

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 5 February 2008

(Extract from book 1)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

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

Legislative Assembly committees

Privileges Committee — Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Naphthine, Mr Nardella, Mr Stensholt and Mr Thompson.

Standing Orders Committee — The Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell.

Joint committees

Dispute Resolution Committee — (*Assembly*): Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr McIntosh, Mr Robinson and Mr Walsh. (*Council*): Mr P. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik.

Drugs and Crime Prevention Committee — (*Assembly*): Mr Delahunty, Mr Haermeyer, Mr McIntosh, Mrs Maddigan and Mr Morris. (*Council*): Mr Leane and Ms Mikakos.

Economic Development and Infrastructure Committee — (*Assembly*): Ms Campbell, Mr Crisp and Ms Thomson. (*Council*): Mr Atkinson, Mr D. Davis, Mr Tee and Mr Thornley.

Education and Training Committee — (*Assembly*): Mr Dixon, Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras. (*Council*): Mr Elasmarr and Mr Hall.

Electoral Matters Committee — (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson. (*Council*): Ms Broad, Mr Hall and Mr Somyurek.

Environment and Natural Resources Committee — (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh. (*Council*): Mrs Petrovich and Mr Viney.

Family and Community Development Committee — (*Assembly*): Mr Noonan, Mr Perera, Mrs Powell and Ms Wooldridge. (*Council*): Mr Finn, Mr Scheffer and Mr Somyurek.

House Committee — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith. (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland.

Law Reform Committee — (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan and Mr Foley. (*Council*): Mrs Kronberg, Mr O'Donohue and Mr Scheffer.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Ms Green, Mr Hodgett, Mr Nardella, Mr Seitz and Mr K. Smith. (*Council*): Mr Elasmarr, Mr Guy and Ms Hartland.

Public Accounts and Estimates Committee — (*Assembly*): Ms Graley, Ms Munt, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells. (*Council*): Mr Barber, Mr Dalla-Riva, Mr Pakula and Mr Rich-Phillips.

Road Safety Committee — (*Assembly*): Mr Eren, Mr Langdon, Mr Mulder, Mr Trezise and Mr Weller. (*Council*): Mr Koch and Mr Leane.

Rural and Regional Committee — (*Assembly*): Ms Marshall and Mr Northe. (*Council*): Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Mr Brooks, Mr Carli, Mr Jasper, Mr Languiller and Mr R. Smith. (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

Acting Speakers: Ms Beattie, Ms Campbell, Mr Eren, Mrs Fyffe, Ms Green, Dr Harkness, Mr Howard, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Mr Lupton, Ms Marshall, Ms Munt, Mr Nardella, Mrs Powell, Mr Seitz, Mr K. Smith, Mr Stensholt and Mr Thompson

Leader of the Parliamentary Labor Party and Premier:

The Hon. J. M. BRUMBY (from 30 July 2007)

The Hon. S. P. BRACKS (to 30 July 2007)

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. R. J. HULLS (from 30 July 2007)

The Hon. J. W. THWAITES (to 30 July 2007)

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

Mr E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. LOUISE ASHER

Leader of The Nationals:

Mr P. J. RYAN

Deputy Leader of The Nationals:

Mr P. L. WALSH

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lobato, Ms Tamara Louise	Gembrook	ALP
Asher, Ms Louise	Brighton	LP	Lupton, Mr Anthony Gerard	Prahran	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Batchelor, Mr Peter John	Thomastown	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Blackwood, Mr Gary John	Narracan	LP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
Bracks, Mr Stephen Phillip ¹	Williamstown	ALP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	Munt, Ms Janice Ruth	Mordialloc	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Napthine, Dr Denis Vincent	South-West Coast	LP
Cameron, Mr Robert Graham	Bendigo West	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Noonan, Wade Mathew ⁴	Williamstown	ALP
Clark, Mr Robert William	Box Hill	LP	Northe, Mr Russell John	Morwell	Nats
Crisp, Mr Peter Laurence	Mildura	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Overington, Ms Karen Marie	Ballarat West	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pallas, Mr Timothy Hugh	Tarneit	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pandazopoulos, Mr John	Dandenong	ALP
Dixon, Mr Martin Francis	Nepean	LP	Perera, Mr Jude	Cranbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Eren, Mr John Hamdi	Lara	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Foley, Martin Peter ²	Albert Park	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Ryan, Mr Peter Julian	Gippsland South	Nats
Graley, Ms Judith Ann	Narre Warren South	ALP	Scott, Mr Robin David	Preston	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Seitz, Mr George	Keilor	ALP
Haermeyer, Mr André	Kororoit	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Hardman, Mr Benedict Paul	Seymour	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Ryan	Warrandyte	LP
Helper, Mr Jochen	Ripon	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William ³	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezeise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kosky, Ms Lynne Janice	Altona	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Weller, Mr Paul	Rodney	Nats
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Woodridge, Ms Mary Louise Newling	Doncaster	LP
Lim, Mr Muy Hong	Clayton	ALP	Wynne, Mr Richard William	Richmond	ALP

