

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 8 February 2012**

**(Extract from book 1)**

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Cabinet Secretary .....	Mr D. J. Hodgett, MP

## Legislative Council committees

**Privileges Committee** — Ms Darveniza, Mr D. M. Davis, Mr P. R. Davis, Mr Hall, Ms Lovell, Ms Pennicuik and Mr Scheffer.

**Procedures Committee** — The President, Mr Dalla-Riva, Mr D. M. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney

## Legislative Council standing committees

**Economy and Infrastructure Legislation Committee** — Mr Barber, Ms Broad, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

**Economy and Infrastructure References Committee** — Mr Barber, Ms Broad, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

**Environment and Planning Legislation Committee** — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, \*Mr Tarlamis, Mr Tee and Ms Tierney.

**Environment and Planning References Committee** — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

**Legal and Social Issues Legislation Committee** — Ms Crozier, Mr Elasmr, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, #Mr Ramsay and Mr Viney.

**Legal and Social Issues References Committee** — Ms Crozier, Mr Elasmr, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, #Mr Ramsay and Mr Viney.

\* *Inquiry into Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011*

# *Participating member*

## Joint committees

**Dispute Resolution Committee** — (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik. (*Assembly*): Ms Allan, Mr Clark, Ms Hennessy, Mr Holding, Mr McIntosh, Dr Naphine and Mr Walsh.

**Drugs and Crime Prevention Committee** — (*Council*): Mr Leane, Mr Ramsay and Mr Scheffer. (*Assembly*): Mr Battin and Mr McCurdy.

**Economic Development and Infrastructure Committee** — (*Council*): Mrs Peulich. (*Assembly*): Mr Burgess, Mr Foley, Mr Noonan and Mr Shaw.

**Education and Training Committee** — (*Council*): Mr Elasmr and Ms Tierney. (*Assembly*): Mr Crisp, Ms Miller and Mr Southwick.

**Electoral Matters Committee** — (*Council*): Mr Finn, Mr Somyurek and Mr Tarlamis. (*Assembly*): Ms Ryall and Mrs Victoria.

**Environment and Natural Resources Committee** — (*Council*): Mr Koch. (*Assembly*): Mr Bull, Ms Duncan, Mr Pandazopoulos and Ms Wreford.

**Family and Community Development Committee** — (*Council*): Mrs Coote and Ms Crozier. (*Assembly*): Mrs Bauer, Ms Halfpenny, Mr McGuire and Mr Wakeling.

**House Committee** — (*Council*): The President (*ex officio*) Mr Drum, Mr Eideh, Mr Finn, Ms Hartland, and Mr P. Davis. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Ms Campbell, Mrs Fyffe, Ms Graley, Mr Wakeling and Mr Weller.

**Law Reform Committee** — (*Council*): Mrs Petrovich. (*Assembly*): Mr Carbines, Ms Garrett, Mr Newton-Brown and Mr Northe.

**Outer Suburban/Interface Services and Development Committee** — (*Council*): Mrs Kronberg and Mr Ondarchie. (*Assembly*): Ms Graley, Ms Hutchins and Ms McLeish.

**Public Accounts and Estimates Committee** — (*Council*): Mr P. Davis, Mr O'Brien and Mr Pakula. (*Assembly*): Mr Angus, Ms Hennessey, Mr Morris and Mr Scott.

**Road Safety Committee** — (*Council*): Mr Elsbury. (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson.

**Rural and Regional Committee** — (*Council*): Mr Drum. (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller.

**Scrutiny of Acts and Regulations Committee** — (*Council*): Mr O'Brien and Mr O'Donohue. (*Assembly*): Mr Brooks, Ms Campbell, Mr Gidley, Mr Nardella and Mr Watt.

## Heads of parliamentary departments

*Assembly* — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

*Council* — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

*Parliamentary Services* — Secretary: Mr P. Lochert

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**FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

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The Hon. P. R. HALL

**Deputy Leader of The Nationals:**

Mr D. DRUM

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Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
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Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP



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## Wednesday, 8 February 2012

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.34 a.m. and read the prayer.**

### PETITIONS

**Following petition presented to house:**

#### **Planning: Pakenham green wedge**

To the Legislative Council of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the state government's plan to turn green wedge land into commercial and housing developments.

In particular, we note:

1. Green wedge open space plays an important role as well as maintaining the livability of our community.
2. No commitment has been made to provide the infrastructure that new developments would need, such as roads and schools.

The petitioners therefore request that the state government stop any plans to develop green wedge land at Pakenham unless there is an independent review looking at the community's need for open space and a funded plan to deal with the impact on schools, roads, public transport and other infrastructure.

**By Mr SCHEFFER (Eastern Victoria)  
(455 signatures).**

**Laid on table.**

### **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE**

#### **Review of Auditor-General's report on access to public hospitals**

**Mr P. DAVIS (Eastern Victoria) presented report,  
together with transcripts of evidence.**

**Laid on table.**

**Ordered that report be printed.**

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

That the Council take note of the report.

In so doing I would like to draw to the attention of the Council that this is the seventh report tabled by the committee in the 57th Parliament. This report deals with the review of the Auditor-General's report on access to public hospitals — measuring performance,

which was tabled by the Auditor-General in 2009 and which addresses a matter of high public interest — that is, the framework in place for measuring the performance of public hospitals in providing timely access to emergency care and elective surgery.

While the audit report did not examine the quality of emergency care and elective surgery, it recognised that the time taken to receive such care can significantly influence clinical outcomes. The committee strongly agrees with the Auditor-General's findings. It was the report's direct nexus with patient welfare as a key community issue that prompted the committee to earmark it for a follow-up inquiry. The committee's inquiry focused on actions taken since April 2009 in response to the issues raised and recommendations made by the Auditor-General. The Department of Health and the Auditor-General have assisted the committee with its inquiry.

It was evident to the committee from the Auditor-General's findings and recommendations that substantial remedial action was required to restore confidence in performance information on patient access produced by hospitals. It is pleasing, therefore, that a number of initiatives have been taken at a state level to address the Auditor-General's recommendations, including the adoption of new access measures and targets as well as expanded and more frequent public reporting of hospital performance. The committee has also found that there have been significant national developments since the Auditor-General's report. New and challenging national performance indicators and targets for patient access will apply progressively to Victoria and be fully operative by 2015.

The committee has concluded from its inquiry that time will be a key factor in determining the ultimate effectiveness of all steps currently under way at both state and national levels to strengthen access performance across the public hospital network and to restore community confidence in all published data. To these ends the committee considers that key priorities of the Department of Health are reinforcing the governance responsibilities of hospitals for the accuracy and reliability of their recording and reporting practices for patient access, establishing clear milestones for its various forward improvement plans and strengthening its integrity audits to remove any doubt about the professional standing of audit methodologies.

Therefore the committee intends to monitor the access performance of Victoria's public hospitals over the coming years. In this report the committee also advocates that the next planned audit by the

Auditor-General in the subject area should have an expanded focus on direct examination of access management and reporting practices across hospitals.

In conclusion, I would like to acknowledge the outstanding work done by the committee secretariat. The dedicated secretariat staff are prodigious in their contribution to the work of the committee. Executive officer Valerie Cheong, specialist adviser Joe Manders, senior research officer Leah Brohm, business support officer Melanie Hondros and desktop publisher Justin Ong all made contributions to the inquiry.

I also acknowledge and thank members of the committee for the cooperative approach taken by the committee as a whole. I especially thank opposition members, because despite the temptation to make partisan challenges in inquiries and investigations undertaken by any parliamentary committee, the committee has taken a cooperative approach. I am looking forward to that cooperative approach being reflected through the estimates period as well.

**Hon. M. P. PAKULA** (Western Metropolitan) — In the 2 minutes I have to speak I will make a couple of brief points. Let me first take up the committee chairman's last comment about the cooperative approach continuing through the estimates process. I simply make the point that it takes two to tango — or in the case of estimates, 22 to tango!

I also thank Valerie Cheong and her Public Accounts and Estimates Committee secretariat team for the outstanding work they have done in pulling together not only this report but a number of the follow-up reports that the committee needs to consider during the course of the year. To reflect on the comments made by the chairman, this is the seventh PAEC report that has been tabled in this Parliament. I hope you, President, and the Speaker of the Legislative Assembly also reflect on this in the allocation of committee resources.

I indicate that the committee's job in following up the Auditor-General's report was made much easier because of the cooperation and assistance of the Auditor-General and his office in regard to the discussions the committee had to have with the Department of Health. The input of the Auditor-General's office was vital in enabling us to get to the bottom of some of those issues.

Finally, members will see in the report's commentary some discussion about the relative merits of hospitals on the one hand treating patients and on the other hand gathering and reporting data. Everyone would take the view that the two things are by no means mutually

exclusive. Whilst it is always the first priority of hospitals to treat patients, the gathering and reporting of data so that the community can understand how they are performing is extremely important as well.

**Mr O'BRIEN** (Western Victoria) — As a member of the Public Accounts and Estimates Committee I too briefly rise to add my support for the work of the secretariat and members of the committee in producing a substantial report titled *Review of the Auditor-General's Report on Access to Public Hospitals — Measuring Performance*, in addition to the other reports mentioned by the chairman. I particularly pick up on Mr Pakula's comments about the issue of data collection versus the provision of clinical services. It is always important that hospitals be hospitals for treating patients and that wherever data collection and reporting is done it should be done as efficiently and economically as possible to ensure that patients' welfare is the primary consideration. This was picked up in recommendation 1 and endorsed by witnesses at the Public Accounts and Estimates Committee hearings. Recommendation 1 is:

The Department of Health continue to match national work under way to identify avenues for rationalising the collection and reporting by hospitals of performance data with its own initiatives at state level. The aim should be to ensure that the accountability of hospitals to the Victorian Parliament and community can be strong while avoiding any potential adverse impact on the clinical treatment of patients.

This arose out of some questioning, to which the department secretary provided the following response, which I quote from page 8:

I think this is a perennial problem that we all grapple with ... we have said no to a couple because even though people want to collect them we do not think the cost-benefit analysis is sufficiently there yet for the collection, even though they are quite important issues. So your question is absolutely pertinent: if we spend our money collecting data, are we doing less clinical services ...

I note that the committee received correspondence from New South Wales and that health ministers from Victoria and New South Wales are taking the lead on this issue to reduce duplication and ensure that appropriate data on performance measures is collected but also ensure that at all times the primary importance of the clinical treatment of patients is maintained.

**Motion agreed to.**

## PAPERS

### Laid on table by Clerk:

Auditor-General's Report on State Trustees Limited:  
Management of represented persons, February 2012.

## MEMBERS STATEMENTS

### Marlene Campbell

**Mr SCHEFFER** (Eastern Victoria) — I pay tribute to the life and work of Marlene Campbell, whose contribution to the Labor Party and the Port Phillip and Glen Eira communities is widely respected. Marlene passed away last week and is survived by her husband, Peter, and their seven children. Marlene was known as a colleague, comrade and friend who worked to make Victoria more fair, just and equal. Marlene Campbell was widely respected for her intellectual rigour and consistency and admired because she was always ethical and principled. She believed people working together could change society for the better, and the vehicles she chose to achieve this were the Australian Labor Party and the Victorian education system.

Marlene Campbell returned to study as an adult with most of her seven children still at home, and her successful completion of a degree at Monash University and postgraduate studies at the University of Melbourne is testament to her remarkable courage and determination. Marlene's capacities were recognised and respected by the local ALP membership, and she was elected and then re-elected to a number of leadership positions and was able to influence constructive changes to our party organisation and our education policy over many years.

Marlene was actively engaged in the local community. She played a key role in the development and activities of the Glen Eira Residents Association and was closely engaged in the development of local government policies and initiatives that she judged would benefit the community. On behalf of the Labor Party membership and community activists, I extend condolences to Marlene's husband, Peter, and their children, Brendan, Sally, Martin, Helen, Stephen, Phillip and Kevin.

### Midsumma Festival

**Ms HARTLAND** (Western Metropolitan) — The Midsumma Festival GOWEST program, which came to an end on Sunday, was a wonderful showcase of GLBTIQ (gay, lesbian, bisexual, transgender, intersex and queer) community arts and culture in the western

suburbs. The west, like all areas of Victoria, has a great diversity of people, and it is home to a significant population of queer residents. Although the west has never been known historically or typically as a queer cultural hub, things are changing. The queer community is increasingly being supported at home in the west. With this comes increasing visibility and improved community-wide awareness, all good for tackling homophobia. This is largely thanks to the effort of an organisation known as GOWEST, the motto of which is 'Celebrating queer culture in Melbourne's west'.

GOWEST is a partnership of seven western metropolitan councils and Melbourne City Council and was initiated by Hobsons Bay City Council. Hobsons Bay City Council has been instrumental in the GOWEST Midsumma Festival program, hosting a number of events and having a dedicated staff person. I congratulate Hobsons Bay mayor Tony Briffa and councillors and staff at Hobsons Bay City Council, and I give special thanks to the hardworking diversity officer, Jo Nevill. The Midsumma Festival GOWEST program has been a great success, and the GLBTIQ community in the west feels more supported and celebrated thanks to the program's efforts.

### Bushfires: Black Saturday anniversary

**Mrs KRONBERG** (Eastern Metropolitan) — Three years ago yesterday, on 7 February 2009, Victorians were confronting an enormous firestorm that none of us will ever forget. The conflagration was of biblical proportions, and for many it seemed it was the end of days. Living as I do downwind from the fires that raged across the ranges at Kinglake, St Andrews and Strathewen, I witnessed the obliterating smoke and experienced the unbelievable heat — a scorching 47 degrees Celsius — that changed lives and took so many of them. As this horrendous day grew into night the reports gave us a terrifying insight into what was happening on Melbourne's outskirts and right across the state. Stories from survivors abound with stark imagery, such as, 'Cars exploded', 'Fireballs came out of the sky', 'Once the roof fell in there was nothing to stop it', 'Flames were up in the sky', 'People died on the road to Kinglake', 'It was obliteration', 'After the fire there was no green at all', and, 'A terrible noise came and he was gone'.

Some 2029 homes were destroyed across the state, and one-third of Victoria's bushland was destroyed. I stand in solemn recollection of that day, and I salute the 173 Victorians who died. Furthermore I salute and thank the courageous emergency services — the Country Fire Authority, the Department of

Sustainability and Environment, police, ambulance personnel and medical staff, and the astounding work of volunteers. Many people are rising from personal circumstances that were very difficult, but many are still broken, grieving and experiencing mental health problems, and the healing will take time. We need to extend much understanding to those survivors.

### **Community sector: wages**

**Mr TARLAMIS** (South Eastern Metropolitan) — I rise to congratulate all those who fought for the recent Fair Work Australia decision which awarded fair wages to many underpaid workers in the social and community sector. The decision was significant due to the acknowledgement that pay equity is an important aspect of an industrial relations regime. Of the 150 000 people to benefit from the decision, 120 000 are women, and they undertake many important jobs. They work with people with disabilities, they are counsellors, they run homeless shelters and work with victims of domestic violence and sexual assault. These people undertake difficult work, and they have fought for and won the financial recognition they deserve.

I pay tribute to the unions which brought this case to Fair Work Australia and in particular the Australian Services Union, which represents the majority of these workers. Furthermore, I acknowledge the federal Labor government, which introduced the Fair Work Act 2009. This act opened up the possibility for this case to be heard. The federal Labor government's support was critical to the decision. Before the Fair Work Act 2009 was introduced there had been 16 similar cases, all of which had failed.

The Fair Work Australia decision provides for an eight-year transition period, which is a long time to wait for fair wages. Relying on hope rather than belief, I had hoped the Baillieu government would support the decision. I hoped its members would join the federal government and their state counterparts, including Liberal state governments, in committing to paying their fair share, as they had said they would before the election. It seems that other states are able to pay their workers — for example, teachers — a fair wage. What is wrong with Victoria that we cannot? I suggest that it is this government.

### **Queen Elizabeth Centre**

**Mr TARLAMIS** — I rise to thank Athina Georgiou, CEO of the Queen Elizabeth Centre, for taking the time to take me on a tour of the centre's facilities in Noble Park to see firsthand the important work it is doing with families.

### **Planning: bulky goods outlets**

**Ms CROZIER** (Southern Metropolitan) — The challenges of the coming year will be significant to many Victorian businesses. The retail sector is one area that has had to compete in an ever-challenging global economy and deal with the realities of online trading, a high Australian dollar and a customer that is becoming increasingly cautious due to both national and international pressures.

One of the most important areas of retail business is in bulky goods. Over 20 per cent of Australian retail sales are of bulky goods. Bulky goods is second to the leader in the retail economy, that being the food sector. The bulky goods sector both directly and indirectly employs around 96 000 people in Victoria. So it was with great pleasure that I was in attendance with the Minister for Planning, Matthew Guy, and the member for Bentleigh in the other place, Elizabeth Miller, at a major announcement made by the minister at the Baby Bunting store in Bentleigh just a few weeks ago.

That announcement was widely applauded by a number of large bulky goods organisations that employ thousands of Victorians. The announcement has given the industry confidence. It will allow for jobs growth and give flexibility to Victoria's retail industry. As the minister said at the time, 'These sensible changes to the planning scheme will allow expansion of new and existing retail businesses in Victoria'. These are changes which the industry had for years urged the previous government to consider.

In 2007 the former government reviewed retail policy but reached no resolution. That indecision gave uncertainty to business and put hundreds of jobs at risk. In contrast, this government is getting on with making decisions for Victorians. It is no wonder that in December's Sensis Business Index Victoria led the nation in business confidence.

### **Buses: Hamilton–Mount Gambier service**

**Ms PULFORD** (Western Victoria) — The recent decision taken by the Baillieu government to discontinue the Hamilton–Mount Gambier bus service from 1 January has left the residents of Hamilton, Coleraine and Casterton with limited or substantially reduced access to services in the Mount Gambier area, and of particular note is access to specialist medical services.

V/Line services from Hamilton to Mount Gambier require that all passengers find overnight accommodation, unless they use the only service

returning to Hamilton, which departs 40 minutes after the arrival of the original service. This is of course simply untenable for most people, and they would suffer a huge financial burden if they were forced to book overnight accommodation.

I would like to provide the house with a couple of practical examples of the impact of this service cancellation on the lives of local residents. Heather Parsons, a Hamilton-based woman on a disability pension, has relied on the service to visit her sons and grandchildren. She has severe epilepsy and cannot travel alone. Without this service, Heather becomes isolated from her family, which obviously has significant repercussions for her health and wellbeing. Another resident, Margaret Brown, 67, has relied on the Hamilton–Mount Gambier service for eye appointments and had booked surgery in line with the old bus schedule for this journey. Margaret has subsequently had to arrange accommodation at significant cost and inconvenience as a result of the Baillieu government's decision to remove this important public transport service.

### **Australia Day: Western Victoria Region**

**Mr O'BRIEN** (Western Victoria) — I had the pleasure of attending the Australia Day ceremonies at Penshurst, Tarrington and Hamilton, and I congratulate all persons honoured at these functions, including in particular the Advance Penshurst 150th committee, which received the Southern Grampians community event of the year award, and local residents Brendan and Dhiz Kelly, who received the Advance Penshurst Australia Day award.

### **Tarrington: war memorial**

**Mr O'BRIEN** — I would also like to thank the Hamilton RSL and all those involved in the dedication at Tarrington of a new war memorial to all persons killed in the service of their country in all wars and peacekeeping operations.

### **Epworth HealthCare: Waurn Ponds site**

**Mr O'BRIEN** — On 24 January Minister Guy also attended Deakin University's Waurn Ponds campus to announce the rezoning of land to allow construction of an Epworth hospital on the site. I commend not only the minister for his sterling work but also Deakin University and Epworth HealthCare for their foresight in selecting the site.

### **Geelong Performing Arts Centre: funding**

**Mr O'BRIEN** — Our government is committed to improving both amenity and job opportunities for the Victorian people, and I was pleased to attend the announcement — as well as another announcement made subsequently on that day — by the Minister for Ports, Dr Napthine, of significant funding of about \$650 000 for urgent repairs to the Geelong Performing Arts Centre, or GPAC. I was pleased to advocate strongly for this funding after the critical need for these repairs was conveyed to me. Arts institutions such as GPAC provide the social fabric that encourages people to live in regional centres, and I congratulate Jill Smith and Tim Orton on their stewardship of GPAC and their advocacy for the arts in Geelong and surrounds.

### **Leo O'Brien**

**Mr O'BRIEN** — Finally, I would like to make a personal statement of appreciation for and congratulations on the contribution made by my father's cousin, Leo O'Brien, also known as Dessie or Sandy, who has donated \$420 000 to the Penshurst and district health service.

### **Lady Somers Camp**

**Ms MIKAKOS** (Northern Metropolitan) — On 17 January I was pleased to visit and speak at the 2012 Lady Somers Camp — in fact, President, you were also present. Lord Somers Camp and Power House is a not-for-profit organisation with a focus on young people, leadership and active participation. The girls camp was established 26 years ago. The Lady Somers Camp brings together up to 100 young women aged 16 to 18 from diverse backgrounds to spend a week participating in experiences designed to build their self-confidence, work on their personal development and develop their leadership and teamwork skills.

It was a pleasure to speak to some of these young women and the volunteers who run the camp. The camp attracts up to 200 women volunteers aged 17 to 70 each year, many of whom have been inspired by their own past attendance at the camp. This is an outstanding achievement, and I commend their dedication and commitment to work at the Somers camp each year. Congratulations to the chief executive, Jonathan Chapman, as well as the volunteers for providing such a wonderful, positive experience for young people across Victoria.

### Community sector: wages

**Ms MIKAKOS** — On another matter, I also wish to congratulate the Australian Services Union and the 150 000 social and community sector (SACS) workers, the majority of whom are women, on a well-fought campaign on equal pay. Their battle for equal recognition was recently recognised by Fair Work Australia, which awarded a significant wage increase to workers in this industry. It is now up to the Baillieu government to support SACS workers and make good on its pre-election promise to back pay equity and boost wages.

### Jewish Care Victoria: Glen Eira Villas adult respite centre

**Mrs COOTE** (Southern Metropolitan) — On 2 February I had the great honour of launching Jewish Care Victoria's Glen Eira Villas adult respite centre. Respite is a very important element for both people with a disability and their families, because it is often the first step towards independent living within the community. Together with my colleague David Southwick, the member for Caulfield in the Assembly, I joined Bill Appleby, the chief executive officer of Jewish Care Victoria, and Bruce Rosengarten, the president of the board of management of Jewish Care Victoria, to open this respite villa. I praise the Jewish community for the enormous amount of fundraising it did to get this villa opened and to sponsor it. The community raised \$700 000 over three years, and the Victorian government has transferred more than \$300 000 over three years to help this facility go ahead.

From what I understand, there is a strong tradition in Judaism of placing importance on the prerogatives of every individual. This has a strong resonance in our community and underpins the Victorian government's vision for the design and delivery of services for people with a disability. It is very important to understand that in the last budget the Baillieu government allocated \$92.7 million worth of packages and initiatives over four years for people with a disability, and is funding Jewish Care for just over \$4.3 million in 2011–12 and has committed \$400 000 in total to the development of the Glen Eira Villas to support this community-strengthening approach. I congratulate everyone concerned.

### Mountain Cattlemen's Cup

**Mrs PETROVICH** (Northern Victoria) — I was privileged to attend the Mountain Cattlemen's Cup this year with my Liberal-Nationals coalition colleagues and their families. An estimated 4000 people attended

the three-day event. The theme was 'Don't forget our history and heritage', so a pioneer parade was held. Interestingly there was no representation from the Labor opposition, nor the Greens.

This year's event was held in Mansfield, and congratulations should go to those cattlemen and women who organised this well-run event. For those in this chamber who were not fortunate enough to attend, they missed a great festival which celebrates Australian rural culture. There was a fabulous show of horsemanship and a variety of events including livestock events, the dog high jump event — which this year was won by George, owned by Hugh Mawhinney, a tough little mutt who cleared around 7 feet — great bands, children's activities, lots of coldies and lots of laughs. I was also the proud sponsor of the Don Kneebone Bush Poetry award, and one of the highlights was a recitation in the Jim Commins Oration by an advocate of high country culture. I quote Sally Commins:

Recently the mountain cattlemen's fight to remain in the high country has intensified. The alarmingly strong Greens presence in the Victorian and federal governments, combined with facile dial-a-quotes courtesy of Victorian National Parks Association and that of ill-informed, inner city suburbia has forced the issue of mountain grazing into the political spotlight, rather than the scientific theory in which we can merit our existence.

Federal environment minister Tony Burke, who has accumulated his environment knowledge from the streets of western Sydney, has labelled the cattlemen as 'selfish' ...

We know that is not true. She goes on to say:

Furthermore, his assertion that cattle cause unacceptable levels of damage is inconsequential when compared to the damage caused by hot fires, weeds and feral animal populations. But what does Tony Burke have to say of this? Nothing.

### City of Kingston: political advertising

**Mrs PEULICH** (South Eastern Metropolitan) — The year 2012 is important in many ways, including that it is the year of local government elections. As a passionate believer in good, responsible local government I am keen to see the reform of various areas that present some concern. A recent example — and I received information on this yesterday — is the manner in which ratepayers funds can be used for political purposes, such as the re-election of individual councillors.

Cr Rosemary West from the City of Kingston, whom I know, has put out a circular advertising a ward meeting, which she is entitled to do according to council policy. In essence that should be confined to advising the time,

location and nature of the event. Instead what was circulated is a full, two-page document outlining various policy positions and putting forward political content. She notes on the flyer that the comment is the opinion of an individual councillor, but it is on City of Kingston letterhead. It is clearly in breach of the Local Government Act 1989. It has not been authorised, so I assume it is in breach of the Victorian Electoral Commission act as well.

The councillor should be called on to repay the cost in full and to take out an advertisement apologising to the community for the abuse of the trust of ratepayers. I call on the Minister for Local Government to use the Office of Local Government to fully investigate how this occurred and to identify areas where and ways in which this can be redressed.

### **Bruce Ruxton**

**Mr FINN** (Western Metropolitan) — Many Victorians received a Christmas present we did not want with the death of a legend on 23 December 2011. Bruce Carlyle Ruxton, AM, OBE, was larger than life, and even though we knew he had been in failing health for some time, his passing came as a sad shock to the millions of Australians who admired this giant of a man. Bruce Ruxton was known for saying what a lot of people thought. It is an understatement to say he was no fan of political correctness. He was a courageous warrior for those things he believed made Australia the wonderful nation it is. Bruce did not mind a stoush, but he was also a man of great humour and compassion; he had a generosity of spirit that belied his often gruff public image.

For 23 years Bruce Ruxton led the Victorian Returned and Services League, and there was no problem faced by a veteran or their family too big for him to tackle. To list his many accomplishments for the vets would require an entire sitting week, maybe longer. He fought for the rights of vets and their welfare right up until the point where his health stopped him. There are men and women from one end of this nation to the other who will be forever grateful for Bruce's commitment and doggedness in looking out for them. Bruce Ruxton was a man who did not suffer fools gladly but was very supportive of those he thought were heading in the right direction. I regard myself as fortunate to be in the latter category and will remember with fondness and gratitude the support and encouragement the great man gave me.

Bruce Ruxton has now gone to his reward, but we remember him as a man of conviction and integrity and one who constantly put the needs of others ahead of his

own. Bruce Ruxton was a true Aussie champion. May God rest his soul.

### **Emergency services: Keilor storm damage**

**Mr ELSBURY** (Western Metropolitan) — I would like to express my deep thanks to the emergency service workers and other government staff who assisted after the storms that hit the Keilor area in the western suburbs on Christmas night. I was in contact with the City of Brimbank within an hour of the event occurring and maintained contact with it to ensure that whatever the state government could do was being done.

I have to say that my office was one of the victims. We lost two skylights and several pieces of equipment in the office, which limited what we were able to assist with. However, because it was not my home it did not cause me as much inconvenience as was inflicted on other people across the western suburbs.

### **B-24 Liberator restoration group**

**Mr ELSBURY** — I would also like to congratulate the B-24 Liberator restoration group, secretary Judy Gilbert, Doug Lindsay and — as Judy calls them — 'the boys', for all the work they are doing. I continue to work with them to find them a new home.

### **Rail: St Albans level crossing**

**Mr ELSBURY** — I would also like to raise the issue of the St Albans level crossing. Unfortunately this year we have already seen the loss of a 40-year-old gentleman's life at that crossing. I am glad to be part of a government that has committed \$16.5 million to planning for this crossing to be removed.

### **Cyberbullying: storyboard launch**

**Mr ONDARCHIE** (Northern Metropolitan) — On Monday of this week I joined with the former mayor of Moreland City Council, Cr Oscar Yildiz, Ali and Diana Halkic, the parents of Allem Halkic, who took his life by jumping off the West Gate Bridge, the father and brother of Sheniz Erkan, a beautiful young Victorian girl who recently took her life as a result of cyberbullying, and of course Damien and Rae Panlock, Brodie's parents. We joined together to launch a storyboard about combating cyberbullying.

Cyberbullying has become prevalent in this country, and in fact recent research suggests that unfortunately Australia leads the world in cyberbullying through sites like Facebook. Teenagers typically internalise when they are being harassed. When I went to school I was

called 'Chocco', but that sort of harassment finished at 3.30 in the afternoon and I did not have to worry about it again until 9 o'clock the next morning. But in cyberspace these kids are receiving a constant barrage, and they are not always sharing it with their parents. I know this place enacted Brodie's Law last year — the legislation that dealt with workplace bullying — but we have not gone far enough. I think all members of Parliament and all citizens need to stand up and say that cyberbullying is no longer acceptable.

I have written to the head of Facebook in Australia asking him to consider putting messages on his screen so kids can connect to people who can help them by just a click of the button. They do not have to share it with mum and dad; they can instead connect to a counsellor. I call on Stephen Conroy, the federal Minister for Broadband, Communications and the Digital Economy, to do something about stamping out cyberbullying. It is no longer acceptable that we let this happen in our society and sit idly by while kids take their own lives.

### CITY OF HOBSONS BAY: PLANNING SCHEME AMENDMENT C86

**Mr TEE** (Eastern Metropolitan) — I move:

That amendment C86 to the Hobsons Bay planning scheme be revoked.

I do so because this planning scheme amendment is a really clear example of the tragic state that planning has reached in Victoria. This is a very important planning scheme about the look, feel and amenity of a great community in Williamstown, but the amendment is about more than that because it provides an unfortunate precedent for development right across Victoria. I think communities throughout Victoria would be very concerned if they were to be treated in the way the community of Williamstown has been treated. I think this planning scheme amendment also reveals the government's failure to have a plan for the port of Melbourne and its failure to have a plan for people living near major hazard facilities. Lives are literally at risk, but this government just does not have a plan or a strategy. Clearly it is proof that this minister is not up to it.

The starting point is the \$220 million proposal for a high-rise development in Williamstown. If you go through the process, you will see there is a degree of disarray and confusion and a concern that the government and the minister are just not up to the complexity of this situation. You would think — —

**Mr Finn** — Are you saying that the council is not either?

**Mr TEE** — I think the council has got it right, Mr Finn — —

**Mr Finn** — That is what we are saying. Let the council decide.

**Mr TEE** — No, that is not right.

**Mr Finn** — We have handed it back to the council.

**Mr TEE** — No, you have not. What you have here — —

**Mr Finn** — You should get your facts straight.

**Mr TEE** — No, you have not. You will get a chance. But you would think, Mr Finn, that if Mr Guy was going to get any one planning scheme right, and if he was going to focus on getting one right, it would be this one, because at a political level you have the involvement of Mr Ron Walker, a Liberal Party heavyweight. You would think that on this one the minister would say, 'I want to make sure that I have a proper process in place. I want to make sure that I have the appropriate distance in place. I want to make sure that I follow the advice of the independent panel'. You would think that on this one he would make sure that the process was squeaky clean so that there would be no opportunity for anyone to make any allegations about this being a favour for Liberal Party mates. But on that measure this minister has clearly failed. The minister has also failed to have any regard for the long-term economic interests of Victoria.

What we have got here is a development, one of many developments, that may impact upon the long-term survival of the port of Melbourne. Instead of ensuring that this development is consistent with the long-term survival of the port of Melbourne, the minister sits on a report, the ports and environments report, that he has had for nearly 12 months, and he does not release this report that goes to the heart of the issues that are being dealt with at this development. The issue is: does this development encroach on port of Melbourne facilities, and if it does, how do you make sure that the development and the port can coexist? The minister has this report, but he will not release it, so you have here a committee required to operate in a vacuum. On this measure the minister has failed.

I think the most important reason this minister should have got this right is that this proposal is for a high-rise development near a major hazard facility. You would have thought that if anything would weigh upon the

minister's mind, if anything would give this minister or indeed any minister pause for thought, it would be the risk of allowing people to live next to a major hazard facility. But on this ground the minister has again failed. What you have then is a process that from go to whoa is a litany of failures. It is a failure to have regard to the local community; it is a failure, Mr Finn, to have regard to the local council.

**Mr Finn** — You haven't got a clue what you're talking about.

**Mr TEE** — It is a failure to have regard to the independent panel.

*Honourable members interjecting.*

**Mr TEE** — There is no basis on which this decision should stand. The starting point of course is the report of the independent panel. Let us have a look at the report of the independent panel, and I might add that the panel —

*Honourable members interjecting.*

**The PRESIDENT** — Order! I am concerned about the cross-chamber interjections and particularly those of Mr Pakula, in the sense that he is sitting right next to the minister — the shadow minister, who is trying to put his case, and it is becoming difficult for Hansard because Mr Pakula is directly competing with the minister from the same location. Can we allow the minister to have a little bit more space in that regard. The minister — shadow minister, rather, to continue.

**Mr TEE** — I thank the President — and also for that elevation and vote of confidence. The starting point really is the panel report, and I want to congratulate the advisory committee for the report and the work it did. I want to congratulate it on a report that is reasonably well balanced. I want to congratulate the member for Williamstown in the Assembly and a former member for Williamstown, who put in a very considered, sensible and reasonable submission, a lot of which was ultimately accepted by the committee.

**Mr Finn** interjected.

**Mr TEE** — What happens, Mr Finn, is that the minister gets this report in May, but what does he do with the report? What does he do with it, Mr Finn? Nothing. He sits on the report, Mr Finn. He sits on it for days; he sits on it for weeks; he sits on it for months. He does not release the report. It gathers dust. You have the minister sitting on a report, you have a community that is anxious because it does not know what is in the report or what the government is going to do, you have

seven months of anxiety and you have a developer watching costs go up and up — and the minister does nothing. He sits on the report; he does not release it. For seven months everybody is in the dark.

Then on 28 November the minister releases the report; but he does so in this vacuum. No consideration was given to the dangers of living near a major hazard facility or to the impact that this is going to have on the port of Melbourne. The need to look at the dangers of living near a major hazard facility is absolutely compelling, and the panel acknowledged that. The committee in its report acknowledged concern about a major high-rise development within a 300-metre radius of the Mobil facility.

The panel, in its response to that, did the best it could with the limited information it had. It said that any buildings within that 300-metre radius had to be low rise and that the high-rise component had to be moved out. The panel also said that the low-rise buildings had to be constructed to withstand a cyclone, such was its concern about the danger of people living near that major hazard facility. But the problem is that the panel had its hands tied behind its back. It was hamstrung because, as it said, it was denied access to Mobil and WorkSafe information and all specific site information was unfortunately not available in this case. We have a panel that is struggling because it does not have the expertise and it does not have the information. The question is: how can the community be confident that the committee has got it right? How can the committee be confident that it has got it right?

The committee goes on to acknowledge that there was a gap in the planning scheme. It said that WorkSafe was not a referral authority, which is curious. We have a major hazard facility and a development application, and WorkSafe is not a referral authority. The committee said:

Such status is common in flood-prone areas and in bushfire-prone areas. It seems to this committee that there is a gap in the planning process if the agency that is responsible for something as serious as a potentially life-threatening event is not required to be informed.

We have a clear gap, and to the minister's credit he acknowledges that. He says there is a gap. He writes to the member for Williamstown on 5 April 2011 and says that he is currently considering the recommendations of the Ports and Environs Advisory Committee report, which again is a telling matter because that report had been with the minister for nearly 12 months and he still had not released it. However, he said that the report:

... has made several recommendations relating to 'sensitive uses' at the interface of the port and major hazard facilities associated with port operations.

He is saying he has a report that deals with living near a major hazard facility and with the ongoing existence of the port of Melbourne. But guess what? He is not going to release it. He is not going to give the committee access to it. He is not going to give the public access to it. He is going to sit on it — in fact, he has sat on it since 5 April; the 12-month anniversary is coming up and he still has not released this critical information. But the Minister for Planning said on 5 April 2011:

The preservation of safe buffer areas to protect residents from adverse impacts, while protecting port operations from encroachment of sensitive uses, is of utmost importance.

I have asked my department to raise issues relating to major hazard facilities and appropriate distances between new residential developments with the EPA, which is responsible for policies and guidelines that relate to appropriate buffer distances.

He is saying that he acknowledges there is a problem here, that there is a gap. He acknowledges that this community has been asked to live within 300 metres of a major hazard facility and that that is a problem. He has referred it to the Environment Protection Authority, which is responsible for policies and guidelines that relate to appropriate buffer distances. Guess what? He got it wrong. The EPA wrote on 29 September 2011:

Responsibility for guidance and systems for buffers rests with DPCD on behalf of the Minister for Planning.

