TAFE institutes

scattered right across our electorates throughout country Victoria, and we know that those TAFE institutes are under some severe financial pressures.

We also know that there is a lot of potential growth and demand for TAFE courses in the communities in our electorates but our TAFE institutes are simply not being funded adequately to accommodate those particular training needs that exist in country Victoria. I am sure the same applies in Melbourne. We know that, like all government departments, the TAFE institutes have for many years been subjected to a 1.5 per cent productivity saving.

Yes, it was way before this government came to office; it started under previous governments, and I am the first to acknowledge that. But I say in a very bipartisan way that there comes a point in time where you simply cannot keep finding efficiency savings. I say that our TAFE colleges have reached that point now, where the 1.5 per cent productivity savings purely eat into their budget programs; they erode their ability to deliver new courses which are badly needed out there in our communities. The government needs to reconsider that.

I can tell the house that in regard to some of the TAFE institutes my colleagues and I have spoken to in recent times — Goulburn Valley, Wimmera, Central Gippsland, and East Gippsland in my case — the 1.5 per cent productivity savings are hurting them deeply. The TAFE institutes have made representations to the government on this issue.

On the web site of the Victorian TAFE Association there is an excellent document called *New Skills for All — Investing in Victoria's Public TAFE Institutes*. I know this document has been presented to the government for its consideration. It is a document that talks about what our TAFE institutes are capable of in Victoria and speaks proudly of the level of training they deliver. I too share that pride, but I say again that the institutes are under some financial pressures. This is typical of the positive comments made in the document. The introduction states:

Victoria's TAFE institutes are recognised as the most flexible, efficient and entrepreneurial institutes in Australia. With over 300 000 students across all industries and hundreds of occupations, they are the major source of the new skills that are driving Victoria's economic growth and competitiveness. One in 10 Victorians aged between 15 to 64 will participate in a TAFE course in 2002.

They are phenomenal statistics. I think it would impact upon anybody who read that statement to realise that 1 in 10 people between the ages of 15 and 64 was involved in a TAFE course just last year. Such is the importance of having the fine training system we have

through our government and non-government training providers. This document is very handy and useful for the government and indeed for the public to look at some of the programs and some of the pressures that our TAFE institutes are under.

I refer the house to page 15 of the document, where it says in part under the heading 'Meeting new work force skills requirements and reducing skill gaps':

Increasingly, TAFE institutes are generating innovation, on their own, through joint activities, or in cooperation with industry bodies, research centres and leading-edge enterprises. They are poised to play an even greater role. TAFE institutes are participating in the development of training for emerging industries and technologies, such as photonics and renewable energy, or evolving industries, such as sustainable tourism and waste management.

Indeed they are, and they need to be responsive and flexible to accommodate the training needs for those new and emerging industries. And yes, the delegated power that is given to TAFE institutes in this bill will enable them to do so, but we always need to take into account the fact that they also need to be funded to do so.

In speaking to some of the TAFE institutes I found it interesting to note the level of commercial activity that they rely upon. It is most common for our TAFE institutes to rely on at least 20 per cent, and in some cases 30 per cent and up to 40 per cent, of their total turnover being generated by commercial activity. Indeed it has got to the point now with the funding arrangements for TAFE that those commercial activities are invariably cross-subsidising publicly funded courses. We are finding that the rate per student contact hour, which is one of the lowest in Australia — somewhere between 15 and 25 per cent below the national average — is insufficient to cover the costs of delivery of those public programs. We are seeing TAFE institutes now relying on their commercial activity to cross-subsidise the cost of running those programs. I think that is shameful and something the government needs to address. If we want the fine system we are all talking about and say we need, I repeat that we have to fund the institutes adequately.

I am also aware of the fact that at the last election this government, to its credit, made a commitment to increase TAFE funding by \$10 million for the next three years. I really do welcome that because the TAFE institutes are desperately in need of it. But at the same time, when the government sits down, as it has done recently, and negotiates a performance agreement with each of the TAFE institutes, what it is doing is cutting back on their base funding. It is the same with the 1.5 per cent productivity savings — the government is

taking funding away from the TAFE institutes. The funding promised at the last election, which I welcome, is being eroded simply by the 1.5 per cent productivity savings and the withdrawal of some of the institutes' base funding.

The government's response is to allow the TAFE institutes to increase their student fee intake by 25 per cent, so that the maximum student fee now goes from \$500 to \$625. What the government is saying to the institutes is, 'You can keep 22 per cent of that, and we will keep 3 per cent of it'. I have to say this is the first time that I have known of a tertiary institution handing back some of the student fee money to the government. It is the first time ever. Usually that student fee money is put into administrative programs in the university or TAFE institute or put into student services, but this time — for the first time ever — the government is clawing back 3 per cent of that student fee for consolidated revenue.

Moreover, I understand these student fees are now going to be indexed in line with the CPI every year from now on, and it is the government's intention to keep the CPI increase on these fees. This is a direct case of cost shifting away from publicly funded programs to the students actually funding their own programs. I think this is a serious matter that the government needs to give some attention to. If we want our institutes to be reflective and responsive and to accommodate all the emerging training needs, we need to be serious about the way they are funded.

I want to make a couple of other quick comments about the document I have just quoted — that is, *New Skills for All — Investing in Victoria's Public TAFE Institutes* — a document written by the Victorian TAFE Association. It says at page 17:

1. Many existing facilities are not suited to modern learning. Many are in poor condition (including a system-wide maintenance backlog of \$157 million).
2. Facility obsolescence is growing throughout the system. In 1999 this obsolescence was calculated to be \$16.9 million, rising to \$21.9 million by 2010.

There is much interesting reading throughout this document. It talks about the changing profile of TAFE. In regard to productivity savings and the changing profile of TAFE it says:

... expenditure on student services in Victoria has declined by 25 per cent since 1997 from \$80 million to \$60 million. Most TAFE students from disadvantaged backgrounds are eligible for fees and charges concessions requiring increasing cross-subsidies from other revenue sources.

It goes on:

As the public provider, TAFE is also required to deliver in 'thin markets' — that is, in areas where student demand is low but is assessed as industry or community priorities. This is a particular issue for rural and regional institutes where TAFE is the only provider for many industries and for some metropolitan institutes where they are the only statewide provider in highly specialised areas. Under current funding models these programs are effectively cross-subsidised from other programs and from other revenue sources.

I say that is true out there in regional Victoria. The TAFE institutes in the electorates Nationals members represent are struggling. We do not have the same economies of scale that some of the bigger TAFE institutes in the metropolitan area have, and consequently those cost pressures are even greater, and that needs to be reflected in appropriate funding formulas for TAFE institutes. The formula should reflect the need in the particular region and also the geographic location.

The last point I want to make about this document is that it compares the level of TAFE funding in Victoria with the national average. It states:

... for many years Victorian governments have spent less per TAFE student contact hour than any other state.

It goes on in another part:

If training providers in Victoria were resourced at the same student contact hour rate as the national average, an additional \$128 million a year would be spent on VET in Victoria.

It goes on to talk about the productivity savings, which I have already made mention of.

I make those comments in respect of the delegated powers that have been given to technical and further education institutes under this bill. I say to the government that it is fine to make statements in the second-reading speech about having a great system that is reflective of and responsive to the needs of emerging industries, and these delegated powers will ensure that TAFE institutes have that ability to respond quickly and restructure courses to meet emerging needs.

I say that is a good thing, but I also say strongly that those words are not being matched by funding from the government. You cannot expect TAFE institutes to deliver what we all want them to deliver unless we resource them properly. Delegating powers is appropriate, but alongside that is a responsibility to ensure that our TAFE institutes are funded appropriately. I leave that message for the government to ponder.

The content of the bill before us has been assessed by the National Party, and we see it as appropriate legislation. We wish it a speedy passage, but once again

I implore the government to reconsider the way TAFE institutes across Victoria are funded.

**Mr VINEY (Chelsea)** — I am very pleased to speak on the Victorian Qualifications Authority (Amendment) Bill and in doing so I wish to touch on three of the key attributes of the bill. At this point I thank the opposition and the National Party for indicating their support of the bill. Also I will touch on a couple of the issues raised by previous speakers about the bill and on some general issues about technical and further education funding.

It is important that in the context of the bill it should be considered in the broader policy agenda of the Victorian government. Unfortunately this has not been picked up by previous speakers, but the whole purpose of the Victorian government's updating and modernisation of the education system in this state is to support and have it as an integral part of the government's commitment to the innovation economy in Victoria. This was outlined in some important policy statements by the government: firstly, the government's innovation statement; and secondly, the Minister for Education and Training's statement on knowledge and skills for the innovation economy.

The innovation economy is a very important policy commitment of the government because it is where the future of jobs and economic growth and wealth in our community will sit. Therefore, one way of ensuring that the innovation economy can be successful in this community is to ensure we have a modern, efficient, effective and relevant education system.

The innovation economy in the government's statement is identified as vital in these areas, because innovation is not just about technology but about people and making sure that we are able to translate ideas, knowledge and information to successful businesses, to successful services and to successful economic activity. To that end it is not the exclusive domain of scientists and researchers, but the innovation economy is something that all Victorians are part of and can support through their intellectual capacity and effort.

The government has committed more than \$900 million to this sector since coming to office in 1999. By way of example, the science, technology and innovation second-generation funding is \$310 million, including flexible funding of over \$150 million, and rural landscape is getting \$50 million. Innovation and teaching science has received \$5 million. The government has also had a focus on medical and public health research and in the 2000–01 budget over \$25 million was allocated.

I was pleased to be part of the announcement recently of a substantial increase in infrastructure funding for our medical research institutes which were able to demonstrate from an analysis of the funding that the government has leveraged off \$5 for every \$1 of its investment in medical research through additional funding and grants. The innovation economy is a vital part of this government's policy effort to ensure Victoria's future.

That was reinforced by the Minister for Education and Training's innovation statement, which talked about the need for Victoria's training system to be responsive and to meet the needs of new and existing industries, but also for some of the emerging technologies that we are seeing in our economy.

This bill adds to the flexibility of our education system in supporting the innovation economy. It does so in three important areas that were identified by previous speakers. The first is by ensuring that the Victorian Qualifications Authority has the capacity to delegate to approved training organisations and the vocational and training sector the ability to accredit courses. This is not done as a matter of right but as a discretionary power. There are important safeguards so that the Victorian Qualifications Authority can check on those accreditations of qualifications.

The second important area is the fit-and-proper-person test, which is designed to tidy up an anomaly identified in the principal act. It will enhance the capacity of the Victorian Qualifications Authority to determine whether a person or an organisation should be registered as a provider. This amendment will bring this provision into line with other parts of the act, specifically section 27, and with accepted practice in this area.

The third important area of the bill — I will touch on this in more detail — relates to the minister setting fees rather than going through the regulation process, which the Leader of the National Party identified as involving a complex and sometimes costly regulatory impact statement.

It is true, as was raised earlier, that the Scrutiny of Acts and Regulations Committee raised questions regarding this matter. I advise the house that the minister has replied to the committee's correspondence and has set out some important points. Firstly, in relation to the existing provisions, fees fixed by regulations do not allow the authority to be sufficiently responsive to changes in the chargeable regulatory services it provides. The existing provisions are identified as an impediment to the ongoing review of existing fees and

to the determination of new fees for additional chargeable services. The minister goes on to say that under the proposed system if any changes are proposed to fees — —

**Hon. B. N. Atkinson** — On a point of order, Acting President, I wonder whether Mr Viney can clarify for the benefit of the house whether the document he is now quoting from, which I understand is the minister's letter to the Scrutiny of Acts and Regulations Committee, has been received formally by the committee or whether he is quoting it to the house without its having gone through the process.

**Mr VINEY** — The minister's letter provided to me is dated 16 October. I am not aware of its status other than that it has been sent. The minister has indicated in response to the committee's correspondence that if any changes to fees are proposed, the Victorian Qualifications Authority would undertake a public, rigorous process of consultations with its key stakeholders and the community.

It is also interesting to note that the board of the Victorian Qualifications Authority has some 15 members who represent a range of interests in stakeholder groups and that the process provides an opportunity, at board level at least, for consultation and consideration of the impact of the proposed fee changes set by the minister. The board is also required to endorse any amendments before they are submitted to the minister for consideration. As the Leader of the National Party said in his contribution, there are some protections in the proposed system that will ensure that appropriate consideration of the impact of these changes to fees is given by the minister.

The Leader of the National Party raised a number of questions about the TAFE system itself. It is worth putting on the record what this government has done to support our TAFE system. As the Leader of the National Party said, the TAFE system is very important in Victoria in ensuring that we have a flexible, well-trained work force that can respond to the needs of the emerging innovation economy in Victoria. The Victorian government has put an additional \$290 million into our TAFE system since coming to office in 1999. In addition to that, the government announced as part of its 2002 state election commitment that it would inject a further \$60 million into the TAFE system over the next four years.

Many of the issues raised by the Leader of the National Party are about a system that has already received substantial additional funding. It is worth noting that when we came to office we found the TAFE system

under some degree of pressure, particularly in its operations and physical infrastructure. To that end the government provided substantially for the upgrade of our TAFE colleges. We have spent \$137 million over four years to improve TAFE institute infrastructure for the provision of new facilities, the replacement of existing facilities and to meet the maintenance backlog that we found upon coming to office. I know that is very true of the Frankston campus of the Chisholm Institute of TAFE where we have seen substantial new investment in the nurse-training facilities and other significant improvements. That is only one example of what has been happening across Victoria. Whilst I accept the commitment of the Leader of the National Party to the TAFE system, it is fair to say that this government has invested substantially and heavily in our TAFE system.

As I said at the outset of my contribution, the Victorian Qualifications Authority and these new amendments to the legislation relating to it are very important in providing the opportunity for a more flexible work force in this community. One need only look at the highly successful Victorian certificate in applied learning (VCAL) program as an alternative for secondary school students. It started only two to three years ago as a pilot program, and we now have over 5000 students and over 220 schools throughout Victoria participating in it. I commend these further amendments to the legislation, which will help ensure that Victoria's qualifications and training system is more flexible so as to meet the demand for a highly flexible work force in Victoria.

**Hon. B. N. ATKINSON** (Koonung) — Education is an extraordinarily important industry and pursuit in Victoria. As we live today in a global economy, education is becoming a far more important facet of our community. Indeed it is one of our major exports. Every one of the students who comes from overseas to participate in courses here is effectively earning export dollars for Victoria. Interestingly enough, of all the exports education is probably the best we have. The links those students make with Australia as a result of attending courses at our educational institutions are lifelong links. Obviously they understand Australia better than people who have had no association with us, and they go back to take up leaderships positions right around the world. So a very important aspect of government is to ensure that the education system in Victoria is second to none so that both the domestic students and the students from overseas who participate in our system because of its quality can be assured that the level of training they get and the qualifications they receive have integrity and will be accepted anywhere in the world.

As has been indicated, this bill, which amends legislation passed through this house earlier this year, responds to the needs of the Victorian Qualifications Authority. The authority looked at the work it had been doing and came up with a number of areas in the original legislation which it believed need amending to ensure that it is able to respond better to the needs of the education sector, particularly the vocational training area.

The Victorian Qualifications Authority has an important role. Essentially the opposition has been prepared to support the establishment of the authority because it plays an important role in ensuring that courses that are developed are responsive to the needs of industry, and more importantly are responsive to the needs and aspirations of not only young people but all people who participate in those courses, because vocational training is an area of education that clearly is involved in reskilling. Very often people who have been in particular areas of employment and who have been made redundant or whose opportunities in a particular industry are limited have an opportunity through vocational training to acquire new skills and to go on to new careers and new job opportunities.

This is an important and dynamic area of education. It is appropriate to have an organisation with both experience and competence to address the needs of vocational training and to ensure, as I have indicated and as other speakers have indicated, that the integrity of the qualifications established in vocational training is there for the sake of industry to acknowledge and to support, in turn, by employing students, especially overseas students, so that it is understood that the quality of our system is safeguarded.

Members of the opposition, as indicated by the Honourable Andrew Brideson, are not opposed to the legislation. As he indicated, a number of us share concerns about the financial implications of the minister setting fees. We are concerned about the lack of scrutiny in that area, to which I will return shortly, but by and large the other aspects of the legislation are supported by the opposition.

I shall first comment on the fit-and-proper-person test provided for in the bill. Because industry's needs are so diverse these days many new organisations are offering courses for young people and mature-age students looking to be reskilled, and there are many more course providers than we have had historically. In this marketplace many new alliances are being struck between course providers. For instance, a number of organisations like Repco and the retailers Priceline, Bakers Delight and Coles Myer are linking with

universities or TAFE organisations to provide courses that are specific to their needs as companies in developing training modules and in developing the careers of people within their specific organisations. A good many employers are involved directly in alliances with educational institutions, particularly with TAFE organisations.

A number of international universities and providers of education services have also established alliances with Victorian institutions to extend courses or particular parts of courses to students in an Australian setting. Increasingly with tertiary education more distance education is provided, particularly with the Internet and other technology making it far more feasible for people to undertake distance education and to have less attendance at an institution even where they are Victorian students studying in a Victorian educational institution.

With this diversity of education providers and the wide range of courses they provide — some are industry specific and process specific and some are far more diverse and comprehensive, involving qualifications — it is important that there is an opportunity to monitor the courses to ensure that they are providing a high standard of tuition, that they meet all statutory obligations and that at the end students are given a qualification whose integrity is able to withstand any scrutiny.

It is significant that the legislation also talks about a suitable test for overseas students, which is supported. The opposition recognises the importance of education both as an export opportunity and as a contribution we can make to some of the developing countries by having students come and learn skills and take those skills back into their communities.

It is important that we have a system that evaluates the suitability of students to ensure that they are carefully matched with the courses and can achieve the training that is best suited to their needs and also to ensure that we make optimum use of the facilities we have. Clearly the facilities we have are under pressure at this time. The opposition is concerned, notwithstanding what Mr Viney said in his contribution, about the funding of educational facilities. It is recognised that the government has made an investment in that area, but clearly the investment is not of the level that it should be to ensure that our TAFE system in particular is viable. Many in the TAFE sector have been concerned about the viability of a number of individual TAFE colleges.

We have seen some demonstration of the government's position on that in recent weeks with the announcement of the 25 per cent increase in student fees. That has disappointed the opposition. It is an attempt by the government to plug some holes in facilities that are very well used and important in an educational context. They are increasingly important, not only because of the reskilling I talked about, which is so vital to the small businesses I have contact with in my portfolio responsibility, but also because of the vocational education and training (VET) programs that are providing alternative courses for secondary students who have previously been confined to the secondary school system to participate in some employment training areas and to develop skills outside the core academic subjects.

It is a pity in that context that the government did not share the enthusiasm of the opposition when it went to the last election about re-establishing technical skills, because that clearly would have addressed a particular vocational training need for many young people who aspire to going into industry.

It is crucial that the legislation is responsive to industry needs and that the Victorian Qualifications Authority recognises the changing demands of industries, which can be fast moving in terms of new technology. A number of industries have a tremendous obsolescence factor in their technology. Clearly, one of the issues for those industries is maintaining a skilled work force that is able to cope with that new technology. It is one of the reasons why a number of industries have entered into partnerships directly with tertiary institutes. But the tertiary system as a whole also has to be mindful of those changes. That is covered in this legislation with the delegation authority that is provided, and that is supported by the opposition. It is an appropriate response.

We hope there is an assurance of accountability, and in the second-reading speech we are assured that the authority will be very vigilant in policing or overseeing that delegation. That will be important, because although it is clearly worth while to have greater flexibility — and certainly the opposition supports a quicker response to the needs of industry in terms of developing of new training courses and new learning opportunities — it is also important that the safeguards that were enshrined in the original legislation are maintained by making sure that the Victorian Qualifications Authority remains vigilant in overseeing those courses as they are developed.

As I have indicated, the main concern the opposition has with this legislation relates to the setting of fees —

that is, the minister setting fees by ministerial order rather than through regulations. Our concern with that is the potential for a lack of scrutiny in the setting of those fees. We are also concerned about the prospect that there might be inadequate consultation, therefore not allowing industry, students and other interested stakeholders to participate or to comment on those fees. With those comments I hope this bill achieves the objectives the government has set for it.