¹ Resigned 6 August 2007

² Elected 15 September 2007

³ Resigned 6 August 2007

⁴ Elected 15 September 2007

CONTENTS

TUESDAY, 5 FEBRUARY 2008

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS	1	<i>Frankston Hospital: equipment</i>	30
ANNUAL STATEMENT OF GOVERNMENT INTENTIONS	1	<i>Frankston electorate: sporting facilities</i>	30
ASSISTANT CLERK, PROCEDURE, AND SERJEANT-AT-ARMS	6	<i>Chinese new year: Year of the Rat</i>	31
ACTING PUBLIC ADVOCATE	7	FREEDOM OF INFORMATION AMENDMENT BILL	
OPPOSITION LEADERSHIP	7	<i>Second reading</i>	31
QUESTIONS WITHOUT NOTICE		ADJOURNMENT	
<i>Port Phillip Bay: channel deepening</i>	7, 10, 12	<i>Police: Heywood residence</i>	64
<i>Government: statement of intentions</i>	7, 8	<i>Energy: efficient households</i>	64
<i>Health: government initiatives</i>	12	<i>Rail: north-eastern Victoria</i>	65
<i>Public transport: ticketing system</i>	14, 15	<i>Bundoora Tennis Club: facilities</i>	65
<i>Children: early childhood initiatives</i>	14	<i>Roads: Mornington Peninsula</i>	66
<i>Water: government priorities</i>	16	<i>Bacchus Marsh Lawn Tennis Club: synthetic playing surface</i>	66
CROWN LAND (RESERVES) AMENDMENT (CARLTON GARDENS) BILL		<i>Disability services: support funding</i>	67
<i>Introduction and first reading</i>	18	<i>Surf Coast: sporting facilities</i>	68
NOTICES OF MOTION.....	18	<i>School buses: West Gippsland</i>	68
PETITIONS		<i>Automotive industry: service upselling</i>	69
<i>Water: desalination plant</i>	18	<i>Responses</i>	69
<i>Water: north-south pipeline</i>	18		
<i>Nuclear energy: federal policy</i>	18		
<i>Lipscombe Park Reserve: facilities</i>	19		
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE			
<i>Alert Digest No. 1</i>	19		
DOCUMENTS	19		
ROYAL ASSENT	21		
APPROPRIATION MESSAGES	21		
BUSINESS OF THE HOUSE			
<i>Program</i>	21		
MEMBERS STATEMENTS			
<i>Parliament House: public gallery disruption</i>	24		
<i>Racing: country meetings</i>	24		
<i>SPC Ardmona: workforce</i>	25		
<i>Regional and rural Victoria: community building initiative</i>	25		
<i>Housing: affordability</i>	25		
<i>Australia Day: Yuroke electorate</i>	26		
<i>Public transport: violence</i>	26		
<i>Gay, lesbian, bisexual, transgender and intersex community: events</i>	26		
<i>Water: north-south pipeline</i>	27		
<i>Roslyn Smorgon</i>	27		
<i>Yarra River: Warrandyte swimming hazard</i>	27		
<i>Marriott Support Services: employment initiatives</i>	28		
<i>Towong Turf Club: future</i>	28		
<i>Country Fire Authority: Belgrave South and Heights brigade</i>	28		
<i>Latrobe Valley Racing Club: future</i>	29		
<i>Israel: Beersheba battlefield</i>	29		
<i>Dorset Road, Croydon: upgrade</i>	29		
<i>Australia Day: Ballarat East electorate</i>	30		

Tuesday, 5 February 2008

The SPEAKER (Hon. Jenny Lindell) took the chair at 2.04 p.m. and read the prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The SPEAKER — Order! The Parliament today acknowledges the lands of the tribes and nations of the Aboriginal people of Victoria.

ANNUAL STATEMENT OF GOVERNMENT INTENTIONS

The SPEAKER — Order! I ask the house to pause to allow members of the Legislative Council to enter the chamber.

President and members of the Council entered chamber.

The SPEAKER — Order! I ask the Premier to wait while the documents are circulated.

Documents circulated.

Mr BRUMBY (Premier) — Speaker and members of the Legislative Assembly:

I welcome the President and members of the other house, who have joined us for this historic occasion.

I want to acknowledge the traditional owners of the land on which we stand, the Kulin nation.

And I also want to acknowledge that 2008 is the centenary of women's suffrage.