It is not the EPA's issue. What we have is a minister acknowledging in April, 'We have this serious problem. We have a serious gap'. The EPA says, 'It is not our responsibility. It is the minister's responsibility'. So nothing gets done. We have lost a whole year. We have had a planning process which has operated in this void where there is a risk of allowing people to live in a high-risk area, and the minister cannot even work out who the appropriate authority is. He cannot even understand that he is the one who is responsible for this. He asked the EPA, which has no responsibility for this, to have a look at it. No wonder the community is rightfully very concerned about safety.

The committee has done the best it can with the information it had. Everybody acknowledges that there is a problem, but the one person responsible for fixing it is the one person who does not agree that he is responsible for fixing it. The incompetence of the minister in not even knowing he is the appropriate authority would be farcical if it were not for the fact that we have lives at risk. This minister, through his incompetence, has put the community at risk.

We have lives at risk, and we have the port of Melbourne at risk. This is the busiest port in Australia.

It is the anchor of the Victorian economy. The minister acknowledged in his letter of 5 April 2011 that he wanted to be clear about making sure that we do not have encroachment that impacts on the survival of the port, yet he had the ports and environs report which deals with this very issue sitting on his desk for more than 12 months. We do not know what is in the report — the minister will not release that — but we do know the Ports and Environs Advisory Committee put out a discussion paper in March 2010 which fed into its final paper, which the minister has had for nearly 12 months but has not released. What the committee said in its discussion paper is:

Any proposal to redevelop the woollen mills site for residential purposes would need to be sited and designed to avoid potential adverse amenity impacts. Accordingly, the committee considers that there is a case to be made for a site-specific overlay to be introduced for this site that would specifically address potential impacts from the port area and for a requirement for notice of referral of applications to the PoMC —

that is, the Port of Melbourne Corporation. The Ports and Environs Advisory Committee put in its discussion paper the case for an overlay and expressed its concern about the impact of the woollen mills, and that was fed into its final report, but that is not available to the committee or the community. It just sits on the minister's desk. It is not a public document. We do not know what the recommendations are. We do not know whether the woollen mills development falls foul of those recommendations. We do not know what impact this will have because — —

**Mr Finn** — You don't know much at all!

**Mr TEE** — Because, Mr Finn, the minister will not release the report and will not give any explanation as to why, after 12 months, he will not release the report. The community cannot be assured that this development is not compromising the long-term viability of the port. We have never had any explanation from the minister as to why he sits on this report, which is coming up to its 12-month anniversary.

That brings us to the advisory committee panel report, which has been released in this vacuum. It has been released in circumstances where the minister has all the cards. He expects the committee to work its way through this maze and has never offered any explanation. Even the release and the management — and this comes to Mr Finn's point — of the committee's report and the way it has been dealt with is a debacle, because what the minister has done is say on 28 November 2011, via the *Herald Sun*, that the council will be empowered to make the decision on the development of the woollen mill site. One day later, on

the 29th, the council got a letter. The minister said the council would make the decision and then he wrote to the council — it got a letter one day after the minister's comment appeared in the paper — and said:

I am writing to advise you that I have decided to exercise my power ... to ... prepare, adopt and approve amendment C86 to the Hobsons Bay planning scheme.

That is the planning scheme amendment we are debating today. It gives the council no scope. It puts in place a legal framework with which the council is obliged to comply. This is the minister on the one hand saying, 'The council is going to make the decision', but on the other hand saying, 'This is the decision it is going to need to make'. But there are two exceptions. There are two absolutely critical areas where the plan that the minister has imposed on the council, despite what he said publicly, differs from what the committee has recommended. Those critical areas go to height limits and to the developer's contribution.

The committee was very clear about the issue of height limits. It spent quite a bit of time in its report talking about height limits. It talked about the fact that the existing height limit is two and three storeys. It talked about having based its recommendation on height on the 'heritage perspective as well as an urban design, character and amenity perspective'. The developer proposed a 15-storey height limit, and the committee said:

The committee was surprised by the lack of detailed analysis that had been undertaken by the proponent to justify the suggested heights of up to 15 storeys ... The committee was disappointed at the lack of justification provided on this critical issue.

The committee was concerned about evidence of a 15-storey building providing visual domination that would 'detract from the valued qualities of Williamstown, qualities which are highly sought after'. What you have is a proposal by the developer for 15 storeys.

*Honourable members interjecting.*

**Mr TEE** — I am reading the independent panel's report.

**Mr Elsbury** interjected.

**Mr TEE** — Mr Elsbury and the minister might disregard the views of the independent panel, but I am just giving its perspective. The members of the panel are saying that they appreciate — Mr Elsbury might not appreciate them — the amenity, the lifestyle and the community in Williamstown. The panel recognises that. Mr Elsbury might not recognise that. His minister

certainly does not recognise that, but I can tell him now that the panel recognises that people in this community value its lifestyle, value its heritage and value the buildings around which they live. Mr Elsbury might disregard it, but they certainly do not.

Indeed the National Trust, which gave evidence to the committee, was concerned about the 15-storey height limit. It wanted a lower scale response that could achieve a better integration with the coast and the existing built form in Williamstown. The panel said, 'Instead of 15 storeys, let's make it 6'. It recommended a maximum height of 6 storeys. The developer wanted 15 but the other buildings are 2 and 3, and the panel said 6. It has taken into account the views of the community, the views of the council and the views of the National Trust. It has had a look at the development and it thinks that 6 is the appropriate level and that that ought to be the mandatory height limit. That is what it said. That will give everybody confidence. It will give the developer confidence and it will give the community confidence. Everybody would know that there is a mandatory height limit of 6 storeys.

Everyone agrees except for the minister. Everyone agrees that 6 storeys is right, except the minister and, I suspect, the developer, Mr Elsbury, Mr Finn and those opposite. They are representing the west, and if they accepted the views of the community, the panel and the local council, they would vote with the opposition on this issue because this motion is about supporting those outcomes for the community, for the council and for the heritage of the local area.

**Mr Finn** interjected.

**Mr TEE** — What the minister does is say that there is no mandatory height limit; it is open slather. There is no mandatory height limit, so this issue will go on and on and the uncertainty for the developer and for the community will continue. This issue is now unresolved, and if the council does not provide a solution for the developer, it will end up in the Victorian Civil and Administrative Tribunal.

What you have is a panel report that has been sitting on the minister's desk for a very long time and the outcome is uncertainty for the community. The outcome might be a 15-storey monstrosity that the community, the panel and the council say is bad for the look, the feel and the amenity of Williamstown — and the local Liberal Party members are silent. But if you want a clue as to what is motivating the minister — and we all have to ask the question — you then have to look at the other area where he departs from the

recommendations of the panel. And guess what? It is in developer contributions.

**Mr Elsbury** interjected.

**Mr TEE** — Isn't that interesting, Mr Elsbury?

**Mr Finn** — On a point of order, Acting President, I sincerely hope the member is not making some inference about the character of the minister in this regard, because that would be most unparliamentary and you, Acting President, would have to ask him to withdraw if that were the case.

**Mr TEE** — On the point of order, Acting President, what is being suggested is that I may in the future make a reference to the minister that might not be a fitting reference. I do not think I can be accused of something that I may or may not do in the future and be asked to withdraw it.

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! I thank Mr Tee for his clarification. I do not think there is a point of order, but while I am on my feet I ask the member to address the chamber through the Chair.

**Mr TEE** — Thank you for your assistance, Acting President. The panel is clear. It said there should be a \$900-per-dwelling developer contribution for improvements to the local road, a bicycle network, footpaths and landscaping and to provide a bus shelter and pedestrian access to the railway station. However, the minister said no. He said there will be no contribution for a bicycle network and the bus shelter. There will be nothing for pedestrian access to the railway station, for footpaths or for landscaping. He let the developer off the hook.

**Mr Elsbury** interjected.

**Mr TEE** — I am not saying that, Mr Elsbury. He should have a look at the planning scheme amendment; it is not there. There is no requirement for the council to impose this as a permit condition. There is no legal requirement on the developer to put forward its contribution of \$900 per dwelling. It is a windfall for the developer.

I urge those in the house, particularly Mr Elsbury and Mr Finn, to take a stand for their local communities. They should take a stand for their local councils and for the look and feel of Williamstown. They should say no to 15 storeys and say yes to the independent panel. They should not betray their communities on this one. This is an important issue where they can stand up for their communities and not betray them. They can stand

up for a decent planning process and for a planning outcome that respects the community, the council and the panel. This is their opportunity to stand up for integrity and for their local communities. I urge the members to join with members on this side of the house and support my motion.

**Ms HARTLAND** (Western Metropolitan) — That was quite a fascinating speech from Mr Tee. I suggest that Labor Party members re-read the *Hansard* report of my motion to revoke an amendment to the Hobsons Bay planning scheme. Labor was in government at the time, and the former planning minister, Mr Madden, brought the amendment forward. They might like to re-read some of the attacks that I came under from their side for doing that, including comments that the Greens were just a party of protesters and that we really did not care et cetera. I suggest that might make some interesting reading. Members on the Liberal side should have a look at what Mr Guy said about standing shoulder to shoulder with the government on this issue, because he did not believe in supporting revocation motions.

**Mr Lenders** interjected.

**Ms HARTLAND** — This issue has nothing to do with preferences; it is an issue to do with a very serious planning matter in Williamstown. The Williamstown high rise has become a saga. It has been a huge game of keepings off between the former Labor government and the current coalition government. Labor took the planning power away from the community. On election day it tossed the planning control to the coalition government over the heads of the community. It was a bit of a game of keepings off.

This motion is utter hypocrisy on the part of the opposition. Is Labor really saying that the only thing wrong with this picture is the height controls? It thinks it should be multistorey because it rezoned it for a multistorey residential development, but not quite as multistorey as this. When Labor took planning control away from the City of Hobsons Bay I was the only local member who stood with the community and fought it. The member for Williamstown in the other place raised a number of concerns in the local press, but still the Labor Party persisted in this. I came to the Parliament with a disallowance motion and had a really red-hot go at it. I tried everything, but the Labor Party would not listen. Its members just voted to rezone the land and, as I said, Mr Guy stood shoulder to shoulder with Mr Madden, even though Liberal Party members had moved a no-confidence motion in Mr Madden in the previous few weeks. They said that the planning process was fine and that Mr Madden was right.

If Labor members really care about community participation and democracy, where were they when their government took it away? It feels a bit like it is bad when the coalition does it, but it is okay when the Labor Party does it, and I do not understand that. Of course the Greens are going to vote with Labor on this disallowance motion. The height controls make a bad situation even worse, but honestly, you cannot just become user-friendly to the community when you are in opposition; you have to be there when you are in government as well. Mr Tee wants to give the impression that the government is opposing the rezoning when it is the Labor Party's fault that it happened in the first place.

If Labor Party members care about the shipyard now, they should remember they took land away from the shipyard. One-third of the land that the Labor government rezoned for this development came from the shipyard. Did they think the developers would be able to propose high-rise towers without all that extra land?

Mr Tee talked about the Mobil tank farm and yes, it is a major concern. It was one of the things that I spoke at length about when I moved a revocation motion in relation to this planning scheme. It is just 500 metres from the site, and it is incredibly dangerous. Mobil has a terrible record on safety issues in the western suburbs. There are no clear buffer zone regulations. I live in an area which has a number of major hazard facilities, and for 20 years I have been campaigning to resolve some of those issues. I know the previous government was not concerned enough to make sure that there was proper buffer legislation. There are a number of residential areas that are really close to major hazard facilities.

There will be Labor members, and I know the member for Williamstown tried his best, who will say, 'We will do it behind the scenes. We will do this and we will do that', but you have to do something much more concrete when you are in government. This is a problem we have in the west, a region I share with Mr Finn and Mr Elsbury. They say they will talk to the government and that they will do it. Yet promises are broken again and again. If the Labor Party really cared about the Williamstown community, it would have done something about it when it was in government, instead of just whingeing about it now.

Before I finish I would like to acknowledge the work done by the Save Williamstown campaigners. They have worked hard to keep the community informed, and they have undertaken the arduous task of attending all the panel hearings. For a community group that

relies on volunteers, that is an incredibly difficult job to do. They have written reports and they have found information. They are the ones who have often been the source of really good information about what is going on at the site.

Directly across the road from this development is a shipyard that employs a huge number of people. We just need to look at what happened at Cockatoo Island when residential development was allowed close to the facility there: eventually it closed. Residential areas and major industrial hazard facilities do not mix.

**Mr ELSBURY** (Western Metropolitan) — It was interesting to listen to Mr Tee's contribution earlier. You could basically describe it as amnesic, possibly even hypocrisy, as Ms Hartland has pointed out. He is from the party that planned to hold sham consultations on the proposed Windsor Hotel redevelopment. Mr Tee said we have now reached a tragic state for planning in Victoria, yet what happened with the Windsor Hotel was fine. There is a recurring theme here. We had the sham consultation process on the Windsor Hotel, and then no consultation at all by then Minister for Planning and former member of this house, Justin Madden, now the member for Essendon in the other place, who changed the planning regulations around this site overnight — —

**Ms Hartland** interjected.

**Mr ELSBURY** — Exactly. As Ms Hartland points out, it was signed off overnight.

You would have thought that if this was such a problem for the local community, then the local member, Mr Noonan, the member for Williamstown in the other place, would have raised this matter as one of great importance at the time the rezoning took place, but he did not. It is curious that he now shows an interest in this issue; I expect he will issue some sort of quaint Twitter message or verbose media release after this debate. However, when Mr Madden changed the zoning of this area Mr Noonan was silent. As someone who supposedly has his finger on the pulse of what is going on in Williamstown, I would have thought that he would have been on top of the issue — that he would have seen his minister and raised the matter in the house, saying it needed to be dealt with and we needed to do something different here — but no. We will get a Twitter message, a Facebook update or a media release bagging out the current government for a process that was started under the previous government — —

**Ms Hartland** — And continued by yours.

**Mr ELSBURY** — We will be continuing, but we will be continuing in a totally different manner to the way the Labor government wanted to push it through.

The coalition went to the election with a commitment that it would return planning controls for the site to the council, that it would give the council back the ability to make decisions about its community. As per normal, Labor members are picking up their socialist roots of centralised control, wanting the minister to be the one who makes the decisions. Forget the people, forget the locals; do not worry about what they want or about the fact that the local council can do these sorts of things — can communicate with its community and make a decision based on the facts it has from the community — no, give it back to the minister. That is the Labor Party's point of view on this. It would give it all to the minister and ignore what is going on in the community.

I do not know this for a fact, but perhaps our friends on the other side of the chamber are worried that their Labor Party colleagues on the Hobsons Bay City Council are not up to the job. I would have hoped they would have more confidence in the people they put forward for local government, but apparently that is not the case.

Revoking amendment C86 to the Hobsons Bay planning scheme would effectively take away the council's control of what happens at the site and give it back to the minister and the Parliament. We would be taking power away from the people who know the local issues and understand the concerns. Even the councillors who live in Williamstown would be ignored. We would expect the Parliament, which represents the entire state of Victoria with its differing points of view, to make that decision for the council.

In relation to the argument put forward by Mr Tee, on the one hand he said he wants the minister to control the development while on the other he said he is upset that a framework has been established to guide the council in making its decision. He wants Parliament and the minister to have full control over the decision, but he does not want to give the council any guidance as to what should happen. Part of that guidance is creating one-third of that 2.7 hectare site in such a way that no high-rises can be built within the buffer zone. We are not putting anything inside the buffer zone that would put people's lives at risk. We are also allowing for the planning to occur. As Mr Tee has explained, there is a provision requiring that buildings be able to withstand a cyclone. It is only reasonable to expect that if a building is on the verge of the buffer zone, it is able to withstand any incident.

I lived in the shadow of the Altona refinery for 3½ years after I decided I would leave my family home in Hoppers Crossing and move far enough away from my parents to be independent but close enough to yell out for help if I needed it. I actually lived inside a zone where on the first Sunday of every month at 10 o'clock you could hear air-raid sirens go off. It was not the Fritz coming to get us. It was a practice of the emergency drill operations up at the refinery. They would wind up those sirens, you would hear them and you would think, 'It's 10 o'clock and it's Sunday, everything is good'. If you heard it any other time, that is when you thought to yourself, 'I might pack the kids in the car and go'.

We have a situation where, yes, there are hazardous sites. There are sites like the one on Point Gellibrand that hold oil and other materials, and they are in close proximity to housing. It does happen. But if we can develop a planning structure around the practicality of having these sites, then we can still utilise an area which is in some instances decrepit — —

**Ms Hartland** — Dangerous.

**Mr ELSBURY** — Dangerous or a hazard, and, by the way, I am talking about the woollen mills, which have been abandoned for quite some time.

We go on about the amenity of Williamstown. Williamstown is one of my favourite places. I enjoy going down to Williamstown and dream of the day when I will win Tattsлото and live there, because it is a beautiful place. As I said, I lived in Altona, and I thought that place was pretty good too. Unfortunately the old bank balance did not live up to the aspirations I had to live in the Williamstown area. Unless you are completely blind, you would have noticed that there are housing commission towers in the area. This does not open up the chequebook or open up the plans to say, 'Let's go nuts and have towers absolutely everywhere', but by the same token there are established in that area, from memory, two towers.

**Mr Tee** — Now there will be three.

**Mr ELSBURY** — We do not know that, Mr Tee. Mr Tee has no confidence in the City of Hobsons Bay, does he? He has no confidence in his mates from the Labor Party who are on the council. Mr Tee has no confidence that they are going to do what is right by their community. Mr Tee has to admit that he has no confidence in them. I am sure that is why one of those councillors was denied the chance to run for the seat of Altona.

There is a great amount of passion around the amenity of the area, and I can understand the concern. I also

congratulate the Save Williamstown campaign group for the passion it has shown. If it was not for the passion of members of that group and the commitment they made to their community, then Labor would have signed off on the documents and allowed a tower to be built based upon a decision made by the planning minister. There would again have been no consultation. The council would not have got a look in. We would not have had Wade making a Twitter announcement or anything like that. It would have just happened.

**Mr Finn** interjected.

**Mr ELSBURY** — I did not say that, Mr Finn. I could not possibly comment.

We are talking about the Port Phillip Woollen Mill site in Williamstown, a site of 2.7 hectares which was rezoned by the previous planning minister for housing use. An advisory committee was formed, with hearings held on Monday, 13 September 2010, and Wednesday, 10 November 2010. Public hearings were also held in February and March 2011. The views of the community were listened to and gathered, and a report was delivered. The parts of the report that were omitted were things to do with the minister taking control of the site himself. Possibly they were there because that was the status quo at the time. It was just what happened in Victoria under previous planning regimes. Instead we have said the council can have that power.

Mr Tee made a big song and dance about a \$900 developer contribution to be made by the developer for each dwelling that is built. He is assuming that \$900 today will be worth \$900 in 5 or 10 years time. He is assuming that there is not going to be any consumer price index increase, any cost of living increase or any changes to the way in which construction is done. He is assuming, based upon what he sees as being a normal amount of \$900, that this will stay the same forever. We do not believe that. We believe when the development is going ahead and the site is being developed is when the amount should be set. If we as a government today set this amount, we would be basically robbing the people of Williamstown of the full value of what the developer contribution should be at the time that the development goes ahead. As a government we have advised the council on numerous occasions that it can set the developer contribution. It is within the council's rights to do it.

**Mr Tee** — No, they can't.

**Mr ELSBURY** — Yes, the council can, Mr Tee. The council can do it.

We have a Labor opposition that would, without consultation, change a development plan and then say, 'We are going to set a developer contribution below what is adequate to provide any of the infrastructure that is required for this development to occur without adversely impacting upon the local community'. That is basically what we have got. We also have a Labor opposition that does not trust its mates on the Hobsons Bay City Council to make a decision.

I do not think it is a secret that this government is determined to undertake urban renewal projects where it can and as efficiently as it can. Government members will be encouraging the redevelopment of legacy sites that have been unused for quite some time. We will encourage their development into new housing, new commercial opportunities and new business opportunities, because there is no point having bricks and mortar sitting around idle when there is a need for housing for young families, the elderly and people who have fallen on hard times.

We cannot sit around day after day watching these buildings just going to rack and ruin without doing something with the sites that they sit upon. This is especially the case with sites, and there are many in the western suburbs, from which industry has moved for various reasons, such as the cost of operating or even because a factory is tired and the company needs a new site. There is no point leaving those sites completely idle. There has been evidence of this happening for many decades. We only have to look at the Newmarket stockyards development on the other side of the Maribyrnong River from my electorate. That site used to be occupied by abattoirs and stockyards, and now it is a housing development.

This government has also brought forward the concept of the Bradmill site in Yarraville and other development sites in former industrial areas for which it is going to seek better uses, and this is where the Port Phillip Woollen Mills site comes in. There are 2.7 hectares sitting in Williamstown which will benefit homeowners and businesses in the region.

We also have to consider other policies that we are bringing to the fore at the moment which will assist the day-to-day business of people who live in Williamstown. We have committed the Growth Areas Authority to develop a master plan for the Werribee employment precinct. The plan is to give people in Williamstown and across the western suburbs an alternative to working in the city. Instead of the western suburbs being dormitories and all of us hopping on the trains and heading to Melbourne or fighting through traffic over the West Gate Bridge, the opportunities that

the Werribee employment precinct will bring will include jobs in the west for people of the west. These are policies that will impact upon Williamstown and improve the way of life for people across the western suburbs.

I do not think it will come as a surprise to anyone that I intend to vote against this motion simply because the opposition would have control returned to the minister, and the minister has already said that he is giving that control back to the community. It is as simple as that. We have given control back to the community, and we have given the council the power to make the decisions it needs to make. If the council needs any help along the way, I am sure that the minister — and his department and his office — will provide that assistance to the City of Hobsons Bay. If, as Mr Tee says, there will be a six-storey or three-storey limit, whatever limit gets put on this property, we need to work through this matter with the council and the developer to ensure that this site is utilised in the best possible manner.

We also have to consider the site with regard to the port of Melbourne. I find it rather interesting that the shadow minister decided to discuss the future of the port of Melbourne when it was the planning minister in the previous government who would have put the port of Melbourne in jeopardy in the first place by making the amendment, but apparently it has suddenly become our fault that — —

**Mr Finn** — Don't let the facts get in the way of a good story.

**Mr ELSBURY** — Don't let the facts get in the way of a good story — exactly, Mr Finn. I will be voting against this motion because I want to see the western suburbs thrive without the impost of a minister in Melbourne making a decision when we have perfectly good local government processes available to make the decision. I hope the member for Williamstown will come with the community and the council on this and give them every assistance in working through this matter rather than trying to run a scare campaign about a 20-storey, 40-storey or 189-storey Abu Dhabi-style development.

**Mrs Peulich** — Only limited by Mr Tee's imagination.

**Mr ELSBURY** — Only limited by Mr Tee's imagination. We will be building a tower to the moon if we listen to Mr Tee. Indeed a tower of Babel would be built in Williamstown if Mr Tee's predictions were made out. In any case, I will once again on the third and final offer say that I will be voting against this motion

because I believe the people of my community in Williamstown deserve the say that the Liberal-Nationals coalition government has provided them.

**Hon. M. P. PAKULA** (Western Metropolitan) — I rise to support Mr Tee's motion.

*Honourable members interjecting.*

**Hon. M. P. PAKULA** — Oh, here we go! What did I do to deserve having both Mr Finn and Mrs Peulich in the chamber at the same time?

I would like to respond to each and every one of Mr Elsbury's points, but given the meandering stream-of-consciousness contribution that it was, I would find myself dealing with Mr Elsbury's personal finances, the Kensington stockyards, Mobil Altona and its alarm system, and Mr Elsbury's childhood, so it would be a little difficult to deal with each and every issue that he raised. I will just deal with the fundamental issue that he went back to on numerous occasions.

In effect Mr Elsbury's contribution was that what the government is doing is returning power and control to the council and to the local community and respecting their wishes. Frankly it was a contribution based on an avoidance and a denial of reality, because the fact of the matter is that the local community wants the height restrictions, as does the council. Both the local community and the council have made it abundantly clear that they want the independent advisory committee's recommendations to be supported by the government. That is what the local community wants, and if Mr Elsbury wants to come in here and somehow pretend that the desire of the local community is that this matter be left in abeyance for months, if not years, he is dreaming. If Mr Elsbury wants to come in here and pretend that it was council's preference that it has this authority returned to it, he is dreaming. It cannot be made — —

**Mr Finn** — It was an election commitment.

**Hon. M. P. PAKULA** — I will come to your election commitment in a moment, Mr Finn. Let us be clear on what Hobsons Bay City Council has actually said. We should not verbal the council; let us hear what it actually said. The previous mayor of Hobsons Bay, Cr Raffoul, said — —

**Mr Finn** — Which party is he in?

**Hon. M. P. PAKULA** — Mr Finn, you cannot have it both ways. You cannot come in here and pretend that

the government is adopting the council's wishes and then bag the council because its members say something inconvenient to your argument.

**Mr Finn** — No, you don't trust it to make its decisions! I just want to get it on the record, that's all.

**Hon. M. P. PAKULA** — Mr Finn, if you want to put on the record which party Cr Raffoul is in, then go for your life when you are on your feet. Cr Raffoul's media release said:

... council was deeply disappointed with the Minister for Planning's decision on the future of the former Port Phillip Woollen Mills.

Cr Raffoul said the 191-page advisory committee report was comprehensive and balanced and the minister's decision showed a disregard for the committee's expertise and advice.

The minister has failed to heed the expert recommendations of the independent advisory committee report ...

Let us not come in here and pretend that the council is happy to have this power returned to it. Council wants an end to the uncertainty, and the view of the council and of the local community is that the best way to remove that uncertainty is to impose a mandatory height restriction, as was recommended by the advisory committee. I am sure that Mr Elsbury does not genuinely believe that it is the view of the local Williamstown community that this matter should be up in the air, not just through a council process but through the almost inevitable VCAT (Victorian Civil and Administrative Tribunal) appeal if the developer is not happy with council's decision. This might be in contention for another few weeks or months, it might be years, as this winds its way through VCAT. The best, most comprehensive way to avoid that possibility would have been to heed the recommendation of the committee and do what council and the community wanted — that is, put in place the height restriction.

Mr Finn was bellowing at me before, as is his wont, about it having been an election commitment. Actually Mr Finn's election commitment was not that a coalition government would return this matter to council. His election commitment as published on Mr McConnell's leaflets was:

Only the coalition will stop Labor's high-rise development plans.

That was Mr Finn's election commitment. It was not to return the matter to council.

**Mr Finn** — Did it make any reference to a specific one?

**Hon. M. P. PAKULA** — This is talking about Williamstown. It says, 'Don't let Brumby destroy Williamstown'. The specific commitment from your candidate, Mr McConnell, was, 'Only the coalition will stop Labor's high-rise development plans'. How do you stop high-rise development plans?

**Mr Finn** interjected.

**Hon. M. P. PAKULA** — You give it back to council? No, you do not. You stop high-rise development by putting in place the mandatory height restriction that was recommended by the advisory committee. It is all well and good for Mr Finn to be in opposition and to say, 'If we get in, we'll stop it', but then once he is in government he says, 'When we said we would stop it, what we meant was that we would give it back to council and hope it stops it, and if it does not stop it, then we hope that VCAT stops it. If VCAT do not stop it, then, "Sorry, it's got nothing to do with us"'.<sup>6</sup>

**Mr Finn** — You reckon the council won't stop it?

**Hon. M. P. PAKULA** — Mr Finn says, 'Do you reckon council won't stop it?'. This is the get-out for Mr Finn and Mr Elsbury — that council will stop it. I say to Mr Finn: it does not end with council. As he knows, without mandatory height restrictions, if council makes a decision that the developer does not like, the developer goes to VCAT. So ultimately the matter becomes a matter for VCAT. The only way to avoid it being a matter for VCAT — I think I have heard the member criticise VCAT decisions more than once during his time in Parliament — or of removing it from VCAT's purview would have been to put in place the mandatory height restrictions, as recommended by the advisory committee.

I think that dispenses with the nonsense that somehow this is the will of council and the will of the local community. The one thing that we have never heard from Mr Guy, and which we have not heard from Mr Finn or Mr Elsbury — we might hear it from Mr Finn when he gets on his feet — is why it is these particular recommendations of the advisory committee were ignored.

**Mr Finn** — We gave a commitment to give it back to the council.

**Hon. M. P. PAKULA** — Why, Mr Finn?

**Mr Finn** — Because the council should be deciding.

**Hon. M. P. PAKULA** — That is not what Mr Finn said before the election. Before the election the member

said he would stop it. In this circumstance when you have had a massive process, heaps of submissions, a 191-page report that is agreed to by council and by the local community, why have these two recommendations been ignored by the minister?

With regard to the development contribution, to which Mr Tee went in great detail and which Mr Elsbury tried to rebut, let us be very clear. This is not about not setting a price now so that a higher price can be set later, as was suggested by Mr Elsbury — there is nothing in the planning scheme amendment that gives the council the authority to set any development contribution. If Mr Elsbury's contribution is correct, and if the government wants to make it clear that at some point down the track the council can decide to set a developer contribution of \$1000 or \$1100 or some higher number than \$900 — as Mr Elsbury is suggesting — then put it in the planning scheme amendment. But it is not there, and it is the only other part of the recommendation that has not been adhered to by the government.

I also just want to make some reference to BAE Systems, because I have some experience of this matter from the good old days when I was the Minister for Industry and Trade.

**Mr Elsbury** — Mr Pakula is reminiscing.

**Hon. M. P. PAKULA** — Allow me that, Mr Elsbury. Allow me that reminiscence, because it is receding into the distant past. I had a very happy 14 months as the Minister for Industry and Trade.

**Mrs Peulich** — And may it long recede!

**Hon. M. P. PAKULA** — I still think Mrs Peulich ought to be a minister. As members would know, there was a lot of concern a few years ago about the future of the shipyards. A decision had to be made by the commonwealth about future shipbuilding. For a period of time it looked like it was all going to be done in New South Wales. An enormous amount of work was done by the previous government to encourage the federal government to ensure the future of the Williamstown naval dockyards. As a consequence of those conversations, I had many discussions with Merv Davis from BAE and others, and it is quite clear — and I know that the Minister for Manufacturing, Exports and Trade was in the chamber until a few moments ago, unlike the Minister for Planning, who has not yet shown — —

**Mr Ondarchie** — He was here before.

**Hon. M. P. PAKULA** — I did not see him, Mr Ondarchie. I think it might have been an apparition. The fact is that at least at that time, when I was the Minister for Industry and Trade, BAE was extremely concerned about what kind of height this development would reach. It took the view — quite correctly, I would suggest — that the higher the development, the more residents there would be on its doorstep and the greater the agitation would become for the closure of the shipbuilding facility.

It is not as if we have not seen that kind of situation before. In a manufacturing sense, in a job sense and from the perspective of the future of the dockyards, having some kind of height control and some limitation on the number of residences on its immediate boundary — particularly the number overlooking the shipyards — is very important. Again it makes it even more difficult to explain why the minister refused to accept that key recommendation, along with a recommendation about a developer contribution.

In regard to the now to be expected and somewhat gratuitous attack from the Greens — the fairly typical 'pox on both your houses' approach that we get not just from Ms Hartland but from Mr Barber too — —

**Mr Barber** — Because you are reversing your vote, Mr Pakula.

**Hon. M. P. PAKULA** — Sometimes when these matters come before the Parliament it is important to make hard decisions and to put your cards on the table. There was one member of Parliament, Mr Barber, who made a 190-page submission to the planning committee. There was one member of Parliament who decided to engage a planning expert, a heritage expert and an architectural expert and to lay out his cards and put forward a view about what was appropriate for the site, and that was the member for Williamstown in the Assembly, Mr Noonan. We do not mind the occasional lecture from the Greens on these matters but sometimes it is important — —

**Mr Finn** — Pillow talk. It was pillow talk.

**Hon. M. P. PAKULA** — Mr Finn, if you had put your hand up for Niddrie, I reckon your Premier would have agreed to let you run. I reckon we would have a Liberal in the field and we would have a new member for Western Metropolitan Region.

It is all well and good to get the occasional lecture but it is also important to sometimes make the hard decisions and put a view to a planning committee on what — —

**Mr Barber** — You made this mess.

**Hon. M. P. PAKULA** — Mr Barber says, ‘You made this mess’. It does not absolve you, Mr Barber, or Ms Hartland from your responsibility to state the Greens’ view on what size this development ought to be, rather than just say, ‘A plague on both your houses’ and hold yourselves up as the only true representatives of the views of the local community. I do not take offence at that for my own part because I know the work on this matter has been done by Mr Noonan, the member for Williamstown, and I want to take this opportunity to stand up and put that on the record.

If Mr Elsbury and Mr Finn were serious about reflecting the views of the local community in regard to this matter, they would support a mandatory height restriction as recommended by the council. They would not continue with this cop-out of, ‘We are leaving this to council’, which is code for, ‘We are leaving this in the lap of the gods’, because it will ultimately be determined by VCAT. They would support Mr Tee’s motion. And if they do, we will get it up.

**Mr FINN** (Western Metropolitan) — I begin by congratulating Mr Pakula, and I say that very genuinely because it is rare that Mr Pakula comes into this house and actually talks about something pertaining to the western suburbs. I think it is marvellous that he has represented the west allegedly for some five and a bit years now — —

**Mrs Peulich** — It’s not just a rumour.

**Mr FINN** — Maybe there is some substance to the rumour, Mrs Peulich, but it would seem that Mr Pakula has taken this to heart after five and a bit years and he has decided that he will talk about the western suburbs but only when there is some — I am loath to say ulterior motive because I could be accused of something I do not mean — suggestion that in fact he might be the Labor candidate for Niddrie, but we know that cannot be the case because the Labor Party has been looking for a local and he is about as non-local as you can get. From Black Rock to the western suburbs — is it any wonder that when Mr Pakula was Minister for Public Transport he took a particular interest in the health of the West Gate Bridge? That is how he got to his electorate on those rare occasions when he actually visited it. The only way he could get there was via the West Gate Bridge. So it is good to see that Mr Pakula has taken some interest in what is happening in the west; that is something we can all celebrate.

I was going to say Mr Tee had more front than Myer but then I listened to him. I listened to him because I was going to make some reference and I will make some reference to Justin Madden, the member for

Essendon in the Assembly, which should not surprise anybody. Actually Mr Tee went a little bit beyond having more front than Myer when he proved to us all that he really did not have the faintest idea of what he was talking about. He has come into this house today and moved a motion that is based on something that he has absolutely no concept of. He got up here today and told us some fairy stories. He has told us things that are just not true. He has told us the minister has not handed this back to the council; that is what he has told us.

Let us look at the *Hobsons Bay Weekly* of 21 December last year. The *Hobsons Bay Weekly* is the newspaper that covers Williamstown, and the Save Williamstown group spokesman, Geoffrey Moase — —

**Mr Barber** — Godfrey.

**Mr FINN** — Godfrey, sorry; it is Godfrey. You are right; I do apologise.

Mr Moase is reported as saying:

I think it’s clear that we’ve made an impact in the campaign so far ...

We’ve never thought we’d be able to get the place rezoned into mixed use and we’ve got the council back as the responsible authority.

That is exactly what the minister said has happened. I will say it again, ‘We’ve got the council back as the responsible authority’. That is not so according to Mr Tee; he has some other idea of what is happening. The *Hobsons Bay Weekly* of 30 November, the week before, quotes Mr Moase again as saying:

Save Williamstown welcomes the decision of the Minister for Planning to back the Williamstown community and return the decision making to the council, where it belongs.

That was said by the spokesman for the Save Williamstown group, which has clearly said that it welcomes the decision of the Minister for Planning to back the Williamstown community and return the decision making to the council, where it belongs. I do not know how anybody could be any clearer about what has happened. You have to ask whether Mr Tee can read! Perhaps he should get somebody who can read it to him. It is highlighted; I will take it over to Mr Tee and show him. It is a blatant attempt to mislead the house and the community, and you have to wonder how far he would take it.

I turn to an article by Jason Dowling from the *Age* of 1 December. He said:

... the Hobsons Bay council welcomed a decision by Mr Guy to make the council the responsible authority for future building applications on the site ...

The Hobsons Bay council said it was pleased, according to the article in the *Age*. Granted, you have to be a bit wary of what the *Age* writes from time to time, but that seems clear. I have a press release from the Hobsons Bay City Council dated 30 November last year. It quotes the mayor, Cr Raffoul, as saying:

However, we look forward to working with the developer and key stakeholders to progress the redevelopment of this important site.

If the council did not have control of the site, why would it be looking to work with everybody to progress it, or how would it be able to do that? Mr Tee has got it dreadfully wrong again. We are in a house of the Victorian Parliament today debating something which is based on a myth — I am not going to get into global warming. This is something that Mr Tee has got dreadfully wrong. He is perhaps the king of the time wasters. We have been debating this motion for about an hour and a half, and the whole thing is a fairy story.

Let us go to the crux of this issue. It is not about what Mr Guy did; it is about what Mr Madden did when he was the Minister for Planning some two or three years ago. There would not be anybody in the Williamstown community who could ever forget the feeling of outrage, anger and disgust they felt toward the Brumby government, particularly the then Minister, Mr Madden, when he rezoned the site without consulting anybody, without discussing it with anybody and without even warning anybody. He just dropped it on the Williamstown community one day. We remember the anger. I have a piece from the *Hobsons Bay Leader* of that time. The article begins by saying:

Williamstown residents opposed to a proposed 46.5-metre high-rise development on the suburb's foreshore say they have no confidence in planning minister, Justin Madden.