**Hon. D. K. DRUM** (North Western) — I take this opportunity to contribute to the debate on the Victorian Qualifications Authority (Amendment) Bill. As stated in the second-reading speech, the bill will give the Victorian Qualifications Authority the ability to delegate to the councils of technical and further education institutes and other registered training providers the power to determine their own scope of registration, pursuant to proposed new section 16 of the Victorian Qualifications Authority Act.

Clause 7 of the bill that contains the delegation of authority by instrument under the common seal, goes through the various delegations and also the investigative powers that have been put through the boards of the TAFE colleges. These provisions give back these powers to the various TAFE colleges throughout Victoria, and the National Party has been diligent in contacting all the TAFEs within its regions — and there are quite a few. These provisions have been well received by the TAFE colleges, their boards and their chief executive officers. But as Mr Hall and Mr Atkinson pointed out, they have some serious concerns regarding the assistance they need in the form of greater levels of recurrent funding.

The funding issues have been pushed very hard. I would like to thank Mr Viney for his contribution, because he was able to push solidly the government's version of the investment it is making in the TAFE sector. Whilst we appreciate the fact that the government has committed \$60 million over four years to TAFE colleges throughout Victoria, Mr Viney would agree with me that that could hardly be called a substantial investment. It has been acknowledged by the Minister for Education and Training in another place that in order to bring Victoria up to the national average, we would need investment in the order of \$120 million a year. When you consider that, \$15 million a year is an awful long way from \$120 million a year. That is where we have a difference of opinion in relation to what is substantial when it comes to investment.

The chief executive officer of the Bendigo Regional Institute of TAFE has been forced to go public on

funding issues, and he made many submissions to the department and also to the minister. I heard strong praise for the Minister for Education and Training, Ms Kosky, from more than one chief executive officer. Even though the TAFEs are adamant that they are being underfunded and put in real peril, they have a respect for the minister that belies the state they are in. Whilst they are crying out for assistance and desperate for legitimate funding, they still speak highly about the Minister for Education and Training.

There have been some real issues in relation to forcing students to pay an extra 25 per cent in fees and then directing that money to maintenance programs or wherever the TAFE colleges see fit to use it. Effectively this money has first been taken out. I think it was in August last year that an amount in the vicinity of \$600 000 was taken from the Bendigo Regional Institute of TAFE.

That money was handed back in the form of student fees, effectively to be spent in that college's case on maintenance because that was its most pressing priority. It really is quite an astonishing merry-go-round of figures. They were taking money out and then making the students pay the additional costs.

It is also worth mentioning that the TAFEs that I spoke to also highlighted, as Mr Viney alluded to, that this is an ongoing problem; it is not something that has happened in the last couple of years. The situation that so many of our TAFE colleges find themselves in has been the product of sustained periods of underfunding by both sides of politics. Nevertheless that does not excuse anybody from working as hard as they possibly can to address the situation we find ourselves in at the minute.

We are realising that funding for TAFE colleges revolves around student contact hours. TAFE colleges are forced to operate with reduced costs and to have their funding taken away, yet they are still forced to come up with the same amount of student contact hours. Then there is only one option available to them — that is, to increase class sizes so that the ratio of students to teachers increases. It is the only way TAFE colleges can maintain their student contact hours because that is a prerequisite for their receiving money from the government.

TAFE colleges are being forced to keep their student contact hours up, and the only way they can do that with less money is to increase class sizes. Therefore the classes that are getting left by the wayside, being abolished or let go are the ones with low numbers. Whether or not these programs are important to a

specific area does not matter because TAFE colleges can no longer keep them going. They simply have to let go any of the classes with low student numbers and replace them with the courses with higher numbers. Not only is that par for the course but also the courses that are being let go are the courses that are high in capital expenditure. With courses where there is a high degree of capital outlay such as engineering, machinery and horticultural courses, any course that is effectively costing these TAFE colleges serious capital upfront costs is being let go simply because the government is cutting funding, yet it is still maintaining that TAFE colleges must honour their part of the contract relating to student contact hours. This is causing some serious problems indeed. It is great to have the Minister for Finance in the chamber.

We have been talking very hard with TAFE colleges about their endeavours to try and get student contact hours to an accurate level. One of the issues is that if the colleges do not reach their student contact hours total and happen to fall short, they are forced to refund the money to the government at the rate of \$9 per hour. If they happen to go over the total it effectively means that either they are underpaying their teachers, putting too many students into classes or whatever. TAFE colleges are being forced to monitor their student contact hours on a weekly, monthly, six-monthly and yearly basis to make sure that they come in right on the dollar, because in essence they cannot afford to be paying people off and to be reimbursing the government for money not paid.

One of the other issues about cutting these courses as a consequence of the underfunding is that if a TAFE college has to cut classes, then it also means teachers have to be let go. By letting teachers go TAFE colleges also incur the cost of redundancy payouts to teachers who have been in the system for more than 10 years. The government will refuse to look after any part of the redundancy payout of teachers who have been in the system since prior to the 1990s. In many cases this is going to cause regional TAFEs to pay out superannuation redundancy packages in excess of \$100 000. You do not need to be a Rhodes scholar to understand that one or two of these situations will seriously impact on the financial viability of many regional TAFE colleges.

Some people have said to me that many staff at the Office of Training and Tertiary Education are being forced from or have been let go from government departments. This issue is upsetting many of the TAFE colleges because the services that OTTE has been providing have been comprised as well. We have a shortage of training hours in Bendigo which is the

equivalent to 600 students who would like to attend full-time TAFE colleges, so the house can understand the demand for placements in the Bendigo region. This situation is also prevalent throughout the rest of Victoria where there is an oversubscription of students who want to get into TAFE but who simply do not have the ability or the spaces are simply not available to them.

Whilst we have this chronic shortage and we are looking at having further courses closed down, one of the vulnerable groups is what we call the 'high school push outs' — that is, the group of students who do not find themselves amenable to normal mainstream high schools. We have quite a lot of these young men and women — rather, boys and girls — who are doing their higher school certificate in the TAFE environment. This is very popular for some children who are simply not suited to the high school system.

**Hon. P. R. Hall** — Even adults do VCE!

**Hon. D. K. DRUM** — They do, Mr Hall, but the adults and children who do the Victorian certificate of education at TAFE colleges are the most vulnerable people, and they are going to be the first group who may be let go or pushed out if the shortage of placements is maintained at such high levels — that is, in the vicinity of 600 full-time placements.

As I said, studies have been commissioned and the minister knows about them very well. Those studies say that we need in the vicinity of \$120 million to bring Victoria up to the national average. One of the other real issues is that TAFEs are regarded so highly because they are able to generate the flexibility that Mr Hall and Mr Viney have mentioned in their contributions. It is this flexibility to be able to deliver for a particular region the type of course that is most needed that is going to be most under threat if we continue with this constant underfunding.

I have had a briefing from the department in relation to this issue because it is a tough one. Those who have briefed me have spoken about the need to build community relationships: we understand that that simply means 'to make more money'. The TAFE colleges are being asked if they can simply make more money. Commercial expectations are shifting the need and the priority away from teaching. A lot of these institutions will still be around; they will not be closing their doors.

**Ms Hadden** interjected.

**Hon. D. K. DRUM** — No, they will not. They will be closing courses, but they will still be operating. They

will be forced to dumb down their training and their teaching. They will be forced to make more commercial decisions unless decisions are made that will impact on teaching and education. This is the biggest threat we have at the moment in relation to TAFE colleges. As Mr Hall has alluded to, we as National Party members have been through the bill and have consulted widely on it. We wish it a speedy passage through the house, and we hope that the government in its wisdom and with its financial ability finds itself in a position to increase its funding to a more comparable level than what it is currently doing.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — By leave, I move:

That the bill be now read a third time.

In so doing I wish to thank honourable members for their contributions and also opposition members for the way in which they made their comments in relation to the bill. I have been listening to the debate carefully, and members on both sides made important contributions. I wish the bill a speedy passage.

**Motion agreed to.**

**Read third time.**

*Remaining stages*

**Passed remaining stages.**

## EDUCATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

*Second reading*

**Mr LENDERS** (Minister for Finance) (*By leave*) — I seek to make a statement regarding the incorporation of the second-reading speech on the Education Legislation (Miscellaneous Amendments) Bill. Earlier this afternoon I sought the incorporation of the second-reading speech for the Education Legislation (Miscellaneous Amendments) Bill. Leave was granted, and it was incorporated.

Sessional order 30 envisages or allows that when a minister does such a thing that the minister, in a preliminary statement, mentions any amendments that were passed in the other house. While it is not a requirement, the courtesy and expectation in this house

has been that it be done, and I did not do that. I seek simply to now incorporate what the two amendments were in the spirit of the sessional order.

The amendments to the Education Legislation (Miscellaneous Amendments) Bill regard two matters. The first group of amendments removes the power of the Secretary of the Department of Education and Training to permit a person convicted of a child sex offence to be employed in the department as a teacher and removes the power of the Victorian Institute of Teaching to permit a person convicted of such an offence to be registered as a teacher with the institute. The bill as amended disqualifies such persons from being employed as teachers in schools and requires the department to dismiss such people.

The second amendment removes proposed changes to the audit provisions for school councils. The removal of this proposed change means that the current audit provisions for school councils continue to operate.

The second-reading speech accurately reflected what is in the bill that has come through the Assembly and is before this house. I would also like to thank Mr Hall and Mrs Coote in particular for their indulgence in this matter.

**Hon. P. R. HALL** (Gippsland) (*By leave*) — I will make a few comments on the explanation given by the minister. First of all I do not want to be provocative in my comments and say, 'The government should have known about this'. I was only too pleased to bring to the government's attention that this sort of matter should have been raised before the house by sessional orders — that is, we should have been notified that this bill was amended in the other place. But the more substantial point I want to make is this: this chamber is rightfully expected to be a house of review, and yet here we have a bill that has been significantly amended — and I do not think anyone can claim the amendments are not significant — coming into this chamber today. This is the first opportunity that we, as members of the Council, have had to see the clean bill after it had been amended by the Assembly. And yet within a day or two we are expected to debate what is a fairly significant piece of legislation with some significant changes.

In respect of the process — the way the bills come through the chamber — I do not think it is giving us in the Council the opportunity to act as we should: as a true house of review. I am concerned with the rush in getting legislation through here in a very short time frame. It leads to us not doing our job as well as we should.

It is opportune at this point in time, because there has been this slight muck-up in respect of the transition of this bill from one house to the other, to reflect on whether this process is adequately serving the needs of people and particularly the role that this house is expected to perform as a house of review.

## SCOTS' CHURCH PROPERTIES (AMENDMENT) BILL

### *Second reading*

**Debate resumed from earlier this day; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).**

**The DEPUTY PRESIDENT** — Order! Having had the opportunity of examining this bill, in my opinion it is a private bill.

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I move:

That this bill be dealt with as a public bill.

**Motion agreed to.**

**Hon. C. A. STRONG** (Higinbotham) — I rise to speak on the Scots' Church Properties (Amendment) Bill, which as the minister has indicated started life as a private bill and comes here at the request of the trustees of the Scots Church. This is an interesting and historic bill, because it sets out to make certain alterations to the Scots' Church Properties Act of 1891.

The property is very significant, with something like an 80-metre frontage on Collins Street. The land extends up Russell Street to the corner of Little Collins Street — a frontage of some 95 metres — and then down Little Collins Street for another 80 metres. So it is a very significant amount of property, which has on it some very significant and historic buildings. Not only does it have the Scots Church building but it also has what most people know as Georges, the building that was occupied by the Georges department store for many years. There is a church hall in Russell Street and shops, car parks et cetera and the Assembly Hall in Collins Street.

As I said, this bill amends the Scots' Church Act of 1891, which in fact incorporates the Scots Church trust deed. This is an interesting and historic document. It is part of the history of Melbourne, and I would like to put on the record some of the wording from the Scots Church trust deed which I think sets out basically what this amending bill seeks to do.

The Scots Church trust deed starts as follows:

To all to whom these presents shall come Robert Simson, James Aitken, Archibald Fisken, William Taylor and Charles Guthrie —

**Hon. W. R. Baxter** — Good Presbyterian names.

**Hon. C. A. STRONG** — Yes, good Presbyterians.

... all of Melbourne in the colony of Victoria esquires send greeting whereas it is shortly intended to introduce into the Parliament of Victoria a bill to be intituled 'A bill to convert the existing trusts relating to the Scots Church properties into one General Trust' with the object of providing ... that the pieces or parcels of land and hereditaments particularly described in the schedule hereunder written shall vest for an estate of fee simple in possession in the said Robert Simson, James Aitken, Archibald Fisken, William Taylor and Charles Guthrie as joint tenants subject to the various mortgages charges leases easements and encumbrances affecting the same and whereas the said lands and hereditaments when vested in the said Robert Simson, James Aitken, Archibald Fisken, William Taylor and Charles Guthrie will not belong to them beneficially but as trustees only for the congregation of the Presbyterian Church of Victoria known as 'The Scots' Church' Melbourne upon the trusts and for the purposes ...

It then goes on say to what those trusts and purposes are:

Upon trust for the members and adherents for the time being of the congregation of the Presbyterian Church of Victoria known as the Scots' Church Melbourne.

Obviously that is how the trust was originally set up and was incorporated in the 1891 act.

The trust deed then sets out some other issues. I think it is best to let the trust deed speak for itself. It says 'Firstly', and then sets out a parcel of land in some detail by dimensions and so on, and then goes on to say in case some reader in the 1890s had trouble working out so many inches westerly and north-easterly, 17 feet 6 inches heading in this direction of the aforesaid land:

... delineated and coloured red on the plan hereon (hereinafter called the church site) and the church and church offices thereupon erected upon trust to permit and suffer the same to be used as a church and a site therefor for the public worship of God.

The trust deed sets out part of the land to be a church site to be set aside for the public worship of God.

The trust deed then sets out a second section and a second parcel of land, which once again it defines by Crown allotments and distances and dimensions and so many feet and inches from the north-west corner of one road and the other road. But once again for those who have trouble with that, it goes on and says:

... aforesaid and delineated and coloured blue on the plan drawn hereon (hereinafter called the manse site) together with a right of carriage way over the roads coloured brown on the said plan upon trust to sell the same for the sum of five thousand pounds to the Presbyterian Church of Victoria Trusts Corporation (hereinafter called 'the said corporation') for the purpose of the erection thereon of a building to be used as an assembly hall and as offices of the Presbyterian Church of Victoria.

It then goes on, just to complete the picture, to talk about the lands that have not already been covered under 'firstly' and 'secondly':

Thirdly— as to all the said lands and hereditaments described in the schedule hereto other than the church site and the manse site it is hereby declared that it shall be lawful for the said trustees or trustee from time to time and at any time hereafter with the consent of the assembly to demise the same or any part or parts thereof for any period not exceeding fifty years and for any purpose and upon such terms and conditions as the said trustees or trustee with the like consent shall think fit.

So in other words, the rest of the land for a period of 50 years can be leased to produce income to the Scots Church. There we have, in essence, what is the situation in the deed. There is the church site, which is set aside for the public worship of God; there is the part of the site which was to be transferred to the Presbyterian Church corporation for their purposes; and the rest of the site was available to the church to use for creating revenue.

What has happened since then is that in relation to the second part of the land which was sold to the Presbyterian Church, negotiations have taken place, and, as I understand it, a sale that was outlined in the trust took place in 1913, but that land is now reincorporated back into the Scots Church property.

What the bill seeks to do is simply modernise that situation and, as it were, redefine the uses of the land. It redefines the church site — that site which is set aside for the public worship of God and associated purposes — as the Scots Church and the church hall. It makes various changes within those three categories of land that the trust deed referred to. It takes the church hall and a 3-metre strip of land between Scots Church and the Assembly Hall out of the church site, the church site being that first part of the trust deed that I read, and those are the areas that are set aside for the worship of God.

The trust deed said the church could lease the other land for revenue purposes for 50 years. The bill changes that. It simply excises the 50-year time, so the church can now lease that property for a 99-year lease or in fact a lease of any period it sees fit because the amendments remove the 50-year limit on leases.

It also proposes to extinguish the carriageway that is shown on the trust deed because obviously carriageways and rights-of-way are not something we need as much as we did in the late 1900s when we had horses and carriages et cetera. Then there will be a more logical parcel of land available to the church to lease for income-earning purposes. It brings it up to date. The church will be able to lease a very significant parcel of land.

The briefings we had did not indicate in any way what the church would seek to do with the land. It is the church's land to lease and have used in any way it sees fit. The bill does not envisage or give permission for any form of development. Anything that the church seeks to do or anything that a developer who leases the land from the church might seek to do would, of course, have to meet the normal permit requirements and conform to the whole planning process we have in the state. All the bill does is make relatively small amendments to the trust deed to redefine the church site — that site which is set aside for the worship of God — and that significant site which will be available to the church for income-earning purposes. With those few comments and an interesting reflection on some of the history of our state, I commend the bill to the house.

**Hon. C. D. Hirsh** — It is good to see you back, Bill.

**Hon. W. R. BAXTER** (North Eastern) — I am very happy to be back too, Ms Hirsh. I am pleased to join the debate on this small but important piece of legislation.

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

**Hon. W. R. BAXTER** — Whatever I get, Mr Theophanous, I shall not be taking it on this bill.

I have always found it somewhat fascinating that in a democracy where there is so much made of the separation between church and state we do in fact find ourselves quite frequently amending trust legislation dealing with church property. I suppose it goes back to those earlier days when the church perhaps had a greater influence in our community than it does today and when governments of the time accorded some benefits to the church, particularly in the reservation of substantial parcels of land which today are, of course, of immense value. If one looks, for example, at the Scots Church site Mr Strong has just outlined to us when quoting the quaint language of the trust deed, one realises that it is an extremely valuable site — not only the corner site of Russell and Collins streets on which that magnificent church is situated but also the commercial property in the former Georges building. One can also look at churches of other denominations

around Melbourne and see the very valuable sites they occupy which run into millions of dollars.

I have a bit of a soft spot for the Assembly Hall, because I have in my possession a famous photograph of my predecessors before they became the Country Party — when they were the Victorian Farmers Union — holding a conference there prior to 1920. It is fascinating to look at that photograph. I doubt that there is a woman amongst the crowd, and almost every gentleman is wearing an overcoat and a hat. It was a different age, obviously. That photograph was given to me by the late Des Martin from Wodonga, whose father had been an early secretary of the Victorian Farmers Union. It is one of my prized possessions.

I also have to confess to having gone to Scotch College and having had therefore some connection with the Presbyterian Church, particularly the now defunct and no longer existing Ebenezer Presbyterian Church in the village of Picola. That is not to say that my current connections with the Presbyterian Church are particularly strong at all.

It does seem to me that the Parliament is going to find itself over time having to legislate to remove trust deeds from church property which will increasingly be rendered redundant as church attendances continue to fall, as I believe they will, and churches become surplus to requirements. For example, I have just returned from Belgium, which I visited with Ms Romanes and where it was pointed out to us in passing as we were going about our business that a number of very large churches were locked up and empty because there is no demand for them. Clearly that is going to be the circumstance in Victoria. We are already seeing little churches around country Victoria closing. Most of them appear to be able to be sold off without legislation, because they are held under different titles. More major churches in metropolitan Melbourne may well require legislation to remove the covenants on their sites.

I expect that the Scots Church congregation has a plan in mind — I commend them for it — that will enable them to better utilise their property. Presumably there is a plan for a major investment by a lessee, and that is why the 50-year restriction is being lifted. Presumably if someone is going to invest many, many millions of dollars on a multistorey office building or apartment block they may well be looking at a longer tenure than 50 years. I do not have any objection to that. I would far rather see sites in our central business district renewed in accordance with modern-day expectations than be artificially retained in a condition and use which is no longer appropriate in this day and age. So I do not have any objection to those plans.

As Mr Strong has already informed the house, the bill makes it very clear that the passage of this legislation does not accord any permission to the church to do anything over and above what it will need to do in terms of seeking the normal planning approvals from the city council and the planning authorities. So there is no favouritism in this; it is simply providing a circumstance where redevelopment can take place within the usual parameters. I do not have any trouble at all with that concept.