Our democracy may have begun in 1856, when the first election was held, but it did not come of age until 18 November 1908 — when the Legislative Council passed the Adult Suffrage Bill and women won the right to vote.

I want to pay tribute to the suffragists who fought so hard for that cause — a cause that was every bit as important as the one fought for at the Eureka Stockade.

Speaker, since 1999 our government has built a strong foundation of democratic reforms. Today's statement builds on those reforms.

We have made Parliament more representative — introducing fixed four-year terms and proportional representation in the other house.

We have made Parliament more relevant — introducing a more regular sitting schedule, allocating more time for question time, reforming the parliamentary committee system and reforming sessional orders.

We have made Parliament and the executive more accountable — —

Honourable members interjecting.

The SPEAKER — Order! The member for Scoresby and the member for Bulleen! And I ask the Deputy Leader of the Opposition to cease interjecting across the table in that manner.

Mr BRUMBY — We have made Parliament and the executive more accountable — restoring the powers of the Auditor-General and enshrining the independence of the Ombudsman, the Electoral Commissioner and the Director of Public Prosecutions in the Victorian constitution.

And we have made Parliament and the executive more accessible — holding regional parliamentary sittings in Ballarat, Benalla, Bendigo, Colac and Geelong; and holding 80 community cabinets right across the state.

As a government we are proud of our track record on democratic reform, but we understand that democracy needs to keep moving forward to keep pace with the community it represents and the challenges the community faces.

That is why we have published the 2008 annual statement of government intentions.

Copies of this document have been circulated to members.

This statement sets out our government's broad agenda for the year ahead. It will be published on a dedicated website — www.yoursay.dpc.vic.gov.au — and detailed consultations will occur through greater use of exposure draft bills, discussion papers and consultations with stakeholders.

It details more than 60 new bills and indicates which ministers will have prime responsibility for each bill. Those ministers will be required to report on public comment when presenting the final proposed bill to cabinet.

Speaker, this legislative agenda is not exhaustive but reflects the direction Victoria needs to take to meet the future challenges we face, challenges such as:

the need to drive greater productivity and workplace participation;

the need to develop a climate change economy;

the need to make the hard decisions necessary to deliver the major projects we need for our state; and

the need to have the right planning and infrastructure to sustain our livability, population and jobs growth.

But new challenges may well emerge during the course of the year that demand immediate action. Likewise, existing issues may be deferred or brought forward as a result of community consultation.

That aside, the 2008 statement of government intentions makes our government far more accessible and accountable because from now on Parliament, the media and the community will know in advance the major issues to be debated.

The statement is, in effect, a forward estimate of government business. It lets the community know what parliamentary actions we are taking to deliver election commitments and ensure Victoria is best placed to respond to future challenges.

That forecast will give Victorians a better chance to be more informed and more involved in the public debate of our times — leading to broader and better debates of government policy, and broader and better outcomes for the community we serve.

In short, the introduction of an annual statement of government intentions will go a long way towards making our representative democracy more of the kind of participatory democracy it needs to be to thrive into the 21st century.

Overview of government priorities

Before detailing the legislative priorities for 2008 I want to spend a moment explaining the values that guide and underpin those priorities — as well as the future challenges we face.

We have spent the past eight years building a more prosperous and fairer Victoria.

Victoria is now leading the nation in the creation of new jobs, apprenticeship completions, building approvals and population growth.

As demographer Bernard Salt has stated, Victoria has experienced a population boom unprecedented in recent decades — Melbourne is growing at twice the rate of

Sydney and could become Australia's largest capital city again within 20 years.

We are investing heavily in new infrastructure — and record amounts in our hospitals, schools and water. We are targeting public safety in Melbourne's entertainment precincts, we have substantially boosted spending on programs to help the most disadvantaged in our community.

And we have focused on the needs of working families in regional cities, small towns and outer suburbs.

We have done so by staying true to our values of fairness, democracy and opportunity:

by 'fairness' — I mean striving to give every Victorian every chance to reach their full potential in their education, in their work, in their family and in their community;

by 'democracy' — I mean striving to give every Victorian every chance to participate in the debates and decisions that shape their state; and

by 'opportunity' — I mean striving to give every Victorian every chance to stay healthy, live safely, get a job, overcome disadvantage and achieve their ambitions for themselves and their families.

Those values have guided us in the creation and implementation of a new agenda for Victoria that is all about achieving greater productivity, livability and sustainability.

In 2008, this agenda will see us:

investing in the services families need — particularly education and health, and addressing the needs of disadvantaged Victorians;

building stronger and more livable communities with a focus on public transport, planning and community safety;

keeping the economy strong and creating new jobs through promoting innovation and sustainable growth;

implementing a huge infrastructure program to secure our water security in the face of climate change;

and taking urgent steps to implement effective strategies at a local, national and international level to reduce the pace of climate change and help our community adapt to its consequences.