They were not alone, it has to be said. The article continues:

They protested this morning over the minister's decision, made on Friday, to speed up residential development at the former Port Phillip Woollen Mill site on Nelson Place.

...

The residents and council are angry Mr Madden went over the council's head to rezone the site.

**An honourable member** — Did he have a consultation?

**Mr FINN** — He did not have a consultation; he went straight over the council's head. He said to the council, 'You do not know what you are doing. I know what I am doing; I'm going to rezone the whole thing'. He did not care about the local Williamstown

community. That is what started this whole thing. We are debating this motion today because of what Justin Madden did when he was planning minister in the Brumby Labor government.

**Mrs Peulich** — And did we hear anything —

**Mr FINN** — That is an extraordinarily good question from Mrs Peulich, because we did not hear anything from Mr Tee, we did not hear anything from Mr Pakula and we did not hear anything from Mr Noonan — surprise, surprise! They just sat back and let Minister Madden do whatever he liked. Mr Madden was not ashamed of the fact that he had shafted the local community and the Hobsons Bay council. In the *Hobsons Bay Leader* article he is quoted as saying:

The Brumby Labor government is taking action to address Melbourne's housing supply by making planning decisions that create jobs, manage the growth of our cities and help families secure their lifestyle ...

That is so typical. Mr Madden also said:

The iconic Port Phillip Woollen Mill site can provide much-needed housing in a vibrant inner-city location.

How often did we hear ministers of the former Labor government take the attitude that they knew better than we did; that they knew better than the local community? That is the reason Labor members are sitting on that side of the house. That is the reason the Labor Party is in opposition. It took the attitude that it knew better than everybody else. It ignored the concerns of local communities, and it ignored councils. It attempted to take planning decisions away from councils, not just from Hobsons Bay City Council but from councils right across the state. It is a big part of why Labor members are sitting on that side of the house.

It was a giant slap in the face of the Williamstown community when Justin Madden rezoned that land without consulting anybody. The Williamstown community had another slap in the face recently when its local member was overlooked for a shadow ministry, despite promises that were made, as I understand it. He has missed out again. The Williamstown community has been done over again by the Labor Party.

**Mr Ondarchie** interjected.

**Mr FINN** — Frankston seems to be going very nicely for reasons that are totally beyond me. The Williamstown community has every reason to be wary of what Labor says and particularly wary of what Labor

does. Williamstown is a beautiful place. Members who have been there — and I hope they have all been there at some stage — will know Williamstown is a magnificent place. I frequent Williamstown, and it is a delight. It has a village atmosphere and the best view of Melbourne of anywhere around the bay — I do not care what anybody says, and I will not be convinced otherwise. If it does not offer a lifestyle that is second to none, it must go pretty close. It is a special place. I can totally understand community sensitivities about any development and particularly a development of this nature, which may, as some have said, change the character of the village that is Williamstown. There are certainly issues surrounding the development, and these issues should be considered, without question. I am not denying that.

The refinery on the point itself is — —

**Mr Barber** — It is not a refinery.

**Mr FINN** — You are right, Mr Barber; I knew if you kept going, you would get something right eventually. There is a storage tank on the point.

**Mr Barber** interjected.

**Mr FINN** — I have been there. I was just about to mention that; thanks for getting in beforehand. I have been down there and had a look, and I am concerned about some of the issues. We have to get this right; this is not something that we should rush into. It is not something that we should just allow to happen before anyone knows about it, as the previous government was going to do. That is why before the last election we gave a very clear commitment. I know we gave a very clear commitment because I gave it myself — —

**Mr Leane** — To make teachers the highest paid in the country?

**Mr FINN** — I gave it myself, Mr Leane. It is a commitment I gave myself, and it was that we would hand this matter back to the City of Hobsons Bay to decide.

**Ms Hartland** interjected.

**Mr FINN** — Ms Hartland might not agree with me on very much, but I am sure she will agree with me on this, that in Williamstown at the last election this was a fairly sizeable issue; it was a huge issue. We said we would hand this development back to the local community to decide, via the City of Hobsons Bay. As a result of that promise, after it was considered by the community at the last election in Williamstown, the Liberal Party received the biggest swing in this state.

There were certainly other considerations that were part of people's thinking — the standard of the candidates and a whole range of matters — but the fact of the matter remains that we had the biggest swing to the Liberal Party in Victoria in Williamstown — —

**Mrs Peulich** interjected.

**Mr FINN** — It was over 12.5 per cent, which is a fairly substantial swing in anybody's language. People made it very clear that they liked what we were saying to them. They wanted that matter handed back to the local council to decide, and that is what we are doing. That is what we have done, and that is what we are doing. The Save Williamstown group knows we have handed the matter back to the council; it says that is where it belongs. We are keeping our promise. Ms Hartland says we have broken our promise. I do not know what she is talking about, because we said we would hand it back to the council; we won the election, and we have done that. We have let the council decide.

Some people associated with the council have come to me and said, 'It is a bit too hot for us to handle; we really wish you would do it'. I can understand why they would not want to get in the middle of a local fight, but the reality is that it is the local council's job to decide this, and if we are going to take planning responsibilities away from local councils and hand them to the Legislative Council, if we are going to take responsibilities away from the City of Hobsons Bay and give them to the Legislative Council, then you have to wonder if local government really has a future, because planning is such an important part of what local government is there for.

I have to make some comment, brief as it may be, about an email that reached my inbox on Monday evening. It was from the Save Williamstown group and it was a fairly substantial email; it took me a while to read. It made some interesting points, to say the very least, most of which I had heard before, but still there were some interesting points.

There is one point I have to take issue with, though, and that is that the email said both Liberal members in Western Metropolitan Region had rejected Save Williamstown's approach to have meetings. I was a bit surprised by this, to tell you the truth, because I have met with residents, I have met with traders, I have met with opponents, I have met with proponents and I have met with councillors. I have met with anybody and everybody who wants to meet with me. I spoke to my staff and said, 'What is this all about? This mystifies me, because I have a policy at my office of not knocking back anybody who lives in the electorate. If

they want to see me, they get to see me'. I know Mr Elsbury has a very similar, if not exactly the same, policy.

**Mrs Peulich** — How about the missus?

**Mr FINN** — Sometimes. I was extremely taken aback by this claim so I spoke to my staff and they explained to me that at about 4.20 p.m. last Friday afternoon three ladies came to my office demanding to see me. I was out in the electorate; I have meetings constantly. My diary is as full as a Catholic school; it goes on forever. On that particular Friday afternoon, as with most Friday afternoons, I was out in the electorate at a meeting and obviously unavailable to meet with some people who had just walked in off the street saying, 'We want to see Finn now!'. They then demanded, from what I am told, that I attend a meeting at 5.30 p.m. on Monday, but when my staff checked my diary they saw that time was taken.

You have to realise, and I am sure members would appreciate, that in this role some people have to wait, sometimes for months, to get an appointment with me. I am not in the business of gazumping, of putting other people in ahead of others who might be a little louder, a little bit more raucous and who might feel they need my attention ahead of others. I do not think that is at all fair. An offer was made.

I am very happy to meet with this group; I had met with its legal team before. I was down on the point itself. It was one of those days when the wind was blowing. In fact it could have blown a dog off its chain it was so windy down there on that particular day.

**Mr Ondarchie** interjected.

**Mr FINN** — It is all right; it is under control. I have been down there. I saw the problems that the group is suggesting would follow from this development. I saw them firsthand. I stood there next to the tankers. I stood there and saw the distances we are talking about. I have a very good understanding of the problems that have been discussed, so I just do not understand how these people could say I refused them a meeting when in fact they did not really give me much of a chance to meet with them again. In terms of office time, they gave me less than 24 hours. But in fact I have already met with them — if not with them, then with people who have very similar views and concerns to them.

I went to the website of the Save Williamstown group. There was one particular article that grabbed my attention. It was an article written by the journalist formerly known as Goya Bennett. It was a fascinating interview with the minister. I have to say I had a few

alarm bells ringing as I read it, so I spoke to a few people, and apparently this interview was a little bit out of date; it had been conducted some months before. In terms of context it was way out of line.

But that did not surprise me, because the journalist of whom I speak has done similar things to me and to a number of local identities, including Les Twentyman. It seems very odd to want to attack Les Twentyman, but some people clearly think they can make a name for themselves, make a reputation for themselves by conducting their journalistic profession in this way. I make the suggestion to the Save Williamstown group that if it is interested in protecting its credibility, it might be an idea to give Ms Bennett a very wide berth, because I do not think this sort of thing helps very much at all — —

**Ms Hartland** — On a point of order, Acting President, Mr Finn is making some interesting remarks about a local journalist who cannot defend herself in this chamber. I am concerned about where this is leading.

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! I advise Ms Hartland that I am sorry, but that is not a point of order.

**Mr FINN** — As I said earlier, it is not for the houses of Parliament to make decisions on planning matters; that is not our role.

**Mr Barber** interjected.

**Mr FINN** — It is ultimately a responsibility for local government. Mr Barber might like to head out at 5 o'clock tomorrow morning and pick up the rubbish on the streets of Brunswick. Taken to its extreme, that is what his argument would have us doing. But the bottom line is that planning is local government's responsibility. Ultimately if it makes a hash of it, if it makes a mess of it, yes, we can step in. As we have seen in Brimbank, if things are totally out of hand, we can actually dismiss a council. A number of councils — interestingly enough all Labor councils — have been dismissed in the west over a number of years.

To my way of thinking it is an important point of principle that this be left to local people. This is something that I have been talking to local councillors about for the five and a bit years I have been in this place and indeed when I was in the other place as well. I believe it is an important point of principle that we must support and stand up for, that where possible local people via their local council should be allowed to make planning decisions. To dismiss that, to throw that out and to bring that planning function in here is just a

nonsense and something that we should not be condoning or supporting at all.

To Mr Tee I say: before he brings his next motion into this house it might be an idea to do some homework. It might be an idea to find out exactly what the situation is. It might be an idea to know some facts before he comes in here and wastes the time of this house on something that clearly he has got terribly wrong. I will always stand up for the local community in the west. I always have and I always will. That is the fact of the matter. Whether it be a planning issue in Hobsons Bay, a transport issue in Wyndham or a local government issue in Brimbank, I will always put the interests of the local community first. That is why I come into this house today, oppose this motion and say: this matter must be left as the minister has directed. It must be left with the Hobsons Bay City Council to decide.

**Mr EIDEH** (Western Metropolitan) — I would like to make a very short contribution to the debate on Mr Tee's motion, which I fully support. My colleagues Mr Tee and Mr Pakula have covered most of my concerns, but I want to add a few comments. My main concern is that this development could lead to uncertainty in the community and the council. Another concern is the height of the development being left open; it could go much higher than what the planning advisory committee recommends. Neither can I understand why the contribution for the development was waived, because the community needs the money to fund local community infrastructure. As I said, my colleagues have covered most of my concerns, and I commend the motion to the house.

**Mr TEE** (Eastern Metropolitan) — In summing up, I suppose what is amazing is the startling hypocrisy of some of the arguments that have been put. We have got those opposite waxing lyrical about their desire to let council decide, and yet their election commitment was to stop high-rise developments. This minister does not let council decide. Rather he gives council the framework to implement the recommendations of the advisory committee. He says, 'Here, off you go and implement those', except for those two critical aspects where he denies council any capacity — that is, in relation to height limits and to the developer contributions, those two critical bits.

Then we have Mr Elsbury and Mr Finn saying that is not the case. Council will determine height limits, council will determine the developer contributions; they will be matters for council to determine. Mr Elsbury has some formula for determining a greater amount or a lesser amount.

I suppose it got me thinking about why the minister does not participate in this debate, why he does not

respond to the concerns of the council and the community and indeed the panel, and why he does not turn up here and respond to those issues, and the answer became clear to me when I had a look at the reports. Not even Mr Guy, not even the minister, is prepared to suggest that the council will be able to set developer contributions. Not even Mr Guy has publicly stated that height limits will be controlled by the council; not even he says that. That is why he is not in here today to defend his position. When he is asked why the council does not have this power he does not publicly claim that it does; what he says is that that is the advice he has received from the department.

Mr Guy said that to the *Age* on 1 December. He said that to the *Hobsons Bay Leader* on 6 December. He says that he has been advised by the department and he is acting on the advice of the department. He does not say what Mr Elsbury has said or what Mr Finn has said — that is, that the council is going to have a role here or that the council has power here or that the community has any say in it. He says, 'No, I have been advised by the department. I will let Mr Elsbury and Mr Finn go into the house and come out with something different. I will stay out of the chamber and let them pretend something else, but I am not going to turn up and defend it, because I cannot defend this position'. That is why he is not here; that is why he has not attended any part of this debate. I say to Mr Elsbury and to Mr Finn that the minister has not defended his decision because he cannot defend it.

#### House divided on motion:

##### *Ayes, 18*

Barber, Mr ( <i>Teller</i> )	Mikakos, Ms
Broad, Ms	Pakula, Mr
Darveniza, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Hartland, Ms	Somyurek, Mr ( <i>Teller</i> )
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms

##### *Noes, 20*

Atkinson, Mr	Koch, Mr
Coote, Mrs ( <i>Teller</i> )	Kronberg, Mrs
Crozier, Ms	Lovell, Ms
Dalla-Riva, Mr	O'Brien, Mr
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Ondarchie, Mr
Elsbury, Mr ( <i>Teller</i> )	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr	Ramsay, Mr
Hall, Mr	Rich-Phillips, Mr

##### *Pair*

Viney, Mr	Drum, Mr
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#### Motion negatived.

**Business interrupted pursuant to standing orders.**

government business enterprises (GBEs) is apparently a cash grab.

**DISTINGUISHED VISITORS**

*Honourable members interjecting.*

**The PRESIDENT** — Order! Before proceeding to question time I advise the house that in the gallery today are Dr Carlos and Dr Molly de Lemos. Dr Carlos de Lemos is the Portuguese Consul General in Victoria. We extend a warm welcome to them.

**Hon. G. K. RICH-PHILLIPS** — It is gross hypocrisy for those opposite to criticise this move which puts that GBE on the same footing as other GBEs. As Mr Lenders well knows, the benefits under the Accident Compensation Act 1985 are legislated, and they will not change.

With the Consul General today is Sandra Archibald. Sandra is from Portugal and is here for just two weeks. The name ‘Archibald’ — the family name of her American husband — happens to be a very appropriate name for the work she is doing. She is working with people at the National Gallery of Victoria, including Dr Gerard Vaughan, to compile a book on a Portuguese artist who was a member of the Heidelberg School. That artist, as some members may recall, is Artur Jose Loureiro. He arrived in Australia in 1885 and was a significant painter within the Heidelberg School. He is not as well recognised as some members of that school, in part perhaps because he was Portuguese and joined the school a little later. Nonetheless he is an important artist and a significant contributor to Australia’s art heritage. The good news is that Sandra is in Australia to work on the book in her capacity as an art historian. We welcome them to the gallery today.

**The PRESIDENT** — Order! I agree with an interjection by Mr Jennings that the reference to ‘mob’ was inappropriate. This minister is a very good minister in terms of recognising the courtesies of the house, so I did not pull him up on this occasion, but I would not want to hear that sort of reference in future.

*Supplementary question*

**Mr LENDERS** (Southern Metropolitan) — I note the minister’s sensitivity to being asked a question about his custody of the Victorian WorkCover Authority fund, and I note that he did not even seek to deny or comment on any reduction in benefits, calculations and entitlements, particularly those relating to hearing loss, so I specifically ask: has the minister been briefed on reducing benefits for injured workers with hearing loss and, if so, does that briefing in any way seek to diminish those benefits?

**QUESTIONS WITHOUT NOTICE**

**WorkSafe Victoria: benefits**

**Mr LENDERS** (Southern Metropolitan) — My question today is to the Assistant Treasurer. In light of the \$471.5 million cash grab from WorkCover, which was announced in a recent budget update by the Treasurer, can the Assistant Treasurer guarantee that the government will preserve the current rights, entitlements, methods of calculation and thresholds in relation to benefits provided currently under the WorkCover scheme, in particular those relating to hearing loss?

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — I thank Mr Lenders for his supplementary question, but, as I said in the substantive answer, benefits under the accident compensation scheme are enshrined in legislation and the government will maintain them.

**Victorian Comprehensive Cancer Centre: government investment**

**Mrs KRONBERG** (Eastern Metropolitan) — My question today is directed to the Minister for Health, who is also the Minister for Ageing, the Honourable David Davis. I ask: will the minister inform the house of the economic benefit gained by Victoria as a result of the Baillieu government’s investment in the Victorian Comprehensive Cancer Centre?

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — I thank Mr Lenders for his question. I love the way he uses the phrase ‘cash grab’. It was all right for the previous government — that mob over there, including Mr Lenders — to take hundreds of millions of dollars out of the Transport Accident Commission’s dividends, impose a levy on cemetery trusts, take tens of millions of dollars out of water authorities, but now a proposal to put the Victorian WorkCover Authority on the same footing as other

**Hon. D. M. DAVIS** (Minister for Health) — I am pleased to rise and talk about the Victorian Comprehensive Cancer Centre (VCCC) and to respond to the member’s question. Cancer is a very significant disease in our community. It is a disease whose frequency is growing as the population ages, and it is a

disease for which we need to have the very best treatments.

The Victorian Comprehensive Cancer Centre is a project, to pick up Mr Lenders's earlier interjection, that has bipartisan support, and whenever I have spoken about it I have made the point that it does have bipartisan support and is something that I think is on one level beyond politics, because we have developed, through the comprehensive cancer centre approach something that will take the strengths and long-term commitment to cancer treatment at Peter MacCallum — —

**Mr Lenders** interjected.

**Hon. D. M. DAVIS** — I am being very generous here, Mr Lenders. I am not trying to be partisan; I am trying to make a point about — —

**Mr Lenders** — I am reflecting on Mrs Kronberg, not you.

**Hon. D. M. DAVIS** — Mrs Kronberg asked a very reasonable question about the comprehensive cancer centre. I have made the point that cancer is something that requires a coordinated treatment approach.

The VCCC is a collaboration that brings together not just the Peter MacCallum Cancer Centre but a range of other hospitals: the Royal Melbourne Hospital, the Royal Women's Hospital, Western Health, St Vincent's Hospital — and I could go on. All will be involved in the collaborative process that will set up treatment protocols at the very best possible level that will take information and evidence from around the world and develop the best treatment protocols for cancer sufferers in our community. The success that will be achieved through that will save lives and prevent great misery for Victorians into the future.

There is also a very important research component that my colleague the Honourable Louise Asher, as Minister for Innovation, Services and Small Business, is heavily focused on to deliver the best innovation and ideas around research and around how Victoria can play its role in the innovation space and strengthen its position. She will no doubt have much more to say about that.

But today I want to make the point that this project is also an important economic contributor to Victoria's position. A large number of jobs will be created and sustained through spending the more than \$1 billion commitment to that project over the period. We will see more than 500 new jobs created and more than 3100 jobs retained. A number of new apprenticeships will be created. There are more than 250 existing

trainees and apprentices and more than 50 new apprentices and trainees. Equally, there will be supply chain opportunities that will offer jobs for Victorians right across the spectrum of construction. Off-site resources involved in support industries, including manufacturing, shop drawings and management, will average 2500 persons for the four-year construction of the project.

This is a massive jobs boost for the state. It is an important step in sustaining key construction jobs in our state, but at the same time it is going to strongly contribute to the economic innovation activity and ultimately, in terms of my own portfolio, to the very best practice treatment of cancer across our state which has an important emblem in the VCCC collaboration but also an important construction project at its head.

### Higher education: TAFE funding

**Ms PENNICUIK** (Southern Metropolitan) — My question is for the Minister for Higher Education and Skills, Mr Hall. In 2008 TAFE provided 75 per cent of vocational education and training (VET) courses in Victoria, but this has now fallen to around 48 per cent. That is an unprecedented rise in private providers providing VET in Victoria. In an answer to a Dorothy Dixer from Mr Philip Davis yesterday in which the minister incorrectly, I believe, rejected the Victorian TAFE Association estimate of \$230 million funding cuts for certain TAFE institutes over four years, the minister mentioned funding of \$1.2 billion for training in 2011–12. Given the breakdown of TAFE and private providers, what is the breakdown percentage of that total funding of \$1.2 billion? Does that mean that 52 per cent is now going to private providers and 48 per cent to TAFE? Also, if it is not \$238 million that has risen from the differential — the 25 per cent cut — what is it?

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — I am happy to try to answer the multiple questions contained within that one question. First of all, it is true that TAFE provision of the total training sector is now around 49 per cent; that is the most recent figure. But in terms of private providers, and therefore the balance of training effort, there is one important sector that Ms Pennicuik left out, and that is the community providers, which include some of our 320 Learn Local organisations, community colleges et cetera and not-for-profit organisations — for example, Jesuit Social Services. All those other non-TAFE community providers account for at least 11 per cent of further training effort. At the very least, private providers would supply a maximum of 40 per cent of the training provision in Victoria. There is about

a 60:40 split between public or not-for-profit organisations and private training provision. That was a factual answer to the question that Ms Pennicuik asked in terms of a breakdown.

In terms of the claim about a \$230 million reduction in funding to TAFE colleges made by the Victorian TAFE Association, as I went to lengths to explain yesterday, that calculation of \$230 million is based on a premise that the government might — I repeat ‘might’ — enact and accept just 1 of 43 recommendations made by the Essential Services Commission. I think that is a mischievous and misleading statement, as I said yesterday, because it rests on the fact that we will ignore every one of the other recommendations and implement one only. That will not be the case. That is why I reject that statement as being false and misleading. It gives people the wrong impression that the government would accept 1 of 43 recommendations. That will not happen.

*Supplementary question*

**Ms PENNICUIK** (Southern Metropolitan) — In terms of the document that was released in October last year by Skills Victoria entitled *Changes to VET Fee and Funding Arrangements for 2012*, the government has gone ahead with recommendation 6.9 and reduced the differential for the eight major TAFEs by 25 per cent. The minister is saying that the government will implement recommendation 6.10, but it has already gone ahead with recommendation 6.9 and this is already having an impact in TAFE. My question is: when is the government going to go ahead with recommendation 6.10 to cover the TAFE institutes for their statutory obligations, which the private providers do not have, and also, when is the government going to publicly release the report of the expert panel?

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — The training system we have in Victoria needs to be addressed in a number of ways — quality, equity of access and the price paid for the provision of training services. There are a number of areas in which there was some substantial work done during the course of 2011, the results of which I hope to implement during the course of this year. In terms of acting on one recommendation and asking when are we going to implement recommendation 6.10, it is simply not about doing something in isolation without the inclusion of all those other issues.

In terms of what the government has already done, it is true that in October last year we implemented a 25 per cent reduction in the differential for major TAFE institutes only. They were the ones that had income in

excess of \$100 million. It was a road test, if you like — and I think I have used that term publicly — as to what impact further and full implementation at some time may have.

**Manufacturing: government initiatives**

**Mr DRUM** (Northern Victoria) — My question is to the Minister for Manufacturing, Exports and Trade, Richard Dalla-Riva. I ask: can the minister explain how the coalition’s new model of engaging with business will help the manufacturing sector?

**Hon. R. A. DALLA-RIVA** (Minister for Manufacturing, Exports and Trade) — I thank the member for his question because I know that Mr Drum is also heavily involved in industry dialogue, engaging with 50 of the biggest regional employers to ensure that jobs and economic opportunities are created throughout not only metropolitan Melbourne but also country Victoria. I thank the member for his work. As I mentioned yesterday, we as a coalition government set down new and exciting directions for industry policy and the manufacturing sector. We need to understand that it is important for the sector to compete in the increasingly tough global market. We said also that we know and recognise the challenges of the high Australian dollar. We recognise the importance of the supply chains, subdued consumer sentiment at home, falling productivity and of course the federal government’s carbon tax.

If we are to compete on the world stage into the future, we need to ensure that we have manufacturers that are innovative, that are more productive than they have been in the past under the former government’s regime and that have smarter production processes. That is why we released our policy statement on 19 December, and I was very pleased to make that announcement. This followed a rigorous review of manufacturing, the only detailed review in the country. Despite the federal government and other state Labor governments talking about it, we were the only state that did it and those opposite ridiculed us. We now have the document which sets out the policy direction. We are, through a specialist manufacturing service, helping to drive productivity.

*Honourable members interjecting.*

**Hon. R. A. DALLA-RIVA** — I note the interjections. Those on the others side do not understand productivity. They do not understand about productivity improvements and getting new products into the market. They do not understand the importance of building collaborative networks between businesses,

as Mr Davis said earlier, and research institutions so they can improve their business performance.

We are also looking at taking up leading-edge technology with high growth potential. Rather than continuing the old processes and the old ways of the former government, we are about ensuring that there are transformational changes, and we have announced a \$4 million funding round for that. But for all this to occur, there needs to be a more direct and ongoing dialogue between government and business. The former government's idea was to have everyone sitting at the head office doing nothing and hoping industry would somehow magically transform its concerns into government.

What we have done is to change the department to send people out into the area. We have set up a new business engagement model, and that model is about bringing about a significant step up in the scale and effectiveness of the government's relationship with business. We are sending 80 new officers out into the field to the hubs of manufacturing in the suburbs of Melbourne and into the key manufacturing centres of regional Victoria. It is already happening — —

**An honourable member** interjected.

**Hon. R. A. DALLA-RIVA** — I heard the interjection; it is already happening, but you would not know it because you are too busy worrying about your factional games.

What we can say is that we are actually in the process now of delivering direct interaction with business on a daily basis. This is a new era under a new government for grassroots engagement at a local level, and we are ensuring that our relationship is not only at the larger end of business but also in the important area that Labor members forgot when they were in government — that is, the small to medium size enterprises and the small to medium size manufacturers, because 95 per cent of manufacturers are in that sector and the former government ignored them. We are not going to do that, and that is what this engagement model is all about. I am very proud that we have this policy and that we are actually doing real things — real action — for businesses out in the community.

### **WorkSafe Victoria: premiums**

**Mr LENDERS** (Southern Metropolitan) — My question is again to the Assistant Treasurer. The last government slashed WorkCover premiums six times in 11 years. With the Treasurer's snatch-and-grab \$471.5 million withdrawal out of the WorkCover

authority, are premiums more likely to go up or down this year?

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — I thank Mr Lenders for his question and for his continued interest in the WorkCover authority. As Mr Lenders will know, premiums are set by the authority looking forward to its expected claims costs and the operational costs of the scheme. They are not set looking back at the results of the previous year, which of course is the basis on which dividends would be collected.

### *Supplementary question*

**Mr LENDERS** (Southern Metropolitan) — I would have thought that a \$471.5 million reduction in the assets of the organisation would have been something it looked forward to when making recommendations about dividends. My supplementary question is quite specific: if the WorkCover authority makes a recommendation to the Assistant Treasurer to regulate to reduce the premium rate, is it more likely or less likely because of the \$471.5 million cash withdrawal?

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — I thank Mr Lenders for his supplementary question, but of course consideration of the premium order for the next financial year will be made when the authority determines the environment for the next financial year. I am not going to speculate on what order might be recommended or might not be recommended, but the advice is that this dividend decision will not have a significant impact on any future premium setting. Premiums are set looking forward to the cost of the scheme, not looking back at the results of the previous financial year.

### **Housing: homelessness services**

**Mr ELSBURY** (Western Metropolitan) — My question is to the Minister for Housing, who is also the Minister for Children and Early Childhood Development, the Honourable Wendy Lovell. Can the minister outline how recent announcements will assist homelessness services in Victoria to continue to provide services to an increasing number of homeless Victorians?

**Hon. W. A. LOVELL** (Minister for Housing) — Recently I visited Melbourne Citymission's youth foyer facility in Fitzroy to announce funding for a range of homeless services across the state. As members would appreciate, homeless service agencies are on the front line when it comes to assisting those who are experiencing homelessness in Victoria. The funding

provided by the coalition government will go directly to funding the growth in front-line workers who work in this complex area. Jobs in this sector are important, and we look forward to announcing more funding through our Victorian homelessness action plan and the innovation projects that will support more employment in this area.

The services that received the \$360 000 in funding that I announced at Melbourne Citymission include Lisa Lodge in Wendouree, which received \$45 000, and Brayton child and family services in Shepparton, which received \$45 000. I congratulate Mark Rumble on the work he does at Brayton. It is a fantastic service in Shepparton, and Mark and his team are a great support to those young people in Shepparton who find themselves in the terrible situation of being homeless. The Mallee Accommodation and Support Program in Mildura also received \$45 000, Brophy Family and Youth Services in Warrnambool received \$45 000, Melbourne Citymission received \$90 000 and Peninsula Youth and Family Services received \$90 000.

The sector will grow further in this area of critical need as the government's three 40-bed youth foyers come online. They will provide jobs at the coalface, supporting young people so as to avoid their entering into recurring homelessness through the implementation of this best practice support model. The youth foyers initiative underlines the coalition's economic participation agenda, which is about ensuring that all Victorians have the opportunity to be involved in education, training and work.

As well as these critical roles, the government's work and learning centres are targeted at finding jobs for Victorians living in public housing. The first two of the government's five work and learning centres have been announced and they are up and operational in Geelong and Carlton. They are providing services on the ground to people who need assistance to find work.

### Hospitals: elective surgery

**Mr JENNINGS** (South Eastern Metropolitan) — My question is to the Minister for Health. Has the minister informed the Premier that the hospital contracts the minister signed off on and published online in December 2011 failed to deliver on the Premier's promise to the Victorian Parliament in May last year that his government would deliver more elective surgery in 2011–12 than in 2010–11 — more than ever before — when in fact there is a real reduction of a total of 9395 elective surgery procedures

in those contracts that his government has signed off for this year?

**Hon. D. M. DAVIS** (Minister for Health) — The state government has faced very difficult economic times. It has faced the challenge of the withdrawal of \$2.5 billion of commonwealth GST and a further \$1.6 billion shortly after, bringing it to \$4.1 billion in GST.

We will be delivering the very best outcome for Victorian health services that we can, and that is always the case. We will continue to work with Victorian health services to deliver the maximum possible number of services. The state government will deliver a record health budget this year of \$13 billion with a \$725 million increase in spending. We will seek to deal with significant demand pressures as the community understands the population growth and also the steady demand that goes right across our health system. The community will see that we are doing the very best we can to meet those demands and doing that in a way that delivers the best for the community.

### *Supplementary question*

**Mr JENNINGS** (South Eastern Metropolitan) — All members of the chamber know that the Minister for Health did not dispute the fact that there has been a reduction of 9395 elective surgeries funded by the Baillieu government compared to last year. He did not take the opportunity to dispute that. I say to the minister: is it not a fact that the 1500 beds that have been closed in Victorian hospitals over January are the direct consequence of the reduction in funding that these hospital networks have received in this financial year?

**The PRESIDENT** — Order! My concern is whether that is a direct supplementary question or whether it is a new question. I will allow it.

**Hon. D. M. DAVIS** (Minister for Health) — The community and the Parliament will understand that there are challenges in health care. There are significant challenges in responding to growth in demand. Health services have not had reduced budgets. The premise — —

**Mr Jennings** — They have!

**Hon. D. M. DAVIS** — They have not. The key thing here is that hospital networks overwhelmingly have increased budgets that will enable them to deliver more services. The key thing to say about the claims of the Australian Nursing Federation about bed closures across December and January is that it is normal routine

for hospitals because of doctors and nurses taking holidays across December. The Christmas holiday period has been around the same time for quite a while, and the house will understand that. There are reductions in bed numbers at that time; that is normal and routine.

**Teachers: government schools**

**Mr O'DONOHUE** (Eastern Victoria) — My question is to the Minister responsible for the Teaching Profession, Minister Hall, and I ask: can the minister provide the house with details on the composition of the 2012 teaching workforce employed in Victorian government schools?

**Hon. P. R. HALL** (Minister responsible for the Teaching Profession) — I thank my colleague for the question, because it gives me an opportunity to talk about the important role and responsibility of the 40 000-odd teachers employed in Victorian government schools. Last week we saw the return to school of about 866 000 students in this state, with about 550 000 of them attending Victorian government schools. They were accompanied by the approximately 42 000 full-time teachers who work in government schools. In any one year, as is the case this year, nearly 2000 of those 42 000 teachers are new to the classroom.

While I wish every one of the 42 000 teachers employed in Victorian government schools the very best for the performance of the responsible duties they have to undertake, I particularly welcome those new teachers to the profession. Although the majority of those 2000 teachers will be graduates of teaching courses at Victorian universities, there is always a sprinkling of teachers who come from areas other than the traditional university teacher training courses.

Through the Career Change program introduced by the previous government, which the current government continues to support, this year we are seeing 22 people become teachers after successful careers in other areas. Just to demonstrate the diversity of the backgrounds those who choose to pursue a career in teaching come from, one of them was a policeman and another was a hairdresser.

There are also other programs supported by governments, such as Teach for Australia, where young university graduates are given the opportunity to teach in a school while gaining a formal teaching qualification. Three cohorts have now gone through Teach for Australia, and Victoria has employed 110 out of the 127 participants in that program. We also have a number of teachers who are returning to duty after an extended period of absence, some of them for family

leave and the like, and refresher courses are provided to assist those returning to work.

Beyond that, there are other people who simply of their own accord decide they want to pursue a career in teaching. Mr O'Donohue would be interested to know that I had the opportunity to meet one of those people, Mr Max Stern, who has run a successful restaurant in Mornington for the best part of 20 years and has recently decided he would like to be a teacher. Max has decided to hang up his chef's apron after 20 years of service in the hospitality industry and become a teacher. Of his own accord he undertook a full-year teacher training course last year, and this year he will be teaching at Moorooduc Primary School. Having had the opportunity to meet him, I also had the pleasure of experiencing the enthusiasm he brings to his teaching career.

Finally, any members who had the opportunity to watch *Four Corners* on the ABC on Monday evening — if any members who have an interest in this area have not seen it, I suggest they get a copy from the parliamentary library — would know it was about teaching and how important the quality of teaching is to learning outcomes. The importance of quality teaching is something we need to acknowledge. We need to acknowledge the fine work our teachers do, and yes, we need to reward them appropriately. I accept that governments need to do that, and we are negotiating with teachers in that regard. Let it be said that in all those negotiations we ought show respect for the teaching profession and acknowledge that teachers have the important task of educating our children and that they need our collective support in that regard.

**Minister for Health: register of interests**

**Hon. M. P. PAKULA** (Western Metropolitan) — My question is to the Leader of the Government. Last year in the minister's declaration of interests he stated that:

Funds raised are subject to Australian electoral law, and will be disclosed according to that law in the appropriate reporting period.

The Australian Electoral Commission's disclosures have now been released, so my question is: can the minister tell the house where in his AEC return, or indeed in the return of any other organisation, has the payment of his legal bills been disclosed?

**Hon. D. M. DAVIS** (Minister for Health) — I thank the member for the question and indicate that the disclosures are clearly there according to law, both to the Parliament and to the Australian Electoral

Commission. It is interesting to look at the AEC website, which I had cause to do after Mr Pakula asked me some questions earlier. I noted an \$824 000 donation from Progressive Business, but more interestingly I noticed a \$644 877 donation from — intriguingly — Parliament of Victoria, which I think means state ALP members. That is of great interest. I noticed a \$20 000 donation from the member for Bendigo East in the Assembly. My donations are declared.

*Supplementary question*

**Hon. M. P. PAKULA** (Western Metropolitan) — The minister might assert that his donations are declared, but the fact is that there is no way that anyone looking at those returns can ascertain how those bills have been paid or by whom, so my question is: now that the appropriate reporting period, as the minister described it, has come and gone and the disclosures have been released, will the minister admit to the house that neither he nor the Liberal Party nor the 500 Club has any intention of ever revealing who paid his legal bills?

**Hon. D. M. DAVIS** (Minister for Health) — I have nothing further to add to what I have already said. I have made all the disclosures required by the Parliament and by the law, and I have done it honestly.

**Biotechnology sector: jobs**

**Ms CROZIER** (Southern Metropolitan) — My question is to the Minister for Technology, Mr Rich-Phillips. I ask: can the minister update the house on new developments in the Victorian biotechnology sector?

**Hon. G. K. RICH-PHILLIPS** (Minister for Technology) — I thank Ms Crozier for her question and for her interest in biotechnology. Yesterday I had the opportunity in response to a question from Mr Ramsay to talk about what had been achieved in the technology sector in Victoria in 2011. Today I am delighted to tell the house about some more recent developments in the life sciences sector here in Victoria. Life sciences is a great strength for Victoria. It is a sector where over the last two decades successive governments have made substantial investments in the Parkville precinct around the University of Melbourne, and those successive investments are paying great dividends now in terms of jobs, investment and job creation here in Victoria. Life sciences is a sector that contributes around \$10 billion to the Victorian economy and employs around 10 000 people. It is a very significant part of the Victorian economy, and it is

a sector that the Victorian government is committed to seeing grow further.

Already this year I have been very pleased to make a number of significant jobs announcements in the life sciences sector, the first one being the leading French pharmaceutical company Servier entering into a partnership with the Monash Institute of Pharmaceutical Studies, which is a project that will contribute 15 new high-skill jobs in research in the next three years through a collaborative partnership between MIPS and the company.