I simply say that the National Party wishes the church well in this endeavour. Obviously it is a very valuable property which needs to be well husbanded. This proposal, it seems to me, has gone through a long consultation period. I have read through the trust deed and the quaint language and the repetition therein. It is all very interesting; it all belongs to a past age. The bill is bringing it into the modern day in terms of what the future is demanding. I am pleased to support it.

**Ms ROMANES** (Melbourne) — I am pleased to have the opportunity to speak on the Scots' Church Properties (Amendment) Bill, which has been introduced to amend the Scots' Church Properties Act 1891, to alter the operation of the Scots Church trust deed in relation to certain lands and for other purposes.

Scots Church on the corner of Russell and Collins streets is one of Melbourne's fine 19th century churches and is very much part of our Marvellous Melbourne heritage. I have had occasion to visit Scots Church twice over the last two or three years, including earlier this year along with Mr Baxter as part of the annual Anzac Day service. That was another opportunity to appreciate the beautiful interior and acoustics it provides as a place of worship and song and also to hear the very energetic senior minister, the Reverend Douglas Robertson, a preacher who delivers quite a strong and punchy message.

We have this bill before the house because the trust deed is a statute and it therefore requires an act of Parliament to alter it. The bill responds to a request of the trustees of Scots Church, in agreement with the General Assembly of the Presbyterian Church of Victoria, to vary the trust deed so that it allows certain parts of the church land to be used for different purposes under the trust deed and also to vary the allocation of land for commercial purposes to generate income.

The bill sets out a new description of the church site. The area currently designated as the church site and as a place for public worship and associated purposes is the area bounded by Collins Street and Russell Street and

includes the church and the church hall. The bill provides for the excision from the church site of the church hall and a 3-metre strip of land between Scots Church and the Assembly Hall. I know there is a development proposal that the church is pursuing, and I am sure that if the 3-metre strip of land that is to be excised from the church site is within the proposed development plan it will assist with access and permeability from that part of Collins Street through to Little Collins Street and will be an asset to that part of Melbourne.

The bill also seeks, through this process of reconfiguring the church site in relation to the commercial use of the area that is within the trust deed, to consolidate the commercial part of the Scots Church land and to make it more usable for future income-generating purposes. Consistent with that, the bill removes the 50-year limit on terms of leases granted by the trustees. Indeed, the land would be much more commercially marketable if a longer lease could be provided — say, up to 99 years. It would provide for greater certainty in the investment market and therefore make it a much more attractive piece of land, and it would obviously generate increased income for the church to use for its charitable purposes.

As part of that reconfiguration, clause 6 provides for the extinguishment of the carriageway that is shown in the current trust deed. The bill also provides for the payment of relevant fees for inspecting documents at the office of the registrar-general of titles in the future, taking out one of the anachronisms of the past, which is the cost of inspection that is currently in the act, which is one shilling.

This bill focuses on the trust deed and variations to it. However, we in this chamber are aware that there is another backdrop to this matter, and that of course is the redevelopment of the commercial land. There is a proposal before the Minister for Planning that has a quite high value of about \$80 million, but it is very separate from what we are dealing with here today. It is also a very sensitive and controversial issue. The Melbourne City Council has been consulting with residents, traders and other commercial interests over a long period of time on the future of the Scots Church land and a future development on the non-church land owned by Scots Church.

That area — the eastern corner of Little Collins Street and Russell Street — is a very sensitive area. It is one where there is great neighbourhood character. It is at the back of the old Georges store. There has been some development on the northern side in past years and there are some small shops, and a lot of our young

designers are sited in that precinct. As I have said, it is a very sensitive area and one that is filled with great neighbourhood character, so it will not be easy for the minister to make a determination on the future of that land. But it is obvious that the church will continue to pursue development of the site and that the consolidation and reconfiguration of its land, which is the subject of this bill, will lay the groundwork for that.

I think we will all leave it in the hands of the Minister for Planning to ensure that it will be an appropriate development for that very important part of our Melbourne heritage. I commend the bill to the house.

**Hon. D. KOCH** (Western) — It gives me pleasure to make a contribution to the debate on the Scots' Church Properties (Amendment) Bill. We all recognise that the purpose of the bill is to amend the Scots' Church Properties Act of 1891 to alter the operation of the Scots Church trust deed in relation to certain lands and, as noted in the preamble, to lift the restriction on the power of the trustees to lease or renew a lease of those certain lands for a period of more than 50 years. It is accepted that it is expedient to remove that restriction in the trust deed to allow the trustees to lease these certain lands for periods greater than 50 years — in fact up to 99 years.

I think we are all very aware of the location of this icon property, it being bounded by Collins, Little Collins and Russell streets. It is a large parcel of land. It is very valuable real estate, covering an area of approximately 7750 square metres. It has various carriageways within it, and there are applications for other easements that will be dealt with in the normal planning process by the City of Melbourne.

We respect the fact that there are further opportunities here for the congregation of Scots Church and the General Assembly of the Presbyterian Church of Victoria to realise greater commercial value from this existing property away from its direct usage. We have heard this afternoon from others making contributions to the debate about some of the endeavours of the congregation of Scots Church, and certainly the General Assembly of the Presbyterian Church of Victoria envisages that the church can avail itself of a further opportunity.

As I mentioned earlier, obviously from a commercial point of view, being able to grant a lease for longer than 50 years, perhaps going out to the envisaged 99 years, will provide greater scope for this property to attract further development.

It should be noted that the government has declared that this bill be a public bill. Regrettably when the minister was asked the status of the bill this afternoon, he was not in a position to respond. I inform the house that this is a public bill and the government, in its wisdom and to assist the congregation of Scots Church, has accepted through the amendment, that the bill essentially makes amendments to the original trust deed of 1891 which passed through this Parliament some 112 years ago.

The amendment relates to the subdivision or otherwise of certain lands bounded within the current trust deed. Any applications for further development or commercial use would have to go through the proper planning authority — the City of Melbourne — and there is little doubt that not just the City of Melbourne but the state of Victoria will gain financially in the event that this amending bill is passed today, and I hope it is. Both the City of Melbourne and the state of Victoria will certainly gain much from land taxes and general rates. The house heard earlier that this is a valuable parcel of land worth in the order of \$80 million, and we can easily see the commercial relevance of this amendment before the house.

I thank my colleague Mr Strong for the great recital he gave today in relation to the original trust agreement. I indicate to the house that one of the original signatories to the 1891 trust deed was James Aitken, a well-known and respected solicitor and an original partner in the firm Aitken, Walker and Strachan, currently located in Queen Street, Melbourne. It is a very successful legal firm, and those amongst its client base have come not only from metropolitan Melbourne but also from regional Victoria, particularly western Victoria and the Wimmera. This firm has looked after the interests of my in-laws for in excess of 100 years and still does so today. It is still operated by one of the direct descendants of James Aitken which indicates that some of the descendants of our forefathers are still very active in the commercial world and in the legal profession in this great city.

Another signatory was Robert Simson. His family came from Tasmania, and the descendants of Robert Simson still farm their original selection of land known as Roseneath, based at Red Cap Creek north of Casterton in western Victoria. They are two small features in relation to the trust deed and the original trustees, but they indicate the longevity of some of the older families not just in the metropolitan area but also in regional Victoria.

The bill has been well canvassed today, and there is support across the chamber. The Liberal Party does not

oppose this interesting amendment bill, so I wish it a speedy passage through the house.

**Hon. H. E. BUCKINGHAM** (Koonung) — I am pleased to contribute to the debate on the Scots' Church Properties (Amendment) Bill. I thank all the members who have spoken before me. I also have a connection with the Presbyterian Church, being a former employee of the Presbyterian Ladies College for the previous 15 years and friendly with Reverend Richard O'Brien who is a most charismatic preacher.

The trustees of Scots Church have requested a private bill to amend the Scots' Church Properties Act 1891. I read that act and the trust deed. This bill is similar to the Anglican Trusts Corporations (Amendment) Act 2000, which amended and updated the Anglican Trusts Corporations Act 1884 and the Roman Catholic Trusts (Amendment) Act 2001, which amended the Roman Catholic Trusts Act 1907, so there is a precedent for this amending bill.

The Presbyterian Church has played an integral role in the religious life of Melbourne since Melbourne's inception in 1835. I shall quote from a pamphlet produced by the Presbyterian Church entitled 'Welcome to the Scots Church, Melbourne', which marked its 150 years of worship in August 2003. The pamphlet states:

So it was that the Presbyterian Church was the first church in Melbourne; the first Christian denomination to have regular services of worship conducted by an ordained minister.

Since 1838 Scots has been continuously reaching out to the people of this city. When Rev. James Forbes arrived from Scotland to minister in the colony, the first church was a temporary wooden building at the west end of Collins Street whilst the congregation applied for an official grant of land. Two acres on the present site were obtained, and a school was subsequently built.

The Scots have a long heritage of supplying education along with religion. It continues:

This school also served as a church on Sundays until a proper church building, seating 500, was built in January 1841.

There has been a Scots church on the corner of Collins and Russell streets since 1841, but the congregation soon outgrew the original building. The present church is a fine example of Gothic church architecture. It was built by Dame Nellie Melba's father, David Mitchell, at a cost of £30 000 and was completed in 1874. That was an extremely tight time frame, and it was built very quickly.

This bill addresses the fact that the Scots Church site, the church hall and some of the adjoining land are

subject to trusts restricting their use to public ownership. Other parts of Scots Church properties are subject to trusts enabling them to be used for commercial purposes for the benefit of the church. The alteration in this amendment allows the church to maximise the situation. This is a separate issue to the planning application, as already mentioned by Ms Romanes, currently before the Minister for Planning and in no way exempts the church from planning and heritage controls.

The bill has two main amendments. The first concerns the length of leases. If the amendment is accepted, the length of leases offered by the trustees will increase from 50 years to 99 years in line with current market trends. The second amendment is a variation of designated commercial lands. This provision will allow the inclusion of the present church hall on Russell Street as commercial land, and the inclusion of an access laneway 3 metres wide, which gives access from Collins Street to Little Collins Street.

It is important that we all understand what the bill does and does not do. While the bill will enable the church trustees to make commercial use of the land specified it does not give them a permit to develop. The church will still be bound by the planning process. The bill does not represent a government view regarding the merit of any proposals the trustees may wish to undertake in the future.

The bill is similar to previous bills I have already cited and which have passed through this house. I know the trustees of the church will continue their good stewardship of this property and that their future planning will always take into account the value of this property to all Melbournians and the Melbourne precinct. I commend the bill to the house.

**Motion agreed to.**

**Read second time**

*Third reading*

**Ms BROAD** (Minister for Local Government) —  
By leave, I move:

That the bill be now read a third time.

In doing so I thank honourable members for their contributions and their support of the bill.

**Motion agreed to.**

**Read third time.**

*Remaining stages***Passed remaining stages.****ROYAL BOTANIC GARDENS  
(AMENDMENT) BILL***Second reading***Debate resumed from earlier this day; motion of  
Ms BROAD (Minister for Local Government).**

**Hon. ANDREA COOTE** (Monash) — I have much pleasure in speaking on the Royal Botanic Gardens (Amendment) Bill. Before I start my contribution I would like to quote what the current director of the Royal Botanic Gardens, Dr Philip Moors, said in a book written by Deborah Morris and Greg Elms and produced recently. In the foreword to the book Dr Moors writes:

A botanic garden is much more than a park with an assortment of plants grouped together to stimulate the eye. It is much more than a public garden. It combines many features that teach us more about the crucial role plants play in our world today.

The lush, verdant landscapes of the Royal Botanic Gardens Melbourne offers the visitor a visually stimulating blend of both exotic and indigenous flora in a world-renowned setting. However, to fully understand the role of a botanic garden, one needs to look beyond the aesthetics.

He then goes on to write about the herbarium, conservation, research, education, the opportunities, the ornamental lake and a number of other issues. He goes on to say that it is the jewel in Melbourne's crown. Many of us here in this chamber would certainly agree with that.

In debating this bill today it is important that we note at the outset that the Royal Botanic Gardens has two distinct parts. There is the Royal Botanic Gardens in Melbourne located in South Yarra adjacent to Government House and the Domain and bordered by the Yarra River and Anderson Street, which forms part of the Monash Province electorate which the Honourable John Scheffer and I both represent. The other botanic gardens is the Royal Botanic Gardens in Cranbourne, which is located in Melbourne's fastest growing corridor in the south-east. It is 1000 acres of predominantly Australian species located in Ballarto Road, Cranbourne. It is important to keep that in mind when debating this particular bill.

The purposes of this bill are:

- (a) to amend the Royal Botanic Gardens Act 1991 —

- (i) to make further provision in relation to licensing and leasing of the botanic gardens; and
  - (ii) to make further provision in relation to the terms of appointment of Board members; and
  - (iii) to make further provision for powers of authorised officers; and
- (b) to make other minor amendments to that Act.

I would like to go through some aspects of this bill briefly because some important issues need to be raised and debated. Clause 4, which has the heading 'Amendment of the objectives of the Act' for the first time incorporates provisions for the carrying out of biodiversity and the conservation of biodiversity. Biodiversity is a term that we now use regularly, but when the principal act was first introduced the issue of biodiversity was not as important as it is today. It is pleasing to see that the bill addresses this issue at the first opportunity.

Clause 5 has the heading 'Amendment of functions' and supports the objectives in clause 4. It sets out how it will happen. Clause 5(a) substitutes section 11(d) of the principal act with:

- (d) to carry out and contribute to botanical and horticultural research and research into biodiversity ...

Later on I would like to give some examples of horticultural research and biodiversity at the botanic gardens in Melbourne. Clause 5(b) substitutes section 11(h) of the principal act with:

- (h) to conserve biodiversity and increase public awareness of the need for the conservation of biodiversity and the threat to biodiversity ...

This is a new role for the botanic gardens, which I think everybody in this chamber would be appreciative of and welcome.

Clause 7 has the heading 'Amendment of licensing power'. At the moment some parts of the gardens attract businesses because of their particular aspects. One of them is the very popular Moonlight Cinema, which is held in our summer months, and if you drive past there at dusk you can see crowds of families with their picnic baskets pouring into the gardens for a very enjoyable evening. To stage the Moonlight Cinema the organisers must have significant power facilities that need to go underground, the installation of which, as members can imagine, is quite expensive. This bill gives the opportunity for there to be certainty in the future for events like the Moonlight Cinema.

Another very popular aspect of the botanic gardens is *The Wind in the Willows*. You can see little children

with their parents and grandparents going into the gardens to enjoy a lovely production of *The Wind in the Willows*. It is a lovely adjunct to Melbourne and Victoria, and it brings many people from interstate and other parts of Victoria to the botanic gardens and to Melbourne. I am pleased that we have in this bill a recognition of the need to give support and security to businesses so they can carry on in a very sensitive way and add value to the botanic gardens and to the experience people can have in the gardens.

In dealing with the Royal Botanic Gardens at Cranbourne clause 8 inserts proposed section 24A, which provides a further power to lease land at the botanic gardens for the purpose of carrying on the business of a plant nursery for a term of not more than 21 years. The botanic gardens organisation in South Yarra grows plants, and it does a very good job, and I know plants are grown at Cranbourne as well. It is very fine line. Many of our organisations in this city have been built on voluntary work. The volunteers make up an extraordinarily rich part of the fabric of these institutions.

It would be a pity to see the volunteers and the excellent work they do being disregarded. It is important to continue to support the Friends of the Botanic Gardens — I must say I am a friend of the botanic gardens and very pleased to be so, although I have to say I never get any time to propagate plants! The people there do an excellent job, and the nursery helps to raise awareness.

The Cranbourne gardens wanted to make a commercial decision, hence their inclusion in the bill. It has been dealt with sensitively and will enhance the production and awareness of the area. One of the major and underlying aspects of the bill is to increase people's knowledge of and education in biodiversity and horticulture. To enable people to buy plants once they have seen them at Cranbourne is a good provision.

Clause 10 of the bill refers to authorised officers who can take the names and addresses of anybody causing mischief to the Royal Botanic Gardens. It is a pity that this measure has not been enhanced. A good example is the time of the bat invasion. There were some 40 000 bats. Bats are very sociable, and the young return to breed at the place where they were bred. In the 1990s there were about 800 bats, and that number increased to about 40 000 in 2002. They roosted in the fern gully at the Royal Botanic Gardens. Bats do not eat ferns, but it was like having unruly teenagers in your living room at home bumping into the furniture, and that is what they were doing to the fern gully. Bats are very uncomfortable for visitors because they are smelly and

noisy, and they detract from what was a very beautiful part of the gardens.

I must congratulate Dr Philip Moors and his staff for the way in which they dealt with the problem, because it was stressful for them. A number of demonstrations took place outside the Royal Botanic Gardens. Security guards had to be employed to guard staff on their way to work, which was not acceptable. The bill does not go far enough to take names of demonstrators such as those who were harassing staff. Many of the demonstrators came from England, which was a surprise. They demonstrated because they thought the bats should be protected. Bats are a protected species in northern Australia but not in Victoria.

The members of the Friends of the Botanic Gardens and a wide variety of other people in Victoria were concerned about the gardens being destroyed, but happily the bats have left and gone to the Necropolis and Geelong. We are pleased to see they have left the gardens. There are a number of colonies of bats in 12 regions in metropolitan Sydney that cohabit happily. I hope the bats that have left the Royal Botanic Gardens will form colonies that are manageable throughout Victoria.

Clause 13 of the bill refers to the period of appointment of a chairperson and deputy chairperson of the board. It is worth noting that the chairperson cannot be a chairperson after ceasing to be a board member. It is not only straightforward, it protects the board.

The Royal Botanic Gardens at Cranbourne are a vision. To place botanic gardens in the fastest growing corridor of Melbourne required an enormous amount of foresight. Dame Elisabeth Murdoch is to be congratulated in particular for being very supportive. She was instrumental in helping to develop the whole area, and in future years people will say what great insight it was for Victoria. I congratulate everybody who had input into the development of what was and is a visionary area. I know the Honourable Ron Bowden will have more to say about that in his contribution, because he was very involved in working with Dame Elisabeth Murdoch to help resolve some of the difficult issues at the time.

I want to cast everybody's mind back to the Royal Botanic Gardens in Melbourne and put on record some of the history of those gardens. Two major figures were involved in the establishment of the Royal Botanic Gardens in Melbourne, firstly under the auspices of Governor La Trobe, who had the foresight to do much the same as Dame Elisabeth has done in modern times. He realised that Melbourne needed to have botanic

gardens, and he employed Baron Ferdinand von Mueller to be the government botanist. He was a colourful personality. Von Mueller had an enormous amount of interest in Australian botanical species and brought a lot to the gardens and to Australia. He was able to put Victoria on the map internationally.

The book *Royal Botanic Gardens Melbourne* quotes Baron von Mueller's speech, made in 1871, on the objectives of botanic gardens:

It must be mainly scientific and predominantly instructive ... As a universal rule, it is primarily the aim of such an institution to bring together ... the greatest possible number of select plants from all the different parts of the globe; to arrange them in their impressive living forms for systematic, geographic, medical, technical or economic information, and to render them accessible for original observations and careful records.

Much of that sentiment is reflected in the bill, even after such a period, and it is interesting to see how farsighted he was.

The book also states at page 48:

With all of these responsibilities, Mueller still managed to build what would become one of the leading herbaria in the world. Because of his superb contacts with botanists around the world, seed and plant donations increased. Mueller eventually built up a world-class collection of plant specimens for the herbarium and the gardens. In 1860, for example, he distributed 11 976 dried plants to academic institutions and 20 438 plants, 2406 cuttings and 44 572 packets of seeds either to public gardens and reserves as reciprocal gifts to donors or as exchanges with botanic gardens overseas.

It is important to recognise what our forefathers put into what has become a world-renowned herbarium. We have a lot to praise von Mueller for. The end of his time was interesting in light of what happens next, the book states:

In his years as director of the botanic gardens Mueller had created a space that was famous throughout the world. He had seen to the planting of 30 000 trees, created a magnificent library from his own nucleus of over 1000 botanical books, laid out almost 25 miles of walks, protected the gardens against devastating floods and droughts, set up the herbarium and a laboratory (again based on his collection of 350 000 specimens) and distributed over 500 000 plants throughout the colony.