Last week I was delighted to be out in Boronia at the GlaxoSmithKline facility for the announcement of 58 new jobs in Boronia. That is a \$60 million investment by GSK, which will not only secure the existing 312 jobs on that site but also lead to the creation of 58 new jobs. It was great to see at the Boronia site the innovation that GSK is undertaking around pharmaceuticals and the great way in which Victoria is leading that work.

Today I am delighted to make a further announcement with respect to Biota Holdings and its Notting Hill facility. That facility will be expanded, with the creation of a further 35 new jobs by 2014. Already this year we have made a number of significant job announcements in the life sciences sector, and the Victorian government looks forward to working with that sector over the coming 12 months and seeing more success for Victoria.

**QUESTIONS ON NOTICE**

**Answers**

**Hon. D. M. DAVIS** (Minister for Health) — I have answers to the following questions on notice: 884, 887, 2279, 2541, 2703, 2839–81, 2883–934, 3262–6, 3268–72, 4359–454, 8152, 8169, 8196, 8229.

**RULINGS BY THE CHAIR**

**Rebroadcasting of proceedings**

**The PRESIDENT** — Order! I wish to give a ruling to the house in respect of a matter raised with me by Mr Barber on 7 December last year. The matter was raised by way of a point of order, and it related to his capacity as a member of the house to rebroadcast part of the proceedings of the house. Mr Barber used the example of placing an extract of broadcast proceedings on YouTube. Essentially his request for further information as to whether he was entitled to do so was

in respect of question time and the answers provided to questions asked by members.

Mr Barber properly referred to chapter 20 of the standing orders relating to rules for broadcasting and also referred to section 74AA of the Constitution Act 1975 which provides absolute privilege to a person who broadcasts or rebroadcasts Council proceedings with the authority of the Council. Mr Barber asked whether he is an accredited person for the purposes of meeting the provisions of the standing orders and section 74AA of the constitution. Standing order 20.01(2) states:

The broadcasting and rebroadcasting of proceedings of the Council may be undertaken by radio and television stations, internet and other electronic media in accordance with standing order 20.02.

It should be noted that this paragraph was amended at the end of the last Parliament to include reference to the internet, recognising the fact that rebroadcasting on the internet in various forms is possible. However, the requirement that any form of rebroadcasting comply with standing order 20.02 did not change. The requirements of standing order 20.02 include the need for a media organisation or individual to be accredited by the President. Standing order 20.02 clearly gives authority to transmit and rebroadcast proceedings to media organisations or individuals accredited by the President. This in turn provides the authority to broadcast or rebroadcast, which is required by section 74AA in order for absolute privilege to apply.

No member of this house is an accredited media person for the purposes of the standing orders — and I do not believe it is appropriate to accredit a member in such a way — nor is any member an authorised person for the purposes of section 74AA of the constitution. Both the Speaker and I are responsible for accrediting media to cover proceedings and enjoy access in and around the parliamentary precinct through a formal administrative process of accreditation.

I caution all members against rebroadcasting electronic proceedings of the house in any form. During my initial response to Mr Barber in the house on 7 December I pointed out that if a member rebroadcasts part of a proceeding on their own website, there is a real and obvious likelihood that it would be amongst other political or partisan material, which could bring into question the fairness or accuracy of the rebroadcasting. Given the absence of absolute privilege, this would potentially expose a member to some form of civil action. In many cases of putting material on a website it is likely the material would be accompanied by some commentary, and that again opens up questions in regard to privilege.

Mr Barber asked ultimately how he could become an accredited person. At this point I want to acknowledge that Hansard has as a matter of ongoing practice provided a copy of proceedings of the Parliament to each party in response to an instruction from the Speaker. I was not aware of that instruction until Mr Barber raised this matter in the Parliament. Whilst I have no objections to the Speaker's decision to make that material available, I concur with the Speaker that the material is only available for the information and research purposes of the respective parties and is not provided with any intent that it could be used for rebroadcast. It should be noted that provision of the material is not in any way authorisation for the parties receiving those disks to rebroadcast the material. It is not my intention to accredit or authorise any members of Parliament — in the context of the areas I have previously mentioned in this ruling — to have an opportunity to rebroadcast in the same way the media does.

I indicate that the use of electronic media is an area to which I may give further consideration in the future in consultation with the Speaker and perhaps with advice from some other members at different times, but at this time I indicate that my ruling is that this material should not be used for rebroadcast.

## ROAD SAFETY AMENDMENT (CAR DOORS) BILL 2012

### *Introduction and first reading*

**Mr BARBER (Northern Metropolitan) introduced a bill for an act to amend the Road Safety Act 1986 and the Road Safety (Drivers) Regulations 2009 and for other purposes.**

**Read first time; by leave, ordered to be read second time forthwith.**

### *Statement of compatibility*

**Mr BARBER (Northern Metropolitan) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities (hereafter referred to as the charter), I make this statement of compatibility with respect to the Road Safety Amendment (Car Doors) Bill 2012.

The main purpose of this bill is to amend the Road Safety Act 1986 to make it a summary offence under the act to cause a hazard by opening a door of a vehicle.

Clause 3 of the bill creates a new summary offence and increases the penalty to 10 penalty units. The introduction of a

summary offence reflects the potential for the act of causing a hazard in this manner to cause death or serious injury to cyclists. The introduction of a new summary offence does not engage the charter, as the amendments do not provide for a period of imprisonment and the penalty units provided for in the bill are subject to the judicial process.

Clause 4 provides for the imposition of demerit points, bringing the new offence into line with offences such as running a red light or driving past a stationary tram which has its doors open.

The bill protects the right to life expressed in section 9 of the charter and promotes the right to freedom of movement expressed in section 12 by enhancing the safety of vulnerable road users.

I consider the Road Safety Amendment (Car Doors) Bill 2012, as introduced to the Legislative Council, is compatible with the human rights protected by the charter.

Mr Greg Barber, MLC

*Second reading*

**Mr BARBER** (Northern Metropolitan) — I move:

That the bill be now read a second time.

Figures from the VicRoads ‘CrashStats’ database suggest that in 2009 and 2010 accidents involving car doors being thrown open in the path of cyclists represented 8 per cent of all recorded bicycle accidents, compared to an average of 4 per cent over the preceding 10 years. This means two or three such crashes each week.

Awareness of this problem has risen recently, especially since the tragic death of James Cross, but in fact it has been growing for quite some years. The coroner’s inquiry into the death of James Cross made a series of recommendations relating to education and changes to physical infrastructure, which we hope the government will implement soon.

This bill delivers an enhanced enforcement provision which will support those measures.

The amendment in this bill is based on the expression in the Road Safety Rules 2009 which relevantly provides that:

... a person must not cause a hazard to any person or vehicle by opening a door of a vehicle, leaving a door of a vehicle open, or getting off, or out of, a vehicle.

The penalty associated with this offence is 3 penalty units.

Clause 3 creates a new summary offence and increases the penalty to 10 penalty units. Clause 4 provides for the imposition of demerit points.

This brings the penalties for this offence into line with offences such as running a red light or driving past a stationary tram which has its doors open.

Cycling as a form of transport and recreation is growing rapidly. Accidents are also increasing, but not as fast as cyclist numbers, suggesting that the increased awareness brought about by more cyclists on the roads of itself creates ‘safety in numbers’. This bill is an important measure to protect vulnerable road users.

I commend this bill to the house.

**Debate adjourned on motion of Mr O’DONOHUE (Eastern Victoria).**

**Debate adjourned until Wednesday, 15 February.**

PRODUCTION OF DOCUMENTS

**Mr BARBER** (Northern Metropolitan) — I move:

That this house requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 28 February 2012, a copy of the March 2010 business case, the July 2010 update and the due diligence assessment report as described on page 2 of the Northern Victoria Irrigation Renewal Project stage 2 agreement between the state of Victoria and the commonwealth.

I am confident that the government will want to accede to this request. When in opposition government members strongly urged the former government to release the business case associated with stage 1 of the Northern Victoria Irrigation Renewal Project.

**Mr Drum** interjected.

**Mr BARBER** — Initially, as Mr Drum says, such a business case did not exist, and we have now found from reading the Ombudsman’s report that the former government committed those funds and then did the business case afterwards. Many of the assumptions relied on at that time by members of the former government were not proved when those members had to do the detailed business case. We know this because, at the urging of the new government, the Ombudsman has made a detailed inquiry into the processes around that, an inquiry in which the stage 1 business case got frequent mention. However, the business case for stage 2, which was prepared by the previous government, also had considerable mention in the Ombudsman’s report, notably at about page 65 where that report is discussed, as is the document that is the subject of this motion, the due diligence report.

At paragraph 301 the Ombudsman states:

The November 2010 due diligence report states that the commonwealth government has approved in-principle funding for stage 2 of the food bowl project. However, the report outlines 10 significant investment risks for the Australian government and outlines 13 key conditions to mitigate those risks.

The Parliament and the people of Victoria are not aware of this material. We are not aware of what those risks are because we have not seen the due diligence report, and that is why I am requesting that it be tabled.

The Ombudsman notes at paragraph 304:

In the absence of a business case I consider that the then government was not well informed when it approved the project to go ahead. There have been numerous changes from the business case in relation to estimated water loss and savings figures and capital works.

That is what Mr Drum and I both frequently raised in the previous Parliament. At paragraph 307 the Ombudsman says:

I consider that the government —

that is, the current government —

should reconsider the project's strategic directions as it moves into stage 2, given changes in the environment, learnings to date and the potential for improved project management. The project is significant and complex and potential changes to its direction should be carefully monitored.

That is good advice to the government, but I believe the Parliament, having been so deeply involved in this project up until now, should also have the same opportunity to check the new government's homework, to assess what the significant investment risks are in an environment of good scrutiny.

Further in the report is the suggestion that the project should be subject to enhanced oversight under the high-value, high-risk process. I agree, and I am sure government members, particularly those with a strong interest in the food bowl, will agree that this is a high-value, high-risk project. It is a billion-dollar additional investment now approved by the federal government in an environment where many of these irrigation water authorities are struggling. They are frequently, or at least at the current time, neither economically nor ecologically sustainable.

This billion-dollar stage 2 investment is intended to achieve all elements — that is, ecological, financial and economic sustainability — and I hope that the government, having pushed so hard for transparency in the previous Parliament, is willing to live by the same rule in relation to these documents. As these documents

are in the hands of the federal minister, it is appropriate that this Parliament is at least as well informed as both our state and federal ministers on a project that is of such significance.

**Mr O'DONOHUE** (Eastern Victoria) — I am pleased to be the first speaker on behalf of the government in relation to Mr Barber's motion calling for the production of certain documents. With this new calendar year I am pleased to advise the house that the practice adopted by the government last year will be continued this year — that is, the government will not oppose the motion moved by Mr Barber. The government will review the motion that has been moved, the documents that have been requested, and, where appropriate, it will produce documents to the Parliament.

I make the point at this time that during the last calendar year there were numerous debates on Wednesdays of sitting weeks about the production of documents. I am sure that some members of the opposition and the Greens would contend that not all documents were produced and that more documents should have been produced. I think on an objective analysis the government has produced a whole range of documents to the Parliament and to members who have requested them, in the interests of being open and transparent with the Parliament, with this chamber and more broadly with the Victorian people.

Mr Barber's motion goes to the issue of the previous government's water policies. If anything typifies the neglect and negligence of the previous government, truly its water policies are right up there. We all know that after nearly a decade of inaction the government, in a panic, in a knee-jerk response, commissioned the desalination plant, which is perhaps the biggest white elephant constructed in Victoria's history, at a cost to Victorian taxpayers — Victorian water consumers — of \$2 million a day for the next three decades. Who will ever forget that red helicopter with the then Premier flying over the site and informing us about the new desalination plant?

**Mr Lenders** — On a point of order, President, there is a specific motion before the house on the Northern Victoria Irrigation Renewal Project stage 2 (NVIRP2) and documents which Mr Barber is seeking, and Mr O'Donohue is giving us a flawed history lesson on what he thinks happened in relation to the desalination plant. I would welcome the member bringing on a motion about that matter, but I ask that he be held to this motion, which is actually a specific motion about two or three documents from NVIRP2. It is nothing to do with the desalination plant.

**Mr O'DONOHUE** — President, on the point of order, the previous government sold its water policies as a suite of policies to address Victoria's water crisis, as it then was. Therefore I submit to you that, in dealing with a motion that goes to the previous government's water policy, it is reasonable to consider the suite of policies that were put forward by the previous government.

**The PRESIDENT** — Order! I thank Mr Lenders for the point of order, and I actually have sympathy with both of the speakers to that point of order. I agree with Mr O'Donohue that, given the history of water projects and the fact that this was one part of a complete strategy developed by the government, I think it is appropriate that Mr O'Donohue can make remarks in that respect, particularly given that he is the government's lead speaker in response to this motion. Nonetheless I accept Mr Lenders's view that the motion is quite specific, and I would not expect Mr O'Donohue to expand on this material but perhaps for him to use it as context for his reference to the specific project of the previous government that has been named by Mr Barber.

**Mr O'DONOHUE** — In compliance with that ruling, I will just round out the point I was making before Mr Lenders took the point of order. To go to the Premier's press release of 28 February 2011, titled 'Revealed — the true cost of John Brumby's desalination plant', it states:

The final cost —  
of the desalination plant —

will impose an unprecedented burden on Victorians and family water bills for decades to come.

In conclusion, Mr Baillieu said:

It is clear that the Brumby Labor government's desalination plant will cause unprecedented increases in Victorian water bills, leaving Victorian families struggling from the legacy of Labor's incompetence and mismanagement.

*Honourable members interjecting.*

**Mr O'DONOHUE** — I can hear inane interjections from the opposite side, no doubt from a strong supporter of jacked-up water bills for Victorian families. As recorded on Melbourne Water's website today for yesterday, Melbourne water storages are at 64.9 per cent.

**Mr Lenders** — You count the north-south pipeline in that — be consistent.

**Mr O'DONOHUE** — President, in compliance with your ruling, I will move on from the desalination plant. Critical to the food bowl modernisation project for the previous government was the north-south pipeline, which is perhaps only second to the desalination plant as far as white elephants constructed by the previous government go. Now we know that Mr Lenders is a big advocate of the north-south pipeline. He has raised numerous adjournment matters about it and he continues to defend the north-south pipeline, which was an investment of \$1 billion.

**Sitting suspended 1.00 p.m. until 2.02 p.m.**

**Mr O'DONOHUE** — As I was saying before the lunch break, the government does not oppose Mr Barber's motion and will review it in the way that was established last year with a view to being open and transparent to the Parliament, the Council and the Victorian community.

I was talking before the luncheon break about the cost to Victorians of the desalination plant and I had moved on to talking about the north-south pipeline, which of course was integral to the previous government's approach to the northern irrigation upgrade. We were very clear in opposition about our intentions with regard to the north-south pipeline, and the policy we took to the election has been implemented. I know Mr Lenders and other members of the previous government do not support the policy position we have taken, but I put it to Mr Lenders, through you, Acting President, that the matters he raised for Mr Walsh, the Minister for Agriculture and Food Security, who is also the Minister for Water, during the adjournment — and specifically the matter raised on 30 August 2011 — demonstrate a lack of understanding about the way the reservoir system is operated by Melbourne Water. It demonstrates a lack of understanding about which reservoirs feed into other reservoirs and the water catchments which feed the various reservoirs. He raised this proposition in the adjournment debate on 30 August 2011, and I quote:

The issue I raise this evening and the action I seek from the minister is that he not direct Melbourne Water to leave water in Sugarloaf Reservoir so we cannot take water out of the pipe and therefore disadvantage Melbourne in the years ahead ... At this stage that water could be put into approximately 50 subreservoirs around Melbourne.

I query whether that is actually possible, and I look forward to hearing Mr Lenders's contribution. My understanding, and I do not profess to be an expert on this, is that it is not possible.

Labor had a failed suite of policies that will inflict higher water prices on the Victorian community. Water

will be delivered through the most expensive mechanism possible — desalinated water — with significant environmental costs and implications which will burden the Victorian community for the next three decades. It is an absolute disgrace and it is an indictment of the previous government.

Moving to the food bowl modernisation project, the Ombudsman found, and Mr Barber referred to it in his comments, that stage 1 did not have a business case. It beggars belief that a government could operate in such a negligent, ad hoc and irresponsible fashion. The negligence is a disgrace. I find it unbelievable that members of the opposition come into the Parliament sitting week after sitting week and try to defend these disgraceful, irresponsible policies. Far be it from me to provide advice to the opposition, but I would have thought that you fess up if you make a mistake — ‘We made a mistake; we should have done a business case as is standard practice’ — and move on. But no, the members opposite seem to be obsessed with defending their failed legacy, and if this is the place they are in, that does not bode well for future policy direction from the opposition.

Here we are again on a Wednesday debating legitimate motions moved by Mr Barber and legitimate policy positions put forward by Mr Barber, yet there is not a murmur from the Labor opposition with regard to future policy. We hear a lot from the opposition about its perceived view of the government’s failings, which the next motion on the notice paper to be moved by Mr Lenders articulates, but we hear nothing about alternatives, new ideas, future policies or vision. The opposition stands for nothing and has no policies. Its modus operandi at this juncture would appear to be to defend its failed legacy. It is time the opposition fessed up, took one on the chin, admitted it was wrong and moved on. With those words, the government does not oppose Mr Barber’s motion.

**Mr LENDERS** (Southern Metropolitan) — The Labor Party will support the motion moved by Mr Barber, which is essentially for the tabling of two lots — or three lots, arguably — of the Northern Victoria Irrigation Renewal Project stage 2 business cases. I put on the record that we do not oppose this motion.

I noted with interest when Mr O’Donohue waxed lyrical about his claim that this government listens and lets requests go through, but every single request for documents, without exception, comes through with the same mealy-mouthed response from the Attorney-General, which is basically, ‘We respectfully suggest that the Liberal-Nationals coalition use its

21 votes in the upper house to reject it’. It is a farce to say the government will be considering the request.

The opposition has no issue with the request-for-documents motion being agreed to. The Northern Victoria Irrigation Renewal Project stage 2 is a project that the Minister for Water, Peter Walsh, has now completely embraced and has taken ownership of, and he has gone to the commonwealth — and I pay tribute to him; he has done the work on the business case and adopted Labor’s position — and advocated for NVIRP2, despite originally demonising the process with an Ombudsman’s report. He has used it to successfully negotiate the sale of water rights to the commonwealth. The Liberal and National parties are silent on this. They have a strong view on the Murray-Darling Basin and water rights, but the minister has used NVIRP2 as an opportunity to sell rights to the commonwealth to reduce the burden on farms in northern Victoria.

We would welcome the tabling of the documents sought by Mr Barber. Let us have a debate about the documents and not have the facade put up by Mr O’Donohue that the government will support the motion, because that will only happen until the standard response comes back from Robert Clark supposedly respectfully suggesting that the government use its numbers to ensure that the Council does not pursue it.

Given that the President has allowed latitude for members to talk a little bit about water, and Mr O’Donohue certainly went on to that issue, I will make a few comments about Mr O’Donohue’s comments about water for the record. Firstly, if Mr O’Donohue is so concerned about big economic decisions being made without a business case, it beggars belief that the Liberal-National party would then just blindly fulfil that commitment. The Liberal-National party gave a commitment to close the north-south pipeline — I am not disputing that, but Mr Walsh has put every possible caveat on that commitment. He has said, ‘We’ll keep the pipe closed unless we need it’. Let us see how solid the commitment is. Talk about a bit of principled politics! The government has said the pipe will be kept closed unless it needs it.

Secondly, if Mr O’Donohue is so concerned about a business case, I suggest he go out into his electorate — and he can pick whichever part of the electorate he likes; he can pick the South Gippsland part, the West Gippsland part or the metropolitan Melbourne part — and start explaining to his constituents in South Gippsland and West Gippsland and the customers of Yarra Valley Water and South East Water why

Melbourne Water will pay \$150 million extra to get the expensive desalination water because he does not want to use the north–south pipeline, particularly as there is free water out of Eildon, which the Melbourne Water website already counts as part of Melbourne’s water supply. On 1 April Melbourne Water is going to have to put in its bid for pricing and state whether it wants any of the expensive desalination water.

**Mr Drum** interjected.

**Mr LENDERS** — No, Mr Drum, the contract is an option for Melbourne Water and your minister. Your minister, Mr Walsh — through you, Acting President — will need to have his instrumentality put in an order for \$150 million worth of water. The minister can choose to take it out of the existing system. To correct Mr Drum on the record — the Thomson Dam does require pumping once it gets below a certain level; he has assiduously said in the Parliament that it does not, but he is wrong about that.

**Mr Drum** — The Thomson?

**Mr LENDERS** — Yes, the Thomson needs pumping once it gets below a certain level. Mr Drum has said in this Parliament that it is all done by a gravity pump, but he is wrong.

In the future Mr Walsh will need to make a decision. Will he draw on what he has described as expensive desalination water? You do not need to be a rocket scientist to understand the Essential Services Commission determinations on this or the water plans coming in from the authorities. Mr Walsh will have to make a decision — will he put \$150 million in costs onto Mr O’Donohue’s constituents and the constituents of every single member of this house, no matter which electoral region they are in because every region draws some or all of its water from the Melbourne Water system? Does he want to pay \$150 million extra because of an ideological obsession of the National Party? Or does he want to get the cheaper water out of the Goulburn River, which the Melbourne Water website already counts as part of the 65 per cent.

The main concern I have is to get some transparency. If Mr O’Donohue wants to wax lyrical about the fantastic Liberal and National parties not doing anything without a business case, perhaps he ought look at his Premier’s business case for the redesign of Flinders Street station — there is no business case! Perhaps he should look at his water minister’s decision to close the north–south pipeline — no business case! Perhaps he should have a wander across to the public transport minister and ask, ‘On

what basis are you doing the New Street gates in Brighton?’ — no business case. Or perhaps he should ask, ‘On what basis are you constructing that funny siding in the electorate of the Minister for Public Transport?’ — no business case.

Most significantly of all, when you want to refer anything for an investigative committee of this house to look at you get the Hall doctrine, which is: it is an election commitment; it does not have to be scrutinised. I suggest that if Mr O’Donohue wants to preach the language of a business case, he ought to be consistent. What he says is sound: the government should have a business case behind every decision, but it should not come into Parliament and say, ‘Let’s do a business case’, given that for those decisions concerning the electorates of Brighton and Polwarth — in the areas over which he has coverage as Parliamentary Secretary for Transport — there is not a business case within cooe.

Let us get back to the basis of the motion before us today. We are happy to have a debate on water at any time. We are happy to have a debate on our legacy on water, and we are happy to have a debate on what the future of water is. If there are any bona fides in this debate, what I would say to those opposite is: call on Minister Walsh to close down the pipe for good; do not do the mealy-mouthed, popular stuff of appeasing some people by saying the pipe has been closed while keeping it open in case it is needed. Talk about gutless! It is even more gutless than not running in Niddrie.

**Mr Drum** — How stupid would that be?

**Mr LENDERS** — I take up the interjection, ‘How stupid would that be?’. If you are going to come into this place — through you, Acting President — and say it is a principled position to close the pipe, except if the government needs it, tell me what that principle is. If people want to have a debate about water, let us have a debate, but if people want to go through the hyperbole and nonsense of saying they have a principled position which is to close the pipe but they will keep it in case they need it, I point out that there is nothing principled about it. When the government needs to draw on the more expensive desal water, for which Mr Drum has demonised Labor, it will be paying \$150 million extra — —

**Mr Drum** — Whose fault is that?

**Mr LENDERS** — It will be your fault, Mr Drum — through you, Acting President — if your water minister chooses to use what he describes as the more expensive desal water rather than the free water

out of the north–south pipeline. If he chooses to inflict on every Melbourne Water user the more expensive desal water — —

**Mr Drum** interjected.

**Mr LENDERS** — Acting President, I will take up that interjection because Mr Drum clearly ought to listen. There are two different cost factors for the desalination plant. There is the infrastructure cost that comes whenever you build a new dam and then there is a usage cost. The infrastructure cost is locked in. No-one is disputing that. That is the cost. It is locked into water pricing for the next 25 years, as Premier Bracks said it would be. There are no ifs and buts. That has been inherited by the current government. No-one from this side is disputing that.

What Mr Drum does not make clear is the other half of the equation, and that is when Mr Walsh or Melbourne Water — I am sure he will blame Melbourne Water for it — chooses to use the more expensive desal water rather than water from the north–south pipeline, assuming he still opposes the super-pipe, that will be a deliberate decision of this government inflicted on the Macedon and Bendigo parts of Mr Drum’s electorate that will indirectly affect 4 million-plus Victorians. Four million plus Victorians will be spending \$150 million more for water than they need to because of an executive and policy position of this government. The government can hide behind whatever it likes, but the reality is that this decision is in the hands of the Baillieu government’s water minister. Does he stick to the north–south pipeline decision for which there has been no business case or does he spend \$150 million extra — —

**Mr Drum** — Thanks to you.

**Mr LENDERS** — No, not thanks to anybody other than a decision of a water minister to choose more expensive water over cheaper water. But he has chosen not to do that.

**Mr Ramsay** interjected.

**Mr LENDERS** — Those opposite can bay like demented coyotes if they wish, but it is an inescapable fact. There is a \$150 million per year choice that Mr Walsh will make because of an ideological obsession on his part as to where the water comes from. Those opposite can hide from it; they can seek to demonise the previous government. But I give notice today that we will follow the government in every community to show that that \$150 million extra, which will come out in the water plans in a few months time

and will be determined by the Essential Services Commission, is an additional \$150 million on any decision made by the previous government. The Baillieu government has inflicted an additional \$150 million on water users in Victoria by choice. That is a choice it has made.

**Mr Ramsay** — You should be embarrassed for having this discussion.

**Mr LENDERS** — I am not embarrassed at all, Mr Ramsay. In fact I welcome a transparent discussion about water because we are actually talking about the facts for a change. Mr O’Donohue, who has left the chamber with his tail between his legs, bravely raised the fact of Sugarloaf. He bravely raised the fact of the 50 subsidiary dams across Melbourne. He should hang his head in shame because Melbourne Water has an option as to where to port its water.

Melbourne Water has made a choice, under heavy political direction, that again puts up the cost of water to Melbourne consumers. That is something from which I am not going to hide. It is a reality. Mr Walsh’s choices will cost Melbourne water consumers \$150 million more. That is not even counting the rip-off of the system by Melbourne Water where it has stacked into its water price determination the payments for the desal that were meant to start in mid-December last year. Six and a half months of desal payments have not been made because the Labor contract meant they did not have to be made until the plant was complete. So Melbourne Water is now fleecing 4 million consumers for the desal payments it is not making.

Where is that money going to go? Kim Wells, the Treasurer, is going to put his hand in and yank it out as dividends. Yet again Melbourne consumers, much like businesses that pay premiums to WorkCover, are going to pay for the obsessions of this government’s choice to buy more expensive water over cheaper water.

This is not to mention the business plan cases that go out of control. The Premier’s prime idea, the dream of every architect, is when he says, ‘Let’s fix public transport on the Frankston line by having a design competition for Flinders Street station’. That is rocket science. He cannot even get the design competition right. It blew out by 75 per cent because there was no business case. I will conclude — —

**Mr Ramsay** — You are an expert on blow-outs. There is not one Labor project that has not blown out in the past 10 years.

**Mr LENDERS** — If Mr Ramsay wants to talk about project management — —

**Mr Ramsay** interjected.

**The ACTING PRESIDENT (Mr Tarlamis)** — Order! Mr Ramsay!

**Mr LENDERS** — I suggest he talk to the current administration of the Victorian Farmers Federation and find out what they think of his stewardship of that organisation; he might learn something.

I will conclude by saying the Labor Party supports Mr Barber's motion and looks forward to seeing these documents for which Mr Walsh has so enthusiastically claimed credit by saying, 'What a stunning outcome we have for NVIRP2'. We look forward to the government providing those documents so we can actually begin to have a rational debate about water infrastructure expenditure. We can have a bit of a cost-benefit analysis to see whether the current government, which signed off so enthusiastically on NVIRP2, actually completed a business case itself.

**Mr DRUM** (Northern Victoria) — I must congratulate Mr Lenders on getting through that without breaking into laughter. It was quite comical to hear the former Treasurer talk about this after saddling us with the desalination plant and overseeing the introduction of the north-south pipeline and NVIRP1 (Northern Victoria Irrigation Renewal Project stage 1). Those of us who are quite familiar with the process understand that the north-south pipeline connects the Goulburn River at Yea with the Sugarloaf Reservoir. That is 70-odd kilometres. Mr Lenders would have us pump excess water from there because water is flowing down the Goulburn River and heading out to sea in South Australia. Water is also flowing out to sea from the Yarra River, which happens to flow naturally within 1 kilometre of Sugarloaf Reservoir. We have a way of filling Sugarloaf. At the moment it is at 100 per cent, but if it happens to empty — —

**Mr Lenders** — That is your minister's choice.

**Mr DRUM** — Mr Lenders, if it happens to empty, we have three ways we can fill it. We can fill Sugarloaf Reservoir naturally with the water that runs into it from natural rainfall. If it needs additional top-ups, we can pump water 1 kilometre from the Yarra River because there is all that excess water running down the Yarra River and out to sea at the moment. We have an opportunity — I hope Mr Lenders can hear me — to fill up Sugarloaf Reservoir by pumping water 1 kilometre if we need to. Or else, as Mr Lenders would have it, we can pump the water 70 kilometres from Yea — —

**Mr Ramsay** — Up over the hills.

**Mr DRUM** — Up over the hills and over a 400-metre rise. Mr Lenders would rather we spend that money to pump it into Sugarloaf via the north-south pipeline some 70 kilometres away just to save some embarrassment. The argument that Mr Lenders uses is that surely it is better to use north-south pipeline water than it is to use the desalination water, which is far more expensive.

What about the other scenario, which Mr Lenders conveniently decided to leave out — what happens if we do not need either? Mr Lenders would still rather we pump the water 70 kilometres out of the Goulburn River into the Sugarloaf Reservoir so that it can spill over Sugarloaf and run into the Yarra and then out to sea that way. That is what he is advocating we should do. What a fantastic use of our natural resources!

Let us just go through that again: we are releasing water out of Eildon. As it runs past the pumping station at Killingworth Road we are going to pump it 70 kilometres, so it can overflow Sugarloaf Reservoir. The water will then flow into the Yarra and run out to sea through Port Phillip Bay. That is what Mr Lenders, the shadow Minister for Water, is advocating we should do in Victoria. If that is not farcical, I do not know what is. Mr Lenders says that if we do not do that, we are going to have to spend \$150 million a year using the desal water. At the moment we do not need either, and Mr Lenders should understand that that is a genuine opportunity for this state.

Referring to Mr Barber's motion in relation to the Northern Victoria Irrigation Renewal Project stage 2 agreement, the biggest win the Minister for Water, Mr Walsh, had with the NVIRP2 deal he was able to stitch up with the commonwealth government was that he was able to save the irrigators of northern Victoria \$219 million over and above what Labor ever said it would. We are going to deliver the savings that are needed by the commonwealth government as part of its clawback of water, because it is so committed to drawing down the available amount of water that we have in the Goulburn Valley and throughout the Murray-Darling system. We are going to have to find that water, and that will not be easy, but we are committed to finding it.

Under this new deal which Mr Walsh was able to sign, the irrigators in the Goulburn Valley system are going to be \$219 million better off than they would have been under the Labor government. That should make Mr Lenders, as the opposition water spokesperson, hang his head. If he wants to put the blame on Tim Holding's inability to understand water issues, we are happy for him to do that as well. But one way or

another members of the Labor Party have to put up their hands and say, 'Yes, we are absolute amateurs when it comes to handling water issues'.

As I have often said in this chamber, water management is not brain surgery, water management is not rocket science; it is far more complex than that. The amateurs in the Labor Party think they can come into this field, come into this sphere and pick up and understand water management at the drop of a hat. Over the course of the journey they have certainly shown us how incompetent they can be, because they have saddled us with a desalination plant that is four times bigger than we ever needed and is going to come in at a cost of \$2 million a day for the next 25 years. We are going to have to pay that whether or not we take the water. If we take the water, it will also be ridiculously expensive. Instead of the desal water being a source of last resort, we are now in effect forced to take it or pay an exceptional premium.

Then we have the north-south pipeline, which represents an investment of \$750 million in raw pipe construction plus another \$1 billion in infrastructure upgrades. Some of the devious plans that were put in place to generate savings were absolutely beyond belief. These devious and in a sense fraudulent figures or numbers were put forward by the previous authorities to claim that the project represented genuine savings when everybody knew that the purported savings were in reality not there to be counted.

However, that is an argument that we have had in this chamber many times, and I must say an argument that we lost, because the government of the day simply rammed the project through. It would not let any opposition member scrutinise the testing procedures. It introduced the testing procedures 6 and 12 months afterwards, and when the inadequacies and shortcomings of those testing procedures were pointed out to the government it was not in the least bit interested that losses and leakages and theft of water were in effect disregarded all the way through. Overstating the losses enabled the gains the new technology was able to deliver to also be overstated. It was deceitful, it was dishonest, and the previous government just went along with it for the ride because it knew it was not going to deliver the savings but it desperately needed to justify this investment in the northern Victoria region.

We will support this motion and we will highlight the benefits that Minister Walsh has been able to bring to the table in relation to NVIRP2. The investment by the federal government of \$953 million will create further savings within the food bowl region and \$43.7 million

will be made available for on-farm irrigation efficiency programs. That is also going to help create savings.

We all believe genuine savings can be generated by the introduction of infrastructure improvements in relation to our environmental flows. This is an area that has largely been left alone. It is one where we believe significant environmental gains can also be made by investment of reasonably modest amounts of money. Hopefully we will be able to achieve some outstanding outcomes throughout our wetlands and flood areas, which have previously been in need of substantial floods to get the same results. That is certainly an area in which we are hopeful we are going to be able to create some great outcomes.

In relation to the north-south pipeline and Mr Lenders in effect saying we should either turn it on all the time or dig it up — get the angle grinders out and carve it up for scrap metal — this is ideology gone mad. What we have is an ill-conceived plan, a plan that the previous government promised it would never introduce to Victoria. Having made that promise before an election, it took it six months to back-pedal and recant on that promise. So in went the pipe without a business case and it is there.

We made the promise while in opposition that we would not use it, the exception being in a time of critical human need. Everybody in Victoria thinks that policy is a common-sense approach. If we do not need to pump water 70 kilometres, why on earth would we? I have with me some comments made by a Melbourne Water supply manager to the effect that it makes no sense — they would be better off using most of their own reserves before they begin pumping any reserves in from Lake Eildon.

To leave the north-south pipeline in the ground as a source of water of last resort, when we are not able to predict what will happen in 5, 10 or 20 years from now in terms of Melbourne's water storages, is an insurance policy. We know that should this great city need water for critical human need at any time we will be able to turn on the north-south pipeline, which is connected to the Eildon Reservoir via the Goulburn River. But as far as Mr Lenders is concerned, he sees that as being, to use his fantastic parliamentary word, 'gutless'. I suggest that it is not being gutless. I see it as being pragmatic, responsible and acting in a way that the people of Victoria would like to see us act. If Mr Lenders wants us to stop being gutless and start ripping up ill-informed infrastructure projects, then we might start ripping up a few others the previous government landed on us, like the desal plant, for example.

However, that is not what we are about to do. We have been dealt this hand of cards and we will play it the best way we possibly can. We will make the best out of what was left to us by the previous government, and that means we have to put in place a range of policies which will deliver to Melbourne water users the cheapest water we possibly can. We are also going to deliver the best deal we possibly can for our northern irrigators. Minister Walsh has led from the front in delivering a deal with the commonwealth, something that no-one seemed to have been able to do for the previous six years.

We are going to support the Murray-Darling Basin as an entity, as a system encompassing the environment, food and fibre producers, fisheries and wildlife, and bring together a balanced package that sees all the stakeholders in the river system flourish. Hopefully the one group that has been left behind, which is the food and fibre producers, will understand that it has a minister in the Parliament who understands its needs, struggles and challenges. The group rest assured that finally someone in the Parliament truly understands the issue that is water — water savings, water capture, water trading, water efficiencies — and governments trying to claw back water. Finally we have someone in this Parliament who understands the issue and is going to be able to put in place policies that will give all our stakeholders in water in this state a fair go.

**Mrs PETROVICH** (Northern Victoria) — As a representative of Northern Victoria Region, along with the previous speaker, Damian Drum, and my colleague Wendy Lovell, I am very interested in this motion and its relevance to where we have come from in the water debate around irrigation and improvement in infrastructure. In the context of the history over the last 11 years, water was piped out of the irrigation district because the previous Labor government was impotent, incompetent and ineffective in providing real answers to the provision of water for our irrigation district, metropolitan Melbourne and the broader community.

We saw that in many of the regions large regional centres were very close to running out of water. These included Bendigo, Ballarat and Geelong. During this period — I think it was in November 2005 when I was on the campaign trail and Steve Bracks flew into Warracknabeal in his red helicopter — there was a lightning bolt from the blue and a revelation. The reason that crops were failing and channels were dry was that there was no rain. That caused many farmers to have a bit of a chuckle in the pub in Donald that night. Are we experiencing a drought!? No, it was climate change, not a drought, whether or not you were a climate change sceptic. The penny had finally

dropped. It was from that point on that there was panic about what needed to be done to resolve the issues around the drought.

The problem was that there was mad panic, and consequently the Victorian community has long-term legacies at a cost and perhaps on a social scale that has not yet been fully acknowledged. We have a desalination plant which has proved to be a white elephant. We have the north-south pipeline which has caused an enormous amount of grief to the communities I represent due to the lack of process around its development. I think we have seen a cost of \$750 million to build that pipeline and \$1 billion for infrastructure surrounding it. Nobody on either side of the chamber ever said that the infrastructure around the irrigation district did not need improvement. We all knew the system was archaic, but many of us in the coalition also acknowledged that taking water out of the food bowl of northern Victoria was not the smartest thing to do. Many people tried to point that out.

**Mr Leane** interjected.

**Mrs PETROVICH** — I must admit that was nearly unparliamentary, Mr Leane. I feel quite passionately about this, because I lived through that time with many of the people who had the Water Act 1989 misrepresented to them. I often explain to people in metropolitan Melbourne, when asked, what went on with the pipeline. I say, ‘Imagine waking up one Sunday morning to find someone has cordoned off your front garden. You go out in your dressing gown and say to them, “Get off my property. What are you doing? Take down that fence” only to have them say, “We are calling the police and we are having you arrested. We have seized your land”’. People say that could never happen in the state of Victoria, but I tell them that it did happen. It was a shameful period in the history of Victoria. People like Deb McLeish, who endeavoured to protect the cattle yards that her father had built, were arrested trying to protect those historic yards.

**Mr Leane** interjected.

**Mrs PETROVICH** — It is very relevant to the history of where we have come from, Mr Leane. I am pleased to see Mr Leane is showing some interest in it. Probably of more interest to Mr Leane would be the issue of the desalination plant and the number of contractual wins by many workers at the Wonthaggi site. From a union point of view, I am sure he would be pretty proud of himself. But from the perspective of the state of Victoria, we are going to be paying for this folly for a very long time, and I may become unparliamentary any moment now.

When we are looking at something like \$2 million a day — —

**Mr Koch** interjected.

**Mrs PETROVICH** — Every morning we get up, Mr Koch, the cost to every man, woman and child in Victoria is \$2 million a day. If you look at the cost imposed by that ill-conceived folly, as opposed to taking water that we can achieve through our normal supply, it is \$13.38 per kilolitre as opposed to approximately \$1 per kilolitre for the regular supply.

**Mr Ondarchie** interjected.

**Mrs PETROVICH** — Because of infrastructure costs it is probably going to be more than that, Mr Ondarchie.

I think we should be commending the Minister for Water, Mr Walsh, on the work he has done in negotiating the Northern Victoria Irrigation Renewal Project stage 2 (NVIRP2), because it has achieved \$219 million in savings for the Victorian community. It assists in providing additional water to the environment and improving irrigation. It is going to give us a world-class irrigation system.

We have to have regard for the food produced in the irrigation district of Victoria. We are facing a much-talked-about world food shortage. We contribute both internationally and to our communities. Go figure why you would want to rip the water out of those areas to send it down a pipe to flush loos and make lawns green in metropolitan Melbourne — because those opposite did not think of anything else to do. That is what it has come down to. There was no business plan. I remember going to a public meeting in Alexandra, I think it was, on a Thursday night. People were gobsmacked. They were asking Melbourne Water people, ‘How has this occurred? What’s the plan? Where is it going? How much is it going to cost?’ — all the normal sorts of questions — and Melbourne Water said, ‘We’re not here to consult. We’re here to tell you we are building this’.

I believe there is a longstanding legacy of denial in this chamber from people like Mr Lenders, who was the Treasurer at the time and who signed off on both of those projects that we are talking about.

**Mr Ramsay** interjected.

**Mrs PETROVICH** — In some respects it is good that he is not here, because I think he should be having a damn good look at himself, wherever he is. To stand up in this chamber and produce the sort of diatribe and

denial he just has is quite outstanding. I honestly do not know how the man sleeps at night. He signed off on both of these projects but is now sheeting it home to a very good water minister, when he had the former minister, Tim Holding, overseeing — —

**Mrs Peulich** — This is his swan song.

**Mrs PETROVICH** — We will not hold our breath, Mrs Peulich. I think the north–south pipeline was conceived by John Thwaites, a former Minister for Water. He has now resumed his studies and is doing a hydrology and water degree. I wish he had done that before — all this new water! Anyone who understands hydrology and water knows that you do not create new water; you fudge figures. That is what was done to produce the original project, NVIRP, which was the cover for building a pipeline because the then government panicked. It built those figures out of a high incidence rainfall year and failing technology and used it as gospel to take 75 gegalitres — —

**Mr Leane** — On a point of order, Acting President, I understood that before lunch the President made a ruling about the narrowness of this motion, which concerns some paperwork for one particular water project, but he granted some scope for lead speakers to perhaps stray outside the parameters of the motion. I am not too sure about the relevance of John Thwaites furthering his education, which Mrs Petrovich is now delving into, but I ask, Acting President, that you bring her back to the actual paperwork motion.

**Hon. P. R. Hall** — On the point of order, Acting President, I did sit through the President’s ruling before lunch and have subsequently listened to the debate since lunch. It has been quite a broad-ranging debate. It has gone beyond lead speakers now. I think Mr Drum exercised a bit of flexibility too in what he said. I do not think Mrs Petrovich is going beyond commentary on matters raised by lead speakers.

**Mr Leane** — Further on the point of order, I gave Mr Drum the same courtesy, as I assumed he was representing The Nationals as their lead speaker; therefore I adhered to the President’s ruling pre-lunch. I understand that The Nationals are afforded an extended amount of time as lead speakers on bills if Mr O’Brien or Mr Drum or Mr Hall get up to speak on bills, so I took it that they were lead speakers and afforded Mr Drum that respect during his contribution. I took Mr O’Donohue to be the Liberals’ lead speaker and so did the President, and that is why I am saying that latitude was given there, but I think Mrs Petrovich as the next speaker on the Liberal Party list is not a lead speaker and should not be afforded the same latitude.

**Mrs PETROVICH** — Further on the point of order, Acting President, I was giving a history of where we are today and was following the guidance of the President and his previous ruling.

**The ACTING PRESIDENT (Mr Tarlamis)** — Order! On the point of order, Mrs Petrovich had made some comments in passing. I will give Mrs Petrovich the call again and remind her to come back to the motion.

**Mrs PETROVICH** — If we really want to talk about NVIRP2, I think the agreement will help the Murray River and will deliver better river health and a world-class irrigation system for that very important food bowl. Under this new agreement the amount of water to be returned to the environment is more than double what was originally planned under NVIRP2. The agreement for NVIRP2 — stage 2 — to proceed with Victoria fully responsible for project delivery is in stark contrast to anything that had been done previously. The water-sharing agreement for NVIRP2 has changed, and 102 gigalitres of water savings will be sold to the commonwealth for environmental use. The Victorian irrigators contribution to NVIRP will come from the proceeds of selling the second 102 gigalitres of water savings generated from the project.

The water purchase will be used to improve the health of the Murray-Darling Basin rivers, wetlands and floodplains and will complement work that has been done in other areas. All water saved through this package will be achieved through improved water infrastructure efficiency. As I said earlier, no-one doubted that we needed to improve our infrastructure, and no-one ever argued about that issue.

The main focus of the Victorian coalition government in negotiating this agreement was the need to reduce the cost to irrigators and maintain the future prosperity of the Goulburn-Murray irrigation district, and that is a very significant point. When we are talking about the issues around what occurred, it is important to acknowledge the work of the people who fought a very strong fight on behalf of farmers in the north-south pipeline area. They also were never opposed to improvement to irrigation. In fact they were very concerned about the state of Melbourne's water supply. They were sympathetic to the fact that it would be a shocking thing for Melbourne to run out of water, something that was a very real possibility because of the inactivity of the previous government.

History needs to be kind to these people. They were called a lot of names; they were called quasi-terrorists and they were called thugs. These were just farmers and people who advocated for their communities and who

were concerned about what was happening to them. I think their work should be acknowledged. Plug the Pipe, in my estimation, was a very fine group of people who stood up for what they believed in. They deserve our respect and should never have been called the names they were called by the previous Premier.

If we are talking about a bit of a cook-up, we need to refer to the Victorian Ombudsman's report entitled *Investigation into the Foodbowl Modernisation Project and Related Matters*. There are some issues around that report that relate to Mr Neil O'Keefe and the company that he ran called SSF. This company was given substantial assistance and a fairly unusual amount of money — I think it was a \$1.04 million incentive payment. By Mr O'Keefe's own admission, this project was a continuation of Labor Party policy. One of the submissions was from Mr Downie. The Ombudsman outlined at page 146 of the report that:

Mr Downie told my officers that Mr O'Keefe was 'well-known around the traps as knowing parliamentarians and Canberrans ...' After the presentation, Mr Downie referred Mr O'Keefe to NVIRP for assistance with the proposal.

There are some very serious questions around the involvement of Labor mates and around the gleaning of money, which are highlighted well in this report.

**Mr Leane** interjected.

**Mrs PETROVICH** — It is unfortunate, and Mr Leane can laugh about this, but as the Ombudsman states in the report:

My investigation identified a range of inappropriate practices and behaviours involving staff from both the department ... and NVIRP over several years.

The Ombudsman goes on to say:

My investigation highlighted the following specific issues:

1. inappropriate assistance to a private entity (NVIRP and the department)
2. breaches of privacy (NVIRP)
3. poor security of NVIRP information (NVIRP)
4. a lack of understanding of conflicts of interest and the perceptions that may arise as a result of acceptance of gifts and hospitality ...
5. inappropriate hospitality expenditure (NVIRP)
6. untimely payment of contractors (NVIRP)
7. inadequate complaints handling (NVIRP)
8. a lack of departmental oversight of GMW and NVIRP.

A report such as this serves to highlight the position we were in over the last 11 years. It is a sad indictment of the previous government and makes it very difficult to swallow the diatribe that we heard from Mr Lenders earlier, who was trying to sheet home the blame to the current government for things that were created in the term of the previous government — things such as inappropriate contracts, inappropriate behaviours as well as very poor planning. Business decisions that should have been made on a business basis were made on an ad hoc basis with no business case to support them. Build-and-design running of the state is what I would say we had for 11 years.

We have a lot of work to do, and I think there is a transparency issue that will be served here today. We will not be opposing this motion. To hear the diatribe that was put on the record earlier by Mr Lenders is very difficult for people who sat here in opposition and saw what was going on and worked with those communities which were so disenfranchised and so disappointed that that sort of behaviour could come from a government in Victoria. It is very hard to swallow that level of dishonesty in this chamber.

**Ms CROZIER** (Southern Metropolitan) — I am pleased to rise to make a contribution to the debate on Mr Barber's motion. My colleagues Mr Drum, Mrs Petrovich and Mr O'Donohue have put forward a case in relation to a number of issues, particularly Mrs Petrovich and Mr Drum who represent the people in their electorate who were directly affected by this issue. Mr Lenders, as the former Treasurer, had a huge amount to do with the projects that were undertaken under his stewardship, and I would have to agree that many parts of his contribution to the debate were quite unbelievable. We have had to sit here and listen when members of the Victorian community know exactly what was going on under the former government, and now we have its legacy, as we have heard, in relation to a number of the issues — in particular the north–south pipeline and the desalination plant.

As Mr O'Donohue said, the government will not be opposing Mr Barber's motion. We released a range of documents in the past, as has been requested. Mr Barber asks, 'What about the transparency?' and says that there was a push in the previous Parliament for that to occur. I would have to say that I think this government has been very up-front and honest in relation to a number of these issues. When the Minister for Water, Mr Walsh, announced a probe into the key water savings projects at the start of last year and commissioned the Ombudsman to undertake a review in relation to the very significant issues pertaining particularly to his investigation into the food bowl

modernisation project and related matters, it was very alarming to learn exactly what had gone on.

I draw members' attention to some of the findings. Mr Lenders named a number of instances of business cases that, supposedly, we have not put forward as yet in relation to projects that we are undertaking.

**Mr Barber** interjected.

**Ms CROZIER** — As Mr Barber rightly drew attention to in his contribution. The report says:

The former government approved and committed substantial funding to the project although it had not undertaken a business case and feasibility studies critical to assess and evaluate investment options. The future cost implications of modernisation for irrigators and GMW were unknown as the relevant analysis had not been undertaken. This lack of planning resulted in numerous changes being made to the project (concerning estimated water loss and savings figures and the capital works program) which could have been minimised had greater planning occurred.

That is symptomatic of the previous government in relation to planning on a whole number of issues, and we have heard about them since the 57th Parliament has been in place. One of the issues that has been raised in relation to planning, and I think it was a fairly rushed decision, is the desalination plant, which you would have to say is a significant project. As has been highlighted by members, that project alone is going to put a significant cost on every single Victorian. That is not our legacy; it is the former government's legacy. To argue the case that it is our legacy is misleading, because the project was started under the former government. We have inherited it; there is no question about that, but those on-costs — the \$2 million every day for the next 27 years or thereabouts — are going to be passed on to consumers in one way or another.

I want to make a point in relation to what the Minister for Water has been doing. Not only has he been overseeing that project and working through those issues but in relation to the north–south pipeline and the irrigators that that issue has affected specifically he has been able to restore confidence in the northern regions, which has been absolutely critical. As Mrs Petrovich explained in her contribution, which was a heartfelt and passionate contribution because she has been dealing with many members of the community who have been affected directly by the actions of the previous government, communities had lost confidence in what was going on with the processes and, no doubt, with the actions and decisions that were taken. By contrast, this minister has been on the ground, as have been the local members, to listen to those concerns. It is a great credit to the minister that he has been able to negotiate with

the federal minister to work through this issue and sign the agreement, which was done late last year.

As has been said, the government will not be opposing this motion, but I think the Parliament has today heard an interesting discussion in relation to the issues raised.

**Mr RAMSAY** (Western Victoria) — I apologise; I know Mr Barber has attempted to stand on four or five occasions thinking this motion was going to be wrapped up very quickly, but sadly that is not going to be the case. I spent four years as the most recent past president of the Victorian Farmers Federation, and for most of those years I was talking about water. Obviously given that experience I have a capacity to talk on water for probably four years, but for the sake of this chamber I will not do it. But I am happy to see that Mr Lenders has returned to the chamber to hear some of the responses from this side of the house in relation to the rants he provided us with some minutes ago.

As other members of the government have said, we do not oppose this motion. But I find it interesting that the Greens have put up this motion in relation to providing details about the business case for the food bowl modernisation project, part 2, given they were silent in relation to tranche 1 of the project and particularly in relation to the audit process for the savings that were supposed to be generated out of food bowl modernisation project part 1. We heard hardly a murmur from the Greens when it came to calling for the then government to provide details in relation to an audit process for savings — in fact, we heard nothing.

Again we heard nothing from the Greens in relation to the damage done to prime agricultural land and native vegetation being ripped up for 75 kilometres of buried pipeline. That damage was going to be inflicted by the north–south pipeline on those families Mrs Petrovich talked about fondly, but much of the public land was also affected. There is some hypocrisy in the way that Mr Barber has moved his motion, but as I said at the outset we do not oppose it and we certainly look forward to the information being provided to the house.

Much has been said about the north–south pipeline, and I think it is worth taking this chamber back to where it all started. I have a very vivid memory of the hatched plan, if you like, between the then Premier, Steve Bracks, the then deputy leader of the opposition, John Brumby, and the then water minister, John Thwaites. Just prior to doing that, I bring the chamber back to the way the modernisation project came about — that is, because for 10 years Labor did not invest in infrastructure for water systems in the Goulburn-Murray Valley. There was hardly anything in

relation to upgrades, so we had a continual downgrading of water channels, in particular, in the Goulburn system, which was losing water through seepage and evaporation at a significant rate.

It was only at a critical point, when Melbourne's water security was being challenged, that the then Premier met with some Goulburn fruit growers to see how they could provide emergency water to Melbourne water users but also to look at having Melbourne water users invest in water infrastructure upgrades in the Goulburn. At that time, the 10th hour, that was the only reason why Labor decided it needed to start investing in water infrastructure upgrades in the Goulburn and that Melbourne taxpayers would help share the cost of that. It was a knee-jerk reaction to providing Melbourne's water security in a time of drought and desperate need. For 10 years prior to that Labor did absolutely nothing in either of those two areas.

We had a rushed, botched plan that was carried out with stealth, trickery and lies. It was a plan that was going to take water from a food bowl — this is more hypocrisy — and cart it over the Great Dividing Range to provide security of water for Melbourne water users. The government did that without any consultation with farmers affected by the fact that they were going to have to provide land and easements for 75 kilometres of the pipeline itself or with farming communities bordering the Goulburn who would be affected by the loss of water. There was no consultation whatsoever.

I remember this vividly because I was in the room with the Premier, John Brumby and John Thwaites when they said, 'We have a plan where we'll be able to use Melbourne water using taxpayers to invest in water infrastructure upgrades, about which we have done nothing for 10 years but suddenly there's some urgency because we are running out of water'. They said they had a plan but they needed help and support from the Victorian Farmers Federation so that the food bowl modernisation project plan could go ahead. We asked them to give us the details. They said they would come back to us.

Do members know what was happening while all this was occurring? Steve Bracks was in his little red helicopter flopping and flitting around the Goulburn saying they were now going to invest \$1 billion in a modernisation project that would not only provide infrastructure upgrades but also provide security of water for Melbourne. He was doing that while he was negotiating with the Victorian Farmers Federation to gain its support — more lies, trickery, deceit and disregard for members of farming communities not

only within that organisation but also those they represent across Victoria.

That was the first mistake Labor made. It then made significant successive mistakes, initially in relation to building and then by not providing any of the documentation for stage 1 of the food bowl modernisation project, such as the business case, that Mr Barber is calling for regarding stage 2. I cannot think of a single issue — —

**Mr Leane** interjected.

**Mr RAMSAY** — Apart from wind farms, Mr Leane, I cannot think of another issue that has divided rural communities more than installing, without consultation, a pipeline to take water out of the northern region — which is acknowledged as one of the world's best food-growing regions — and deliver it to Melbourne to provide security of water for Melbourne's water users when there was a range of options which the former government did not bother to look at or discuss. I cannot think of another issue — apart from wind farms, which Mr Barber is advocating be built on an ad hoc basis across the state without any regard for affected communities — that has divided rural communities more than the north-south pipeline.

Water and Labor are a disaster. They have been traditionally and historically, and they are at the moment. I refer members to the national water plan and the management of the Murray-Darling Basin. Under Labor's watch the Murray-Darling Basin Authority has gone through two chairmen and a range of commissioners, yet — —

**Mr Leane** — On a point of order, Acting President, whoever is on the board of the Murray-Darling Basin Authority is a far reach from what this motion is calling for — paperwork on one particular Victorian water project. I call the member back to the motion.

**The ACTING PRESIDENT (Mr Tarlamis)** — Order! It has been quite a wide-ranging debate, but I remind Mr Ramsay to come back to the motion.

**Mr RAMSAY** — I apologise to Mr Leane. I was merely making clear the relationship between Labor and water and its failures. It is true: history will tell us that Labor has not been able to manage water and water security and has not left a proper water legacy for either Victoria or Australia, and we are seeing that now. However, I will come back to the motion.

On Tuesday, 18 October 2011, the federal and Victorian governments signed an agreement worth \$1.216 billion to fund the complete modernisation of

irrigation systems in northern Victoria and deliver 214 gigalitres of water savings. As was suggested earlier, this was an important and historic agreement in that it saved northern irrigators from having to pay \$100 million towards stage 1 and \$106 million towards stage 2 of the Northern Victoria Irrigation Renewal Project. That is a significant benefit to the irrigators of the north. The agreement will also provide \$43.7 million for an on-farm irrigation efficiency program, which is particularly important to northern irrigators because under the original proposed billion-dollar federal initiative there was no provision for any significant on-farm efficiency investments. I congratulate the Minister for Water, Peter Walsh, on signing off on an agreement that will provide significant benefits to irrigators in the north and to Victoria as a whole.

I was not going to mention the desalination plant, but I have to tie it all together. For Mr Lenders to suggest that we should just rip up the north-south pipeline after Melbourne Water ratepayers have paid \$300 million for its — —

**Mrs Peulich** interjected.

**Mr RAMSAY** — Installation, thank you, Mrs Peulich, and to not have any regard for possible future human security needs is blatant bad policy, and as such I am surprised that Mr Lenders suggested it.

In relation to the food bowl, the north-south pipeline and the desalination plant are linked because the desalination plant will significantly increase the cost of water for Victorians not only in Melbourne but elsewhere, as Mr Lenders has already identified. One of the reasons for this is that converting saltwater to freshwater is extremely expensive. As Mr Lenders would appreciate, and as we tried to tell the government at the time — —

**Mr Barber** interjected.

**Mr RAMSAY** — While there is nothing wrong with desalination, it is the extent and size of the plant that matters. As we know now, the desalination plant was not confined to its budget. In fact the blow-out is in the many billions of dollars and the annual cost to Victorians has already been demonstrated to be over \$2 million a day. The size of the plant and the cost of installation are such that Victorian communities face an over 300 per cent increase in the cost of water over the next few years.

This is the legacy that Labor has left. It is not only the interest cost of this extraordinarily expensive process for providing water security but also the cost that cities

like Geelong — which will have an interconnector — will have to pay to access the water that will be desalinated in Wonthaggi. This is a triple whammy effect for water authorities across the state. They will, without any option, face significant increases in the cost of water over the next few years to pay for this extremely expensive, over budget white elephant in Wonthaggi.

This is not only about water but about industrial relations. Labor's legacy is that it has now established a precedent where workers at a site are getting far more benefits under an award structure than are given to any other worker in Victoria or Australia. Can you imagine what impact that is having on industrial relations and the cost of employment across this country, not just Victoria? Thanks to Labor a precedent has now been set that every Australian business is going to pay for through the cost of employment because of what is happening at the desalination plant in Wonthaggi.

We have a north-south pipeline that cost the Melbourne taxpayer \$300 million, a desalination plant that is costing Victorians \$2 million a day just in interest, water that is going to cost over 300 per cent more in the next few years because of the desalination plant and no real security for northern Victorian irrigators of a national water plan that provides ongoing security and ongoing water for their needs. After all the money that has been given, lost or mismanaged by Labor, it is only through the efforts of the Baillieu government and the work of the Minister for Water, Peter Walsh, that we are going to derive some benefit out of all this.

The renegotiation of the Victorian-commonwealth agreement in relation to stage 2 of the food bowl modernisation project will provide significant savings to irrigators in the north. It will provide some water for the commonwealth. It will certainly reduce some of the cost to the irrigators — about \$219 million, as I said. Most importantly, and this is what all of this is about, it will also invest money into irrigation upgrades. At the very start that was the whole purpose, the original purpose and the proper purpose of the food bowl modernisation project.

I commend Mr Barber for bringing forward this motion. I just wish he had had the courage to do it under Labor in regard to stage 1 of the food bowl modernisation project. I wish his party had had the courage to be proactive about seeing what was happening to rural communities in the installation of the north-south pipeline. I wish he had had the courage to stand up and talk about the audit process under Labor in relation to the initial plan. As is typical for the Greens, they come on board at the 11th hour, stand

triumphantly and beat their chests, and say, 'We are the governing guidance body for the two major parties'. Sadly, that is not the case. Regardless, as the lead speaker, Mr O'Donohue, said, we do not oppose this motion.

**Mr BARBER** (Northern Metropolitan) — There seems to be a rare moment of consensus in this chamber at least in respect of the need for transparency and good economic decision making when it comes to large infrastructure investments. I thought it was a pretty simple motion, but a large number of words have been spoken today, particularly by the government speakers. I hope that means we will have a new dawn when it comes to transparency.

The Ombudsman notes that projects with a budget of more than \$5 million are generally required to go to Treasury for extra scrutiny of their business case. I can advise Mr Ramsay that in the last term of Parliament there were many business cases requested by members in this place through parliamentary motions and sometimes through freedom of information requests, such as the business cases for smart meters, channel deepening and various transport projects. Up until now the business cases have not been forthcoming. In fact it is as rare as hen's lips to see that sort of document presented, but it is of course absolutely critical.

The government members may take the view that it is all right now because Peter Walsh is in charge. In their minds it may simply be enough that there has been a change of teams, and we can all sit back and relax now. It is the 'trust me' rather than the 'show me' doctrine of parliamentary accountability, but I am hopeful that we will get to see these most important documents. Mr Ramsay's good mate Tony Burke, the federal water minister, has seen a copy. The Ombudsman has seen a copy, and he allegedly works for the Parliament. It is not too big a step to expect that this document might be made available to the chamber.

Possibly there could even be a new era of openness where business cases for other major investments are made available, because if they are good projects, you would be shouting it from the rooftops. The rate of return, the costs and the benefits would all be there. If they stack up through the eyes of Treasury, I am sure they will stack up in the eyes of the community. I thank members for their support for my motion.

**Motion agreed to.**

**GOVERNMENT: PERFORMANCE**

**Mr LENDERS** (Southern Metropolitan) — I move:

That this house notes the Baillieu-Ryan government has used the summer recess to avoid parliamentary scrutiny of its mismanagement, broken promises and deceptive ways in multiple areas of government administration, and in particular notes their —

- (1) release of Victorian health service performance reports just before Christmas 2011;
- (2) release of public housing waiting list data on Friday afternoons;
- (3) delayed release of the bushfire powerline safety task force report;
- (4) inconsistent application of planning policies;
- (5) policy backflips including electronic gaming machine pre-commitment technology, cuts to services, the size of the public sector workforce and the promise to fully fund the outcome of the social and community service workers pay equity test case;
- (6) failure to provide adequate support to manufacturing, including Victoria's automotive industry;
- (7) refusal to release blue books;
- (8) refusal to brief the opposition on the Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011 and restrict opposition MPs from receiving briefings from public sector agencies;
- (9) repeated failure to release under freedom of information the KPMG review into occasional child care which they received in February 2011 until the opposition commenced proceedings in VCAT;
- (10) refusal to answer questions about the conduct of lobbyists; and
- (11) bogus modelling on the commonwealth Clean Energy Act 2011.

The genesis of this motion is what happened over the summer parliamentary recess and how the recess was used by the government to operate in a sneaky fashion in a secret state. I use those terms because they are ones that Mr David Davis used to use in this place constantly. Having used them so much in opposition, it is amazing how he has leapt with gusto to make them his *modus operandi* while in government.

The Parliament of this state has always been an institution that the now government has said should be at the forefront of having information, at the forefront of where information is presented. It is meant to be the centre of the known universe. However, following the change of government clearly it is an administrative inconvenience for ministers, something to be endured.

It is certainly an institution to hide information from. This motion goes through a series of things that have happened at the 12, 13 and 14-month marks of the Baillieu-Ryan government. To be charitable, by coincidence they all mysteriously appeared during a time when there was no parliamentary scrutiny.

The first item I list is probably one of the most significant ones — that is, the release of the Victorian health service performance reports just before Christmas. In fact I recall that in the last question time of this Parliament last year — it might have been the second last; one or the other — my colleague Mr Jennings asked the Minister for Health about these reports. Mr Davis said, 'Just wait and they will come'.

It is clearly the case that the most important thing in the health system is delivering health services, but how effective that service delivery is is measured. Beyond the individual cases of individual patients in the health system, from the parliamentary and community's point of view it is measured by these reports being tabled. Reports on the health system have been tabled for a long period of time. Mr Davis took great exception if there was any variation in that process during the previous government. Governments will and are entitled to vary reports to make them more relevant as time goes on, but Mr Davis gave a solemn commitment and made it one of the biggest issues of transparency in the health portfolio that these reports would come out regularly and would be put on the website and that there would not be a secret state and hidden information.

There has been a hotchpotch of quality reports, and my colleague Mr Jennings will go through them in greater detail. The long and short of it is that the minister comes into this house and blames the workforce, which is a standard part of this government's *modus operandi*.

When the minister blames the Australian Nursing Federation — sorry, the ANF union, which is obviously the spin term for it; you have got to get the word 'union' in there — and blames the workforce for any delays, that is all fine. The minister will get up in this house and cite statistics, which I assume are correct, including figures on exactly how many beds are closed on a particular day during an industrial dispute.

However, when he is asked in the Parliament how many beds are open so we can test the figure against an election commitment of 100 new beds — which the now Premier, hand on heart, solemnly promised and the now Minister for Health, hand on heart, solemnly promised — that figure is not known. The minister can either find figures or make up figures saying how many

beds are closed during a nurses industrial dispute, but when you ask, 'How can you work that out? Surely you have got to have a base to know how many beds are in a system', he just does not know or he is misleading the Parliament.

The first thing to address on this matter is the government's cynicism as soon as the scrutiny of Parliament is off — I think the figures were finally released on 22 December. A few quarterly figures came out at budget time and in annual reports — I am not saying that no figures were out there — but for a minister who said that this is how you judge, through transparency, the bulk of the figures for 2011 came out 22 December. It does not take rocket science or even a genius, or the government's former media director, Josephine Cafagna, to advise a minister or a Premier that releasing stuff on 22 December is designed to hide it. It also does not take a genius who watches *West Wing* to talk about opportunities to 'take out the trash'. However, what we are seeing from this government, and this minister in particular, is unbelievable cynicism. On 22 December the minister released data about which he smirked in this house, saying it would come at a particular time.

On this matter, the first thing I would say is that under the cover of the secrecy of summer we have an absolutely cynical release of data away from best possible scrutiny. That data was released by the Minister for Health, the so-called advocate of transparency, who again today during question time was weaving and dodging about the 500 Club paying his legal bills, despite saying on numerous occasions that he would be transparent. Yet again there is no transparency. If that is the standard the government said it would aim for if it was elected, you would say that at least government members are doing what they said they would do. If they were silent on the matter, you would say at least they are doing what they think is appropriate for a government. However, this is a direct, complete and utter contradiction of what was said in this house, put into election policy and said in debate.

The first item in my motion is about the release of the Victorian health service's performance reports just before Christmas.

I will leave the second item for comment by my colleague Ms Broad. It concerns the release of public housing waiting list data. Ms Lovell is here as the Minister for Housing, and hopefully she will join this debate. I am sure she will say that the government is releasing data but, again, it does not take someone of the intellectual skills of Josephine Cafagna to be advising a government that if the data is released at

3 o'clock on a Friday afternoon, it is less likely to have media scrutiny than at another time.

**Hon. W. A. Lovell** interjected.

**Mr LENDERS** — I would welcome Ms Lovell if she joined this debate. Perhaps she could have a public debate with Mr Wynne, the member for Richmond in the Assembly, on some of this. Ms Broad will get further into this debate, but I put to the house that there is a very strong pattern of Ms Lovell putting out information at 3 o'clock on a Friday afternoon when she knows there will not be much scrutiny of it. Anyway, that is not going to deter us from scrutinising this information.

I turn to the delayed release of the final report of the Powerline Bushfire Safety Taskforce. I know that government members think it is unpatriotic for anyone on this side of the house to even question how the government is managing the response to bushfires. Obviously we need to be very careful about how we scrutinise that response, because a lot of communities find it very difficult to discuss. However, the government committed itself to carrying out every single recommendation of the 2009 Victorian Bushfires Royal Commission. The government committed itself to releasing material — —

**Mr Ondarchie** interjected.

**Mr LENDERS** — I will take up Mr Ondarchie's interjection. Members of the former government did not commit to implementing all those recommendations because we were being honest with our community. We were honest and we told the community that if we were to commit to all of the recommendations, we would be putting unbelievable financial burdens on communities. Of course the now Premier and Deputy Premier committed to the recommendation about powerlines even before they saw the bushfires royal commission's recommendation. Mr Ondarchie should speak to his colleague who wants higher water prices, Mr O'Donohue, about business cases. Members of the government say they will do something even before they know what it is. If they want to talk about sound economic management, let us not hear it coming from the same mouth that talks about a business case and says, 'Sight unseen, we will deliver every single thing that a royal commission recommends'. You can only wonder how they are going to afford to pay this.

Leaving that aside, clear commitments were made. One of the first acts of Mr O'Brien when he became Minister for Energy and Resources was to totally waltz on the commitment that had been made and find every

excuse known to humanity for delaying the release of a report which might embarrass the government. Leaving that aside as well, all of this has come to a head again. Government members sneakily ventured out during the Christmas recess to put out those reports.

Item 4 of my motion refers to the inconsistent application of planning policies. I will leave that item for my colleague Mr Tee to spend more time on than I will during this debate. However, I will say that Mr Guy has made more backflips on this matter than even Nadia Comăneci would have thought possible in her heyday. Members of the opposition say to the government that we want some scrutiny and consistency on this matter.

We would like to know why Mr Greg Hunt, the federal member for Flinders, seems to be so proudly and publicly saying he had direct contact with members of the government to overturn planning decisions. If this is mentioned or questioned in the house, Mr Guy gets incredibly agitated and says these documents are his documents. Clearly he does not quite understand that he took an oath of office to administer the records of the Victorian public. For example, at the moment Mr Wells, the Treasurer, is the owner of every single train in the state, but he does not go — I cannot believe I am saying nice things about him — stomping around the state saying, ‘They are my trains’. Mr Wells knows he is the trustee of the trains.

Mr Walsh might have strong views on water with which I disagree, but he does not go around saying, ‘It is my water’. He will say this is an asset of the public of Victoria. But Mr Guy comes into Parliament and says, ‘They are my documents. How dare anybody ask for my documents. I will do with them as I choose’.

Mr Guy is perfectly entitled to release documents that have been requested under FOI. He can release them if he chooses; that is his prerogative. But it is a lack of courtesy to the Parliament to release documents to media outlets but not to the Parliament. That is a discourtesy, and that is the point — that under the cover of summer, many of these things were done. This is a team — and I do not use the word ‘mob’ as Mr Rich-Phillips decided to use today — that said it would do one thing and is doing something completely and utterly different in this particular area. When we go through the planning policies we see inconsistency upon inconsistency, and my colleague Mr Tee will spend more time on that.

Let me go through the policy backflips. We just need to look at some examples, such as electronic gaming machine precommitment technology. When

Mr O’Brien, who is now the Minister for Gaming, was in opposition he was a lion when calling for scrutiny and public disclosure while he was in opposition. We find that he has a completely different view now that he is part of the government. If Mr O’Brien had been silent on this in opposition, we would have taken far less exception to it than what he has actually done. The so-called lion of precommitment, who was part of a process that had direct effects on legislation and a return to government — from gaming machines tenders and a whole range of things — suddenly has forgotten about all the commitments he made on electronic gaming machines.

It is now all part of a game putting the blame onto the commonwealth. It is certainly a backflip on all the things that he thought were so simple while in opposition but on which suddenly he has to take a back seat. It has not been announced as part of a policy debate or a ministerial statement. It is something that has been quietly announced under the cover of summer in the hope he will get away with it while people are down at the beach.

The cuts to services are quite extraordinary. We had a mini budget delivered in Victoria, the first for a long time — I am not saying within living memory; I am sure someone alive can remember one. The Parliament sat into December, and there is no way known the budget and expenditure review committee of cabinet, probably cabinet itself and the government party could have considered that already. They waited until the last possible minute to table all these cuts out of session.

This was not just a half-yearly report on how the budget was going against economic forecasts. If that were the case, so be it. This was a transformation of government priorities. It was not done through the courtesy of a statement in Parliament or through a Treasurer’s statement in the house. It was done in the dead of night — or in the dead of the afternoon. This was dropped on us on 15 December, which is the last possible day it could be done under legislation. It was dropped on us in the lead-up to Christmas, with a grand statement from the Treasurer, Mr Wells, in which he said they were going to sack, or get rid of, 3400 unnecessary people. These are public servants who prepare policy, which the government has decided it does not need. The government said it had thought of everything, that it had its election commitments, so why should public servants prepare policy? The previous government did not make an election commitment to deal with the global financial crisis (GFC); it came, and the public sector and government needed to respond to it. We did not have an election commitment to deal

with the GFC, because we did not know one was coming.

This attitude of government — if it is not election policy, then why would you waste time putting any thought into it? — begs the question: what do you have a public sector for, other than to advise governments and to test some of these things? I thought frank and fearless advice was something that any government in a Westminster system would welcome. There have been clumsy attempts to say, ‘We don’t need advice from the public sector on policy, because we know what we are doing; we have got our election commitments’.

We could go back to the debate on water and talk about whether there was a business case done on things like the north–south pipeline being turned off. I will not go there, but I will say that what Mr Wells has done — and what a string of ministers did in the Assembly yesterday — is to not have any idea of the consequences of this decision. The media line that every government minister ran out over summer was, ‘We are not going to cut front-line services’. But yesterday the Leader of the Opposition in the Assembly, Daniel Andrews, raised with the Minister for Community Services, Ms Wooldridge, that she had said that child protection workers were front-line services but juvenile justice workers were not. Why not? How is one a front-line service and the other not? Please explain. If government members have a reason for this view, they should explain it; but they do not. Yet they demonise the Department of Human Services and say that some people are a core activity and others are not worthy — they are not an important service.

Similarly, the Minister for Education, Mr Dixon, could not answer a question from the Deputy Leader of the Opposition in the Assembly, James Merlino, about why school student services officers are not considered front line. In any of the schools that I have been to — there are 1600 government schools, and I have been to quite a few of those over the years — the student services officers are about as front line as you get. When you visit a school like Dandenong North Primary School, where there are 700 kids, a swag of refugee kids and kids with just so many complicated problems in getting through an education system, you see that the cutting edge of front-line service delivery in that school is the student services officers. However, from Martin Dixon, the education minister, and then from the Premier, we get this sort of platitudinal stuff — that they will not cut front-line services. If a teacher leaves Dandenong North Primary School, the teacher will be replaced because I understand the Premier said that it is a front-line service. But if it is a student services officer of any form, whether it is a welfare officer, child support

officer, or whatever it might be, that is not a front-line service.