I said there were two major figures involved with the gardens in Melbourne. The second was William Guilfoyle, who probably comes to mind when one visits the Melbourne gardens today. He had a totally different approach to that of von Mueller, but it is important to understand that von Mueller set up the herbarium and with his botanical background formed the basis of what the world-renowned herbarium has

become. Guilfoyle had a different approach, and the book states at page 67:

Guilfoyle had three methods to achieve the garden design he wanted. He transplanted trees to specific points where they would act as a framework to the design; he replaced narrow paths with broad sweeping walks that would allow lawns to be planted with groupings of plants; and he cleared and beautified the lagoon to make it the real focus of the gardens.

By the time Guilfoyle retired some 36 years after becoming director, there was not one vestige of von Mueller's garden left.

Baron von Mueller had put all his time and effort into establishing the gardens as he envisaged them; then during the next 36 years Guilfoyle changed them. We can see Guilfoyle's legacy today as we wander through the Royal Botanic Gardens in Melbourne. That does not mean we ignore the enormous amount of work that Baron von Mueller put into the gardens or do not give him true recognition for the work he put into the herbarium.

It is interesting to reflect on what the herbarium has achieved. Staff members are propagating a rare Australian orchid species and conducting research into whether these orchids can continue to grow in their native habitats. They are also developing tissue culture of banksias in particular for the cut-flower market. They are going to help to develop that area. They are trialling new propagating techniques to assist commercial growing of Australian ferns. Also within the flavour of this bill — and I think this is a very interesting advertisement for where the botanic gardens are going — they are looking into promoting education and knowledge of the gardens. This is a very good example of that.

The herbarium is also encouraging the regrowth of an almost extinct grevillea from Anglesea. Staff members are doing this by encouraging root suckers. More importantly they are studying salt-tolerant Australian grasses for agricultural production. So when we drive past the building in Birdwood Avenue and see how attractive it is, we know that this is what is being undertaken by the excellent staff members who work there. Once again I remind members that the herbarium is recognised world wide, and it has achieved that by building on what our forefather, Ferdinand von Mueller, did.

There are many innovations in today's Royal Botanic Gardens, and one of those is the water conservation garden. We have just been through a major drought, and it is important to visit this garden to see the species that have been planted — varieties that you and I can identify and put in our own gardens to save water. They

demonstrate water-saving principles by showcasing drought-resistant plants. Domestic sprinklers are used to demonstrate how best to use sprinklers in our own gardens. This is a very good example of how the botanic gardens are using the gardens as an educative tool.

Another initiative is the Ian Potter Foundation children's garden, which is being developed at the moment. I commend the Ian Potter Foundation for some more excellent work. This garden will encourage children to come and experience what gardens are all about. They can learn to dig, to create, to climb and to explore. If you drive past and have a look you will see that it is colourful, exciting and welcoming. The Royal Botanic Gardens are to be commended for encouraging this type of project and for encouraging younger children to be part of the gardens and to enjoy them.

We should also look at the area around the Old Melbourne Observatory in the gardens which under the Kennett government was enhanced and beautified. I encourage all honourable members to visit our electorate. They should go to the excellent cafe and visitors centre at the Royal Botanic Gardens for a very pleasant Sunday morning brunch, as many Melburnians and indeed Victorians do on a regular basis.

Our Royal Botanic Gardens are something we can be very proud of. I am pleased to see this bill introduced into the Parliament, because it gives us an opportunity to laud our botanic gardens in Melbourne and in Cranbourne. I am pleased to say that the Liberal Party does not oppose this bill.

**Hon. P. R. HALL** (Gippsland) — I am pleased to report this afternoon that the National Party will also be supporting the Royal Botanic Gardens (Amendment) Bill. It should come as no surprise to members of the house that the National Party is supporting this bill because members in our party have a very strong love of gardens and gardening. Indeed, some of our members would claim to have some of the biggest and best gardens in country Victoria. Mr Bishop brags about his barley garden at Waitchie! Quite a few of our members are strictly into gardening. Our interest extends not only to personal gardening but to public gardens that are located in most of our country towns around Victoria. They are presented very proudly and have become places of interest for visitors.

This bill is about the Royal Botanic Gardens, and our appreciation of gardening is extended to the Royal Botanic Gardens. Most weeks when Parliament sits I try and make a point of taking a bit of exercise during the dinner break. Invariably that takes me around the

circumference of the gardens. I see the area the Honourable Andrea Coote spoke about when I visit her electorate as I run around the tan and look in on the garden shop and the excellent cafeteria facilities as I make my way around the gardens.

One of the most impressive corners of the Royal Botanic Gardens in South Yarra is the vegetable garden. I do not know whether the Honourable Andrea Coote has had a look at this garden at the back of the cafeteria in the visitors centre, but it is a magnificently laid out vegetable garden. My wife got some ideas from that garden which I have had to duplicate at my own residence. If you want to see a vegetable garden established at its very best, then visit the visitors information centre, and at the back of the eating area you will find a working vegetable garden that is extremely well laid out.

As the Honourable Andrea Coote said, we owe a lot to the first two directors of the Royal Botanic Gardens: Baron Ferdinand von Mueller, and his successor in 1873, William Guilfoyle. As Mrs Coote commented, during Guilfoyle's 36 years he redid almost all of the work performed by Baron von Mueller. Once again I could not help but reflect on some of the gardens I have been involved in redoing. Our gardens over the years have changed many times, and I have been through that exercise in a much more limited way when I have totally reorganised my garden. But I must admit I enjoy it; a bit of personal gardening is a valuable and important pastime that most Victorians enjoy.

The Royal Botanic Gardens in South Yarra are well known to most Victorians. Less well known are the Royal Botanic Gardens in Cranbourne. I have to admit to not having visited those gardens.

**Hon. R. H. Bowden** — Shame on you!

**Hon. P. R. HALL** — It is a shame on me! I was at a garden expo in Drouin just two weekends ago. I went with my wife and picked up this brochure on display there about the Royal Botanic Gardens, Cranbourne. It states that the Royal Botanic Gardens, Cranbourne, were:

Established in 1970 to study, conserve and display a diversity of Australian plants, the gardens offer 363 hectares of natural Australian bushland ...

And that on display is:

... some of Melbourne's best remnant indigenous vegetation. These expansive natural gardens are home to thriving bird and animal life, including several rare and endangered species.

The Cranbourne gardens are on my list of places to visit in the very near future, because I feel somewhat guilty that I have not already visited them.

I will comment on some of the particular provisions contained within the amendment bill we are debating this afternoon. Firstly, clauses 4 and 5 add biodiversity research and biodiversity conservation to the objectives and functions of the board. It is quite appropriate that those objectives and functions be included. I believe they run in parallel with the existing objectives and functions.

Clause 7 of the bill is the next major component, and that is to do with licensing powers of the board. At the moment the board has the power to issue licences for a period of up to five years. The amendment contained in clause 7 extends that for a period of up to 10 years. During the briefing on this bill I inquired as to what licences are issued by the board. I thought there would be a licence to run a kiosk or things of that nature, but I understand that those facilities are leased.

The licences pertain to more special events like the Moonlight Cinema. Also I believe an astronomical society has a licence to do certain things at certain times within the garden grounds. As has been mentioned by the previous speaker, having the period of a licence extended to 10 years provides greater certainty for the investment some of these licensees will be able to undertake, so we acknowledge the need for this amendment, and we certainly support it.

Clause 8 relates specifically to the Royal Botanic Gardens, Cranbourne. The provisions in the bill enable the board to lease land at Cranbourne for the purposes of establishing a private nursery to sell plants. National Party members have been informed that this will be done sympathetically with the type of vegetation that is grown at the Royal Botanic Gardens, Cranbourne. Also we are told that this will be strictly limited to a total area of no more than 10 hectares. Given the Royal Botanic Gardens, Cranbourne, is an area of some 363 hectares we do not believe that 10 hectares is an unnecessary take of important land within that reserved area. Once again, the National Party sees this as a sensible provision that is quite in order.

Clause 10 deals with authorised officers. It gives them additional powers to require people to give their names and addresses if they are caught committing or suspected of committing an offence of some sort. That too is a sensible provision. If we are to have authorised officers, then they should have the powers necessary to undertake their jobs. The power to require people to give their names and addresses does not seem onerous.

Clauses 12 and 13 relate to the chairperson and deputy chairperson of the board. The clause simply aligns those positions to the terms of membership of the board and enables the elected chairperson to serve in a position until the end of their term. The same applies to the deputy chairperson. Once again, this is a commonsense provision.

Clause 15, the last in the bill, relates to the insertion of a new schedule to the act. There is some variance to the current schedule in the act. At the briefing I inquired as to why there is a variance to the current schedule, and I was told that the new schedule consolidates the land that has already been managed under the existing section 60 of the act. The clause formalises those areas that have been managed into the total area described as the Royal Botanic Gardens, Cranbourne.

It is a fairly simple bill, but there are some important measures in it. Importantly, the bill gives us an opportunity to promote the Royal Botanic Gardens, Cranbourne. As I said, my wife and I will be in one of the next groups of visitors to the gardens. I look forward to that visit. With those few words I again indicate that the National Party is only too pleased to support this bill.

**Hon. Bill Forwood** — Talk about Geelong!

**Mrs CARBINES** (Geelong) — I will! I am very pleased to rise in the house tonight to speak about the Royal Botanic Gardens (Amendment) Bill. Indeed we have heard from two honourable members already about the wonderful role the Royal Botanic Gardens play in Melbourne and the absolute joy that visitors have in visiting both sites — in South Yarra and Cranbourne.

The Royal Botanic Gardens are home to some 56 000 individual plants, representing over 12 000 different species. The gardens have been a feature of our capital city for a very long time, in fact since 1846, when land was first set aside on the southern bank of the Yarra for the gardens.

In my former life as a history teacher, in teaching Victorian history it was wonderful to think that our forefathers had the vision to set aside such magnificent tracts of land for the Royal Botanic Gardens. I am sure that, were they alive today, they would be absolutely delighted not only by the gardens themselves but by the high regard in which most Victorians hold those gardens.

I have some very fond memories of visiting the gardens over the years with my family, and I can truly attest to

the absolute delight that my family feels when we go to the gardens and see the wonders that are on show.

**Hon. Bill Forwood** — Do you feed the ducks?

**Mrs CARBINES** — We have fed the ducks! In fact I can remember a very special birthday I had at the botanic gardens when I fed the ducks. I am not sure whether you are allowed to do that now, but we did feed the ducks at one stage when my daughter was a toddler of about 18 months.

Like Mr Hall, I have not been to the Cranbourne gardens, but they sound fantastic. I had a look at the web site this afternoon, and I am very impressed by what is being attempted at the Cranbourne botanic gardens. Those gardens were established in the 1970s, and it is great to see that the concentration at those gardens is on Australian indigenous plants.

I have learnt that the Royal Botanic Gardens, Cranbourne, cover more than 300 hectares, and they have become a very important site for state flora and flora conservation. I have learnt also that more than 70 000 people visit the Cranbourne gardens each year.

Of course I cannot talk about botanic gardens without mentioning the Geelong Botanic Gardens. Although they are considerably smaller than the Royal Botanic Gardens at South Yarra, they are truly magnificent in themselves. They are historically associated with Geelong and contain many interesting and rare species. In recognition of the importance of the botanical gardens in Geelong, last year the City of Greater Geelong redeveloped the entrance to our botanical gardens in Eastern Park. I encourage all members when they are in Geelong to take the time to visit its botanical gardens, and especially not only the historical displays but the new and very attractive entrance.

Last year I was pleased to attend the opening of the entrance by the Governor, John Landy. We were very honoured to have him there. The entrance is very carefully and cleverly designed, and it features Australian indigenous plants. It has become an attraction of our city. It is certainly worth a visit.

As I said, I had a look at the Royal Botanic Gardens web site this afternoon. I was very impressed to read about the gardens. The web site is a very educative and useful resource not only for visitors but for people who want to find out more about the research that goes on at both sites.

It was pleasing to learn of the various activities that one can pursue when visiting the Royal Botanic Gardens — the guided walks and various activities, productions and

art exhibitions that take place there, as well as specific information about the various species of flora and fauna which choose to make their home in the Royal Botanic Gardens. I was very impressed with the information available on the site about water conservation and by the steps the Royal Botanic Gardens board is taking to manage the gardens sustainably, which must be a challenge in a period of such prolonged drought.

I was also interested to see that there was a whole web link dedicated to the flying fox issue and to learn of the actions the Royal Botanic Gardens board has taken to relocate the flying foxes — or the bats — to Ivanhoe. According to the site flying foxes have been visiting the gardens for over 100 years but have become a significant problem, as all honourable members would know, in the South Yarra location over the past few years. The site records that there were some 28 000 flying foxes residing in South Yarra — a very classy location to make their home! — last summer. Lots of attempts have been made to relocate them to Ivanhoe, I assume with some success because Mrs Coote advised the house this afternoon that they are no longer resident in South Yarra.

I note that earlier this year the flying foxes took up residence in the Treasury Gardens — I remember an interview on TV with John Brumby being overshadowed by some bats in the background. I can also attest to the fact that thousands have decided to make the smart move to Geelong. They have taken up residence in the Eastern Gardens. Unlike Melburnians, the people of Geelong have made their bats welcome. We are very pleased to check out the bats in the Eastern Gardens — they have had pages and pages of the *Geelong Advertiser* devoted to them — and they have become a tourist attraction in their own right. Thankfully we have managed to keep them out of our botanic gardens, but they are residing in the Eastern Gardens and in the gardens of some family homes. It will be interesting to see if they decide to stay in Geelong this summer.

The bill before us today seeks to amend the principal act to extend the functions of the Royal Botanic Gardens board to include research into conservation and biodiversity. It is very important that the principal act reflects that, because significant, important research is conducted by the Australian Research Centre for Urban Ecology, which is a division of the Royal Botanic Gardens. Currently the act does not reflect this role, and it is therefore appropriate that it be amended.

As we have heard already from previous speakers, visitors to the Royal Botanic Gardens can not only wonder at the various species on show but also take

part in activities, some of which have been detailed here tonight. Various productions take place in the gardens which attract many visitors. Looking at the web site this afternoon, I saw that a new production is about to commence in the gardens in November. It is called *Love, Death, Music and Plants* and is described as a musical infringement on the life of Baron Ferdinand von Mueller, who was the first director of the Royal Botanic Gardens. It sounds fascinating, and hopefully plenty of people will be going along to see that production. Of course we have heard tonight about the Moonlight Cinema and the wonderful *Wind in the Willows* productions that take place.

This bill seeks to amend the terms of licences for such productions and activities in the Royal Botanic Gardens from the current 5 years to 10 years. This will provide increased security for the licensees who wish to use the botanic gardens for their productions. It may also attract further appropriate uses to the Royal Botanic Gardens as well. That is the important part of this bill.

Earlier I talked about the Cranbourne Gardens. This bill seeks to change the name of the Cranbourne Gardens to the Royal Botanic Gardens, Cranbourne. This will clarify the status of these gardens and clearly establish the important link to the state's Royal Botanic Gardens in South Yarra.

The bill also removes the restriction that prevents the Royal Botanic Gardens board from leasing land to a private nursery. It is important to note that this clause relates to the Cranbourne site only and not to the South Yarra site. The second-reading speech clearly states that the site that will be made available at Cranbourne will be no more than 10 hectares of the more than 360-hectare site. This will allow the Royal Botanic Gardens board to generate income from the lease.

The bill also has another provision in relation to Cranbourne — that is, it seeks to include additional areas of land which currently make up the Cranbourne Gardens in the principal act so that it truly reflects the extent of these gardens.

I know from the serious damage that was done last year to the new entrance to our Geelong Botanic Gardens that not all visitors to the botanic gardens are truly respectful and appreciative of what is on display. This bill also seeks to extend provisions to authorised officers in the Royal Botanic Gardens at South Yarra and Cranbourne to request the name and address of anyone they suspect of committing an offence in the gardens. This power is important, because it will help officers protect the integrity of the gardens and assist in

the enforcement of regulations designed to protect the gardens.

Finally, the bill also aligns the terms of office of the chair and deputy chair of the Royal Botanic Gardens board with the members of that board, which is a commonsense provision.

This bill — and I was very pleased to have listened to the contributions of the opposition members tonight — has, I am also pleased to say, the support of all parties in the chamber. It will ensure that the Royal Botanic Gardens at both locations — South Yarra and Cranbourne — are well protected and managed not just for today but well into the future. The gardens, particularly in South Yarra, have served our state extremely well for over 150 years, and all Victorians can be rightfully proud of our world-renowned botanical gardens at both sites. With those few comments, I wish the bill a speedy passage.

**Hon. R. H. BOWDEN** (South Eastern) — I rise to make my contribution with enthusiasm this afternoon to help facilitate the passing in this house of the Royal Botanic Gardens (Amendment) Bill.

Like previous speakers, I admire and appreciate the great asset that we have in both of these locations — the Royal Botanic Gardens at South Yarra and also the annexe, which is located out at the Royal Botanic Gardens at Cranbourne.

Cranbourne is in my electorate, and it has been a part of the South Eastern Province from the time I was first elected in October 1992, so I have had a continuous exposure to the Cranbourne annexe of the gardens in particular. I will come back to talk about aspects of that later in my contribution.

I would like to mention the longstanding and highly developed asset at South Yarra. The Royal Botanic Gardens are appreciated: they are beautiful, they are large, and they are a green oasis in the sophisticated city of Melbourne. It is a tribute to the farsightedness of the early planners and citizens of Melbourne that this wonderful part of Melbourne at South Yarra was set aside and kept as a large acreage so that it could be, over a long period of time, developed constantly into the beautiful and mature facility that we enjoy today. When we think about the benefits of a facility such as the botanic gardens, as we are blessed to have, it really requires a multigenerational thought process — that we enjoy today, in 2003, what was done in the 1840s and 1850s.

I believe that as Melbourne grew through the 1850s, in particular, and the 1860s it would have been possible

but for the farsightedness of the people at that time to have lost a lot of the area for development and to have had pieces of land carved off. Were it not for the farsightedness of our forbears we would not have the wonderful gardens facility we have today.

Even though the gardens were established in 1846 in South Yarra they have survived — and they have survived intact. We have many and diverse very valuable and enjoyable aspects of the Royal Botanic Gardens at South Yarra. It is one of only six royal botanic gardens in the world. It is considered to be and respected around the world as a notable and very professional facility. We can all be proud of the way in which the Royal Botanic Gardens are managed and of how we received them from past generations. We must keep in mind that it is our duty as a state and as citizens of Victoria to pass the Royal Botanic Gardens on to succeeding generations in the best possible care that we can.

I am very pleased that this bill facilitates and modernises the commercial management of some aspects of the gardens. It facilitates the natural events that have to take place, and it contains a clause that enables the granting of licences to provide the infrastructure and capital equipment for movies, plays and light shows on summer evenings in particular, so that people can enjoy the South Yarra gardens. I am very pleased to support that enabling through the provisions in this bill.

As I said earlier in my contribution, I would like to make some comments about the Royal Botanic Gardens at Cranbourne. I still enjoy the privilege of having the Royal Botanic Gardens at Cranbourne as part of the electorate I represent. One of the early initiations I had into politics was the issue at that time — and it raised itself late in 1992 — of the possibility of a multi-lane highway carving through the top third of the Cranbourne gardens annexe. I can clearly recall the discussions and the pressure that was applied to me as one of the local members to facilitate the construction of that road — but I did not and I will not ever do that.

I can clearly recall the bitterness, the angst and the pressure that was applied to me by several members of Parliament and others to get my support for the building of that road through the gardens, but I would not lend my support. I had a very difficult time in the years 1993 to 1996 on that particular issue, and I am very strong in my view that it was appalling that several MPs tried to force that road through and how they tried to pressure me, in particular, to agree to its construction. I would

not do it then, I will not do it today, and I will not do it in the future.

I would like to pay tribute to Dame Elisabeth Murdoch and also to Dr Phillip Moors who were wonderful allies then as I held out and fought very strongly against the building of that road.

**Sitting suspended 6.30 p.m. until 8.02 p.m.**

**Hon. R. H. BOWDEN** — Before we broke for dinner I was beginning to mention some of the extraordinary and wonderful contributions made by several individuals to protect the Royal Botanic Gardens Cranbourne annexe from the scourge in the early 1990s of a multilane road going through the top third of the gardens. Between 1992 and 1996 this was a major issue in the area.