The point I am making is that the government has the prerogative to set priorities — I am not disputing that — but it has just come out with statements such as, ‘We won’t cut front-line services’. No definition of front-line services has been given, other than what we heard from the Premier yesterday — that if a departmental secretary says so, that is probably enough.

The third ludicrous example in the Legislative Assembly was when Jill Hennessy, the member for Altona, asked the Attorney-General, Robert Clark, how it could be that a judge and an Office of Public Prosecutions official were front-line service officers, but the court reporter, who is necessary to record the work, was not. How do your front-line services officers actually do that work if nobody is recording it? I could ask the question here, but I know that ministers will just obfuscate the situation.

The government made a big song and dance about there being an extra 70 or 90 fisheries officers to do some fantastic things out there in regional Victoria. They will help protect species, help fishers and all the rest of it, but of course they are not front-line services. The fact that they deal with people and with issues does not mean they provide a front-line service, so any of those 70 to 90 people who go will not be replaced, and some of them will be offered voluntary redundancy packages.

The point I am making is not that the government has the prerogative to try to prioritise — that is the role of governments — but that it is done over summer without scrutiny and, dare I say, without forethought. It is either done in a deceptive manner, because cutting the public service by 10 per cent will have significant service delivery consequences and therefore you have to hide that because you do not want to say you are cutting these services, or there is just no forethought to it.

There is just a general belief that the public sector is somehow or other a burden on society and can therefore be slashed without consequences to those people the public service looks after. Significantly, and let us not hide from this fact, there are tens of thousands of Victorians employed by the state who give good service, and I do not think it is good enough for a Treasurer to belittle the activities of those thousands of Victorians. Even if the only test were front-line services, and even if that test were simple to make, you cannot have a teacher or a policeman or a nurse on the front line if they are spending half their time doing

paperwork in a back office because the support for the front-line services has been taken away.

Again this is all done in the dead of night. We get that absolute joke about this public sector workforce and what is being done. If we are talking about front-line service delivery, I would challenge one of the government speakers to give some clarity. When the Independent Broad-based Anti-corruption Commission is set up will it be a front-line service? Will the traffic camera ombudsman, set up yesterday, or the FOI commissioner be front-line services? By the government's own definition —

**Ms Pulford** — They are more on the front line these days than schools.

**Mr LENDERS** — That is right. How do they stack up against a student services officer in a school? Again, the government can make a decision that any of those are lower priority because it has to manage state finances, and I will acknowledge more than anyone that managing state finances is an important criterion, but what I say is that you are more likely to get your policy right if you do it under a bit of scrutiny than by doing a Jon Faine interview with the Treasurer, Kim Wells, over summer — on the run, because no-one else will front up — and thinking you can get away with it. In the end the public will not let you get away with that.

Another classic over summer was the promise to fully fund the outcome of the social and community service workers' pay equity test case. We will get a furphy from the other side that, 'We made no provision in the forward estimates'. I will say to anyone on the other side, hand on heart, that there was provision in the forward estimates in the Treasurer's advance. If the Treasurer is denying that, then either he is telling a dirty, big porky or he has pulled the wool over the eyes of some of his cabinet colleagues by finding a saving, saying it was not there and blaming Labor. Whichever is the case, the money was there, but even if it was not there, the Premier went out and said the coalition would fully fund it. He said it.

Now it suddenly becomes the federal Prime Minister's problem, because she has put in money to fund the commonwealth component of it, so suddenly it is her fault. The argument to Fair Work Australia from Mr Dalla-Riva's department was that it should not be funded because it was not a good thing or it could not be afforded. The Premier then goes out in the middle of the afternoon in summer and firstly says, 'Well, there were going to be no service delivery cuts, but, gee, if we have to pay these wages, we will have to actually cut services'. Again, that is the logic of what he says.

You could argue that if you have got to pay more, you have got to have a consequence somewhere, but this is the same man who goes out, hand on heart, and says, 'There are going to be no service cuts; we are going to deliver everything that Labor funded', then as soon as he is in government says, 'Gee, that's a bit hard; we will have to actually make some cuts'. The point of all of this is that in the middle of the night, during summer break, all these things come out without any scrutiny whatsoever.

Then we go to the failure to provide adequate support to manufacturing, including Victoria's automotive industry. Again, a lot of this came up over the summer period when it is actually challenging for a government to get some of these things up because some things have to wait for Parliament. Nevertheless, during summer there seems to be this 'blame federal Labor for everything' attitude, notwithstanding the fact that the federal coalition leader, Mr Abbott, has distanced himself completely from supporting the manufacturing industry and tries to get into every media story that is going on. Is there any statement? Is there any jobs policy? Is there any manufacturing policy? There is nothing. It is hidden under 'over the summer break'.

My colleague, Mr Pakula, will talk more eloquently of this, but probably the classic is the government's refusal to brief the opposition on the freedom of information commissioner bill. Again the government made an extraordinary song and dance about how important it was to have an independent commissioner overseeing FOI. Yet when 10 Labor members of Parliament wished to come to a departmental briefing on this legislation, in an extraordinary act of petulance the minister responsible for the legislation cancelled it. Fancy wanting to brief all these people!

**Ms Pulford** interjected.

**Mr LENDERS** — Ironically Ms Pulford, that is correct; it was a briefing on freedom of information. So under the cover of summer there is a piece of legislation, and Mr Pakula will go through what a sham piece of legislation it actually is, taking away rights and effectively giving the cabinet the same authority as the Star Chamber in mediaeval England. Leaving that aside, a briefing under the cover of summer was cancelled because a group of MPs wanted to be briefed on a piece of legislation they were required to vote on shortly. The refusal to answer questions about the conduct of lobbyists has also been going on.

The final matter I will touch on is the bogus modelling of the commonwealth's Clean Energy Act 2011. I know Mr Wells has a very low opinion of public

servants and has made that quite clear on a number of occasions when he has talked about their not being necessary. ‘You don’t need policy advisers. Why would you waste time with this mob? Let’s get rid of them’, is Mr Wells’s attitude. It is fascinating. You have a Department of Primary Industries, you have a Treasury, you have a Department of Business and Innovation and a Department of Sustainability and Environment, all with strong economic units and good public servants with analytical skills who could do some research work for the government on the cost of an emissions trading scheme or the cost of the commonwealth carbon tax. These, which are legitimate — —

**Ms Pulford** interjected.

**Mr LENDERS** — That is right. Why would Mr O’Brien, the Minister for Gaming, that champion of good government, do that when it is far more fun looking at the back-of-the-envelope calculations of the federal opposition leader, Tony Abbott, which have been used in a federal scare campaign and incorporated into the Victorian government’s response to a piece of commonwealth government legislation? Then when it goes to the Victorian Civil and Administrative Tribunal, FOI and other areas you get all the blockages and obfuscation coming from Michael O’Brien as to why the government cannot possibly show any of the work done by the Victorian economic departments because in the end that would show it is just a sham being carried out to back up the federal leader as part of a political debate.

If the current Victorian government had a consistent record in terms of thinking that an emissions trading scheme is a bad thing and opposing targets for emissions reductions in Victoria, you would just say it has a consistent record. You would say, ‘They have been sceptics and arguing against reductions from day one; they are not pretending’. But in much of the debate on the north–south pipeline the government does not defend its position on policy grounds; it defends it on the grounds that it was a commitment and it is going to honour the commitment. To an extent you take your hat off to that, because it is actually a commitment that the government says it is going to honour — inconsistent as it is with keeping the price of water down and with a range of other things.

To give the Minister for Water, Peter Walsh, credit, he has hated the pipe from day one. He said he was going to stop it when he got in, and he is doing that, but Michael O’Brien, a minister who backed his leader on the climate change bill and the motions on the various emissions targets moved in the Assembly and stated that the Liberal Party believes in the science and that

climate change is real and is influenced by human activity, has suddenly moved to blindly lockstep the state government into following the federal opposition, completely dodging and weaving away from any science.

I can understand why Mr Wells believes the people at the Department of Sustainability and Environment, the office of climate change in the Premier’s department, the Department of Treasury and Finance and the Department of Business and Innovation are a waste of time. Why on earth would you want economists to do modelling for you when you can just take the back-of-the-envelope data of the federal Leader of the Opposition, Tony Abbott, and use that as Victorian government information? It is intellectually lazy, it is dishonest and it is done under the cover of Parliament being closed.

I will conclude my remarks, as I notice a number of speakers would like to speak on this motion. This motion is about the nature of government itself and the secret state that Mr David Davis used to talk about. Those issues could have been dealt with under the bright light of parliamentary scrutiny, but by conscious choice of the government they were dealt with away from scrutiny. The worst of that is the first mini budget in living memory being brought down away from Parliament. It besmirched the reputation of our public sector and left extraordinary uncertainty as we went into Christmas when the government said 10 per cent of the public sector workforce is not worth having and it wants to get rid of it. It did not say who would be affected; it would play favourites and rule out a number of people but leave a Sword of Damocles hanging over the heads of many others. We have a litany of ministers and a Premier who cannot answer questions about these issues in Parliament. In the dead of summer the government threw a dead cat into the public sector workforce, with the stench and uncertainty and all the things that go with that, and it has no qualms about it. I urge the house to support the motion, which shows this government for what it is: secretive, hiding from Parliament and fearful of the bright light of scrutiny.

**Mrs PEULICH** (South Eastern Metropolitan) — It is my great pleasure to have the opportunity to respond to yet another rant by Mr Lenders. I call this motion Labor’s mankini motion: it shows more about Labor than it does about the government. The motion is a grab bag of issues that have been cobbled together in the absence of a serious, fair dinkum strategy, hard work on the ground, policy writing and research. The motion pulls the issues together. Mr Lenders has outlined the thinly veiled, weak strategy of the front benches of the Labor Party, and we will have an opportunity to

expound on each of his dot points that have been cobbled together and presented as a serious motion.

In the motion Mr Lenders calls for greater transparency and various courtesies to be extended. That cannot mask Labor's laziness. 'Hiding under the cover of summer' sounds more like the Labor frontbench being absent without leave, having a wonderful time during the summer holiday on the golf course at Keysborough or perhaps cycling around Victoria, rather than getting on with the serious work of reshaping Labor's policies and presenting as a serious opposition in this Parliament. What we see is the old Labor formula: if you muddy the waters by only telling a little bit of the truth and ensuring that 70 per cent is misinformation, somehow the propaganda and spin will cut through. It puts up spin, spin and more spin as a substitute for hard work, which was a hallmark of Labor's 11 years in office.

Earlier, in another debate, Ms Hartland reminded Labor that showing care only when you are in opposition just does not wash. It is disappointing to see this sort of hypocrisy from Labor when it lost office only a year ago. Honestly, it shows either a very poor memory or perhaps that that hypocrisy is deeply embedded in the Labor Party's DNA. This motion is more about showing what a ramshackle opposition this one is, with the power shift it is currently experiencing, with the two sides of Labor Unity trying to mend bridges and reunite the family. The Socialist Left, of course, is nervous about somehow being left on the outer. Labor is trying to present as a united team with a grab bag of issues that are thinly veiled and presented as a sort of sophisticated strategy.

I would like to deal with each of those points in turn and address some of the spin we have heard from Mr Lenders. Obviously the opposition will be opposing the motion before the house — —

**Mr Lenders** — You are the government now, remember.

**Mrs PEULICH** — The government will be opposing the opposition motion before the house. After 11 years of broken promises and the debacles we saw involving waste and mismanagement across the state, an increase in the cost of living and budget blow-outs in major projects, Mr Lenders is now trying to throw little pebbles when he lives in a large glass house.

Mr Lenders mentioned that the government used the summer recess to avoid parliamentary scrutiny. Guess what? It is called summer recess for a reason: Parliament did not sit. However, what his commentary

and his contribution show is that members of the government were still working, putting out information and doing media interviews during the recess. Given that this is the first week back at state Parliament, I wonder how it can be claimed that the government has avoided parliamentary scrutiny when the Parliament did not sit during that time. In fact the government has made available information that has not previously been forthcoming under Labor. The lack of opposition to the Baillieu government is probably more reflective of the poor performance of the Leader of the Opposition and his team. He was certainly in need of a reshuffle. It probably was not extensive enough, and there may be a significant need for the renewal of blood in order to reinvigorate the opposition.

Clearly Mr Lenders zoned out over the summer recess. Perhaps he cycled too hard and forgot his senior role in the former Brumby Labor government, which was perhaps the most deceptive of state governments Victoria has ever known. That government mismanaged every single portfolio; it certainly mismanaged the portfolios about which Mr Lenders spoke. On mismanagement, every Victorian remembers the project failures, mismanagement and financial incompetence of the Brumby Labor government, including the desal plant, the regional rail link, myki, the Melbourne wholesale markets, the LINK database, Heart Smart and the \$3 billion lost in poker machine licences, the entire process for which Mr Lenders would have had a direct supervisory link. I will speak about that in more detail later.

On the first point, the release of Victorian health service reports just before Christmas 2011, the government made an election commitment to increase transparency and reporting to ensure Victorians could see for themselves how the health system was performing. Since coming into office the Baillieu coalition government has implemented the most significant transparency and integrity agenda in Victoria's history. Yet Mr Lenders and the ALP dismiss the coalition's integrity platform. *Victorian Health Services Performance Report* will increase the breadth, quality and transparency of information that is publicly recorded, increasing health service accountability and system transparency. Mr Lenders wants Mr Davis to disclose how many beds there are when in many instances when asked similar questions the Labor government was unable to do the same.

Mr Lenders speaks about the coalition government blaming the federal government and Prime Minister Julia Gillard for everything, when the name on his lips during every question time when he was Treasurer was Julie Bishop, the federal deputy leader of

the opposition — if my memory serves me correctly, and it is pretty good. The Baillieu government has ensured that information regarding hospital early warning system data, ambulance transfer times, hospital initiative postponements and individual health service level data is provided as part of a consolidated report for the very first time. Activity and performance information within this report will be updated on a quarterly basis, unlike every six months under the Labor government, and which was constantly delayed. The range of data information available will be expanded over time.

There is a long way to go to turn around 11 years of mismanagement of Victoria's health system. We are just at the end of the first quarter of the first match. That is why I am pleased to be associated with a record investment of \$13 billion in health services this year through the 2011–12 state budget — an increase of \$725 million on Labor's last budget, and that is in the health portfolio alone. I would like to commend the minister for fixing the problems and building the future. Given that we have only just completed the first quarter of the first match I think the Minister for Health is doing a very good job, and long may it continue.

I now turn to point 2, the release of public housing waiting list data on Friday afternoons. I remember when Ms Lovell was the opposition spokesperson on Friday afternoons. Invariably when former Labor Minister for Housing Mr Wynne would release his data on Friday afternoons, Ms Lovell would stick around long enough to provide a response to the media. This is unlike Mr Wynne. Who the hell knows where he has gone? Where have they all been? How have they spent the summer? It is legitimate to take a family break to recuperate and rest, but I am absolutely stunned to hear Mr Lenders criticise members of the coalition government for working through the summer break.

In relation to public housing waiting list scrutiny Labor can hardly accuse the coalition of avoiding scrutiny when we have released the waiting list. The December 2011 quarterly figures were first released at 10.30 a.m. on Friday, 3 February 2012, not in the dead of night. Why would we be trying to hide them when they were good news? The number of applications was down. Only today I received a response from the Minister for Housing to a question on notice in which I had asked what the average statewide turnaround time between tenancies of public housing properties was as at 30 June 2010. The reply from the Minister for Housing was:

As at 30 June 2010, under the former Labor government the average turnaround time for accessing public housing between tenancies was 30.1 days, greater than the national average turnaround time of 28.8 days.

Ms Lovell is trying to provide very good information and greater transparency with a view to making the Department of Housing a very important department that provides much-needed accommodation for people in great need as efficiently and effectively as it possibly can.

Labor was particularly touchy about the waiting list because the coalition, through better management of public housing stock and by actively managing tenant applications, has significantly reduced the number of applicants waiting for public housing in its first year in office. Labor's final waiting list was published in September 2010, and the number of applicants on that list was 41 212. In December 2011, under the coalition government, this had fallen to 38 566 applicants — a reduction of 6.4 per cent. This is trending very much in the right direction and shows that the minister has been hard at work rather than dozing at the wheel.

Mr Wynne had a long history of avoiding scrutiny by almost exclusively releasing waiting lists late on a Friday afternoon. Often the release of the data was up to three months late. Over the last three years, 2008–10, 9 of the 11 waiting lists were released on a Friday afternoon. I will not go through the specific times, but in particular the June 2009 quarterly waiting list was not released until 29 September 2009, one day before the September quarter list was due. Let us compare the level of scrutiny; let us compare the level of accountability and openness. That list was very late indeed. Mr Wynne could not even get the September 2009 waiting list right. He had to publish it three times, making corrections each time.

In February 2010 when he published the waiting list for the September 2009 quarter Mr Wynne put out a media release claiming that waiting list numbers in Gippsland and Ballarat had fallen, when they had actually increased. That is an example of the former government's lack of transparency and honesty. On several occasions Ms Lovell, as shadow Minister for Housing, used FOI to try to access the waiting lists, without success, in order to get them in a reasonable time frame. It is the Labor Party that tried to avoid scrutiny on public housing waiting lists. The coalition government has reduced the number of people on public housing waiting lists and is happily publishing those waiting lists correctly and in a timely manner, so I think point 2 is a total furphy.

Point 3, the delayed release of the Powerline Bushfire Safety Taskforce report, is yet again a classic formula for propaganda: 30 per cent correct information and 70 per cent misinformation. But if the public does not know that, it may be tempted to believe it. Mr Lenders

and the Labor Party are absolute masters of political propaganda.

In relation to this task force report the government has made it clear that it will implement all of the Victorian bushfire royal commission recommendations in full, including recommendations 27 and 32, which the opposition, when in government, lacked the moral courage to implement; it turned its back on country Victoria. I quote from the Brumby government's response:

However, the commission's recommendation to replace all single-wire earth return (SWER) and 22-kilowatt powerlines with underground cable, aerial bundled cable or other technologies would incur excessive costs for families, industry and farmers.

The source of that quote is the former Labor government's response to royal commission recommendation 27 tabled on 27 August 2010. On coming to office the Baillieu government had to amend the terms of reference for the Powerline Bushfire Safety Taskforce to reflect that we would indeed be implementing recommendations 27 and 32 in full. As a result of that we extended the reporting date for the task force to 30 September 2011 so it could fully consider the full implementation of the royal commission recommendations, and I would like to commend the Premier and the minister for doing this. The task force provided a comprehensive and very technical report and the government accepted every recommendation in full.

Not only that, but the government set aside up to \$250 million to help undertake a 10-year plan of work to reduce the risk of bushfires being started by electricity assets. Of course yesterday was the anniversary of Black Saturday, so it is timely to remind Victorians that we have not taken our eye off the recommendations made by the bushfire royal commission. Labor did not set aside 1 cent for the vital upgrades to the electricity infrastructure, the intent of which would have been to substantially reduce the risk of bushfires being started by those electricity assets. The package of up to \$750 million announced by the Baillieu government in December will reduce the risk of catastrophic bushfires caused by electricity assets by up to 64 per cent.

Labor has absolutely no credibility on this issue. When in government it looked at these royal commission recommendations and decided it was just too hard. It threw in the towel and did not set aside one cent to support this work. What we must not forget is what happened on Black Saturday when there was no-one at the helm. Mr Lenders and his party must be absolutely

thick-skinned and suffering from a very short-term political memory in trying to throw pebbles at this particular issue when they live in a very large glass house, when so many lives were lost and so much property was lost and flora and fauna was destroyed.

The motion criticises the inconsistent application of planning processes. I nearly doubled over laughing, remembering all of the debates, all of the controversy under the former Minister for Planning, Justin Madden, and the manner in which the Labor government made decisions. We have a contrasting approach. The Minister for Planning has indicated that the right statutory authority for planning is local government. This is in stark contrast to Labor's approach. It will be the responsibility of local governments to engage in consultation with their communities to decide on the physical layout of their own communities and to make planning decisions accordingly. The coalition has been completely consistent on planning policy. We actually took a planning policy to the election, a 26-page-long policy; Labor did not.

I will now refer to some of the things we have done in order to turn Labor's mess around. We implemented a regional planning flying squad to assist rural councils with complex planning issues. We implemented wind farm policies to give certainty to the community. We removed Labor's policy of pushing high-rise development along tramlines. We are on track to release 50 000 housing lots in Melbourne's growth areas to improve housing affordability. We reformed the growth area infrastructure contribution to make it fairer and to provide local infrastructure earlier. We established a new urban renewal authority, Places Victoria, to undertake major urban renewal projects in Melbourne and regional Victoria.

We established a transparent logical inclusions process to look at the urban growth boundary (UGB) in growth areas; Labor never had this probity and never had this transparency. We established a housing affordability unit in the Department of Planning and Community Development and also established the peri-urban councils unit within DPCD. We are undertaking a livability audit for Melbourne as part of the development of a new metropolitan strategy. We removed the planning exemption for packaged liquor stores. We abolished Labor's undemocratic development assessment committees; and we fast-tracked the planning of the vitally important Portland hospital helipad.

Labor has no planning policy. As I said about Mr Lenders, the contribution from Brian Tee reveals the hypocrisy embedded in his DNA. It did not have a

policy for the 2010 election and it is very hard to see if it is consistent in anything. We can see a pattern of inconsistency, though, and of factual errors from Mr Tee. He is not averse to mud-slinging, to maligning people without a skerrick of proof. Mr Tee has stated to the Urban Development Institute of Australia, as reported in the July 2011 edition of *Urban Affairs*, that Labor does not have a policy framework on the urban growth boundary. Brian Tee has a credibility gap. He is the one who is inconsistent.

John Brumby has backed the coalition for consistency in planning policy. He applauded the coalition on having consistent planning policies in the *Herald Sun* of 22 November 2011, which reported:

Former Premier John Brumby has backed changes made to the urban growth boundary by the Baillieu government.

...

Mr Brumby, speaking at the Grattan Institute last night, said the Baillieu government's planning policy was similar to his one.

'The policy remains broadly unchanged, I think going forward, subject to some finetuning', he said.

Brian Tee and the Labor opposition are the ones out of step with good planning policy to take our community forward. We see Labor's inconsistency on the urban growth boundary. Mr Tee has campaigned against logical inclusions to the UGB despite Justin Madden backing this policy as a minister. Mr Madden told a hearing of the Standing Committee on Finance and Public Administration on 2 December 2009, at which Mr Tee was present as a member:

We are conscious in the future that there may well be some anomalies that exist within the nominated urban growth boundary, not because we expect there to be, but we suspect there might well be, because from time to time land-holders come to us and say, 'Why aren't we in the urban growth boundary? Even though we are not on the fringe of the urban growth boundary, we are near a road reserve' or something, or a road has gone in and you have a triangular parcel of land which is neither large, worthy of being parkland nor does it have some native vegetation qualities; and it might be almost an urban, built-up area.

Mr Madden went on to say:

... there are anomalies that come up from time to time, and we have to deal with them.

...

But there are logical inclusions that might need to be considered and they might come from local governments making submissions, and currently we have some local governments which have made submissions to us and which are not included in these growth areas but are in areas that might be considered.

...

What we anticipate is that after we have progressed our current body of work, we would look at some mechanisms being developed for potential small-scale, logical inclusions where anomalies may occur.

Mr Tee has, in this chamber and elsewhere, tried to ascribe and project all sorts of motives that are more commonly associated with how the Labor Party works rather than how the Liberal Party works. We have tried to set up an open and transparent process so that people and their issues are dealt with fairly and accountably. Mr Tee definitely suffers from a credibility gap and lack of consistency. I could speak on this for hours on end, suffice it to say that it seems the Labor Party has been on an extended holiday. I know Brian Tee has had a cardboard cut-out of a teenage starlet along for the ride. When it comes to inconsistency in planning, Mr Lenders needs to look no further than his own shadow minister.

An interesting point is policy backflips, including electronic gaming machine precommitment technology, cuts to services, the size of the public sector workforce and so it goes on. It is my great pleasure to make a few comments on the issue of gaming. For Mr Lenders to come here and accuse the Liberal Party and the coalition government of somehow backflipping on gaming is extraordinary given his absolutely deplorable performance when he was responsible for overseeing the reform of the gaming industry.

It must be amazing for all members in this chamber to see Mr Lenders stand up and outline our failures in gaming when it was Mr Lenders, as a senior member of the Brumby government, who oversaw a massive \$3 billion loss in the pokies fire sale. It was \$3 billion that could have been spent on more health services and more education services, such as fixing up the schools that had been left derelict, examples of which I saw when I visited Mr Elsbury's electorate. They were literally falling over. That money could have been spent on providing more police and on the services a growing community needs. But no, Mr Lenders and the Brumby government squandered \$3 billion in mismanaging the pokies auction, which ended up being a fire sale. This was the biggest single loss to taxpayers in Victoria's history and outstrips the combined losses of the Victorian Economic Development Corporation, Tricontinental and the State Bank of Victoria.

In 2009–10 the Labor government sold 27 300, 10-year electronic gaming machine entitlements for just \$980 million. They were worth as much as \$4.5 billion. He should hang his head in shame; he should retire; he should ride off into the sunset; and he ought to leave the

game and the representation of these important issues to someone who has the honesty, decency, commitment and integrity, which, in moving this motion, he has demonstrated is not commonplace on the Labor side of this chamber.

Labor's massive economic incompetence was exposed as causing the worst single loss to taxpayers in Victoria's history. The Auditor-General's report into the allocation of gaming machine entitlements showed that former Labor ministers, some of whom lead the opposition, cost taxpayers more than did the economic disasters of the Cain-Kirner governments.

On the issue of precommitment, the government has in no way reneged on its election commitment. We are 100 per cent committed to implementing our precommitment policy. This is the sort of claim you get from an opposition that is too lazy to do any work itself. Instead it has spent the summer cycling and playing golf. It relies on mindlessly repeating whatever it is that its members have read. The commitment was to have the voluntary precommitment technology available in every gaming machine in Victoria linked across the state by 2015–16. We are fully committed to meeting this timetable. The former Labor government has promised an interim measure of precommitment, linked within venues but not across the state, by 2013, provided that the cost will not be prohibitive to venues.

The latest iteration of the federal Labor policy proposes legislation in the first half of 2012 regarding precommitment requirements for the manufacture of new poker machines from 2013 and the operation of a state-linked precommitment system by 31 December 2016. No legislation has been sighted, no technical standards promulgated — —

**Mr Tee** — On a point of order, Acting President, I note that for some time now the member has been reading her speech. I ask you to ask her to refrain from reading word for word directly from her speech.

**Mrs PEULICH** — On the point of order, Acting President, I have so much material it would be impossible to read it word for word. Mr Tee would need to take his superannuation and sit here to listen to it. I have been selecting only those things I am hoping may prompt the memories of Labor members and remind them that they are the biggest bunch of hypocrites who mismanaged the resources of this state for 11 years.

**The ACTING PRESIDENT (Mr Eideh)** — Order! There is no point of order.

**Mrs PEULICH** — We are getting on with the job and will not be distracted by the Labor Party, which is more interested in grandstanding and spin than doing the hard work.

On the issue of manufacturing, last year the coalition government released its manufacturing strategy, a strategy that will strengthen Victoria's manufacturing industries to secure jobs and grow business investment. The Labor Party saying that somehow we are demonstrating inadequate support for manufacturing clearly shows its members are living in the past. It reminds me of the number of days that we were without a manufacturing policy when the former minister, Mr Theophanous, had stewardship of the portfolio. I know my good friend Mr Somyurek has good intentions, but I think the criticism is a bit rich.

On the issue of the refusal to release blue books, first and foremost a blue book is a document properly classified as an exempt document. It is not subject to FOI. The Premier has made it clear that blue books have never been made available, nor have the red books for that matter. The material is prepared before a government comes to office in the instance of a change of government. It is notable that the opposition has chosen not to pursue the appeals of any of its numerous blue book FOI requests, indicating its acceptance that the blue book is properly classified as an exempt document.

In relation to the refusal to brief the opposition on the Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011, briefings are intended for the minister and an adviser. The shadow minister, obviously not having the faith and confidence of his frontbench team, asked for the entire Labor opposition to be briefed by the department. That is not how it has ever been done. The departmental officials are not going to be intimidated. The briefing is still available in its traditional form, which has been offered over the 15 years that I have served in this Parliament.

In relation to time lines for FOI and the KPMG report on occasional child care mentioned in the motion, the opposition failed to turn up to the Victorian Civil and Administrative Tribunal.

**Ms Mikakos** interjected.

**Mrs PEULICH** — On 3 November the opposition lodged an appeal at VCAT and a directions hearing was set for 16 December. On 16 December the department advised the opposition that it intended to release the report at the hearing. The opposition failed to attend the hearing. I suggest that Ms Mikakos should check her

facts. Ms Mikakos was obviously so uninterested in her FOI request that she forgot to turn up at VCAT for its first directions hearing in December.

In terms of the allegations about lobbyists, all I need do is point members to the number of motions I have on the notice paper about the close relationship between unions, Progressive Business and MPs. The Australian Electoral Commission returns recently lodged show there were a number of donations linked to a particular post office box and they are worthy of investigation. These motions are laughable. They say more about the Labor Party than they do about the coalition, which is getting on with the job of fixing the problems and building the future. We are only at the end of the first quarter of the first batch. With those few words, I look forward to voting against the motion.

**Mr BARBER** (Northern Metropolitan) — I have quite a large store of uncharitable things to say about Labor's commitment to transparency while it was the government, many of them in relation to the Freedom of Information Act 1982, but I have decided to hold fire on those until we debate the FOI commissioner bill, which is forthcoming, because talking about the way that the Labor Party systemically gutted the intent, practice and philosophy of the FOI act will be essential for us to understand that particular bill and its proposals, and I do not want to be caught up in anticipating debate.

However, I would say in relation to the content of the motion that I have not prepared a formal amendment but I would like to suggest a number of other items that could equally have been added to Mr Lenders's list. Whether members on my left like it or not, the fact is they are the government and we do not maintain this entire edifice of a Parliament for the purpose of scrutinising the opposition. We have it here for the purpose of scrutinising the executive, and Mr Lenders's motion, if you take out his FOI dot points, does relate in many ways to legitimate lines of questioning that a Parliament would put to an executive and it really would not matter what flavour of government that was made up of.

All I can say in relation to Mr Lenders's motion, though, is, I know what you did last summer, but if you want to know what I did, you can check it out on Twitter, because I certainly found many matters that I thought were worth scrutinising in between my short breaks during that period.

We have yet to see in this chamber a tabling of the smart meter documents that this government, when in opposition, moved for and promised to table. There has

been a motion on the table since June calling for the cost benefits analysis and a whole range of related documents, which I believe Mr Davis himself actually moved, and in his 23 November 2010 press release Mr O'Brien promised specifically to provide those documents to us here in the chamber. The government has waved through and continued the smart meter program but we have not yet seen the cost benefits analysis that goes with it. I have seen the costs on my electricity bill; I am yet to see any benefits to me personally.

We are also waiting to see whether we will ever find out anything in relation to myki. We have been refused, both through FOI and through the chamber, access to the secret Deloitte report into myki — the one the government told us that it relied on to continue myki, to in its words 'de-risk' the contract, which had already blown out to \$1.3 billion and which continues to have more costs added onto the top of it due to the delays and various other measures that the government has introduced in relation to myki. Deloitte, as we know, is the consultant of choice for this government when it has outsourced or gotten rid of all those backline staff — they are the ones who tell the government how to run the government. The government will probably spend most of its money asking the Deloitte people to do the exact same thing as the public servants they have just replaced.

In relation to the carbon trading and climate change response aspects of Mr Lenders's motion, it is certainly true that there was extraordinary difficulty in scrutinising the government's claim about the carbon tax, unless of course you were from the *Herald Sun*. The *Herald Sun* had strategically leaked to it the results of the government-commissioned Deloitte modelling into the carbon tax, and when we asked to see that same modelling, they told us, 'Well, actually, we are still working on it'. And ultimately they released a final version. When we asked for the draft version, the version that they provided to the *Herald Sun*, do you know what their excuse was for not providing it? That was an internal working document whose premature release might lead to confusion. That is the standard response any time someone tries to scrutinise the workings of government, but in this case it was made all the more ironic by the fact that this early draft of the modelling that the government did not want to give us had actually been given to the *Herald Sun*.

We have tried to scrutinise through this chamber, through measures such as motions, the government's continuing support and subsidies for fossil fuels. We have been told through letters from the government tabled in this chamber that we are not allowed to see its

applications for federal funding and we have been told that that might expose some of the Victorian government's applications to the federal government, but I am a taxpayer and I would like to know how my dollars are being spent. I would like to know they are being spent wisely, and continued subsidising of fossil fuels is not going to be high on my list. The government seems to take the attitude that merely because it has informed the federal government or sought federal funds that that means this chamber is not allowed to hear about it.

We have seen where major projects are being put forward under a cloak of either federal-state relations or commercial transactions. Just this morning I received a response to an adjournment request where I was asking the government what activities it has been engaged in to promote export coal, what efforts it has been making in that area and equally which companies it has been in negotiations with. That question received a one-line response which did not address the request in any way. It simply said the government had complied with the lobbyist code of conduct.

**An honourable member** interjected.

**Mr BARBER** — At least I learnt from that that this new government has adopted the old government's lobbyist code of conduct. However, that code is wholly inadequate and in any case does not take away from the government its responsibility to inform this chamber. I would argue, and have previously argued, that there is no area, no document, no person, no thing that this chamber does not have the power to order from the executive or from any other body or citizen in Victoria. It remains to be seen whether the opposition takes the same view. It certainly did not hold that view when it was in government. In some ways, Mr Lenders can at least take comfort from the fact that he has been able to find out that a number of these measures are under review and that over the last few months there has been an opportunity to raise these issues. But on many of the issues I have consistently raised in this Parliament and the last there has been a complete blackout and in many cases even the denial of the existence of activity, documents or other accountability reports.

A good example of that right now is myki. If you want to know how many Metcard machines are operating and available and how often those machines are off-line, you can go to the Department of Transport's website and see that. Ask the same question in relation to myki and you can't get nothin'!

**Mr Drum** interjected.

**Mr BARBER** — I am sure Hansard will correct my grammar. I was putting it that way for emphasis.

That is because, simply, it is not a matter of transparency; it is not a matter of whether the government should or should not be transparent. It is clear from Metcard that there is an expectation that the ticketing system has various key performance indicators and they are public. What this is about right now is that myki is very controversial for the government. The government understands that the anger about the poor performance in public transport is still out there, and it is just looking for a new person to hold responsible. In this case it is the new government, which has fully endorsed myki with, as far as we know, some minor tinkering and continued the project. The costs of that, as I said, continue to rack up, yet you cannot find one single piece of data or one metric that would describe how myki is operating now.

Just yesterday I received an answer to a question on notice from last May about the usage of myki. We can find out how myki was going last May, but we cannot find out how it is operating right now, even as it is being rolled out, even as Metcard is being withdrawn, even as there have been incentives and punitive regimes put in place to force people off Metcard and onto myki. You cannot get even one jot of information about the poor performance of that system through any forum. Forget about Mr Lenders's complaint about things being put out on a Friday afternoon or reports being delayed; on myki there is a complete black hole. As with a black hole, the only way to understand what is going on with myki is to look at what is happening around it: various kinds of disclosures about funding operators and going out to railway stations and looking at people giving daily reports on Twitter, for crying out loud, to find out where machines that people are absolutely dependent on to allow them to get to work are not working and where they are working.

There needs to be an extraordinary change of attitude by the opposition as to what it believes is the required level of scrutiny, and I am yet to see comprehensively what this new government's attitude is. I think if this government wanted to break with the past and bring in a new level of scrutiny, it would have done that very early on in its term and set it as a standard. But like the old government, whether information is released or not is merely a function of how controversial the government finds that information. The hotter the potato for the government, the more lengths it will go to in order to hide information. On other things it buries us in information.

With or without Mr Lenders's motion, which I am perfectly happy to support for reasons that should be obvious, we will have to do an extraordinary amount of work in this chamber to find even basic answers to questions about some of our most basic services.

**Ms MIKAKOS** (Northern Metropolitan) — I am very pleased to be able to speak in support of Mr Lenders's motion today because it seeks to highlight the failures of the Baillieu government, which has now been in office for just over a year. This government has become quite accustomed to backflipping on election commitments at the same time as it is seeking to hide from Victorians exactly what it is doing.

Mr Lenders referred to an expression that the Leader of the Government was very fond of when the coalition was in opposition, and that is the 'secret state'. That is exactly what we are seeing here with a number of reports and important information relating to government administration being released during the quiet period of the summer vacation. It was a quite deliberate and orchestrated process to hide from the Victorian people exactly how this government is performing and in fact to hide information that clearly documents the failures of this government.

This motion touches upon many different areas of government administration. I am only going to touch on a few, because like Mr Lenders, who covered so many areas very capably, a number of my colleagues will seek to cover some of these areas of government administration. I want to focus particularly on issues to do with public housing, health, child care and unemployment. They are all areas that are very important to Victorians, as are the many other areas referred to in the motion.