I would like to recognise the wonderful help and assistance of Dame Elisabeth Murdoch; Dr Philip Moors, then and currently the director of the Royal Botanic Gardens; Mr Don and Mrs Lyn Jewell, friends of the botanic gardens; and many other local people who worked hard to make sure that that multilane road did not irretrievably destroy the Royal Botanic Gardens. It was a very difficult time, and most residents of the area will recall that as a big issue. Fortunately, it was decided ultimately that the road would not be built. I am very pleased to see that the Royal Botanic Gardens are safe for the long-term future.

The Royal Botanic Gardens Cranbourne annexe is, amongst other things, a very specialised campus for the long-term protection of the biodiversity and presentation of Australian flora. We have found over several years that much of our native fauna is threatened. It is wonderful that the long-term prospects of the Australian flora and fauna in the Cranbourne area are assured through the careful and professional management of the Royal Botanic Gardens at Cranbourne.

I refer honourable members to clause 3(2), which provides that:

The Governor in Council, by Order published in the Government Gazette, may add an area of Crown land to or remove an area of Crown land from the Crown land shown in Part 2 of Schedule 1 or alter an area of Crown land shown in Part 2 of Schedule 1.

It is good that that will be subject to ministerial and Governor in Council control, but when the intense development that is well established in the Cranbourne area in the north to the north-west reaches the east and south of Cranbourne there could be pressures on the

land occupied by the Royal Botanic Gardens at Cranbourne.

I am very disappointed indeed that the government did not choose to accept the amendment proposed in the other place by the opposition. The purpose of that amendment was to further protect the current borders of the Royal Botanic Gardens. Any addition is welcome, but as the population in the Cranbourne area grows and pressure is applied, it is an inescapable fact that there could be attempts to nibble away at or take substantial parts of the Royal Botanic Gardens. I know that several people consider the existing mechanisms to be quite adequate. Unfortunately, as a veteran of the last war on Ballarto Road, I do not share their optimism. I would like any mechanism or proposal to divest any area of land to require the concurrence of both houses of Parliament.

The reason is that there will be huge population pressure on approximately 1000 acres in Cranbourne. The gardens are close to Cranbourne town, and in the future inevitably large residential areas will be located there. Given the need for a multigenerational approach, I would not like to see the gardens subject to an attack as they were in the 1990s. It is possible under the present arrangements, as covered by clause 3, for minor border changes or divestments to be handled. I would not like to see what happened in the 1990s revisited on the Royal Botanic Gardens at Cranbourne. As I said, it is a pity the opposition's proposed amendment was not accepted. It would have created another level and made it harder to divest land and divert that wonderful area from the existing boundaries of the Royal Botanic Gardens.

The other aspects of the bill are quite good. The provisions enabling authorised officers to obtain the names and addresses of people who are reasonably suspected of doing the wrong thing and committing offences of a defined nature at the gardens are supportable.

I suggest that the gardens are something that we must cherish and value. To my mind the real benefit of the Royal Botanic Gardens at Cranbourne will not be available for anyone in this house to see. It is likely that the true beauty of what is being planned and is envisaged at the Cranbourne complex will become apparent 50 to 100 years from now. Unfortunately, none of us will be able to see it, but now is the time the decision has to be made to protect the boundaries. We must understand that we hold that land in trust for future generations even beyond 100 years from now when the suburb and town of Cranbourne is much larger and totally different from what it is today. Just as

the Royal Botanic Gardens at South Yarra are an acknowledged icon for Melbourne, the Royal Botanic Gardens at Cranbourne will also be something we have left for people to be proud of at that time.

The bill is an important step on the way to making sure that not only are the Royal Botanic Gardens campuses in toto magnificent and wonderful but that they will increasingly be seen to be so. I am very pleased to assist the passage of this bill.

**Hon. J. G. HILTON** (Western Port) — I am very happy to speak this evening on the Royal Botanic Gardens (Amendment) Bill. I am very pleased to follow the Honourable Ron Bowden as well. In the time I have been a member of this house I have heard him speak many times about roads, and I think this is the very first time he has spoken about an occasion when he did not want a road to actually go through! Usually when Mr Bowden is speaking on roads it is either about having an intersection or a roundabout or both, so I am pleased that there is a sensitive side to him, and I congratulate him for that.

This is a short bill, and as it is unopposed I do not intend to take up too much of the time of the house. It essentially has four purposes. Through the amendment of the original Royal Botanic Gardens Act 1991 it will facilitate the Royal Botanic Gardens work in biodiversity research and conservation. It will improve the licensing and leasing powers, make further provision for the amended powers of authorised officers and the terms of appointment of board members, and make some other more minor amendments.

As the Minister for Environment in the other place said in his second-reading speech, the Royal Botanic Gardens are one of our greatest assets, and I make the observation that we in Victoria maybe do not make as much as we could of those assets.

Some members may be aware of the Butchart Gardens in another Victoria — on Vancouver Island in Canada. They are indeed spectacular and world famous, but I believe our gardens are just as stunning, albeit in a different way. Indeed, as has already been mentioned, the Royal Botanic Gardens in Melbourne are one of only six royal botanic gardens in the world.

I share the responsibility with Ron Bowden of representing the province that encompasses the Royal Botanic Gardens, Cranbourne. I would just like to read into *Hansard*, because I think it is quite interesting, the history of those gardens. The gardens were established in 1970 and are dedicated to the conservation, display and enjoyment of Australian flora. For many thousands

of years the land was and still is the ancestral home of the Boonerwurrung people. The ancient wetlands used by the Boonerwurrung still exist within the Cranbourne gardens.

The Cranbourne area was settled by Europeans in the 1830s. The gardens were grazed by cattle from the 1840s. During this time all but the wettest and least fertile sandy areas were cleared. This included regular and deliberate burning of grazed areas to promote the growth of pasture, and tree clearing for timber and other purposes.

In the early 1960s the Royal Botanic Gardens, in association with the Maud Gibson Trust — a benefactor of the Royal Botanic Gardens — became convinced of the need to develop an Australian native plant annexe. It was recognised that the Royal Botanic Gardens in Melbourne were unsuited to the purpose of the cultivation of Australian native plants due to lack of space and suboptimal soils. In 1961 the site of 174 hectares which was being used for a military reserve, sand mining and grazing was identified as having the appropriate attributes.

The gardens opened to the public in 1989 for passive recreation, with a picnic area and walking trails provided through the indigenous heathland vegetation. Between 1970 and 1995 the Royal Botanic Gardens acquired additional land surrounding the original purchase, including former grazing areas and a grassy woodland to the south. This added valuable clay loam soils and provided a greater diversity of habitats for the long-term development of the Cranbourne site. The gardens now encompass an area of 363 hectares, which is almost 1000 acres, and have over 70 000 visitors a year.

I would certainly encourage members who have not visited the gardens to go and have a look. They are a really remarkable feature and are well worth a visit. I have been on a couple of occasions. To go through such gardens in what is really suburbia is absolutely stunning.

The area now contains about 25 species of flora and fauna which are recognised as threatened and there will also be a new garden, the Australian Garden, which is due to open in 2005. Indeed, the Minister for Environment will be celebrating the commencement of the construction works for the new garden on Thursday, 13 November.

Specifically this bill addresses the research and conservation work currently taken on by the Royal Botanic Gardens. It is acknowledged that plants need to

be managed in the context of complex natural systems rather than in isolation, and part of the bill's objective is to make sure that the Royal Botanic Gardens research activities are encouraged and facilitated.

Another clause makes a change in the period for which a licence can be granted from 5 years to 10 years. As has been said by other speakers, this is to create more certainty for the holders of those licences. Indeed, I understand the Astronomical Society of Melbourne uses the Old Melbourne Observatory for its meetings.

Another clause enables the botanic gardens at Cranbourne to lease some other land where the lessee proposes to conduct the business of a plant nursery. At the present time it is not considered clear that although the board is prevented from engaging in the business of selling plants in its own right, it does have the option of leasing land to another party for the purpose of running a plant business. This bill will clarify that situation.

It should be noted, as I think previous speakers acknowledged, that only 10 hectares of the total 363 hectares of this land will be used for that purpose, and that land which will be used is not considered to have any major conservation significance. The purpose behind this clause is to enable the Royal Botanic Gardens, Cranbourne, to generate some income, which can then be used for the continuation of its conservation work.

As I indicated at the beginning of my remarks, this is a short bill. It has had bipartisan support, and I believe it is a very useful bill for the continuation of one of our great natural treasures. This is a good bill, and I am pleased to support it. I wish it a speedy passage through the house.

**Mr SCHEFFER** (Monash) — I speak in support of the Royal Botanic Gardens (Amendment) Bill. Previous speakers have already remarked on the great value of the Royal Botanic Gardens, and in his second-reading speech the Minister for Environment noted that our gardens are very special and have global significance. It is important to remember that our botanic gardens, fine as they are, are not unique. They are one example of a great tradition of scientific and cultural parks that can be found right around the world. And they arise from a very particular set of historical circumstances.

Some members may have visited the Bogor Botanic Gardens, for example. If they have they will know that those gardens, just south of Jakarta, cover an area of 87 acres — more than twice the size of ours — and carry a collection of some 15 000 native plants and foreign species. That is also a considerably greater

number than we have here in Melbourne. The Bogor gardens also have a herbarium, and they have branch gardens all over Indonesia.

Interestingly enough, the Bogor gardens share a history with those in Melbourne. Both were established by the English and are in the tradition of London's Royal Botanic Gardens at Kew. Joseph Banks was involved in the development of the Kew gardens, and Stamford Raffles employed landscape gardeners from Kew to establish the gardens in Bogor. The Kew gardens follow a long tradition that goes right back to the Italian Renaissance gardens of Padua, Pisa and Florence, and their collections of plants also had a medicinal purpose. Botanical gardens are a product of the history of expanding empires and of colonial exploration. Seeds and plants from all over the world are assembled in these great gardens for analysis and classification. This scientific purpose was and is linked to an aesthetic purpose. Invariably botanic gardens are public places of great formal beauty. Our Royal Botanic Gardens are a fine example of both these impulses.

As everybody knows, the Royal Botanic Gardens were established in 1846 by Governor La Trobe, and they owe their grandeur of design to William Guilfoyle and their scientific foundation to Ferdinand von Mueller, who was appointed director of the gardens in 1857. Von Mueller, who established the herbarium, is buried in the St Kilda Cemetery, which is in Monash Province. The Honourable Andrea Coote and I continue to share these great things in our province.

The botanic gardens today display some 56 000 individual plants representing some 12 000 different species from all over the world. The herbarium houses the unique state botanical collection of over 1 million dried specimens of plants, fungi and algae from this country and around the world. The herbarium is renowned for its research into plant systematics and taxonomy and conducts significant research into horticulture and biodiversity.

A very considerable achievement of the gardens is the web site, which other speakers have not mentioned. It is both a simple tourist guide for a person who intends to visit the gardens for recreational purposes and a resource for the more inquisitive who may want to know about the historical development of the gardens, the collections, the specimens and how they are classified, the research projects undertaken, DNA sequencing and conservation and biodiversity, as well as information on the buildings, the library and databases and the services provided. There are comprehensive illustrations and diagrams on all manner of things — and extraordinary stuff on mycology. I

spent quite a while looking at the site, which I found extremely interesting.

The web site states that one of the fundamental roles of the Royal Botanic Gardens is furthering knowledge about, and fostering the conservation of, Australia's plant biodiversity, through research and conservation throughout Victoria. The web site goes a long way towards fulfilling one of the important objectives of the Royal Botanic Gardens Act 1991 — to increase public knowledge and awareness of plants and plant communities. The gardens are a great treasure to the state.

Besides the herbarium, the Royal Botanic Gardens Board also administers the Australian Research Centre for Urban Ecology, whose job is to advance the study of ecology and the restoration and management of isolated natural habitats within urban areas so as to conserve biodiversity. The centre is located at the University of Melbourne and collaborates with the South Yarra and Cranbourne sites and with the Department of Sustainability and Environment.

In 1970, 363 hectares was set aside in Cranbourne for the development of gardens to preserve significant remnant vegetation. In his second-reading speech the minister referred to the establishment of the Australian garden that will open in 2005 and will showcase the diversity of flora from all over the continent. I suspect that the minister is correct when he says that the gardens in Cranbourne are less familiar to most Victorians. I have not visited them yet, but Mr Hilton tells me that that is something I should do very soon, and I will. Turning to the bill —

**Hon. B. W. Bishop** — What about the bats?

**Mr SCHEFFER** — I have not mentioned the bats; the Honourable Andrea Coote took that responsibility off my shoulders.

The bill's purposes are to make further provision for licensing and leasing sections of the gardens, to adjust the term of appointment of board members and to strengthen the powers of authorised officers to ensure that appropriate action can be taken against persons who commit offences within the boundary of the gardens. The bill also adds a new objective to the act — to conduct research into biodiversity. That is necessary if we are to conserve natural systems. It is critical that we know how plants function in complex, interactive systems. It is not enough to understand them in isolation.

The work of the Royal Botanic Gardens in biodiversity research has grown in recent years, and considerable

effort is now put into increasing public knowledge of plants and how they interact with each other. I have already referred to the contribution the web site makes in fostering that awareness.

The bill also amends the 1991 act by permitting the board to issue leases for private plant nurseries to sell plants on a commercial basis and permitting the maximum term of a licence to be extended from the current 5 years to 10 years. The purpose of extending the current maximum licence term is to make such a licence more attractive to businesses and community organisations. I understand private operators who use the gardens can be up for significant amounts if they are to minimise the damage to the gardens themselves and ensure public safety. I am advised that the outdoor cinema, for example, would incur significant costs if it were to invest in underground cabling. It would cause damage to the park and involve higher costs. A longer licence period would make such an investment more attractive and would be of benefit to the many people who view the Moonlight Cinema.

One does not readily give much thought to the number of businesses that operate in the gardens, because they tend to operate seamlessly and unobtrusively, but there are a few. Besides the outdoor cinema there is the Astronomical Society of Victoria, which uses the telescope houses and has rooms in the old observatory building. There is the Friends of the Royal Botanic Gardens, which has been mentioned, and it occupies the gate lodge. Then there is the live theatre which has also been mentioned and which produced the annual *Midsummer Night's Dream* for many years. I do not know if it still does.

**Hon. J. M. McQuilten** — It does.

**Mr SCHEFFER** — It does, every year; thank you. And there are the tearooms and the new observatory cafe, which impact positively on the amenity of the park.

Insofar as the Cranbourne site is concerned, the bill enables the board, with Governor in Council approval, to lease part of the site for a plant nursery. This is intended to raise revenue for the Cranbourne gardens. The maximum area that can be leased is 10 hectares, and the maximum period, as I said earlier, is 21 years. The area intended for lease is previously cleared land and is said to have little or no conservation significance.

The last matter concerns the extension of the power of authorised officers to request the names of people in the gardens who the officer thinks have committed an offence. The collections in the gardens at the South

Yarra and Cranbourne sites are of enormous scientific and historical significance, and no effort should be spared to ensure that they are protected. Authorised officers should be given appropriate power so that they can issue penalties to individuals who destroy or damage the plants and animals in the parks or who light fires or use the lake for fishing. The Royal Botanic Gardens are too precious to risk in that way. I commend the bill to the house.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Ms BROAD** (Minister for Local Government) —  
By leave, I move:

That the bill be now read a third time.

In doing so I thank members for their wide-ranging contributions, including their observations about gardening. Many wondrous things were said.

**Motion agreed to.**

**Read third time.**

*Remaining stages*

**Passed remaining stages.**

## PORT SERVICES (PORT MANAGEMENT REFORM) BILL

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Ms BROAD (Minister for Local Government).**

## WATER LEGISLATION (AMENDMENT) BILL

*Second reading*

**Debate resumed from earlier this day; motion of Ms BROAD (Minister for Local Government).**

**Hon. E. G. STONEY** (Central Highlands) — I wish to say at the outset that the opposition will not be opposing this bill. Much of this bill reflects the ministerial statement which has been in the public domain for quite some time.

The main purpose of the bill is to introduce permanent water-saving plans and enable water authorities to implement these plans. The bill is really aimed towards the water authorities in Melbourne — namely, South East Water, Yarra Valley Water and City West Water. We all know these authorities are focusing on every way possible to save water, because we have had a very tough couple of years. It has been revealed that up to 10 per cent of water disappears never to be seen again through leaking infrastructure, the illegal use of water and people pinching water.

At the height of the drought the Melbourne storages dropped to 40.2 per cent, and they now stand at 55 per cent capacity, which is really only about the same level as it was last year, so I think we would all agree that we are not out of the woods yet.

The bill requires each retail authority to prepare a water-saving plan. Clause 6 of the bill states:

After section 170 of the Water Act 1989 insert —

“170A. Preparation and adoption of permanent water saving plan

- (1) An Authority must prepare a permanent water saving plan and submit that plan to the Minister for approval on or before the date specified by the Minister.

It is unclear how farmers who are connected to retail water authority outlets will fare with this proposed section. We must remember the enormous impact that the drought has had on farmers connected to retail outlets. Turf and vegetable growers were very concerned about how any future plans may impact on them. It is very important that these farmers' commercial and other special needs are considered as these permanent water-saving plans are developed.

A large part of the second-reading speech was devoted to the illegal taking of water. The minister said:

The water authorities will continue to have responsibility for ensuring that no-one takes water including surface and groundwater to which they are not entitled. A person who steals water, for example, by tampering with a meter so as to benefit from an increased flow above an entitlement or to avoid paying for the use of the water, will now face a stiffer maximum penalty, a penalty that better reflects the seriousness of those offences.

I note that the penalties for the illegal taking of water have increased dramatically. The penalty for the unauthorised use of water has trebled from \$2000 to \$6000 for the first offence and from \$4000 to \$12 000 for subsequent offences. It brings to light that the penalties may be extreme, especially for a farmer who may have inadvertently or unknowingly taken water in

an emergency. That provision is too extreme and may have to be revisited in the future.

There are many ways to pinch water. People from up Swan Hill way would know lots of ways farmers have pinched water in the past.

**Hon. B. W. Bishop** interjected.

**Hon. E. G. STONEY** — I am going to expand on this in a minute, Mr Bishop. I know amateur plumbers in Melbourne use various ingenious ways to bypass the meters. We have all seen photos of the illegal tapping of water mains — perhaps to grow a bit of hooch in the lounge room or a garden bed, and some small businesses have gotten very cheap water over the years!

Of the past irrigation practices I know of, my favourite one is quite legendary and was told to me by a very dear friend of mine who is an irrigator. He said, ‘You get a dead tortoise and you jam it under the waterwheel. The waterwheel stops but the water flows past, and if the bailiff comes along you just claim it as an act of God. There was a bit of a cat-and-mouse game with the water bailiff in times gone by, but I suspect those days have passed, because it has become a very serious business. Water is a serious issue, and the illegal taking of water has become the thing not to do.

Things have changed a lot. There are other ways of taking water such as using a plastic pipe over a bank and a couple of shovelfuls out of the irrigation channel so the water flows down, and there are many others. But we have moved on from those days.

**Ms Mikakos** interjected.

**Hon. E. G. STONEY** — I can assure the member that they are not just legends, they are facts. We have moved on from those days, and I am sure the irrigators today are very conscious of how precious our water resource is. I do not think Victoria has properly addressed the ways to make savings, especially in irrigation areas. I know the irrigators think about it constantly, but I am not sure the authorities have put their hands in their pockets enough to upgrade the infrastructure. This matter will have to be looked at by us as a state and as a nation.

I acknowledge that the government has made a start, but I remind the house of the extravagant claims made when the Snowy River environmental flows were discussed. We were promised absolutely that all the water that went down the Snowy River would come from savings. Time and again in this place the minister promised that not one drop of water available for agriculture would be taken for the Snowy River, but we

are yet to see where savings will come from for the Snowy River. We are building up a large water debt connected with the Snowy River. There is a long way to go in that regard.

There is a difference of opinion about upgrading infrastructure. Last week Tim Flannery said that he doubted whether infrastructure upgrades were the way to go, about which I was surprised. He claimed that losses from most irrigation channels go straight back into the river so it does not matter if infrastructure is upgraded. Two days later a local environmentalist in the country told another group I was with that he thought water that is lost in the infrastructure is lost to the system, with which I tend to agree.

Concern has been expressed that there is not a firm and scientifically based view on that issue. It is most important that any such view is backed by good science that can stand scrutiny and should be followed. I know California has made enormous gains in improving infrastructure to minimise water losses. I know it is expensive. Many things can be done besides piping, which is probably the most expensive, such as half channels and polyliners. There are many other ways of improving infrastructure. Infrastructure needs to be markedly addressed, especially in sandy country.

I turn to the general issue of water for the Murray River. There are strong differing views on its health and some say it is dying. Many people who live and work on the river say it is in good shape and improving. The *Herald Sun* of 23 August under the heading 'Claims that the Murray River is dying are being challenged as a crucial meeting prepares to consider its future' lists the conventional wisdom that the Murray River is dying and reports:

But what if the official figures showed the exact opposite of the dying Murray story?

What if, in fact, the Murray was actually improving in health, and that it had been improving fairly consistently for 20 years?

According to a recent controversial study, that is exactly what they do show.

The article then refers to Dr Jennifer Marohasy and states:

... Marohasy shows that on every current scientific measure of river health — salinity, sediment and the nutrients which cause algae — the Murray is on the mend.

That important finding throws into doubt some of the findings from other groups that have convinced the population that the Murray River is dying. An alternate view put recently to Ms Lovell, the honourable member

for Benambra in another place, the Honourable Philip Davis and me when we visited Barmah by people who have been watching that river for 50 years — and their fathers before them — was that the Murray River is in better shape and is actually improving in health.

People claim that salinity is rising. Included in those are scientists from the CSIRO. Other eminent scientists are demonstrating that salinity is dropping, and the same article reports Jennifer Marohasy as saying:

In the case of salinity and sediment, there has been a dramatic improvement since peak levels in the early 1980s, with salt down 50 per cent at Morgan, a key measuring station in South Australia.

In fact, salt levels at Morgan are about the same as they were when the station first started taking daily readings in 1939.

That is an important article, and they are important findings by Dr Marohasy. We need to take heed of those findings to try to get to the truth about what is happening along the Murray River system and with water generally. I link those findings to the fact that we must make water savings not only in the city but in country areas. There is an inexorable link between looking after our rivers, making water savings and using water wisely. Somewhere in that process is the correct way to go.

I am concerned about how we will get the water. Some people say we should make substantial investment in infrastructure upgrades to gain savings. Some say, 'Don't worry. Buy the water on the water market'. One who says the latter is Tim Flannery, whom I respect, but I am concerned about his opinion. He thinks that the easiest solution is to buy water on the water market. That will bring great danger to the whole economy along the great Murray River.

**Hon. D. Koch** — Chequebook mentality!

**Hon. E. G. STONEY** — Chequebook mentality, Mr Koch, absolutely! There is a great danger that if the government goes into the water market that market will become skewed. There will be great danger if it goes into the market regularly year after year. Production will drop, and the production of towns along the river will slow. The whole exercise may not be based on legitimate science but on emotion and public perception developed by people who have not looked at good science to develop remedies for the Murray River. Scientists are not unanimous on future management. We are in great danger that governments will make wrong decisions and in the process do great damage to our economy and in turn to our environment.

The bill presents an opportunity to focus people on saving water. The government is spending millions of dollars on advertising and encouraging people to save water, but it appears that the advertising, in particular on television, is more an opportunity for the Premier to promote himself than to give solid information on how people should save water.

I note that government housing estates have been used in that process. I mentioned it in question time today, because I am interested in the cost savings of each litre of water in housing estates. When the minister does the figures that she said she would do today she might get a shock at how much saving a litre of water will cost. I wonder whether the money could be spent more efficiently in other areas. It is important that the legendary teenagers' 20-minute showers are reduced to 5 minutes, but to achieve that would be quite a feat. To achieve that you have to take both the teenagers and the community with you. If we do not get the community involved and if we do not take our young people with us in this process — —

**Hon. J. A. Vogels** — Didn't the previous minister suggest we shower together?

**Hon. E. G. STONEY** — We have moved on from that too, Mr Vogels.

We must take our teenagers with us in this process. We must explain to our young people just how important it is that they save water. It is a different era; Australia is a very, very dry continent; they are not making any more water; and there are more and more people here in Australia so we must do it differently, and we must do it better.

As I said, the opposition does not oppose this bill. It does have some serious concerns about some aspects of it, and possibly in a year or two we will be revisiting it in another Parliament.

**Hon. B. W. BISHOP** (North Western) — I rise to speak on behalf of the National Party on the Water Legislation (Amendment) Bill. I suspect that, as it should, the explanatory memorandum in respect of clause 1 points out exactly what this bill is about. That is:

... to introduce provisions for permanent water savings plans and increase the penalties for certain offences relating to the use of water, such as unauthorised use of water or interference with a water authority's property.

Clause 3 of the bill will allow the Victorian Civil and Administrative Tribunal (VCAT) to award damages in the nature of interest, and that interest will be set in

accordance with the Penalty Interest Rates Act 1983 or any lesser rate that pertains at the time.

Clause 4 stiffens the current penalties for unauthorised use of water under various sections of the Water Act 1989. I was going to refrain from discussing with my good friend Mr Stoney the incidence of borrowing water. I think the colloquial term was 'spragging the wheel'. I suspect that many years ago when waterwheels were not as efficient as they are now — these days the wheels are designed with very close tolerances — they may have allowed a small fish to become jammed in the wheel, or perhaps a stick could have inadvertently floated in and stopped it, but I think those practices are no longer in place. Certainly if an accident occurred with a fish or a stick floating into the wheel, I am sure the new designs used today would not let a lot of water through.

In this bill we are talking about quite strong measures that must be implemented to ensure that we can conserve water in Victoria and in Australia, and the measures outlined in clause 4 are quite strong. The maximum fine that may be imposed for a first offence is trebled from 20 penalty units to 60 penalty units and for a subsequent offence from 40 penalty units to 120 penalty units. The clause also provides for the doubling of the current penalty of imprisonment from 3 months for a first offence to 6 months, and from 6 months to 12 months for a subsequent offence. They are quite strong measures. Provision is also made for a further penalty for a continuing offence of 5 penalty units. The amendments provide for a cap on the maximum penalty for a continuing offence to be fixed at an additional 20 penalty units.

When I thought about the conserving of one of our most valuable assets, water, I thought about the pipelines that have been constructed in Victoria. The first big one is the northern Mallee pipeline, which is now virtually completed and soon is to be opened, as I understand it, by the Deputy Prime Minister, the Honourable John Anderson. I also understand that that opening may take place at Patchewollock, which is a wonderful place in the northern Mallee. That pipeline is a story of a cooperative and successful effort between the federal government, the state government and the farmers themselves. This innovative process has enabled quite substantial water savings to be achieved, and it has also given a great amount of certainty about their water supply to the towns and the farmers and their families in that area.

I cannot help then but move on and think about the next tranche in the piping of water in Victoria — that is, of course, finishing off the Wimmera–Mallee pipeline, a

project which has received quite a bit of media attention for some time. Now we find that plans are being drawn up and costings are getting tighter and much more definitive. As with many projects, we find that the estimate of costs may well be higher than was initially thought. This is a project that must go ahead; there is no choice in the decision in this case. This is a project that must be worked through, and worked through with cooperation between the federal and state governments and the land-holders, producers and families who live in that area. I am quite confident that we, as Victorians, can do that.

I call on the governments involved not to play politics with this issue. It should be above politics, and I hope and pray that it will remain above politics. That has not been the case in the past; there has been politicking going on in the run-up. It is far too important a project to have that happen to it. So I am sure we can work our way through that, but we must ensure that in the process governments do not load up the costs to farmers. That would not be accepted, would not be right and would not be sustainable in relation to our farming communities who would be involved in finishing off the piping of the Wimmera–Mallee area.

Clause 5 of the bill gives power to produce by-laws in relation to drought response plans, and of course they are pretty tough too. Those plans can put in place restrictions or prohibitions in relation to the use of water. As we have said, the penalties are lifted in relation to that, and it follows along the same penalties as were talked about in clause 4. Later on the bill clearly points out that water authorities can provide permanent water-saving plans. I join with my colleague the Honourable Graeme Stoney to make the point again that if those plans come to fruition the water authorities and those with the responsibility should take fine care that the rural users and farmers connected to those urban supplies are well catered for.

It is interesting how those plans can be put in place. The plans are drawn up, and the bill states that the minister needs to have a look at those plans. If satisfied the minister then can sign off on those plans and the water authorities must adopt them. It is interesting to note that in the whole process the minister may provide written directions which must be complied with by a water authority in preparing a plan or written guidelines to which a water authority must have regard. There are quite stringent rules in relation to that process.

Most importantly the process includes consulting with the community, and that is very important. Water authorities would be looking for the community to provide comments and submissions as that process

unfolds, but of course this is all done prior to the proposal for the plans going to the minister.

I also noted that the authorities must publish an outline of the proposals in the *Government Gazette*. I thought that was fairly interesting as I do not think the *Government Gazette* is one of the most-read publications around rural Victoria. But I also note that the outline of proposals must be advertised in a newspaper that circulates in the area. So I would urge very strongly that a newspaper or newspapers are chosen quite carefully to ensure that our local residents know all about the run-up to the water-saving plans. As we have said before, these plans could be quite stringent, and there are stringent rules where the minister can also require the authority to review the plan. The authority must stick to the intent of the plan that it has drawn up.

As I have said before, they are strong measures, but we in the National Party believe it is about time they came in. We have had about seven years of low rainfall in catchment areas for our dams, and this legislation is a good in that it will put some discipline into place that will flow across metropolitan areas as well as country areas.

In this house we have discussed the role of the Victorian Water Trust Advisory Council and the tasks it will have in reducing the per capita use of water in the metropolitan area and in cranking up the use of grey water in the metropolitan area. Certainly other water-saving targets will need to be addressed in relation to its tasks. When I think about that I think about the discipline and balance that is required. I also think of what has followed on from the cap that was applied to the Murray-Darling Basin. That took substantial work. There was also a lot of give and take throughout the area. The give was predominantly by irrigators, if I might say so, and they did that in good faith to ensure that that cap was there so that the Murray-Darling Basin and its rivers would remain healthy into the future.

It is interesting to look at the government's green paper on water, which says that agriculture uses 75 per cent of Victoria's water. That might be a true statistic, but it also goes on to say that urban use is only 8 per cent. The Nationals believe Victoria should look at things on a catchment-by-catchment basis. If you did that you would find that Melbourne uses over 70 per cent of water in the Yarra catchment. So it may be fairer to address the issues of water use and management by catchment area, which I am sure will happen in the future as all of these water management plans come to fruition.

Of course the Murray-Darling Basin cap was put in using the year 1993–94 as the base. If caps had been put on water usage in Melbourne and Geelong over the last couple of years you would look at the usage there and align the caps to the usage.

In the metropolitan area we must strongly address the reuse of water. We have to use every inch of technology we have and every resource to better use all of the water we have in the metropolitan area. I saw some statistics the other day that suggested regional Victoria manages to reuse 33 per cent of its water, and I think that is quite sound. A number of towns in North Western Province have used their stormwater very efficiently, and I commend them for that.

Getting back to the fact that we have had a pretty dry run for the last seven years, and tangled up in that was the worst drought we have had for probably 100 years, that has had a massive effect across all of Victoria — in our cities, our towns, our regional areas and in the agricultural sector as well.

Industries such as the grain and grazing industries will take years to recover from last year's drought. I am quite sure that the worst-affected industry was the dairy industry. It had a really tough run where it had little or no water to try and exist on, and on some occasions the stock had to go. Dairy farmers had good stock on their farms, but the stock had to go. It will be years and years before any recovery will be brought into place in those areas simply because it takes a long time to get back from that sort of a disaster. I guess it broke the hearts of many of our irrigators who had good dairy herds but who did not have the water to manage to keep going during those seasons.

I suppose in a way it is fair to say that when we had droughts in the past those in the irrigation industry did not do too badly. They could take advantage of the supply and demand situation that a drought drove in the dryland areas and produce products that could meet the market from time to time. But this time round it was different, because when the crunch came there was not enough water for the irrigation industry either.

As I have said, management of water in Victoria and Australia is a massive task. Ours is a huge continent and there is not a lot of water. Water management has evolved over time. I know my colleague the Honourable Graeme Stoney knows this gentleman well, and I would like to take the chance to place on record recognition for the work of Don Blackmore, who has been the chief executive officer of the Murray-Darling Basin Commission for some 14 years, if my memory serves me correctly. He has done a magnificent job in

guiding and managing what is a particularly volatile area in the Murray-Darling Basin and trying to get the right management processes in place.

Don Blackmore spent a lifetime in the water industry. I can remember him well as a young engineer in the Swan Hill area being out on our property and discussing even in those days putting in place the capacity to save water in the channels serving the Mallee. He has always been an innovator, and from the National Party's point of view we thank Don Blackmore for his efforts in relation to the water industry. We wish him well in what I suspect will not be a retirement. A person of his capacity and ability may well be busier than he is now, if that is possible.

When I think of Don Blackmore I think of the difficulty we have with managing our water. The farm dam debate we had in Parliament not that long ago proved how tough a time it is to put through reforms in relation to the management of our water.

We talk about evolution and how things happen; I think water has driven huge changes in this state. It has driven those changes through the transfer of water entitlements. People have the capacity now, broadly speaking, to shift water from one part of the river to another in an effort to maximise the return on production for each megalitre of water. We have seen places in Sunraysia — Robinvale, Mildura, Merbein, Red Cliffs and also Swan Hill — all expand substantially. A place like Boort has huge olive groves through the transfer of water entitlements process, and now Kerang is moving on as well. That has been a huge change in relation to the management of our water.

Of course those changes also bring challenges — I guess also opportunities, but certainly challenges — to supply the water. Whilst we have a cap on water being drawn from the rivers in the Murray-Darling Basin, and no more water is being used, the draw-down of water from the river comes at different times.

As water usage has shifted into the more productive areas of return — that is, into the horticultural sector with table grapes, wine grapes and other production such as olives, almonds and various other things — demand has shifted, particularly in relation to table grapes, wine grapes and dried fruit, with the pressure really on the river and the weir pools in that December–February period. It has shifted into that period from other months of the year when the water might have been used in other areas, such as in pasture. Managing the river and getting it right is a real challenge. How can we get the water through the Barmah choke, which has a limiting factor?

There are a number of suggestions: upgrading the New South Wales area channels to bring more water through; the Bunna Walsh option — an innovative option using the Goulburn River; and digging a channel with a door in it around the choke so you could manage the choke better. Desnagging the choke was a suggestion that came up at one stage; it brought on a huge uproar from conservationists around Australia, but it is an option. All of these things in the *Living Murray* document must be addressed so we can ensure sustainability for our irrigators into the future. Adding to that the fact that we have the government green paper on the deck as well, there is plenty of work for our communities, and plenty of community consulting to go before we reach a resolution in relation to water management.

What we are pleased to see in country Victoria is the much higher rate of participation and interest in the consultative program relating to the Living Murray program. In the early run of that it was very difficult to get communities to focus on this huge issue.

A conservation group known as the Wentworth group — which some of our people thought was so named because it first met on the junction of the rivers at Wentworth, but which was really formed in the Wentworth hotel in Sydney, which is a different aspect in relation to the discussion it is having on Victoria — got out in front on the debate, but now the debate is more balanced. We are pleased to see that and are very pleased to see that our communities have become much more involved in the debate on the Living Murray. Of course, as I said, now we have the government green paper on top of that Living Murray debate.

It has been good to find that in the Sunraysia area — in places such as Merbein, Red Cliffs and Robinvale — irrigator councils that can be advocates for irrigators have been formed in response to those demands. The First Mildura Irrigation Trust has its advocate group, which is called the FMIT action group. All of those groups are doing a great job in providing the capacity to advocate for their irrigators.

Some time ago the National Party did a run down the Murray River, from the Hume Dam to the river's mouth, to get a first-hand look. I would encourage anyone who wants to talk about water management in this state to do the same thing. It was an enlightening trip. We were able to meet with the minister in charge of water in South Australia at Goolwa and have a good discussion with him.

It was interesting for us to note how much stronger the community-owned irrigation authorities on the New

South Wales side were able to be in their advocacy for their irrigators than were the authorities on the Victorian side, which certainly are restricted in what they can say about the future policies and structures of the organisations that deliver water to those irrigators. We saw that very clearly.

We think it is an excellent idea to have these irrigator councils so they can advocate for their irrigators. Further to that, we have the water advisory committees under the authorities in Victoria, but they are not in a position to advocate as strongly on behalf of their irrigators as perhaps they would like to, because they have had to sign confidentiality agreements. Of course if the committees go out and advocate it is very difficult for them to go back to their authorities and ask for all the information they would hope to receive from them. Again the irrigator councils are an important part of the structure of advocacy for our irrigators. They have gone even further than that to ensure that they have a central body or a gathering point of information and, I would hope, policies for the future. We are delighted to see the formation of organisations such as the Sunraysia Central Council of Irrigators. It has certainly taken to that task very enthusiastically, and I was delighted to be able to attend the centralised group's first meeting and see that its members were prepared to take a wide view of the irrigation structures in Victoria, particularly in their area.

They were prepared to look at innovative structures such as the Central Irrigation Trust in South Australia, which has benefited, as have the community-owned irrigation structures over the river in New South Wales, from government injections of funds to upgrade their infrastructure, which then becomes community owned. It is great to see organisations like the Central Irrigation Trust with one board and, if I am right, nine autonomous regions under that. They manage that very well indeed. I am pleased to see that the central council is prepared to look at that issue.

There is much more we could say about water. We believe this is a good bill. It is a tough bill in some ways, but it certainly puts in place water management processes which are an evolving issue in Victoria and Australia, and this is part of a link in the chain. I conclude with the view that the National Party supports this bill. It is part of a process to better manage our water, which of course is our most valuable asset in this very dry continent of ours, Australia.

**Mrs CARBINES** (Geelong) — I am very pleased and proud to be speaking tonight on behalf of the government on the Water Legislation (Amendment) Bill. It is especially pleasing because this is yet another

example of the Bracks government's willingness to tackle one of the most confronting issues in Victoria today: how to manage our water supply sustainably, not just for our benefit but for the benefit of generations to come.

Water, as the members in this house have heard me say before, is of great importance to our state. It underpins our economic and social prosperity. It is very clear that following seven years of what I have been told is the worst drought on Victoria's record since white settlement — so that is the worst drought in over 200 years — we need to really look at how we manage our water in this state. As a government we have to face our obligation to do everything possible to maximise the availability of water for all Victorians.

We have already in this term passed a suite of legislation on water aimed at achieving our goal of managing our water supplies sustainably. We have enshrined the ownership of water authorities in public hands, which is very important, and we have also established the Victorian Water Trust, which is a major body that will invest in water infrastructure around the state and advise the government on where we can maximise our water infrastructure to bring about water savings.

In April this year the minister made a ministerial statement in the lower house called *Valuing Victoria's Water*, and it set out the government's agenda — a 10-year visionary plan to achieve the sustainability of water supplies in our state. Then two months ago the minister released the much-awaited green paper entitled *Securing Our Water Future*. This green paper is a very lengthy document. It looks at water issues across the state and outlines 80 recommendations aimed at changing the way Victorians use and manage our water supply.

We now have that green paper out for public consultation until the end of November. The Department of Sustainability and Environment is conducting forums around the state — across rural and regional Victoria and in metropolitan Melbourne — to discuss the proposals outlined in the green paper. I had the pleasant experience of attending the one in Geelong recently. It was very well attended. We had about 60 people there on a very wet, ironically, Friday afternoon in Geelong. There was certainly a lot of local interest in the proposals. Once the government receives the public submissions, the minister will then make recommendations in a white paper which will be released either late this year or early next year with the aim of framing legislation to put before the Parliament in the autumn sitting.

The bill before the house tonight is all about changing the mind-set of Victorians in relation to how they use and manage water. It sends a clear message that all Victorians have a role to play in how we manage water no matter where we live, and that we need to think about water in terms of conserving it.