In relation to public housing, I refer in particular to the reference in the motion to what became throughout the last year the practice of the Minister for Housing of releasing public housing waiting list data on a Friday afternoon. Last year all the data was released on a Friday in a way that would avoid media deadlines, particularly suburban media deadlines which in most cases had passed by that stage, and to minimise the reporting of the government's failures. What we have seen in public housing is that the latest data shows that waiting lists for the December quarter are up in the Hume region, they are up in the Grampians region and they are up in the Loddon Mallee region.

Of course that should surprise no-one, because the Baillieu government has provided no new funding for public housing in Victoria. At the same time it is

slugging public housing tenants by putting up their rents. In fact the only public housing construction going on at the moment — or almost all of it — relates to government funding. Thank goodness we have the federal Labor government's national stimulus package, which was designed to prevent the Australian economy going into this recession —

**Mr Barber** interjected.

**Ms MIKAKOS** — A lot of this predates the current situation, Mr Barber. In fact it was the then Prime Minister, Kevin Rudd, who championed the issue of public housing and who put a huge amount of additional funding into public housing. That has been continued by the Gillard government, and I am pleased that is going on. But the Baillieu government is dropping the ball when it comes to the issue of public housing, and I think it is an area which deserves more attention from the minister.

In the area of health, despite the Baillieu government promising to release Victorian health services reports every quarter, it released both the June 2011 quarter and the September 2011 quarter data on the same day — just three days before Christmas — again in an attempt to avoid scrutiny of its failures in the health system. It is no surprise that the government has tried to bury this data, because it shows that it has failed to meet treatment time targets in a number of key areas, including the emergency department category 3, urgent patients, the elective surgery category 2, semi-urgent patients and also ambulance patient transfers. The latest data for ambulance patient transfers shows that 77 per cent of patients have been treated within 40 minutes, which is well below the 90 per cent target. Most concerning is that it also found that the number of patients waiting for elective surgery at the end of September had blown out to 41 601 patients, which was the highest figure on record.

In question time today Mr Jennings raised some important questions with the minister around the issue of elective surgery. The minister did not deny that the waiting list for elective surgery will blow out by over 9000, and that is a pretty damning indictment of the government. It follows the minister's failure, both at question time today and also on Jon Faine's program on ABC radio this morning, to give a valid explanation for what has gone on over summer. Somehow the government seems to think that Victorian people do not get sick over summer and that it is okay to cry and claim that when the Australian Nursing Federation is closing hospital beds that it is putting Victorian patients at risk.

However, when over the summer period the government oversees the closing of more hospital beds — in fact 1500 hospital beds — that is somehow usual practice. It should not be usual practice; it is a dreadful state of affairs to have 1500 hospital beds closed during the December-January period. As the *Herald Sun* revealed today, these closures also included paediatric, surgical and intensive care beds. It is really alarming that we had people waiting for surgery and who delayed their surgery because so many hospital beds were closed over this period.

We know this is happening because the government has stripped \$500 000 out of the health budget this year. It has cut enormous amounts out of the health budget, it has cut enormous amounts out of the education budget and that is why all these things are happening.

Coming to the issue of occasional child care, I found it astounding that the only thing the lead speaker for the government had to say on the issue of the Take a Break occasional child-care program was that the opposition had not attended a directions hearing. Clearly, members of the government do not understand what the Victorian Civil and Administrative Tribunal (VCAT) directions hearings are all about. They are perfunctory and procedural hearings that deal only with issues around setting a hearing date. Mrs Peulich made a poor contribution on this issue.

The critical issue that the motion refers to is the government's protracted hiding of an important report. The government only released the report on 20 January after the opposition was forced to put in a freedom of information request seeking the release of the KPMG review into occasional child care, a report which I should point out had been sitting on the minister's desk since February 2011, which is when she received it. Had it not been for the opposition commencing proceedings at VCAT, it may never have been released. The reason it was released on 20 January — again on a Friday; a bit of a pattern from Ms Lovell — was that on that day I was due to launch my public interest grounds submission at VCAT, which would have demonstrated clearly the very valid reasons why that report should be released to the public.

The government's lawyers, through the Victorian Government Solicitor's Office, would have advised the department and the minister that they would have been likely to lose their case if the matter were to proceed before VCAT, and that is the only reason the government finally decided to release the report after two FOI requests had been knocked back.

We now have a situation where we need to go to VCAT in order to get the government to comply with FOI legislation. When the minister released the report she claimed that it supported her argument. You have to wonder why Minister Lovell refused to release the report earlier, particularly if it was as supportive as she claims. I wonder if it was because she chose to play politics with this issue for a number of months and to seek federal government funding for something she was not prepared to fund?

The minister sought to rubbish this program in the media release she issued on 20 January even though she had spent the last nine months calling on the Gillard federal government to fund it. It smacks of absolute hypocrisy that she would say to the federal government, 'You need to fund this program' when she had commissioned a report and issued a media release saying the program was not worthy of state government funding.

I took exception to a number of things about the report, but in particular I took exception to the way the minister chose to portray it. The report found that 'social benefit exceeds social cost'. It also found that the program had a number of key strengths, including that parents believed it provided a safe and welcoming environment and that children had a strong connection with staff; that parents had received health benefits, particularly where services were co-located; that it reduced isolation in socially and linguistically diverse communities and regional communities; that it increased parents' participation in education and the workforce; and also that it played a role in protecting and diagnosing health and developmental problems in children.

I was particularly surprised that the minister, in attaching much importance to this flawed report, has ignored the fact that this report neglects the unique needs of regional communities, which only rate a half-page mention in the 90-page report. For mothers in isolated rural and regional communities using the Take a Break service, this may be their only down time. As everyone knows, it is a huge responsibility to look after a child, particularly when the child is disabled or has other special medical needs or when there are numerous young children in the family. It is difficult for farming families to spray crops when young children are around. It is difficult for families to balance paid work with caring for young children. All these things are glossed over; none of them is acknowledged by the minister. The minister seems to ignore the fact that taking a mental health break is vital to the wellbeing of not only parents but also their children. Occasional care provides children with a friendly environment where

they can socialise with other children and be well cared for.

I do not want to harp on about the report, because regardless of the advice a paid consultant provides, at the end of the day it is the government that makes the decision; it is the government that decides whether to fund a program or not. The buck stops with the Premier and the minister, and in this case they have chosen to axe a program that benefits 9000 Victorian families. I am disappointed that the minister has clearly put blinkers on. She has ignored the concerns raised by thousands of Victorians. In fact nearly 5500 Victorians petitioned this house to reinstate funding for this program. The minister chooses to hide behind the report and wash her hands of the issue, and she ignores the fact that the axing of government funding for the program is having dire consequences for the community.

The Association of Neighbourhood Houses and Learning Centres surveyed its members recently and found that as a result of the withdrawal of funding for the Take a Break program 20 per cent of child-care providers have cut back on the hours they are offering and 60 per cent have increased their fees. So much for the government's promise that it would address cost of living issues. It is clearly not doing that in relation to occasional child care. It is clear that the government is not interested in cost of living issues in a number of areas. We have seen many costs increase. As I said, we have seen occasional child-care fees, motor vehicle registration fees and public housing rents go up. At the same time we have seen no jobs plan from the Premier.

If ever there were proof of the secret state, it is the fact that the budget update — which clearly explains the predicament the state is in — could have been tabled in the last sitting week of last year and that the government decided instead to release it when Parliament was not sitting in an attempt, as Mr Lenders pointed out, to deflect attention from this important document. The budget update significantly revises downwards — from 3 per cent to 2.25 per cent — the economic growth estimate for 2011–12. While the Premier was on summer holidays hundreds of workers across Victoria were sacked, leaving their families to face an uncertain future. Just in the month of January Victoria lost 2000 full-time jobs, while across the rest of the country 26 000 new full-time jobs were created. There are 9000 more Victorians unemployed now than when Premier Baillieu took office in December 2010, and more Victorians face being put out of work, with the unemployment rate expected to increase from 5 per cent to 5.5 per cent.

At the same time we are seeing the government slash public servant numbers by 3600. The government's claim that this will not impact on front-line services is ludicrous. The suggestion is that there are all these people in back rooms somewhere twiddling their thumbs. It is an insult to Victoria's public servants to imply that they are not all needed to deliver critical services to the Victorian people. Over the same period that saw many workers laid off, particularly in the motor vehicle industry, the finance sector and many other areas, we saw the announcement that the Premier's chief of staff was headed for San Francisco. That sends a clear message to the Victorian people that the only jobs this government is interested in creating are those for its mates. Everybody else can just join the unemployment queue.

We had the extraordinary situation earlier today where during question time in the Assembly the Minister for Youth Affairs was asked what the youth unemployment rate was, and he had no idea. What a damning indictment of Minister Ryan Smith that he did not even know that Victoria's youth unemployment rate has gone up significantly. We have seen a huge increase in that rate in the last 12 months. I know the minister follows me on Twitter so I tweeted him the answer during question time. He could have looked at it and given the house the information.

Thousands of Victorians are facing an uncertain future in relation to their jobs. The government clearly does not know the extent of the problem. The Minister for Youth Affairs does not know the extent of the problem amongst young people in this state, particularly in regional communities, which have very high youth unemployment. The government has no jobs plan to try to address these issues. We are seeing a desperate government seeking to hide the facts from the Victorian people.

We have a government that is obsessed with secrecy. It is mismanaging many areas. It is pushing up the cost of living while doing nothing for the Victorian people. The government is doing nothing for the western and northern suburbs, which is why it is running scared and not contesting the Niddrie by-election. The government has a record of non-achievement in the north and the west, and its failure to contest Niddrie confirms this. I commend Mr Lenders's motion to the house.

**Mr DRUM** (Northern Victoria) — We are starting to see a bit of a pattern arising in the motions put forward by Mr Lenders after 12 months of the coalition being in government and Mr Lenders leading the opposition. This is an irresponsible and scattergun approach to a grab bag of ideas, many of which are

considerably better than they were under the previous government.

For Minister Lovell to be accused of delaying putting out some of these Office of Housing waiting lists is quite comical, because the news that Minister Lovell has been able to bring to the Parliament has been good news.

**Mr Barber** — That people are giving up on the public housing waiting list? They've given up and left the list.

**Mr DRUM** — I will take up Mr Barber's interjection. The public housing waiting list has shown considerable signs of improvement. On the final list published by the previous government in 2010 there were around 41 000 applicants on the waiting list. In December 2011 there were around 38 000 applicants. There was a decrease of 2646 applicants. It is 6.4 per cent down. The concept, or even the bare thought, that somehow or other our ministers are delaying the release of this data is comical.

The idea that we are putting this data out late on Friday afternoons to avoid scrutiny is factually wrong. On nearly every occasion this information has been delivered on Friday mornings. If you are trying to avoid scrutiny, Friday morning is the worst possible time you could ever put information out, because you leave yourself open to every media outlet and you leave yourself open to being taken up again and again on the weekend. If we did it just a couple of hours later, then the opposition might have a point. If you delay all of your drops of data, waiting lists and all the other indicators, statistics and information that people are looking for until 1 o'clock on a Friday afternoon, then, yes, you will avoid scrutiny.

The reason Mr Lenders would be so aware of this is because his government was the out-and-out champion of making sure it buried its unpopular data in the midst of a weekend. More importantly, the former government was the out-and-out champion of using, say, the lead-up to an AFL Grand Final to put out some unpopular news for public consumption. On the eve of the Melbourne Cup the Labor Party would always beautifully, and of course coincidentally, release some unpopular data into public circulation. It was not normally 22 December. We must not learn from the actions of the Labor Party. Every year the Labor Party used to pick the couple of days in between Christmas and New Year's Eve, when many people are away on their Christmas break, every year to throw out some figures to an unsuspecting public.

This is more than a case of the pot calling the kettle black. This is the absolute masters telling the apprentices, 'You are not quite as deceptive as we used to be'. It is quite comical that former Minister Lenders has come up with this list, which is an attack on our openness and transparency. He says the government is trying to avoid parliamentary scrutiny of its mismanagement. I am not quite sure where the mismanagement is, where our broken promises are or how our deceptive ways can be outlined.

In relation to the second item of the motion, which is about the release of housing waiting list data, I note the performance of the previous minister, Richard Wynne. When he was Minister for Housing it was par for the course, quarter after quarter, for that information to be handed down to Victorians on Friday afternoons. Mr Lenders knows that, but he has chosen to overlook it. Ms Mikakos also knows that, and she has also chosen to overlook the fact that her minister, behind whom she more than happily stood in the previous government, made an absolute habit of delivering his data to the Victorian public on Friday afternoons. Whilst opposition members have chosen to be selective about what they remember of the way their government operated, we are more than happy to give them some gentle reminders along the way.

On the performance of the Victorian health service, all government members can say is that our government, under Minister David Davis, is putting a record \$13 billion into health services throughout the state. That is an enormous chunk of our budget. Of course the budget has been severely affected by what has happened in Canberra. When in opposition we budgeted for improvements that we intended to make to the health system, but that proposal has taken an enormous hit through the \$2.5 billion hole in our revenue. It is not our fault that that money has been taken away; it has simply been as a result of the commonwealth reducing GST revenue that would normally have come back to us and which we had budgeted for.

This government has put a record \$13 billion of funding into Victoria's health services, and a record 1.5 million patients have been admitted to our hospitals. For the first time Victoria has a Minister for Health who has had the courage to publish and quantify the extent of ramping in emergency departments throughout Victoria. Patient transfer times from ambulances was a problem that members of the previous government dealt with by putting their heads in the sand. When in opposition Mr Davis said he would publish this data, and he has done so.

We are not running away from scrutiny. We are facing up to the fact that the health system has some issues and problems, and we are more than happy to face up to them. Government members understand that we have a lot of work to get through and a lot of problems that we are prepared to work hard to fix. However, what we find a bit difficult is that we now have an opposition whose members spent 11 years with their heads in the sand while trying to hide the problems. They are now taking pot shots at us and, through his motion, Mr Lenders is effectively taking a scattergun approach to tell us that somehow or other government members are being deceptive and trying to avoid scrutiny.

It is also quite staggering that we are being accused of delaying the release of the final report of the Powerline Bushfire Safety Taskforce. During the month before Christmas this Parliament passed the Bushfires Royal Commission Implementation Monitor Bill 2011 to put in place an independent monitor at arms-length from government, who will monitor the government's progress on how it implements each of the 67 recommendations of the bushfires royal commission.

Mr Lenders cannot be serious about questioning government members' integrity in relation to not being selective about which recommendations we are going to accept and which ones we will not. Government members have had the courage to come out and say that the royal commission has spent six to eight months working through all of the issues and taken on board the thousands of pieces of evidence in putting together its report. We have said that we will accept each and every one of those 67 recommendations.

Then we moved ahead and established the position of a monitor who will scrutinise the progress of the current government as it sets about implementing each and every one of those recommendations. Now we have Mr Lenders's motion talking along the lines that somehow or other we are delaying the release of a task force report. We are talking about governments that have operated on two totally different levels. Somehow or other it is a little bit difficult to accept that this motion needs to be treated with the seriousness that parliamentary debate affords, because in a sense it is quite comical.

Of all this government's ministers, one who is making the biggest difference to the everyday lives of Victorians is Minister Matthew Guy through the work he has been doing on planning. He has brought enormous amounts of housing and residential sites on line, unlike the last 11 years during which many major regional centres were running out of available land.

Geelong got to within three months of its supply of land that was available to any young couple or anybody looking to buy a block to put a residence on. This situation forced prices in places like Bannockburn to go through the roof because there was simply nothing left.

In his motion Mr Lenders accuses this government of 'inconsistent application of planning policies'. Minister Guy has rezoned more than 800 hectares throughout the Latrobe Valley, which is unbelievable. This government has managed to approve some 800 hectares in 14 months, yet for a full decade under the previous government there was less than 100 hectares approved in the Latrobe Valley. That gives us a snapshot of how dynamic the changes have been to bring that land on line and to create opportunities.

In Ballarat 700 hectares have already been delivered, and in Geelong some 800 hectares are on the way. The amount of land that is going to become available for the people in that area who are looking to build is going to make housing so much more affordable. Certainly it will mean that many of these regional centres will now be able to offer affordable housing in their own backyards, whereas under the previous government, with its one-size-fits-all approach, its members sat on their hands, were unable to do anything about planning and drove local governments crazy across the state. It has been a very sad story.

The year 2009 was Melbourne's biggest year of population growth, but unfortunately only 2400 lots came on line. We plan to have 50 000 lots come on line by 2012. It is going to be an enormous change, something of which we are very proud. We need to be aware that the Minister for Planning has done an enormous amount of work in making this state a great state that is going to be ready for people to move to and take up residence in.

I will keep working down the list of items in Mr Lenders's motion and keep rebutting all the ridiculous issues that he has raised. Item 5 on his list includes 'policy backflips including electronic gaming machine precommitment technology'. In opposition we said that we would introduce voluntary precommitment technology, and what are we going to do? We are going to do just that, and we will do so by 2015 or 2016. That is what we said we would do, and that is what we are going to do, so I am not quite sure where the backflip is. We are also going to rip all the ATMs out of our gaming venues. In opposition we said we would do that, and that is what we are going to do. Again I am not quite sure where this backflip is in relation to our electronic gaming machine policies.

This motion looks as if someone has had a bit of fun over a couple of bottles too many of red wine and they have started picking some issues out of the blue and said, 'Let's just put them in the motion and let's just bag the government', because when you go through and scrutinise each one of them the criticisms just do not stack up.

There is the work that Minister Dalla-Riva is doing with manufacturing. We have already seen Minister Ryan and Minister Dalla-Riva throw support behind our automotive industry, but this motion says we have a 'failure to provide adequate support to manufacturing', including the automotive industry. I think it is important that people see this motion for what it is. It is a motion that lacks credibility. It is a motion that has got many of its facts wrong. It is a motion that in itself does not pass the test of scrutiny. When we go through each of these claims it is easier than most tasks which we will ever face to rebut each and every one of these claims.

In relation to freedom of information, that has been well sorted out. It has been well documented that the freedom of information request for the occasional child-care report has been delivered by the government.

**Ms Mikakos** — It went to VCAT!

**Mr DRUM** — It went to the Victorian Civil and Administrative Tribunal, and it was handed in. I find it staggering that it now finds its way into a motion when the member already has the documents in her hands.

**Ms Mikakos** — Why did we have to go to VCAT?

**Mr DRUM** — I remind the member that she has the document. Ms Mikakos is saying that it took too long. If we wanted to put together a list of all the FOI documents that we called for in 11 years — and not the ones that we got late, but the ones we simply never got — we would not have just a few items on a list. We could write an out-and-out novel. It would be a tome that you would not be able to jump over.

You have got to be kidding yourself if you think this is an issue worthy of parliamentary debate. As we work our way through each of the issues that has been put on the notice paper by Mr Lenders, each of them can be rebutted in the straightest possible way, in a manner that shows many of the assertions are untrue, in a way that sees many of the issues simply coming out with documents, statistics and data, showing significant improvements in each and every one of these areas.

I know we will never have an opposition that will congratulate the government on making steady progress

in trying and tough economic times; however, I think sometimes there needs to be an acknowledgement that the government of the day is doing a strong job in very tough times.

The federal government is not helping, with resources being ripped away from us in the form of GST returns, and that is something that is making the job of governing the state even harder. Certainly for the ministers who are in there with their sleeves rolled up, they are getting their hands dirty while supporting the automotive industry and getting in there and helping the public housing list. We are getting in and implementing to the best of our ability each and every one of the 67 recommendations within the task force and making as much land as possible available for private housing through our planning restructure. We have ministers in there trying to fix up the health system. It is a fantastic effort that involves taking part in a great team, and we want to congratulate the ministers for the open way in which they have been able to make their progress available for Victorians all the way.

**Ms PULFORD** (Western Victoria) — I am pleased to rise and speak in support of Mr Lenders's motion, which is really a motion about a government that is something quite different to what it says it is. We have the *Victorian Liberal-Nationals Coalition Plan for Integrity of Government* and the *Victorian Liberal-Nationals Coalition Plan for Freedom of Information*. These are just a couple of really stark examples of saying one thing before an election and doing something completely different after an election. As Mr Lenders indicated, through both the words in his motion and his contribution earlier in this debate, there could not be a greater contrast.

Mr David Davis used to come in here and talk about a secret state, and we were frequently lectured when the Labor Party was in government in Victoria about an addiction to spin. But my goodness, the Liberal Party's efforts in this respect would make anybody from the Labor Party blush. The motion identifies a variety of acts of sneakiness across many portfolio areas and across many areas of government administration. Put together, I think it demonstrates that in health, in housing, in bushfire safety and energy management, in public sector employment, in industrial relations, in support for manufacturing and planning, in the very important area of open and transparent government, in so many different respects this is a government that is so arrogant after only one year in office that it is highly offended when questioned by the opposition. We had a beautiful example of this in question time yesterday when Mr Guy emphatically claimed ownership of documents that Mr Tee had sought under FOI,

documents to which some media outlets are entitled but which the opposition is not able to seek in support of its role in holding this government to account.

It was good to see Mr Drum and Mrs Peulich put up the best defence they could. Uncharacteristically Mrs Peulich, who usually needs no encouragement whatsoever to get into the cut and thrust of debate in this place, was reading from reams of documentation, which suggests that all of the departments' communication units have been busily making a list to try to misrepresent the government's acts in the areas that Mr Lenders identified. There is the freedom of information legislation in the other place, which is a radical departure and a complete and utter watering down of what was promised by the government, but we will have an opportunity to discuss that in more detail when it comes to this place.

Over the summer break we had a budget update announcement by the Treasurer that some 3500 Victorian public servants will be put out of work. I imagine this is not the kind of decision that a government cooks up in a short time. The government might have shared this with the Parliament in December, given it was such a radical reduction in the bureaucracy and a significant change in the way that government services will be delivered.

We have had the Minister for Energy and Resources publicly claiming that all the people affected by the recommendations of the Bushfire Powerline Safety Taskforce report had been notified of the impacts of those recommendations, whereas we know this is not the case. We have had a substantial shift in the way government supports manufacturing in Victoria, which again was slipped out on the quiet during the summer break.

Mrs Peulich, in a courageous bit of spin during her contribution, lectured us about the cost of living, while at the same time the government is introducing legislation affecting the cost of everything that goes into or out of the port of Melbourne. Words fail me when it comes to describing some of the inconsistencies in the way planning policies are being applied across Victoria. The illogical nature of some of the so-called logical decisions have left Victorian communities scratching their heads. Mrs Peulich said that when she read Mr Lenders's motion she fell about laughing. I am sure that there was a moment during Mr Guy's lengthy radio interview in which he refused to answer questions about the Phillip Island matter when plenty of people might have been falling about laughing as well.

I have to take up the opportunity to respond to Mrs Peulich's comments regarding poker machine licences. The members of the Liberal Party seem hell-bent on rewriting the truth about the legislative framework that was in place at the time of the poker machine licence auctions — a complete rewriting of history. The legislative restrictions that are referred to in the Auditor-General's report are a consequence of lengthy negotiations and deliberations in this place, which every member of the 56th Parliament would know all too well. There were negotiations at the back of the chamber, in the corridor and in between parliamentary sitting weeks and a campaign vigorously supported by The Nationals MPs in particular in support of clubs throughout our rural communities.

The Liberal Party would not have been able to get the proposition Mrs Peulich makes about the gaming machine licence process through the coalition party room in the last Parliament, so it is very rich to be lectured about that by members of the current government, who had insisted that the legislation governing that process was as it was passed in this place. In the media releases and the speeches in Parliament, members of the Liberal Party and The Nationals proudly claimed credit for their role in amending that legislation, which anyone who was here would recall was a very in-depth set of negotiations that went on for quite some weeks, if not months.

Mr Barber pointed out that Mr Lenders's motion was perhaps a highlights package of the areas of deceit and dishonesty of this government, and I think that is probably a fair characterisation. There are so many ways in which this government has said one thing to the Victorian community before the election and has done another. The then opposition had a lot to say in the lead-up to the 2010 election about appropriate standards in government. Those standards have been thrown out the window very quickly.

The motion moved by Mr Lenders is a good one. As Mr Barber suggested, and I am very much inclined to agree, it is but part of the story. The motion tells a tale of a government that will say and do anything under the shroud of a commitment to have less spin, a commitment which we saw broken in the first few weeks. The list of broken promises is long. The actions of this government are nothing like it said it would be or like it says it is now. Victoria has been sold a pup with the promises from the Liberal Party and The Nationals about governing differently, being accountable and transparent and providing the Victorian people with decent government. The Victorian people have been let down by this

government in more ways than one, and that has happened just in the first year.

**Business interrupted pursuant to standing orders.**

**STATEMENTS ON REPORTS AND PAPERS**

**Ombudsman: investigation into ICT-enabled projects**

**Mr ONDARCHIE** (Northern Metropolitan) — I rise today to give a statement on the report on the Ombudsman's investigation into ICT-enabled projects. Ten projects were the subject of the Ombudsman's investigation, resulting in a damning report on the credibility and accountability of the Labor government. The report found that Labor wasted at least \$1.44 billion by bungling those 10 projects. On average the projects were 110 per cent over budget. I wonder how Victorians could have benefited from the money that Labor flushed down the drain — more police, more child protection, more hospitals and more schools.

Let me take a moment to talk about the representations made in Parliament by Ms Mikakos and the member for Yan Yean in the other place in 2011. Since Labor lost office the member for Yan Yean has talked about the need to fund a new secondary school in Doreen on eight occasions and about the need to fund the Greensborough Secondary College on six occasions. That is interesting in itself, but I wonder how many times the member for Yan Yean mentioned in Parliament the need to provide funding for those two schools when Labor was in government and could have done something about it. None; not once did the member for Yan Yean mention the Greensborough Secondary College when the Labor Party was in government, and not once did she mention the fact that Doreen needed a new school. After 11 years in government the Brumby and Bracks Labor governments have failed Victorians. They lost money through ICT and other projects, and many Victorians could be benefiting from that money right now.

Ms Mikakos has made several representations about the need to provide funding for the Greensborough Secondary College, William Ruthven Secondary College and a new school at Doreen on eight occasions throughout 2011. I wonder how many times in the 11 years of Labor government Ms Mikakos mentioned those funding needs in this place. For the 11 years of the Bracks and Brumby Labor governments Ms Mikakos sat on the government benches, but how many times did she mention the Greensborough Secondary College, how many times did she mention

the William Ruthven Secondary College and how many times did she mention a new school in Doreen? Not once. Cue the sound of crickets! There was nothing coming from this side of the house at the time the Labor Party was in government.

In my 11th week in this place Ms Mikakos suggested I should hang my head in shame because the north had been neglected. After 11 weeks of being in this job she suggested I should hang my head in shame, but I wonder what she did for her first 11 weeks. The statistics are damning. What did she do? Nothing, zero. She did not mention Greensborough Secondary College, she did not mention the William Ruthven Secondary College and she did not mention a school for Doreen. She ignored them. She was happy to take the stamp duty revenue and watch Melbourne grow exponentially, but she put no effort into providing infrastructure for her own constituents. If there is somebody who should be hanging their head in shame in this place, it is Ms Mikakos. She should be standing up and apologising to the people of the north because she let them down for 11 years.

**Ms Mikakos** — On a point of order, Acting President, the member is using a statement on a report to raise issues that have nothing to do with the report on which he is ostensibly speaking. I ask you, Acting President, to draw him back to the report on ICT. I cannot see that ICT has anything to do with the issues that Mr Ondarchie is raising.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! It is not a point of order, but I ask Mr Ondarchie to keep to the report.

**Mr ONDARCHIE** — I was simply using that analogy to describe to Victorians how the failure of the Bracks and Brumby Labor governments on the ICT projects have disadvantaged them, particularly the people of Northern Metropolitan Region, who could have done with the services they have been long awaiting. This is just another example of the failure of the previous government to deliver for Victorians. The findings of the report by Ombudsman Brouwer show that the previous Labor government did not do the right thing by the Victorian people, and still Labor members demonstrate that they do not have the guts to stand up and take responsibility for their failings of the past. They do not have the guts to stand up and say, 'Victorians, we are sorry'. They are not prepared to stand up and look their constituents in the eyes — if they know them! — and say, 'I am sorry; I did the wrong thing by you'.

Ms Mikakos should not worry about it too much because they do not know her out there. She should have thought much more about the schools in the north that could have been built if the Labor government had been sensible and had chosen to be a fast follower rather than a supposed leading edge government with things like myki. Labor could have bought a turn-key project from many places around the globe, but it decided to embark upon myki by itself. Ms Mikakos and her colleagues should be the ones who hang their heads in shame.

**Drugs and Crime Prevention Committee:  
violence and security arrangements in  
Victorian hospitals**

**Mr SCHEFFER** (Eastern Victoria) — The final report of the Drugs and Crime Prevention Committee's inquiry into violence and security arrangements in Victorian hospitals and emergency departments was tabled in the final few days of last year to avoid further public exposure of the government's mishandling of its guns in hospitals policy, which it took to the 2010 election. For the government, 2011 was a disastrous year that ended in the Office of Police Integrity scandal. The government was bruised and wanted to avoid any more adverse stories in the media, no matter how small, and tabling the final report during the last few sitting days before Christmas was a way of doing that.

The background facts of the matter are that the coalition, to its credit, in the lead-up to the 2010 election had put its finger on an important issue — violence in hospitals. But instead of taking advice on how to tackle the issue from nurses, doctors and ambulance officers on the front line in emergency departments, the coalition ineptly linked the issue to its law and order agenda and promised \$21 million to put armed protective services officers in emergency departments. In a short time the media was onto the issue and asked nurses, doctors and hospital administrators what they thought, and unsurprisingly very loud objections caught the Minister for Police and Emergency Services by surprise.

Not having a clue what to say or do in the face of the reverberations that his proposal was having right across the hospital system, the hapless police minister flicked the problem to the Drugs and Crime Prevention Committee for investigation. This had the benefit of getting the problem off the minister's desk, but it created another problem in that it gave hospital administrators, nurses, doctors and ambulance officers an opportunity to put their views on the public record.

As I said in my contribution when the report was tabled during the last sitting week in 2011, this is a sound report that comes with 29 well-considered recommendations that I hope the government accepts.

The committee's research team reviewed 80 documents, including books, articles and policies, received 30 written submissions from hospitals, nurses, doctors, the health department, researchers and security experts and conducted 61 hearings in Victoria, Western Australia and New South Wales.

I think it is a good report, but I want to refer the house to the extract from the minutes of proceedings that appears on page 211 of the document. Members will see that recommendation 4 in the final report asks the government to find from within the health budget ongoing funding for hospital safety and security, whereas the alternative recommendation which Mr Leane and I proposed — and which was defeated by the coalition members of the committee — asks that the government use the health budget's additional \$21 million, money which Minister Ryan had already committed, to improve hospital security. Mr Leane and I, the Labor committee members, could not understand why the coalition members could not bring themselves to simply recommit the additional \$21 million that their own party had already committed to. They could not even bring themselves to recommit what their own police minister promised after the coalition was already in government.

To make matters worse, the extract on page 212 shows that the coalition committee members would not even vote to include the words of Minister Ryan mentioning the \$21 million which was included in the report and published in the *Herald Sun* by journalist Grant McArthur. The extract shows on page 214 that the coalition members of the committee voted against even having Grant McArthur's *Herald Sun* article of 29 April 2011 included as an appendix to the report so that readers could see for themselves what Minister Ryan, the Australian Medical Association (AMA) and the Australian Nursing Federation (ANF) said about the proposal to have guns in emergency departments.

The extracts show on page 212 of the report that coalition members wanted the background truth airbrushed away. They refused to have any mention of the fact that coalition policy formally proposed to have armed protective services officers in emergency departments included in the final report or that the proposal was publicly criticised by the Victorian branches of the ANF and the AMA.

The final point of which members should be aware relates to the way that the lack of resources from the government meant that research staff were placed under unreasonable work pressures and that the scope of the research and the final report had to be narrowed. The refusal of the coalition committee members to table out of session or to grant the few more days that would have made a difference to the report and given the researchers a slight breathing space was particularly ungenerous and disappointing.

### **Ombudsman: investigation into ICT-enabled projects**

**Ms CROZIER** (Southern Metropolitan) — I am pleased to rise this evening to speak on the Victorian Ombudsman's report on the own-motion investigation of ICT-enabled projects, as my colleague Craig Ondarchie has also done. On reading this report I was struck by the number of large-scale projects that had significant cost blow-outs in relation to their budgets. At times they were in excess of 200 per cent. On average they were around 110 per cent over budget. Some of those projects blew out from \$1.3 billion to \$2.74 billion. Over the 10 projects that were looked at in this report there was something in the vicinity of \$1.4 billion in wastage. That is an extraordinary amount of money to have wasted on 10 projects.

The projects that most symbolise the previous government's debacle of mismanagement were the LINK database for Victoria Police, HealthSMART and the Transport Ticketing Authority. We all know ICT is fundamental to all businesses, organisations and governments in determining their communications and conducting business. We are not talking about the tools we use on a day-to-day basis like laptops, PCs or BlackBerrys. Sometimes these projects are significantly complex. However, overall these failures are symbolic of how the previous government mismanaged its projects. The Ombudsman highlights his concerns very clearly in this report. At page 62 of the report he talks about the key issues concerning the LINK database, where he says:

The project was 'fatally hampered by a poorly constructed business case that grossly underestimated the cost and complexity' of the project.

The business case was rushed to meet budget time lines and to fit within the funding already allocated by the government.

This is an extraordinary finding and something of which the previous government should be absolutely ashamed in relation to its mismanagement of a number of projects.

This is again the case with regard to the funding issues relating to HealthSMART. The original HealthSMART budget was \$323 million. In the 2008–09 state budget the government allocated a further \$104 million for operating costs. This meant that by the end of 2011–12 the previous government expected to have spent \$427 million implementing HealthSMART, and it still has not been done. This is a project that was started in the early 2000s — back in 2003, I think it was.

But the project that most symbolises the mismanagement of the previous government is myki. As the Ombudsman found in his report, the key issues are that this project has run at least \$350 million over budget and at least four years behind schedule. It has blown out those projections, and the cost to the Victorian taxpayer is absolutely enormous. It has been an extraordinary waste of taxpayers money. We are not talking about millions of dollars; we are talking about billions of dollars. It astounds me that the other side of politics seems to just throw away taxpayers money with gay abandon. That money, as Mr Ondarchie clearly pointed out, could have been put towards the delivery of services for Victorians in the areas of education, transport, police, health or any number of other areas. It is an extraordinary waste of money, as I have already said.

I note that Minister Rich-Phillips has looked at and is working through the recommendations of the Ombudsman's report. He has very clearly outlined the aspects in relation to his portfolio responsibilities to ensure that future ICT projects do not leave the sort of legacy that the coalition government has been left with and is having to sort through. This is the legacy of the former government. It wasted billions of dollars, and if Victorian taxpayers knew the extent of this, they would be absolutely horrified.

### **Auditor-General: *Managing Contaminated Sites***

**Ms HARTLAND** (Western Metropolitan) — I wish to speak today on the Auditor-General's report on managing contaminated sites. I have campaigned for better management of contaminated sites for over 20 years because I am a resident in a community that has a large amount of former industrial land. I was also a councillor at the City of Maribyrnong, where I had to deal with contamination issues from a management perspective. A great deal of that council's open space had some level of contamination on it and from time to time unexpected contamination came to our attention when a site was redeveloped; for example, the Footscray pool site at Highpoint where we found buried asbestos.

The Auditor-General's report speaks of a lack of coordination between authorities, the lack of a clear legal framework and gaps in the legal framework that does exist. When you consider the danger of contaminated sites, it is frightening to read about 'a lack of accountability and responsibility, and subsequent inaction'. It is frightening, but not surprising. I have seen it repeated time and again in my involvement with these issues.

The report goes on to detail examples of these problems, and today I am going to give an example of a current unresolved contaminated site, but I would urge members to read about Suspension Street in Ardeer, the Burnley Metropolitan Fire Brigade training college and Brookland Greens estate.

The Caltex site on Blackburn Road is an example of what the report calls a 'legacy site' — that is, the former owner, Caltex, should be capable of cleaning the site, but it has become more of what the report calls an 'orphan site' which nobody is taking responsibility for it. The site has been abandoned since the old Caltex petrol station closed in 1997. Apparently Caltex had a go at cleaning up the site four years later, in 2001, but it was recontaminated, apparently because there is another toxic petrol station across the road. Ten years later nothing more had happened until the media got involved. When the company names — both of them — were caught in the Fairfax local media spotlight, suddenly both sides started falling over themselves to say that they were not the ones causing the hold-up. Meanwhile the spotlight also caught the Blackburn Chamber of Commerce members lobbying their hearts out to get the site cleaned, and the Environment Protection Authority (EPA) trying to look threatening with \$300 000 fines — basically the sort of money Caltex often spends on lunch for its lawyers.

The *Age* added a few watts to the spotlight by using the Blackburn Caltex site to highlight the issue that big multinational fuel companies can weasel out of cleaning up the mess left behind by leaking fuel tanks. If a company's fuel was leaking out of an independently owned petrol station, it would say it was none of its business. This was enough to spur Caltex into announcing that a clean-up would start in July, and the other side — Dynamotive auto repairs — said it would cooperate to stop recontamination.

My advice to the Environment Protection Authority and local business is to go straight to the local media as soon as the polluting companies start to give you the run-around. It is the only time they actually take any notice. But the lesson for us in the wake of this report is that the EPA needs a lot more power to take punitive

action. This case also highlights the key findings of the report — the lack of coordination, the gaps in the legal framework, the lack of responsibility and so on.