I am very pleased as a member for Geelong Province to advise the house, as I have done before, that the genesis of this bill was an experience in my own electorate in Geelong well before Melbourne was on water restrictions. Geelong was on water restrictions for about three and a half years. We were suffering very badly well before Melburnians had to confront the fact that they had to face water restrictions. During that time — I think over three and a half years — the attitudes and practices of residents in the Geelong and Barwon regions towards their water supply changed dramatically, so that by the time we had sufficient water to lift the water restrictions there was a bit of a public outcry. I can remember people ringing my electorate office and saying, 'Why are you doing that? Why are you lifting the water restrictions? We actually think they make sense'.

Barwon Water, our local water authority, to its credit undertook 18 months of consultation with residents in the Barwon region to establish what level of water conservation measures would be acceptable to members of our community. Out of that, Barwon Water applied to the Minister for Water to ask him for his support, and indeed his permission, to introduce the state's first water conservation by-law. Our water conservation by-law, which has been in place since the beginning of February in the Geelong and Barwon regions, has I believe provided — and the minister made clear in his ministerial statement that he was impressed by the by-law — the ideas behind the bill that is before us tonight.

In Geelong we have banned the hosing of impervious surfaces, so you can no longer hose down your concrete path or hose out your garage; we have banned the use of sprinklers in the middle of the day — between 10.00 a.m. and 5.00 p.m.; and we have introduced the mandatory use of a trigger hose for car washing. These are eminently sensible, simple procedures that most people in Geelong accepted very readily. When they were brought in, the minister was widely applauded throughout the community and got a lot of coverage around the state for bringing in such a progressive policy. As I said, it has been very widely accepted in our community. Barwon Water advises me that, based on previous consumption, already these water conservation measures have saved our region 5 per cent

of our water supply, so the savings have been significant.

The ministerial statement made by the Minister for Water in April this year clearly outlined the government's intention to introduce such permanent water conservation measures in Melbourne in time for summer this year. We all know that nature has taken over and the drought has been such that we have had to introduce not only level 1 but now level 2 water restrictions in Melbourne. Obviously the level of water restrictions supersedes the water conservation measures at this time. The legislation will ensure that they will be ready to be put into operation once Melbourne is back on its normal water supply.

I am also interested to note that the bill will mean permanent water conservation measures are available not only for metropolitan Melbourne but also for other areas across the state. That is really important. This is not just a metropolitan Melbourne or Geelong issue; it is an issue for all Victorians. As I told the house earlier this year, I was horrified when I stopped at about 7 o'clock in the morning to get a coffee in Ballarat and saw someone hosing down a McDonalds driveway for about half an hour. It seemed ridiculous that that chap should be doing that. I thought, 'He certainly would not get away with that in Geelong'. The same conservation measures are not in place in Ballarat, so he was allowed to get away with it.

Earlier this year when I was at a community cabinet meeting in Mildura I met with several members of the Mildura community who told me that the drought was affecting their prosperity very harshly, and it was undermining the economic viability of their farms. On the way back to the airport I saw a woman hosing down her driveway; she was quite wildly waving the hose while hosing as much as she could of the concrete surface. I thought how ironic it was that I had been listening all day to community concerns about water, yet there was a member of that community obviously wasting water wantonly. This bill will allow other areas apart from metropolitan Melbourne to consult with their communities about the need to introduce permanent water-saving measures, which is a fantastic idea.

Water businesses will have to prepare water-saving plans to give to the minister for his approval by a specific date. These measures, as the Barwon Water experience shows, will really assist Victoria in conserving water and will help reduce water consumption across the state. In Melbourne they will help the government achieve its water-saving target of a 15 per cent reduction in drinking water use.

The bill also, as previous speakers have outlined, introduces very severe penalties for any breaches of water restrictions, water-saving measures, water conservation measures or drought plans. That is really appropriate. The penalties will be increased to adequately reflect the seriousness of any such breaches because they are purely and simply the theft of water. It is very important that the penalties reflect the seriousness of that crime.

The significant increases send a clear and serious message to all Victorians that the theft of water affects everybody in the state and seriously undermines everyone's access to water in Victoria. The bill also sensibly allows for the metropolitan licensees to appoint trained officers to undertake prosecution of alleged water theft.

This bill is all about changing the mind-set of Victorians in relation to the use of water. The government wants all Victorians to realise that no matter where they live, they have a role to play in water conservation, and they have a stake in conserving our water supply. We all have a part to play, no matter where we live.

I commend the Minister for Water in the other place on the magnificent work he is doing to tackle this most serious issue across the state. In my role as his parliamentary secretary I travel the state extensively, and wherever I go I get a lot of positive feedback about the Bracks government's initiatives and its preparedness to tackle this very serious issue, to try to manage water sustainably not just for Victorians who live here today but for the benefit of generations to come. With those few words, I commend the Water Legislation (Amendment) Bill to the house.

**Hon. D. KOCH** (Western) — It is a privilege to speak on the Water Legislation (Amendment) Bill. It is right to note the purposes of the bill, which are: to introduce permanent water-saving plans; regrettably, to treble penalties for unauthorised use of water or interfering with water authorities' property by bypassing water meters — rigging Dethridge wheels and other things, as earlier discussed; to introduce restrictions on water usage under drought response plans; to double the penalties for a breach of a water restriction introduced under a drought response plan; to provide the power for water authorities to introduce a permanent water-saving plan; and to give the Victorian Civil and Administrative Tribunal the authority to award damages by way of interest determined by the Penalty Interest Rates Act.

In opening my contribution I indicate that the Liberal Party has consulted very widely on this bill. Its members have spoken to the Victorian Farmers Federation, the South-eastern Vegetable Growers Association, all water authorities, the Australian Conservation Foundation, Environment Business Australia, the Environment Liaison Office, Environment Victoria, the Environment Protection Authority, Friends of the Earth, the Victorian Catchment Management Council, the Victorian Local Governance Association, and National Capital Management. Having done so, the Liberal Party opposition is certainly not opposed to the bill. All honourable members should support the spirit of the proposed legislation, but again I suggest that the devil is in the detail, especially in the area of penalties to which I will refer later.

The main thrust of the bill is to introduce permanent water-saving plans and to make provision for the three metropolitan water retailers, or licensees, to implement their water-saving plans. Importantly, those provisions will be introduced in parallel with the restrictions under the drought response plan.

There is always an unnecessary sting in the tail of this government's amendments, usually in the form of penalties for non-compliance. Again we see the trebling of penalties for unauthorised use of water or meddling with licensee equipment, and the doubling of penalties for breaches of water restrictions under the guidelines of the drought response plan. It would be very easy to make this a form of taxation by regulation, and that should probably give all members a bit of concern.

It is essential that the metropolitan community now becomes water conscious. Members of regional communities from a very early age are aware of water wastage. We who are brought up in that environment have it drummed into us as kids that we do not leave hoses on, we turn off dripping taps, and we do not wash cars in the summer. We do not have the opportunity to wash down concrete paths because we do not have them.

**Hon. J. A. Vogels** — We do not have footpaths, either.

**Hon. D. KOCH** — We do not have those concrete masses. As Mr Vogels says, there are not many footpaths in the bush. It was very important to hear from a member for Geelong Province, Mrs Carbines, about the restrictions and the actions that have been taken in some of our provincial cities over the past three or four years due to the rainfall patterns and regimes, with water catchments not receiving enough water to

offer those communities unlimited water use. The majority of people in provincial and metropolitan communities have always had the opportunity to turn on a tap and have water come out of it.

But there is a mind-set, and I think that mind-set is changing. I might add that that is not the first time in history this has taken place. Melbourne has been exposed to water shortages and restrictions over the past 100 years, which many of us forget.

Water consumption in Victoria over the last 120 years has fallen by approximately 16.5 per cent, from 455 litres a head to 380 litres a head. But the population movements are now outstripping our water storages. Melbourne has storage to meet the demand of slightly more than 3 million residents and their commercial needs. Melbourne's water supply is now currently servicing more than 4 million people. Storages are now staggering under this demand pressure, especially in years of limited run-off. Water catchment is determined by rainfall occurrence and its timeliness. Run-off into storage occurs only after storm and high rainfall events, and soil moisture saturation allows excess rainfall to run beyond the immediate vicinity of storm patterns.

Demand for lower water consumption is not new, as I mentioned earlier. Melbourne first faced water rationing in 1872 — 130 years ago — with all those residing south of the Yarra being able to use water only between midnight and 8.00 a.m. Nicholson Street was used as the dividing north-south line, and all those west of Nicholson Street had the opportunity to use water only from 8.00 a.m. to 4.00 p.m. The remaining 8 hours went to those east of Nicholson Street between 4.00 p.m. and midnight. Extremely heavy penalties were imposed, and the outcome for offenders was to have the water to their properties turned off completely.

The introduction of permanent water-saving plans is supported by about 60 per cent of metropolitan Melbourne's reticulated water users. This has been openly demonstrated, I believe, in recent surveys that have been taken across the metropolitan area. One would hope this legislation is not being introduced purely as a result of this community survey but rather as a result of circumstances confronting retailers in delivering and maintaining sustainable service distribution to their customers.

As mentioned earlier, the penalties being introduced under this bill should make the hair on the backs of our necks stand up. The doubling of penalties further demonstrates the stupidity of trying to resolve the situation with a big stick. As exemplified by the member for Benambra in the other place, Tony Plowman, the

double penalties at this stage for non-compliance under our farm dam legislation — when to date I do not think we have any evidence whatsoever that it has not been abided by — —

**Hon. J. M. McQuilten** — Come on, good farmers don't worry about penalties, because they don't steal water.

**The PRESIDENT** — Order! Mr McQuilten will have his opportunity.

**Hon. D. KOCH** — I totally agree with the comments made by Mr McQuilten. Because farmers look after the water resource and do not overtax it, it is a concern to me and should be a concern to us all that the penalties are increasing threefold on the back of legislation that was put through this house only 18 months ago. That really gives me some concern.

A similar outcome could be achieved by water retailers leading by example and employing greater ongoing community education about the better use of this precious resource. It is concerning to think that huge amounts — and we speak of in excess of a million litres — of potable water continue to be used to maintain the stability of the Burnley Tunnel and are regularly splashed across many recreation reserves. One of the other concerns I have about the limited water resource is that none of the water authorities is now demanding that reserves that employ sprinklers use them at times when there is little evaporation — and I speak of late afternoon and early morning. We still see many reserves being watered through the peak evaporation parts of the day. That is openly recognised as not being a sensible use of water.

I think it is unlikely — and I am sure most would agree with me — that we will see the establishment of further bulk water storages in the near future to alleviate current water shortages, especially in the metropolitan area and most of our provincial cities. If this government were serious about gaining better use of our existing water resources it would re-examine earlier effective programs such as Waterwatch. It would take the chequebook mentality out of the irrigation industry on the Murray-Darling system and look at upgrading the delivery infrastructure at less capital cost to gain greater water yields. It would also give consideration to all Victorians being able to apply for water rebates.

Another matter I raised in the house in debate in the last sitting week was the Water Smart Homes and Gardens scheme. This refers to the purchasing of more water efficient appliances for use in the garden and by whitegoods. In this instance we see that only those

clients of urban water or metropolitan water authorities have the opportunity to claim the rebates. Small rural communities — and I can name a few of them in my province: Dartmoor, Digby, Hexham, Condah and Branxholme — are not advantaged by any of these rebates and neither are the farming communities. I think that is purely an oversight and should be given some recognition.

The increased penalties are a sham of the Bracks government. We should be looking at other ways of addressing the dilemma in front of us. It is of major concern to me that we should be looking at these savage increases in penalties — and we are speaking of increases of 200 and 300 per cent. My principal concern is that our corporatised water companies, not having the water to sell, will put an army of compliance officers on the streets of our communities and raise revenue in other ways to maintain their operating budgets. That should give us all cause for concern.

In finishing my contribution, it is important to refer to the issues raised by my colleague Mr Stoney about the Murray River and the Murray-Darling system and what is taking place up there, especially with the Wentworth Group and the way it is driving the water debate with its chequebook mentality. That worries me. I think there are far better ways to work through it — for example, by upgrading the infrastructure. I agree with Mr Stoney in relation to Dr Tim Flannery's comments the other day at the water forum. I am not sure that all the water is getting back to the river. I think we can use this resource a lot better by shoring up some of our infrastructure without compensating at every corner.

I shall finish my contribution where I started. The Liberal Party supports the spirit of the legislation, but I challenge the government to gain the desired outcomes by consultation and cooperation rather than going down the track of greater penalties and regulation. The Liberal Party does not oppose the bill, and I wish it a speedy passage through the house.

**Hon. J. M. McQUILTEN** (Ballarat) — I rise to support the bill. It is a very important part of a much larger mosaic, which I have been talking about ever since I have been in this house. It is the importance of water for this nation as a no. 1 priority and the need for a bipartisan approach to this issue. I shall begin where Mr Koch finished off — penalties. I believe in regional Victoria all the good regional Victorian farmers and irrigators et cetera do not steal water.

They are increasingly becoming aware of the importance of water allocations. Many farmers in Victoria began to tell the rest of the community that

water is a finite resource and is not something that keeps coming. The penalties are there for the really bad ones, the really naughty people. Nearly all irrigators understand what the government and the Parliament are on about, and this will not concern them. That is the end of that.

I want to say some things concerning water that need to be said. I refer to the water situation, which I can describe as the Great Divide. The Melbourne media in particular are congratulating themselves because the water storages supplying Melbourne are about 55 per cent full. The Tullaroop Reservoir has gone from 12 per cent to 16 per cent; Cairn Curran Reservoir is up to 18 per cent. In the 1982 drought when there were water restrictions in Maryborough it was 42 per cent. People in Melbourne have not twigged that in large chunks of Victoria the drought has not finished. It is about time they woke up, particularly the Melbourne media. They are so far off the planet; they are looking at Melbourne water storages, but they need to look further afield. The drought is not over.

In the region I am talking about, where water storages are incredibly low, we have fantastic crops which are a metre high. We have had about an inch and a quarter of rain, but as soon as it starts to run into the dams and reservoirs it stops raining. This has been the case for seven years. People in Melbourne do not understand what happens when you have an empty dam — in my case I have a vested interest, because I have a vineyard, and I have had an empty dam for three years. I give another example. In September the rainfall in Maryborough was 22 millilitres, but the average is 58 millilitres. The drought is not over in a large part of Victoria. That needed to be said.

In terms of water savings, I would like to say that I have been working with a number of private companies that have been investing big money in new technologies. Some very exciting industry advances could and should be utilised. I will not name the company involved, because I do not think I should, but one major Australian company manufactures three products. One product covers town water storages. The study has been done by the CSIRO at Bemm River. The use of chemicals for the town water supply was reduced by 98 per cent. No study was done on evaporation. Mr Koch knows that in the area north of where he comes from evaporation from the Great Divide and north of it ranges from 1 to 1½ metres a year, and occasionally up to 2 metres. This product would prevent that. It is wonderful, but unfortunately the water industry is conservative and fractured and not focused — which is why we have the green paper.

I refer to another product that has a liner — that was mentioned by the Honourable Graeme Stoney, but he referred to a different company to the one I am referring to — and a cover which prevents evaporation and seepage in channels. In recent times comment has been made in the newspapers about the Wimmera-Mallee pipeline. I am sorry that Mr Bishop is not interested in the water debate, because I thought he would be. There is an alternative option for piping rather than concrete. The water industry must look at the options of new technologies.

**Hon. B. W. Bishop** interjected.

**Hon. J. M. McQUILTEN** — I now have your attention, and I know you will now be very supportive of what I have to say. I have been talking about saving water and new technologies and jobs for regional Victoria. In terms of covering and lining water channels, this is wonderful technology which I believe can be exported around the world. Why has it not been taken up? I am not sure. The water industry has to look at itself.

The third product I refer to is special, but old, technology. It is a pipe made from shade cloth material, and it is a tube. When water is running through it, it is round, and when water is not running through it, it is flat. You can pull it up and roll it out for thousands of kilometres. It can be made in 6-inch diameter or 30-centimetre diameter and so on. In terms of on-farm irrigation in the Wimmera and Mallee, it would be a wonderful product. Why are we not experimenting with this? This is wonderful Australian technology. I call on the water industry in Victoria and Australia to look at new technologies. I believe Australia has the capacity to export the technology, but first we should use it here on the driest continent on earth, and we are not doing it. We are not moving fast enough.

I will not say too much about the industry review and the green paper, because I have already hinted that there is a crying need for rationalisation of the way the water industry is structured. It seems to me that over the years we have as a society grown and developed haphazardly, with one group in one place and another group in a different place. That has to be looked at again. Water is too important — ask anyone who lives north of the Divide, and lately people in Geelong. It is such an important issue that we need to review the way institutions relate to one another and who does what.

I have made a number of speeches about water, and I am very passionate about it, but I am very proud of the government because it has made water the no. 1 priority. The whole of Australia has to do that. I think

the federal government is beginning to move that way, and other states also, but water absolutely requires a bipartisan approach in this nation. I am really proud that the Bracks government has made this no. 1 on its agenda. It is nothing new to farmers in regional Victoria. They know they want their rivers back. Ordinary farmers and ordinary people want their rivers back. At the moment the Wimmera, the Avoca, the Campaspe and the Loddon are dead. They have no water running in them because of the drought, but it is time to focus on our rivers, our ecology and all the things that are important to country Victoria.

**Hon. W. A. LOVELL** (North Eastern) — I rise to speak on the Water Legislation (Amendment) Bill. The purpose of this bill is to introduce permanent water-saving plans, and it provides for the retail licence companies in Melbourne to be able to implement them. The permanent water-saving plans will also be available to non-metropolitan urban water authorities.

The bill will treble the penalties for the unauthorised use of water and interfering with the property of the water authorities. It will introduce restrictions on water use under a drought response plan, double the penalties for breaches of water restrictions introduced under a drought response plan, enable the water authorities to introduce a permanent water-saving plan and give the Victorian Civil and Administrative Tribunal the authority to award damages by way of interest determined by the Penalty Interest Rates Act.

This is the sixth bill dealing with water legislation to be introduced in the 55th Parliament. On top of those six bills there has been public debate on the green paper, the Living Murray proposals and the national water initiative. It seems the less water we have, the more legislation is introduced and the greater the regulation of water.

In country Victoria we are quite used to living with a restriction on water use. The Murray-Darling Basin cap limited the volume of water that can be taken from the catchment to maintain 1993–94 levels. Those of us who live in the Murray-Darling Basin have had to live with that cap for nearly a decade now, and we have had to plan how we can better use water so we can continue to increase our production while still using the same amount or even less water. Metropolitan Melbourne has not had to live with a cap, and water-wasting exercises, such as hosing down the driveway, have long infuriated rural Victorians.

The current drought has highlighted the issue of ensuring that there is enough water for all Victorians, and the only good thing to come out of the devastating

drought is that all Victorians are better educated in saving water and more focused on water as a finite resource.

The introduction of a permanent water-saving plan has been supported by approximately 60 per cent of the people surveyed in Melbourne. However, the survey was done during this period of severe drought when everyone is focused on water, and I wonder how these measures will be policed in a very wet year in the future when there is a lot of water around.

The bill also enables permanent water-saving plans to be introduced in regional areas after being advertised locally. I was pleased to note that they will not restrict the use of water by the Country Fire Authority, because I think after last summer's bushfires we all agree there should never be a cap on use by the CFA for its firefighting efforts.

The bill provides that the maximum penalty for anyone contravening a restriction under the water-saving plan will be \$1000 for a first offence and \$2000 for a subsequent offence. The three metropolitan water retailers will be given the authority to bring charges for breaches of water restrictions under the permanent water-saving plan and the drought response plan. Penalties for breaching water restrictions under a drought response plan are to be doubled to \$4000. However, the penalty for the unauthorised use of water — which was described in the second-reading speech as theft of water — from a farm dam or a spring for a commercial use such as washing down a dairy has trebled to \$6000 and will attract a 6-month jail sentence and up to 12 months imprisonment for a subsequent offence.

When it is clear that a person has tampered with infrastructure such as a water meter to avoid being charged for water used or when someone is caught spragging the Dethridge wheel, which Mr Stoney and Mr Koch referred to, these penalties are justified. We do not think these things happen in country Victoria any more, but in the past frozen carp have been known to be stuck in a Dethridge wheel. For anyone caught purposely doing these sorts of things, these penalties are justified. But we should also make allowances for emergency situations, such as a dairy wash down. If a farmer is in the middle of his wash down and for some reason a sudden downpour washes a lot of manure into his dam or something else contaminates his water, he needs to be able to find an alternative source of water. I would encourage the minister to reconsider penalising farmers in these sorts of emergency situations.