Before I leave this example I would like to comment on what we take for granted — that petrol stations have underground tanks that leak and pollute the local soil and groundwater. I have never heard of a petrol station being decommissioned without a toxic plume being discovered. And of course I can stand here and just blame the big bad multinationals, but we can also take a good look at ourselves, in this Parliament, and look at the way we plan these things. We actually have the power to get trucks off the road and put freight on rail instead. We have the ability to plan better public transport, better bike paths and better walking options. This would reduce the need for the number of polluting petrol stations we now have.

I hope the government takes advantage of the opportunity to act on the report's recommendations. It is not only the best thing to do from an environmental and health perspective but it is also a lot less costly to create a framework where responsibility and the need to coordinate are clear and to deal with these issues up-front rather than allowing them to fester.

### **Royal Botanic Gardens Board Victoria: report 2010–11**

**Mr TARLAMIS** (South Eastern Metropolitan) — I rise to speak about the Royal Botanic Gardens Board Victoria annual report for 2010–11. Melbourne's botanic gardens were established in 1846 by Lieutenant-Governor Charles La Trobe. It took over 60 years to transform the swampy site into the world-famous landscape we know today. The Royal Botanic Gardens, Melbourne, cover 38 hectares and house a collection of over 10 000 species of plants from around the world, including a series of plant display beds to showcase a collection of rare and threatened Australian native plants from five significant Victorian ecosystems.

The Royal Botanic Gardens, Melbourne, attracted 1 542 399 visitors in the 2010–11 reporting period, and it is one of Victoria's most popular tourist attractions. The Cranbourne division of the Royal Botanic Gardens, which specialises in Australian native plants, covers 363 hectares and includes heathlands, wetlands and woodlands. It provides important habitats for native birds, mammals and reptiles, including some rare and endangered species. The gardens are recognised as a site of state significance for flora and fauna conservation, with over 25 species listed as endangered, threatened or at risk of extinction.

In May 2006 the Royal Botanic Gardens, Cranbourne, won three categories in the South East Development Architectural Awards: the Australian garden (best public open space), the visitor centre (best public building) and the future garden (best environmental building or landscape). The Royal Botanic Gardens also won the chairman's premier award jointly for the above three entries.

The Australian Garden at the Royal Botanic Gardens at Cranbourne is Melbourne's first botanic garden to open in over 100 years. Back in 1997 the design for the Australian Garden within the Royal Botanic Gardens, Cranbourne, won the prestigious landscape excellence award and the landscape master plan award from the Australian Institute of Landscape Architects, Victoria and Tasmania branch.

With Bracks and Brumby government funding and philanthropic support, stage 1 — the first 11 hectares of the Australian Garden — was officially opened on 28 May 2006. The Australian Garden features approximately 100 000 plants, including 1000 trees, in 15 different landscape displays and exhibition gardens. Stage 1 of the Australian Garden included landscape features such as the Red Sand Garden. With its vibrant red sand, circles of saltbush and crescent-shaped mounds, the Red Sand Garden is designed to echo the shapes and colours found in the Red Centre. The design of the Rockpool Waterway and Escarpment Wall have been inspired by the types of waterways and escarpments that may be found in parts of Central Australia, such as Uluru and Kings Canyon. The Dry River Bed illustrates the power of water to shape the land into river beds on a seasonal basis. The Arid Garden demonstrates the role of water in the Australian landscape. The Eucalypt Walk features five gardens displaying well-known eucalypt species.

For the home gardener, there are five exhibition gardens which aim to demonstrate ways in which Australian native plants can be used in the home garden. These gardens are the Diversity Garden, which illustrates a variety of native plants from various climatic zones in Australia; the Water Saving Garden, which shows how to group plants with similar water needs and choose plants which require minimum watering in a garden; the Future Garden, which features various alternate ways of gardening, such as special plant choices and novel mulches; the Home Garden, which shows a number of gardens featuring native plants; and the Kid's Backyard, which uses natural plant materials recycled into a children's play area. The nine hectares comprising stage 2 of the Australian Garden, due to open later this year, will complete one of the most significant landscape projects in Australia

and showcase and highlight the range and diversity of our unique flora.

Between the 2010 and 2011 reporting period 84 087 people visited the Royal Botanic Gardens Cranbourne, including 31 221 visitors to the Australian Garden, whilst 10 154 students participated in education programs. The Royal Botanic Gardens Cranbourne runs a series of innovative programs and activities including the inaugural Family Fun Day, which was held in January 2011 and attracted 1214 attendees who enjoyed a day of free activities. Due to the success of this event, the Royal Botanic Gardens Cranbourne, together with South East Water Ltd and the City of Casey, has turned this into an annual event, with this year's family fun day held on 20 January. Families were able to enjoy a free barbeque, children's activities and live music and learn all about dry-weather gardening and sustainable water use in their gardens.

The Royal Botanic Gardens Cranbourne, along with the City of Casey, also ran a successful early childhood family day in March 2011 at the Woodland picnic area. A total of 246 participants took part in a range of free activities and learnt more about the services offered by the City of Casey. And to top off another successful year, the Royal Botanic Gardens won a prestigious gold medal at the world renowned Chelsea Flower Show for its Australian garden display, which was inspired by the Australian Garden at the Royal Botanic Gardens Cranbourne. I encourage everyone to visit the gardens and experience all they have to offer.

### **Ombudsman: investigation into ICT-enabled projects**

**Mrs COOTE** (Southern Metropolitan) — I am pleased to speak again on the Victorian Ombudsman's report of November 2011 on the own-motion investigation into ICT-enabled projects. I note that my colleagues Mr Ondarchie and Ms Crozier have given excellent exposés of the waste and mismanagement in the ICT sector under the previous Labor government. I have a lot to say on this, as I said in my last contribution on this report when I only got up to chapter 1. Let me remind everyone that the 10 projects which are the subject of this report were 110 per cent over budget.

However, I am on to the next chapter, which is titled 'Leadership, accountability and governance', starting on page 16. If ever there were a litany of mismanagement and an endemic disregard for public funds, this is it. It is an absolute disgrace. It is an indictment of the culture that the Labor Party, in its 11 years in office, not only allowed to be acceptable but

appeared to foster. I will read some disturbing findings from this report. Under the section ‘Who is accountable for the project?’, which is at page 16, the Ombudsman said:

My investigators found that roles and responsibilities for ICT-enabled projects were often not clearly defined, acknowledged and accepted. Key documentation such as business cases, contracts or terms of reference often do not clearly identify roles and responsibilities.

This is evidence of the endemic mismanagement of this state by the Labor Party for its 11 years in office. It did not care if it cost a lot of money; it did not care about accountability; it did not care that it was not getting the products that it was supposed to be overseeing the production of. This is the sort of culture that permeated the entire area. The Ombudsman goes on to say:

In some projects agencies prepared formal statements of responsibility, particularly relating to the role of steering committees. However, even where it was clear who was responsible for project shortcomings, agencies seemed reluctant to hold them to account and I saw very little evidence of staff movements as a result of poor project performance.

In other words, we are going to have jobs forever. It is too bad if you do a bad job; it is too bad if you overspend; it is too bad if you are wasting the public’s money. It does not matter; you have a job for life. We are not going to hold you to account; it is not part of our culture; it is not part of the way we do business under a Labor government. Those people who were in charge will be quaking in their boots, because the Liberal Party in coalition is in charge and it has very different business ethics. However, the Ombudsman said it was not just at the top level that they found these concerns. He said:

At a lower level, I saw evidence that project staff were rewarded for their part in projects that ran over budgets and time lines.

Not only did the former government turn a blind eye to the mistakes and the overspending but it actively rewarded people for mismanagement of public funds. This is an indictment of the former government. How it was allowed to go on to the extent that it did is a scandal.

I turn now to the section at page 17 headed ‘A lack of leadership’. This brings into question the whole ethos of the Labor Party. Most Labor members have never run businesses so they have no idea of accountability, proper management and governance. If they have come up through the union system, as so many of them have, it is all about jobs for the boys; it is all about who you know; it is all about which faction you belong to; it is all about where you are going to get yourself. There is

no public accountability at all. This has washed over into the ICT program. We see it, we know it and you can accept that we know it.

The report says:

Senior officers in agencies were often reluctant to make critical decisions about projects such as placing them on hold or terminating contracts. Projects seemed to develop a momentum once they were started and good money was often thrown after bad.

One project manager explained that senior officers have their careers vested in the success of these projects and are therefore reluctant to admit defeat.

This is how the Labor Party operated.

Sadly, I am only up to page 17, but rest assured I will be back, because this report is an absolute indictment of the former government.

### **Freedom of information: annual report**

**Ms BROAD** (Northern Victoria) — I wish to make some remarks on the Freedom of Information annual report 2010–11 by the minister responsible for the Freedom of Information Act 1982. To refresh members’ memories, this is a report that was tabled in the final sitting week of the Parliament in 2011, almost six months after the end of the financial year. This was despite the fact that the Freedom of Information Act 1982 requires the minister administering the act to table the report as soon as practicable after the end of each year. It is a report which is eagerly anticipated. It contains a great deal of information about the FOI process and outcomes, and I want to acknowledge the officers who put it together.

We have learnt some interesting things about FOI this week in the Parliament. It has been pointed out to the opposition this week that the government believes that government documents are the personal property of ministers and that ministers will decide, when they are good and ready, whether they will make them available or not. It is an astounding attitude that has been taken to the matters set down in the FOI act, so it has been illuminating to have that pointed out by ministers on behalf of the government.

In this particular report the minister responsible for the act makes quite a deal of comment in his overview about the Liberal-Nationals commitment to establishing an independent FOI commissioner. I appreciate that this chamber will have a chance to debate these matters in the coming sitting weeks, but it is important to place on the record at this point, as a comment on this report and in particular as a comment on the statements made by

the minister responsible on behalf of the government, that the government's intention is to ensure that that election commitment will be honoured and that the FOI commissioner will be established in such a way as to undertake first-stage reviews of agency decisions.

What has now been put forward by the government falls a long way short of that election commitment by the Liberal Party and The Nationals and falls a long way short of the statements made by the responsible minister in this report tabled in the Parliament at the end of 2011. In particular it falls short in that the commissioner to be established will not be able to have responsibility for reviews where decisions are made by ministers' officers, where decisions are made by department heads, where decisions are claimed to be cabinet in confidence and where it is claimed that documents affect national security.

That amounts to an outcome whereby a large number of requests that will be rejected will be beyond the jurisdiction of the commissioner, and presumably that is exactly the government's intent. It wants to subvert its actual election commitment and subvert the statements made by the minister in his introduction to this annual report by ensuring that the great number of requests which are rejected will be beyond the review of the commissioner that they are putting in place. Perhaps of most concern is that the commissioner will not be able to set enforceable professional standards because the minister will decide what the standards are.

**Drugs and Crime Prevention Committee:  
violence and security arrangements in  
Victorian hospitals**

**Mr RAMSAY** (Western Victoria) — I wish to make some comments on the Drugs and Crime Prevention Committee's report on violence and security arrangements in Victorian hospitals, which was tabled just prior to Christmas in this house. As chair of that committee, I made some foreword comments in relation to the tabling of that report and I wanted to cover those areas that I was not able to cover in that initial tabling.

From the outset I would like to thank members in this chamber, Mr Leane and Mr Scheffer, for their contribution to the report and also the bipartisan approach they took to the committee's work with respect to this particular reference. I also would like to acknowledge the contribution that Mr Battin and Mr McCurdy, the members for Gembrook and Murray Valley in the other place, made as part of that committee.

In response to Mr Scheffer's comments I indicate that I am disappointed he saw fit to politicise the backgrounding of the reference. But, that aside, I think all committee members adopted a bipartisan approach in undertaking the work on the reference and in making sure that the report was a good one that responded to the needs of the medical industry and that it gave some teeth to the government to respond to the recommendations.

There was a lot of work in this report. We sought two extensions to allow the tabling of the report prior to Christmas, and I thank the staff, Sandy Cook, Pete Johnston and Danielle Woof for their work in enabling us to do that. There were 32 written submissions, 65 witnesses, 6 hearings in Melbourne, 1 in Geelong and 1 in Ballarat, and meetings in Perth and Sydney, and out of that work 37 recommendations to the Parliament were tabled in December.

The important thing I would like to stress is that within the recommendations, although the main recommendation was not to support armed protective services officers in emergency wards of hospitals, we have identified a number of areas that the government can respond to to provide a safe and secure working environment for hospital staff that is free of all forms of violence. It is critical that the government look at those recommendations in detail and respond to this report, particularly in areas where we can improve the safety within emergency wards of hospitals in Victoria.

There is not a one-size-fits-all in this report. Obviously different hospitals have different means, resources and capacities to provide a safe working environment, but within the recommendations there are a number of options that hospitals can use to improve the safety elements against occupational violence in hospitals. On that basis I appreciate the work the committee and staff have done in tabling this report. I hope the government responds in kind to the recommendations and I look forward as chair to continuing the work of that committee on other references.

**Budget update: report 2011–12**

**Ms MIKAKOS** (Northern Metropolitan) — I want to make a contribution on the 2011–12 Victorian budget update. The document was tabled on 15 December, a week before Christmas rather than in a sitting week, which did not give this house an earlier opportunity to consider it.

This budget update confirms that the Baillieu government has no vision for Victoria. It forecasts a decline in real gross state product and an increase in

unemployment. The outlook is very bleak. The Victorian economic growth estimate for 2011–12 has been revised down from 3 per cent to 2.25 per cent. More Victorians face being out of work, with an unemployment rate increasing from 5 per cent to 5.5 per cent.

The solution the government is offering to address this dire set of circumstances is to increase taxes, to slug the Victorian public with a \$35 per year increase in the motor vehicle registration fee, to raid the Victorian WorkCover Authority and to slash the jobs of 3600 public servants. In contrast, when Labor was in office it created jobs through investing in infrastructure. It undertook a number of important projects, particularly in the health area. These included rebuilding the Austin Hospital, the Royal Women's Hospital and the Royal Children's Hospital and commencing projects which are the only major projects the government now has under way, such as the cancer centre that the minister was so fond of talking about during question time earlier and the regional rail link.

Mr Ondarchie earlier had the temerity to criticise my record and the record of Ms Green, the member for Yan Yean in the other place, when it comes to the northern suburbs. We are proud of our record because we delivered a great deal to the people in the northern suburbs. Mr Ondarchie has spent the last 12 months cutting ribbons on projects which were all funded by the previous Labor government. I look forward to seeing what ribbons Mr Ondarchie will have to cut this year, because I think he is going to find that the projects have dried up and he will have nothing to tweet about.

We see a dire situation across Victoria, including in the northern suburbs, particularly in relation to employment, and I do not believe this budget update offers any solutions. We have a large manufacturing base in the northern suburbs. The motor vehicle industry in particular is a key industry in our country. Job losses were announced at Ford, which is based both in Broadmeadows and Geelong, with 240 workers sacked. We had 350 workers sacked at the Toyota plant in Altona. When Mr Finn was asked about this he was quoted in the Williamstown *Star* newspaper of 31 January as saying:

There's nothing the state government can do about that.

Clearly members of the government have no idea about what they can do to promote job growth in this state. We have had 150 jobs cut at SPC Ardmona in Shepparton, 700 jobs lost from O-I Australia in Spotswood, 380 jobs lost from Bosch in Clayton and jobs cut from the ANZ and Westpac banks. I wait with

bated breath to see whether the government is going to develop a jobs plan, keeping in mind that, as we heard in question time in the Assembly earlier, the Minister for Youth Affairs does not even know what the rate of youth unemployment is in our state. How can this government develop a jobs plan when it does not even know the extent of the problem — 21.1 per cent?

We have a situation where 9000 more Victorians are unemployed than when Ted Baillieu took office.

**An honourable member** interjected.

**Ms MIKAKOS** — I point out to Mr Guy that I did tweet the answer to Mr Ryan Smith, the Minister for Youth Affairs, because he does follow me on Twitter, but he must not have been looking at his phone at that time. I could have saved him the trouble if he had been following me on Twitter just at that point in time.

**Ms Pulford** — You are a very generous woman.

**Ms MIKAKOS** — I am very generous, yes. This report is an abysmal failure. It indicates that the government is going to put no investment into the infrastructure we need in this state. It is going to slash services, it is going to slash public service numbers, it is going to raid people's wallets by taxing them more and it has no jobs plan for the future.

### **Auditor-General: *Managing Contaminated Sites***

**Mr ELSBURY** (Western Metropolitan) — I am pleased to rise this afternoon to speak on the Victorian Auditor-General's report entitled *Managing Contaminated Sites*. This report sought answers about the management of contaminated sites by government departments and local government. The difficulties faced in this management regime were identified by the Auditor-General as surrounding what was described as a 'complex regulatory framework'. The Auditor-General said in the conclusion to his report:

In many cases, this has led to a lack of accountability and responsibility, and subsequent inaction.

To assist members in the chamber, the Auditor-General found that:

With around 100 entities involved in regulating and managing contaminated sites, clear accountability for the development, operation and effectiveness of the overall system is critical.

...

Clear roles and responsibilities minimise the risk of overlap and duplicated effort.

The management issues are certainly a great concern, and in the limited time I have available today I would like to focus on the issues related to what are termed 'orphan sites' and possibly move on to other matters, if time permits. Orphan sites are pieces of land where the party responsible for the contamination is unknown, insolvent or incapable of paying for a clean-up. The Auditor-General's report stated:

Issues around the management of orphan sites have been known for at least 11 years, particularly in relation to the lack of responsibility and gaps in the legislation, and there has been a range of recommendations made to address them. Very little action has been taken and —

as a consequence —

many of the issues remain, especially the —

potential —

... risks to human health and the environment.

Western Metropolitan Region has a long and proud history of manufacturing, but it has also been left with a legacy of contaminated sites, including some orphan sites. Not surprisingly then, case study 1 in the Auditor-General's report is focused on a site in the city of Maribyrnong — one which oddly, I have to say, as a member for that region and as a former councillor, Ms Hartland, neglected to mention in her contribution to the debate. This site contained a quarry which was used for industrial waste in the 1930s and the 1960s. The Auditor-General cites the time which elapsed between initial detection, investigation and action as an issue of concern. He also raises issues about information sharing between authorities.

I remind members that the Auditor-General is saying that issues of this nature with orphan sites have been known for 11 years — or, more to the point, they have been recognised. What has been happening for the last 11 years? I believe there was a Labor government in power and during that 11 years nothing happened on this issue.

However, in one year the Liberal-Nationals coalition has developed a way forward on orphaned sites. The Auditor-General's report acknowledges in case study 1 that work had commenced to clean up the highest risk sites. He is referring to the one in Maribyrnong. In fact \$2 million was used to clean up the site in the city of Maribyrnong. These funds come as part of a \$5.4 million allocation by this government to tackle the issues of orphaned contaminated sites. Further, by tackling the broad issues raised in the Auditor-General's report, the Environment Protection

Authority is undertaking an investigation of contaminated sites to develop a risk management tool.

The Victorian Auditor-General's report is damning of the previous government. It states:

Framework weaknesses have been known for at least 10 years, yet action to systematically address them began only within the last year.

I am proud to be a member of a government which is acting on the issues raised in the Auditor-General's report.

### **Regional Development Victoria: report 2010–11**

**Ms PULFORD** (Western Victoria) — I am pleased to make some comments this afternoon on the 2010–11 annual report of Regional Development Victoria. This report reflects an organisation undergoing a significant transition. The new government has taken an approach to regional development which is quite different to that of the Labor Party, and the report reflects this in many of the elements contained within it.

The outputs in terms of grants, including economic infrastructure grants, grants under the Sustainable Small Towns Development Fund and initiatives in the regional blueprint, are detailed in the report. From 1 January 2011 — the midpoint of the reporting period — many of these programs were collapsed into the magic pudding that is the new government's funding approach to regional programs.

It is an interesting report for those interested in economic development in regional communities. The dedicated infrastructure fund — the Regional Infrastructure Development Fund — has of course been shelved, and Victorian Labor is concerned about the impact this will have in regional communities, which is something we have stated here and in many places in Victoria over the last 12 months. The RIDF had facilitated great job creation and put public funds available for regional development into projects of strategic importance, often in partnership with considerable investment from the private sector and also frequently from local government initiatives driven by small community groups in some of our small towns and regions.

It will be a most interesting exercise to compare and contrast this report with the report for the current period to begin to see the true impact of taking the economic powerhouse purpose out of Regional Development Victoria and shifting the focus to the Department of Planning and Community Development.

There have been some 6400 jobs lost in regional Victoria, and myriad factors have contributed to this. But I think that while our manufacturers and exporters are dealing with the challenges of a government without a plan and also a very high Australian dollar, taking away the job-creating function is perhaps a courageous decision by the government, and I hope members of the Liberal-Nationals will not be so obsessed with rewriting the way regional development is supported by government that they cannot respond and put it back as it was before it was broken apart.

I look for a commitment from the government that in its reduction of the Victorian public service the people who work on developing the projects in our regional communities are considered to be front-line workers, because the work they do is incredibly important in identifying opportunities for investment and infrastructure projects across government and not just out of the funds for regional projects, and that the focus that was so important under Labor after the Kennett government, which was of course a very metropolitan-focused government, is maintained.

Everyone reports to me a loss of momentum. I certainly hope that in the next Regional Development Victoria annual report we do not see a loss of momentum but that we see the government actually developing and implementing a plan for our regional communities.

## RULINGS BY THE CHAIR

### Questions on notice: answers

**The PRESIDENT** — Order! I want to make a couple of brief announcements. One of them is in respect of correspondence I have received from Ms Hartland in regard to question on notice 8157. She requested my advice as to whether the reply she had received, in this instance from the Minister for Public Transport, was satisfactory in responding to the five issues she had raised in the question. Whilst there might be some argument on at least one of those points, it is my view in reading the response from the minister and giving consideration to the question that substantially the minister's answer does respond to the question. In any respect, where Ms Hartland is of the view that that is not the case, I would ask her to perhaps put a new question on the notice paper to that specific point. I think part of the issue in the question was about a review, and I think that substantially the minister's response on the review issue does address a number of points in the letter.

## NATURAL DISASTERS: THAILAND

**The PRESIDENT** — Order! I also bring to the attention of the house that I have received a communication from Thailand. Members will remember that we passed a motion in respect of the flood tragedy in Thailand, and I have received two letters: one from the President of Thailand and one from the Prime Minister of Thailand. I will read the Prime Minister's letter but note that His Excellency the President also conveyed similar sentiments to the house. The letter from the Prime Minister reads:

On behalf of the Royal Thai government, I wish to convey our gratitude for your kind letter dated 9 November 2011 and the resolution passed on 8 November 2011 by the Legislative Council of the Parliament of Victoria expressing sincere condolences and support to the King, the government and the people of the Kingdom of Thailand as well as the admiration on the work being undertaken by authorities in Thailand.

The Royal Thai government and the Thai people appreciate the thoughtful and heartfelt condolences of the Legislative Council, the Thai community, and people of the state of Victoria to the Thai people.

I wish to take this opportunity to inform you that our strategy for Thailand's rehabilitation is divided into three parallel phases:

1. immediate phase — rescue efforts render to flood-affected persons — that is, distribution of relief assistance, medical care, and temporary shelters et cetera;
2. short-term phase — restoration efforts aimed to make all affected system to be operational again, including the provision of financial assistance;
3. long-term phase — rebuild confidence and restore the country's prosperity and stability.

I strongly believe that we will overcome the great tribulations from catastrophic disaster to recover the situations shortly.

Thailand sincerely hopes that the existing ties of friendship and cooperation between Thailand and Victoria will be further strengthened in the years ahead.

With my best and warmest regards,

Yours sincerely,

Yingluck Shinawatra  
Prime Minister of the Kingdom of Thailand

## PARLIAMENTARY INTERNSHIP PROGRAM

**The PRESIDENT** — Order! I also draw to members' attention the parliamentary internship program. I hope members will be able to participate in it, because I think it is a worthwhile program. Some

brochures on it are available in the library as well as having been emailed to members.

## ADJOURNMENT

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

That the house do now adjourn.

### **Rabbits: control**

**Mr LENDERS** (Southern Metropolitan) — The matter I raise tonight is for the attention of the Minister for Agriculture and Food Security, Peter Walsh. I note that the Minister for Planning is in the chamber, and I urge him to draw this to the attention of the agriculture minister and get him to take this quite seriously. It is in regard to the rabbit plague that now covers much of rural Victoria. The reason I am urging the minister to make his colleague a bit agitated about this issue is that when we had a mouse plague last year it took the minister a while to take it seriously.

This is a big issue across regional Victoria at the moment. Rabbits are a scourge; we all know that. We could blame the Brits, who brought over the first rabbits because they thought it would be a good idea and then brought over the ferrets, foxes, stoats and the rest of them, but that is history and we cannot undo it. However, what we know is that the calicivirus is ceasing to have the effect it once did. If we are to believe *Stock and Land*, the *Weekly Times* and other rural publications, rabbits are in higher numbers than they were when the calicivirus was first introduced.

Many citizens, particularly those in local Landcare groups, are keen to do their bit to break down the rabbit plague, whether it be by crushing burrows, ploughing them in taking or a range of other measures. However, funding for Landcare coordinators has been cut. In particular I refer to Faye Vallance, coordinator of the Mallee Landcare group — geographically the largest Landcare group in the state — who has been calling for a fair go in getting some funds. Landcare funds have been reissued, in a partial fashion, by the current government but not to the Mallee Landcare group.

The first action I strongly seek from the minister is that he support this Landcare group, but most significantly I ask him to assure the Mallee Landcare group and other Landcare groups that he is serious about the rabbit plague and that he is not dismissive of it, as he initially was of the mouse plague. His final actions on the mouse plague were good, but it took a long time for him to give it his full attention. The action I seek is that the minister give the rabbit plague his full attention and

in particular that he speak to the Mallee Landcare group and see if he can facilitate the support they seek to get citizens fighting the scourge of rabbits, which they currently do with only limited government assistance.

### **Bushfires: recovery services**

**Mrs PETROVICH** (Northern Victoria) — My adjournment matter is for the Minister for Bushfire Response, Peter Ryan. I read *Victorian Bushfire Recovery Three Year Report — February 2012* with interest and noted the significant progress in Victoria's bushfire-affected communities since 7 February 2009, which seems like only yesterday for so many of those affected by the Black Saturday bushfires.

The release of *Victorian Bushfire Recovery Three Year Report* highlights just how much has been achieved across the 32 impacted communities in the areas of reconstruction, business and tourism redevelopment, recovery of farming land and reserves and restoration of the environment. The completion of the new Middle Kinglake Primary School and children's centre, the Marysville community centre, community halls and centres as well as other things like the renewal of the Kinglake football oval have been enjoyed by many. Of course there is much more to be done, and as the Deputy Premier has said, ongoing assistance would continue to help families and individuals rebuild their lives.

I was pleased to read that at least 77 per cent of the 1500 households that lost their principal place of residence in the 2009 bushfires have rebuilt, purchased a new home or are in the process of rebuilding. The rebuilding advisory service continues to work with those still considering their options when they are ready.

The coalition government introduced some new bushfire initiatives in 2011, with some of them continuing into 2012. These include the \$50 million voluntary bushfire buyback scheme, the \$5.2 million Marysville and triangle economic recovery package and the \$2.7 million bushfire communities support program. We understand the importance of supporting the changing needs of communities and those affected by the 2009 fires.

The action I seek is for the minister to outline what coordinated responses the government has developed to assist and support the changing needs of communities and families affected by bushfire.

### **Victorian certificate of applied learning: funding**

**Ms BROAD** (Northern Victoria) — My adjournment matter is for the Minister for Education, and it concerns funding for a Victorian certificate of applied learning (VCAL) coordinator for Wallan Secondary College. By now schools are well aware of the Baillieu-Ryan government's decision to cut \$48 million in funding for VCAL coordination and the reasons the minister, on behalf at the government, has given for this decision — that is, the claim that funding changes relate only to a special payment that was made to establish the VCAL program some eight years ago. I am not suggesting for one minute that this reason is accepted; however, where this reason particularly falls down is in relation to schools which are introducing a VCAL program this year for the first time ever, including Wallan Secondary College. Wallan Secondary College's VCAL program was not established last year or the year before that, let alone eight years ago; it is commencing for the first time this year. As matters stand, the school is not receiving any funding to assist with coordination of the program, let alone funding to assist with its establishment.

Not unreasonably, the school has requested that the minister, on behalf of the government, review the decision to deny funding for VCAL coordination to Wallan Secondary College. I support its request. It seems to me that there are quite a number of schools in this position, and that should be taken into account by the minister on behalf of the government.

Whilst the minister is reviewing his decision to deny VCAL coordinator funding to Wallan Secondary College, he might also consider where completion of the school's capital works program stands in the order of priorities for the government's budget this year. This is a matter on which members of the Baillieu-Ryan government when in opposition were very vocal in arguing for funding. It is now well and truly time in this next budget for this capital program to be funded so that this fantastic school can be completed.

### **Liquor licensing: live music venues**

**Ms PENNICUIK** (Southern Metropolitan) — My adjournment matter is for the Minister for Consumer Affairs, Michael O'Brien. On 23 February 2010, 20 000 people marched from the state library to Parliament House to the tune of AC/DC's *It's a Long Way to the Top*, played live by the Rockwiz orchestra and bagpipers, in support of live music in Victoria and to protest against the liquor licensing conditions that had been imposed on live music venues. Thirty-four

years earlier, on 23 February 1976, AC/DC were filmed on the back of a truck travelling along Swanston Street playing the same song.

On 24 February 2010 an accord was signed between live music representatives and the then state government, but it was never fully implemented. On 13 April 2010 I tabled a petition in the Legislative Council requesting the government to, among other things, remove the references to live and amplified music from the licence amenity clause on liquor licences and to formulate a cultural policy that promoted and maintained Melbourne as Australia's capital for live music. That petition was signed by 21 826 people, although only 8837 signatures were able to be formally tabled. It was dubbed the 'rally in print' and expressed the frustration of musicians, patrons and venues at the lack of action since the signing of the accord and the rally. Representatives from SLAM (Save Live Australian Music), Fair Go 4 Live Music and the newly established Music Victoria spent another seven months negotiating the live music agreement, in which it was officially announced that live music does not cause violence.

The Deloitte Access Economics report released in June 2011 estimates live music to be worth \$500 million to the Victorian economy. It also says that Melbourne has more live music venues than any other Australian city. Some 600 venues throughout Victoria collectively provide an average of 3000 live performances per week.

National SLAM day on 23 February 2012 is another day of history in the making. Tens of thousands of people will be attending live music shows Australia-wide to support live music. There are already over 100 events registered. I will be attending a gig at a small venue in my local area.

The Premier and Minister O'Brien promised pre-election and post-election to establish a permanent live music industry round table that would bring together liquor licensing, Victoria Police, music industry representatives, live music venues and government to ensure that liquor licensing issues involving live music could be discussed quickly and effectively and policy gaps such as 'agent of change' could be resolved. My request to the minister is that he, as promised, establish the live music industry round table as soon as possible.

### **Environment: community consultation**

**Mrs PEULICH** (South Eastern Metropolitan) — The matter I raise is for the attention of the Minister for

Environment and Climate Change. It is in relation to an odour in the Clayton South, Clarinda and Dingley Village area. More specifically it is about community engagement and representation of community views on a very important longstanding issue. The issue is a consequence of decades of poor planning and poor enforcement of regulations in relation to tips and landfill in the area. Currently the problem is being covered by the Kingston green wedge study, with local minds being applied as to how it can be addressed.

I must say the EPA (Environment Protection Authority) has made some good inroads after years of being invisible on the scene. I have in the past paid tribute to John Merritt for making progress in recent times. However, the latest flyer circulated throughout Clayton South, Clarinda and Dingley Village profiling Bill Pontikis, president of the Toxic Odour Action Group, under the headline 'Word from the community', is a matter that has been raised with me by concerned residents. They are fully aware that, apart from the fact that Bill Pontikis is a card-carrying member of the Labor Party and has intentions of running for the local council in the upcoming council elections, in reality he neither lives nor works in the city of Kingston. In fact he was a candidate for the City of Monash at the last council elections. I am confounded as to how suddenly Bill Pontikis, who neither lives nor works in the area, can become a spokesman for the community and, more importantly, how he can be profiled in an EPA-funded flyer obviously underwritten by state government funding.

The matter I am asking the minister to consider is that, firstly, he provide an explanation as to how this occurred and, secondly, he apply his mind in discussion with the EPA to how we can put in a structure of consultation, which will probably be required for years into the future, which is representative of the general views and experiences of people who live in the community and is able to deal with the ongoing issue of the negative impacts of tips and landfills. Perhaps there could be some kind of reference group. Those kinds of groups have been set up in other areas. A lot could be gained from having a genuine group in order to make sure that a genuine community voice is being represented.

First of all, I request the minister give an explanation as to why Bill Pontikis, who is a card-carrying member of the Labor Party, is going to be a council candidate and does not live in the area, ends up speaking for the community. I note that other members of his group also do not live anywhere locally, but they have a plan to harness the voices of 2000 local residents in a political contest.

### **Public transport: Box Hill interchange**

**Mr LEANE** (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Public Transport, Terry Mulder. The action I seek from the minister is for him to inform the Box Hill community, especially transport users, of any plans or intentions for the upgrade of the Box Hill transport interchange.

The coalition came into government with a promise to upgrade the interchange. The local member, the Attorney-General and member for Box Hill in the Assembly, Robert Clark, was a big advocate for an upgrade to this particular interchange. The Attorney-General has never been a fan of the current transport interchange at Box Hill. Some of his comments about and descriptions of this interchange include that it is a 'cold, windswept and hard-to-reach facility'. He was a bit disappointed that money was spent by the previous government on streetscapes in Box Hill instead of upgrading the interchange.

To reiterate, the action I seek from the Minister for Public Transport is that he inform the Box Hill community and commuters of any plans whatsoever or of any funding that will be going towards this particular upgrade.

### **Road safety: Road User or Abuser campaign**

**Mrs COOTE** (Southern Metropolitan) — I raise a matter for the attention of the Minister for Roads, Terry Mulder. I congratulate him on a terrific program and awareness campaign that he has started called Road User or Abuser. It is the first time in Victoria that social media — in this case Facebook — has been used to garner information about the use of roads by drivers and cyclists. There have been some very interesting results. Some 88 per cent of the drivers and cyclists who responded agreed that there needs to be greater mutual respect between road users. Some 83 per cent agreed that behaviour on the road is too aggressive and rude compared to our behaviour in other aspects of our lives. Research findings show that not only are drivers' and cyclists' attitudes towards each other at times negative but so are some of their behaviours; 87 per cent of cyclists and drivers believe cyclists are more vulnerable than drivers on the road; and only 52 per cent believe that drivers look out for cyclists. This campaign is a very pleasing development.

In my electorate is a wonderful stretch of road which goes from Beaconsfield Parade to Warrigal Road along the beach. It is a fabulous stretch of road favoured by cyclists and car drivers. I remind members of the chamber — including Mr Lenders and Ms Pennicuik,

who are in the chamber — of the tragedy that happened several years ago when one of our constituents was sadly and tragically killed by a group of cyclists. This highlighted how cautious we must all be, including pedestrians. I know that a number of pedestrians are being hit by cars and bicycles because they listen to music or use the telephone through earphones. A lot of information about road safety needs to be given to people who listen to music or use their phones.

I am particularly pleased to see this initiative by Minister Mulder. I believe that Victoria, Melbourne particularly, is a fabulous place. To have had Cadel Evans, a Victorian, do as well as he did internationally was fantastic. We want to set a trend here by not having any more tragedies and by enhancing the use of our roads for all people. The action I seek is that the minister continue to develop new ideas and policies to increase the mutual understanding of road usage among cyclists and motorists.

### Responses

**Hon. M. J. GUY** (Minister for Planning) — There are no written responses to adjournment matters that have been raised previously, but I will deal with the matters that have been raised tonight.

Mr Lenders, the opposition leader, asked the Minister for Agriculture and Food Security, Mr Walsh, for some details around the rabbit plague in regional Victoria, which is obviously of serious importance to both Mr Lenders and Mr Walsh. I will refer that matter to the minister.

Mrs Petrovich raised an issue for the Minister for Bushfire Response, Peter Ryan, around families impacted by bushfires. The Deputy Premier will respond to Mrs Petrovich.

Ms Broad raised an issue in relation to the Victorian certificate of advanced learning at Wallan Secondary College. Martin Dixon, the Minister for Education, will respond to that.

Ms Pennicuik raised an issue for the Minister for Consumer Affairs, Michael O'Brien, in relation to live music and the establishment of a live music round table, and I will pass that on to him.

Mrs Peulich raised an issue for the Minister for Environment and Climate Change, Ryan Smith, about what is clearly a concerning issue of abuse of Environment Protection Authority funds in relation to community engagement. I will seek an urgent reply from the Minister for Environment and Climate Change in relation to that abuse.

Mr Leane raised an issue for the Minister for Public Transport, Mr Mulder, in relation to the Box Hill interchange near the railway station and the Centro shopping centre. I will have the minister reply to Mr Leane directly.

Mrs Coote also raised an issue for Minister Mulder, in this case in his capacity as Minister for Roads, about the Road User or Abuser education material. It sounds like a terrific initiative, and I will have Minister Mulder reply to Mrs Coote directly.

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

**House adjourned 6.47 p.m.**