The bill also amends the Water Act 1989 and the Water Industry Act 1994 to give VCAT the authority to include an interest component in the amount of money awarded for damages determined by VCAT. In finishing I note that the Liberal Party does not oppose the bill.

**Hon. J. G. HILTON** (Western Port) — I do not think I could quite finish the speech in 2 minutes, so I may need a second go tomorrow! Samuel Taylor Coleridge said in his famous poem, *The Rime of the Ancient Mariner*, ‘water, water everywhere, nor any drop to drink’. Water is the most common substance on the planet, and of course Australia is surrounded by water. However, unfortunately 97 per cent of water is seawater, and as yet the technology for deriving drinking water from seawater is prohibitively expensive, so we are left with the remaining 3 per cent. And unfortunately 2 per cent of that 3 per cent is tied up in glaciers or snow and ice at the north and south poles. Consequently only 1 per cent of water resources are available for human consumption.

As we all know, water is absolutely vital for health. Without water we cannot exist. A gentlemen whose name I believe is David Blaine had himself suspended in a glass cage over Tower Bridge in London. Apparently he survived for 44 days without food; if he had been trying to survive without water it would have been two or three days.

Australia is indeed the driest continent in the world, yet we have been very profligate with our water resources. The average Australian uses more water in his shower than two-thirds of the world’s population uses in a day, and in an average year metropolitan Melbourne uses 500 gigalitres of water, which is equivalent to 330 000 Olympic-size swimming pools. This is a luxury we cannot afford, and it is to the credit of the Victorian population that it has recognised this. Stage 1 and stage 2 restrictions have been — —

**Business interrupted pursuant to sessional orders.**

## ADJOURNMENT

**The PRESIDENT** — Order! Pursuant to sessional orders it is time for the adjournment of the house.

### **Motorcycles: wire rope barriers**

**Hon. ANDREA COOTE** (Monash) — My adjournment question is directed to the Minister for Transport in another place. Two Saturdays ago I attended the launch of the Motorcycle Riders

Association ride to Phillip Island. It was a spectacular event.

The association raised a number of issues with me on the day, namely that they were very concerned at the unfair additional \$50 levy they had to pay for a motorbike. They feel it would be much fairer if it were \$50 per licence.

More importantly, they are concerned about the wire rope fencing along freeways. These are very dangerous to motorcycle riders. They pointed out that there is now an inexpensive plastic panel that could be fitted to the wire ropes. This is an Australian product and readily available, and would enhance the safety of the motorcycle riders.

What steps has the government taken to ensure that this plastic panelling could be adhered to the wire ropes on Victorian freeways?

### **Rail: station development**

**Mr SCHEFFER** (Monash) — I raise a matter for the attention of the Minister for Transport in the other place. Residents groups from the South Yarra part of my electorate of Monash Province have raised with me their concerns over local newspaper reports that Victrack plans to build shops and residential premises over the railway line in South Yarra. Residents are concerned that they will not be consulted and that the move will result in the overdevelopment of the area.

I request the minister to advise me of the process the government has adopted in seeking appropriate use of space over railway lines. How are local residents and business operators consulted?

The *Stonnington Leader* reports this week that Victrack has asked developers to support detailed proposals for the line near South Yarra station before the end of the year. The paper says that Victrack is also preparing a feasibility study for a development above the Commercial Road railway line in Prahran, and a tender process for the Windsor station is also in the pipeline.

The *Stonnington Leader* also reports that there has been virtually no consultation with the City of Stonnington. The council’s planning and development manager, Mr Stephen Sabbatucci, is reported to have said that besides informal discussions with developers more than 12 months ago, he had not been notified by either Victrack or the developers. The newspaper article feeds public concerns, and I believe it is important that the public consultation process is clearly laid out.

To be fair, the newspaper also reports, accurately, that the Toorak Road South Yarra Business Association thinks building over the rail lines would be a positive development provided there is adequate car parking. The business association tells me that a development of this area has been discussed for more than 20 years, but nothing has come of it.

Victrack's job, through its commercial development team, involves working with the private sector to look at potential developments over railway cuttings. This exercise is in line with the government's Melbourne 2030 strategy, and the area around the South Yarra railway station is a designated activity centre.

I do think, however, that the process that Victrack follows is not in this instance clear, and I would appreciate the minister informing me how and when residents living in the South Yarra area can be consulted.

### Racing: training tracks

**Hon. D. KOCH** (Western) — I refer my issue to the Minister for Racing in the other place. In June this year Racing Victoria Ltd released a paper entitled *Statewide Strategy for Upgrading Training Facilities*. This document was distributed to all Victorian racing clubs and many licensed trainers. The aim of the strategy was to deliver higher quality facilities with improved safety and maintenance standards at training venues, while reducing costs, risk and waste.

Currently there are 68 racing venues in Victoria, 49 of which provide training facilities. Racing Victoria funds 40 of those training facilities, and the remaining 9 are funded by the occupying racing clubs and local trainers. Training racehorses is a major enterprise in Victoria, involving more than 1200 trainers preparing over 8000 horses to race collectively around 41 000 times every year.

However, Racing Victoria claimed that within the mix of training centres the 11 largest venues produced 73 per cent of race starters, while the 19 smaller venues produced less than 10 per cent of starters. The intention was to rationalise the smaller facilities. In fact Racing Victoria planned a staged withdrawal of funding for many training tracks located in rural Victoria.

The review has been under a cloud from its inception as many training centres recognise that the figures used did not accurately reflect or portray a true picture. Many of the cited examples of the need for improvements, such as serious breakdowns on country training tracks and the statement that it costs more to

gain a starter from regional tracks than metropolitan tracks, could not be substantiated.

Lack of industry consultation was clearly demonstrated as the major downfall of this proposal. Owner and trainer experience, expertise and knowledge should not be underestimated or ignored. Incredibly, Racing Victoria Ltd has resolved that all training venues statewide will remain funded for the next three years, with the exception of Traralgon, thereby retiring much of the unnecessary angst within racing circles.

Indeed, Racing Victoria has announced an additional injection of \$475 000 into an all-weather training track at Seymour as one of several capital projects across the state to improve training facilities. Planned upgrades and improvements for Ballarat and Geelong will also be well received.

While I applaud Racing Victoria for its commitment to improve training facilities across the state, will the minister guarantee that racing's peak body will in future consult and listen to the many active participants in the racing industry before deciding what they deem is best for racing, especially racing in country Victoria?

### Road safety: Koonung Province

**Hon. H. E. BUCKINGHAM** (Koonung) — I wish to raise a matter for the attention of the Minister for Transport in the other place. The Royal Automobile Club of Victoria (RACV) recently released a report which nominates Springvale Road as the site of frequent claims for accidents occurring at its intersections. Of the 50 intersections which generate the highest number of insurance claims for vehicle damage, 11 are intersections with Springvale Road. At least five others are along Stud Road, which also runs parallel with the Mitcham–Frankston freeway reservation and carries a high volume of traffic.

The government places a very high priority on road safety, and much work has been done on safety through the improvements to intersection design and signalling. The RACV's own research indicates that there are few further design improvements that could be made to these intersections. Its conclusion is simply that the massive volume of traffic which travels on Springvale Road and its neighbouring roads is so large that only the construction of the Mitcham–Frankston freeway will alleviate the congestion, reduce crashes and improve transport efficiency in the east of Melbourne.

Can the minister assure me that the Mitcham–Frankston freeway will proceed as planned, to help reduce traffic congestion in Koonung Province?

### **Eildon Reservoir: dam wall**

**Hon. W. A. LOVELL** (North Eastern) — I wish to raise a matter with the Minister for Water in the other place regarding the Bracks Labor government's inadequate funding commitment for the Eildon Reservoir dam wall upgrade.

Last week the minister announced that the government would provide only \$8 million towards the \$30 million-plus project. This inadequate funding commitment has left irrigators to provide 75 per cent of the total cost of the project.

Under the first stage of the dam improvement program, Eppalock, Waranga Basin, Buffalo, Cairn Curren and Hepburns Lagoon were upgraded at a cost of \$37 million. The then Kennett Liberal government provided \$18.7 million in funding towards these upgrades, setting a precedent for a fifty-fifty cost-sharing basis between government and water authorities, including Goulburn-Murray Water.

It is important to recognise that the dam improvement works to the Lake Eildon dam wall are necessary purely because dam safety standards have changed, and that these works will not increase the storage capacity of Lake Eildon nor will they provide any additional water for irrigation.

Some \$70 million of irrigation water underpins a regional economy of \$8 billion, of which only \$1.4 billion is at the farm gate. Clearly the greatest beneficiaries are therefore the broader community. For that reason it is unfair that the government expects irrigators to fund 75 per cent of the cost of these works. I believe the government has missed an opportunity to demonstrate its support to irrigators who are still struggling to recover from six consecutive years of drought.

Irrigators are now faced with increased water prices for the next 20 years because the Bracks Labor government has left them to fund 75 per cent of the Eildon dam improvement project. I call on the minister to match the precedent set by the Kennett Liberal government by increasing the funding commitment of the Bracks Labor government to cover 50 per cent of the cost of the Eildon dam wall upgrade.

### **Royal Park Hospital site: buildings**

**Ms ROMANES** (Melbourne) — Yesterday in the *Age* newspaper Rod Quantock raised concern on behalf of the Royal Park protection group about the commencement of demolition of some of the remaining buildings on the former Royal Park Hospital site which

is to become the Commonwealth Games village site. Those buildings were nominated by the Royal Park protection group as a heritage precinct for inclusion on the Victorian Heritage Register.

I understand that Heritage Victoria had been advised that 5 of the 14 buildings were to be demolished, and decided not to issue an interim protection order because those 5 buildings were not considered to be of sufficient heritage significance and therefore worthy of retention. I further understand that the decision to issue planning consent for the demolition of the 5 buildings is consistent with the games village planning advisory panel's recommendations on heritage protection at that site.

I therefore ask the Minister for Commonwealth Games, the Honourable Justin Madden, to reassure Mr Quantock and the local community of the government's commitment to retaining 9 of the 14 buildings on the site — those considered worthy of retention — and to ensure that they will be refurbished for appropriate use; and that as many of those 9 buildings as is practically possible will be used for community purposes.

### **Local government: gift disclosure**

**Hon. BILL FORWOOD** (Templestowe) — I have an issue I wish to raise with the Minister for Local Government. She has been here most of the day, and I am sorry she has left. I have received correspondence from the Nillumbik Ratepayers Association and from Mrs Stoneman of Hurstbridge concerning an issue that is raised in the Local Government (Democratic Reform) Bill. In the guff that is being sent around supporting this legislation it says under 'Disclosure of gifts':

Councillors, committee members and senior officers will be required to declare in their annual register of pecuniary interest, gifts valued at \$500 or more.

It goes on to say:

This proposal will replace the current threshold of \$2000, which is considered too high for public probity and is out of step with local government in other —

areas. The Nillumbik Ratepayers Association (NRA) wrote to me saying that this is a cause of major concern. The association said that the existing rules and this new proposal 'effectively legalise bribery and corruption'. The letter goes on to say:

In the public interest, councillors, committee members and senior officers should not, under any circumstances, be permitted to receive 'gifts'.

The letter says the NRA believes:

... there is a need for an independent ombudsman, accessible to ratepayers, and who is independent of the influence of the government of the day. Local government —

the president, Mr Murray, said —

must be accountable.

He continued:

We would appreciate it if these matters could be raised in Parliament.

The issue that Mrs Stoneman raises is identical. She says there is concern in the Nillumbik area that local government councillors should be able to receive gifts at all. Given that this legislation is soon to come before this house of Parliament I ask the minister to take this issue on notice now.

### **Police: Tarnagulla station**

**Hon. D. K. DRUM** (North Western) — I address my adjournment item to the Minister for Police and Emergency Services in the other place, Mr André Haermeyer. The people of Tarnagulla are having some trouble getting a police station, one of the multitude of police stations the Bracks government promised would be built. The original plan was to build the new police station on the site of the existing station in Victoria Street. However, the district commander decided that it would be better to build it on the main road, Commercial Road, as it would be more visible.

This land is now the site of an archaeological dig, and it was once the home of a flour mill. Preliminary work has been done, but the architect has now been engaged twice, making the process a rather costly one. Some of the estimates put the overrun in costs at \$50 000 already, and still no police station has been built. The government has been consulted, and it has said it is considering a number of sites. However, this does not ring true, because as I said, architects have been engaged twice for one particular site.

The people of Tarnagulla are very upset that there is still no sign of their police station. They expect the government to place a higher priority on the building of this police station as it is vital for the community. It must be understood that it is far more important for a community like Tarnagulla to have a new police station than it is for communities in Melbourne who can simply contact the next police station when the one nearest to them is busy. This project typically, along with many other capital works programs, has stalled for some reason — perhaps for the very real reason that the

government cannot make up its mind where it is going to build it. Can the Minister for Police and Emergency Services explain the overruns and the delays in construction of the promised Tarnagulla police station? What does the government intend to do to fast-track this project, which is vitally important to the people of that region?

### **Local government: Crown land and public halls**

**Hon. J. A. VOGELS** (Western) — I seek action from the minister in the Department of Sustainability and Environment to get involved early on in sorting out the problems many rural councils are facing in the management of Crown land reserves. The issues concerning these councils is that as the de facto managers of recreation reserves —

**Mr Lenders** — On a point of order, President, could Mr Vogels specify from which minister in the Department of Sustainability and Environment he wants a response? That would be very useful.

**Hon. J. A. VOGELS** — I assume the minister for this department is John Thwaites — sustainability and environment.

**Hon. Bill Forwood** — Environment and water! There are several.

**Hon. J. A. VOGELS** — Are there?

**Hon. Bill Forwood** — Planning is in there. There is a stack of ministers in there.

**Hon. J. A. VOGELS** — I refer it to the Honourable John Thwaites. Sorry.

Local councils are the de facto managers, especially in rural Victoria, of many halls, recreation reserves, golf courses et cetera. They are faced with the department getting less and less involved in supporting them in funding these reserves. Councils are saying to me that they are obviously the de facto managers of these facilities on behalf of the government. Most of these Crown reserves have committees of management which do the day-to-day or year-to-year running of these halls.

Many of these halls and reserves are managed very well, but as you travel along you see others that probably should be closed. They have passed their use-by date, and councils are getting very concerned about acting as responsible managers on behalf of the Crown and wonder whether they should be handing them back, closing them down or whatever.

If I have directed the matter to the wrong minister I ask the Minister for Finance, who is a good fellow, to hand it to the right one, perhaps the Minister for Planning. This is a big issue out there. I have travelled around many councils in rural Victoria, especially over the last two or three months, and one of the things they regularly raise with me is that these halls and recreation reserves, which are sitting out there and not being used any more —

**Ms Hadden** — They are vital to country communities.

**Hon. J. A. VOGELS** — That is okay. It has got to the stage where it is cost shifting. I urge the minister to get involved and to see what needs to be done and to sort out this problem.

### Planning: Greenhills estate

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — My issue is for the attention of the Minister for Planning in the other place. It relates to the Greenhills industrial estate proposed for the area south of Pakenham. This proposal has been under consideration by the Shire of Cardinia for at least five years now.

**Mr Lenders** — What electorate are you thinking of running for next time?

**Hon. G. K. RICH-PHILLIPS** — Well, Mr Lenders, it is my current electorate, and given that of the two members for Eumemmerring Province in this chamber only one advocates on behalf of it, I thought it appropriate that I raise this issue.

As I said, this project has been under consideration by the Shire of Cardinia for around five years. The shire proposes to develop a 220-hectare industrial park in the south of Pakenham just south of the current substantial residential development taking place down there. Honourable members will be aware that the Shire of Cardinia is one of the fastest growing municipalities in the state. It is currently behind the City of Casey, but not for long. As we are seeing with the completion of the Hallam bypass, much of the residential growth that has been taking place in the south-eastern corridor has moved out to the Shire of Cardinia.

It is important with all that residential growth in the Shire of Cardinia that the shire is able to develop an appropriate industrial and business base to underpin the residential development and provide an appropriate number of jobs for the people moving into the area. It is with that view that this project was initiated a number of years ago by the Shire of Cardinia, and over the last

five years a lot of work has been done to bring it to fruition.

All of that came to a grinding halt with the release of *Melbourne 2030* and the new proposed urban growth boundary, because this parcel of land known as the Greenhills estate is outside the urban growth boundary. It is the council's understanding that all the work it has put in for the last five years will come to naught, because it cannot develop the estate. Effectively the estate has been cut out by the minister taking a black Texta and drawing a line around the current urban development, and anything outside that line, such as this parcel of land, cannot be developed. I seek the minister's assistance in getting the piece of land the shire knows as the Greenhills estate included back within the urban growth boundary so it can be developed in the way the council has planned over the last five years.

### Community services: funding

**Hon. B. W. BISHOP** (North Western) — Tonight my adjournment issue is about funding in regional areas for family support services. I have a very good reason for directing this issue to the Minister for Victorian Communities. A local community service provider in my electorate has raised anticipated concerns regarding the outcome and the implementation of a report due to be released some time in November this year. This report is expected to mirror, to support or even to strengthen the findings of its predecessor, a report released some time ago which shows the results of a study completed by Professor Tony Vinson. He compared by postcode areas of New South Wales and Victoria and studied differences in terms of human welfare and social and economic wellbeing. Professor Vinson's report, entitled *Unequal in Life*, has become a benchmark for governments which need to measure the wellbeing of their communities. National Party members welcome any research in that area.

As I understand it, the second report focuses on key indicators, such as comparative rates of child abuse and neglect notifications for postcode areas, as the previous report did. Given population increases and the increasing incidence of child abuse and neglect being reported and government funding to community services organisations remaining static or being reduced by productivity cuts, it is hoped and anticipated that the report will show an urgent need for increased funding to assist our most vulnerable community residents.

Loddon-Mallee is one of the fastest growing regions in the state, particularly from Swan Hill to Mildura. That obviously brings with it increased pressure on

community service organisations to protect and assist those who need it. Mallee Family Care, an organisation which services this area and does an excellent job in spite of cuts to funding, some months ago released figures obtained through the Department of Human Services that showed the number of abused children under two years old in the Swan Hill-Mildura area exceeds the number around Bendigo and that the rate of teen pregnancy is three times the state average.

This government has given a commitment to work in partnership with Victorian communities to increase and improve current services, with the Deputy Premier being the lead minister. I ask that the Minister for Victorian Communities give an undertaking that if the situation in relation to child abuse and neglect is reaffirmed in the next report, he will move swiftly to increase the funding in the Loddon-Mallee region, particularly in the Swan Hill-Mildura area.

### Responses

**Mr LENDERS** (Minister for Finance) — I received adjournment matters from the Honourable Andrea Coote, Mr Scheffer and Ms Buckingham for the Minister for Transport. I will certainly pass them on to him.

I received matters from the Honourable David Koch for the Minister for Racing; from the Honourable Wendy Lovell for the Minister for Water; from Ms Romanes for the Minister for Commonwealth Games; from the Honourable Bill Forwood for the Minister for Local Government; from the Honourable Damian Drum for the Minister for Police and Emergency Services; from the Honourable John Vogels for the Minister for Environment; and from the Honourable Barry Bishop for the Minister for Victorian Communities. I will certainly pass those on.

The Honourable Gordon Rich-Phillips had an adjournment matter for the Minister for Planning.

**Hon. Bill Forwood** interjected.

**Mr LENDERS** — I take up Mr Forwood's interjection. I apologise to Mr Rich-Phillips. I forgot that the old Eumemmerring electorate actually goes to Pakenham, which is now in the electorate of Bass. Mr Hilton took me through the southern parts of Bass on Friday where we met with a number of his constituents. That was a very good day. We met people at a school in Wonthaggi, and we also met a number of people in Cowes. A number of them were pining for the days when Ms Susan Davies was their local member, because she did a much better job than Mr Ken Smith.

Anyway, I will certainly pass on Mr Rich-Phillips's issue on planning to the Minister for Planning. The issues will be referred on to the respective ministers.

**House adjourned 10.26 p.m.**