We will also be working in partnership with the new commonwealth government to deliver the kind of national economic reform I first spoke of in April 2005 — a framework which would later be reflected in the national reform agenda.

I would now like to highlight the key legislation we will introduce to drive those priorities.

Families

Our government believes strong families are the foundation of a strong society. This year we will continue to work hard to deliver families the support and services they need.

Education remains our government's no. 1 priority. That is why we are building a cohesive system that gives every child the best possible start in life.

New legislation combined with new regulations will improve integration between maternal and child health services, child care, kindergartens and school education.

We will tackle underperformance in schools through direct intervention, support programs and invest in school leadership. The community will also be fully consulted in the development of a new blueprint for early childhood development and a blueprint for school reform.

The Children's Services Act will be amended to boost child-care and kindergarten safety standards, strengthen enforcement powers of safety inspectors and reduce administrative red tape for operators.

By the end of the last term of 2009, all kinder parents will be given a transition statement — or school readiness report — summarising their child's abilities and interests, as well as their progress in achieving developmental milestones.

Our government has already invested heavily in Victoria's health system — expanding our hospitals and meeting the rapid growth in demand, and placing greater focus on disease prevention and health promotion.

Compared to 1999, there are 7200 extra nurses and more than 1500 extra doctors in our hospital system — and our health services are treating an extra 500 000 patients a year.

Mr Kotsiras interjected.

The SPEAKER — Order! The member for Bulleen!

Mr BRUMBY — The next step is to pass a new public health and wellbeing bill to repeal the 50-year-old Health Act and introduce a modern act focused on prevention and swift responses to protect public health.

Another priority health area is tackling the negative social and health impacts of alcohol abuse. A ministerial task force on alcohol will make recommendations on legislative amendments in mid-2008 — and its work will result in new legislation to tackle youth binge drinking and violence in our community.

Besides making our community healthier and safer, we also need to make it fairer.

In 2008, the Equal Opportunity Act will be updated to respond to the reform recommendations of the former public advocate, Julian Gardner. The proposed amendments will also boost the powers of the Victorian Equal Opportunity and Human Rights Commission to tackle discrimination.

The Victorian Law Reform Commission recently reported on a range of issues concerning assisted reproductive technology and surrogacy, following four and a half years of consultation with the Victorian community. We will update the relevant legislation to implement the commission's key recommendations, which focus on making the best interests of children paramount.

Consumers will also receive better protection, under new 'lemon' laws, against faulty products through amendments to the Fair Trading Act. Residential tenancies legislation will also be improved to protect residents of rooming houses, mobile homes, caravan parks and student housing.

And we will legislate to broaden the role of the Victorian Multicultural Commission to build on Victoria's reputation as Australia's multicultural capital.

Communities

If strong families are the foundation of a strong society, strong communities are the bricks and mortar.

Strong, livable communities — be they suburban or country, small or large — support the people and the livability that drives innovation and growth.

Speaker, it is worth noting that last week Melbourne was again voted one of the world's most livable cities — coming second only to Vancouver.

Our high rating at a time when Melbourne is growing at the rate of more than 1000 people a week is partly due to the significant progress our government has made in developing services that respond to Victoria's needs.

But more must be done to ensure those communities are well planned and have the infrastructure and services they need to thrive.

In 2008, planned amendments to the Transport Act will provide a stronger, more integrated approach to transport planning and service delivery — with that new approach streamlining the delivery of critical road and rail infrastructure.

In 2008 we will also reform the Planning and Environment Act, which is now more than 20 years old. This reform will help make our way of life more sustainable and more affordable.

Victoria leads Australia in new housing starts, but we know more needs to be done to ensure Melbourne remains among the most affordable cities in Australia in the wake of recent price increases.

The dream of owning a home is becoming harder to achieve. We have to find ways to take cost pressures out of the market — such as streamlining the planning process and providing greater certainty for future urban development.

Developing a new Planning and Environment Bill will require extensive consultation and detailed research. We will establish an expert panel to undertake this process and report back by the end of the year.

Speaker, Victoria is Australia's safest state, and we want to remain so.

Over the last five years — thanks to the hard work of Victoria Police and our government's Arrive Alive! road safety strategy — Victoria has recorded its five lowest road tolls.

A new package of measures will be taken as part of Arrive Alive 2 to achieve new targets to further reduce the road toll over the next 10 years.

In 2008, a new police act will also be developed in three stages over more than 12 months:

the first bill will strengthen the effectiveness of Victoria Police employment arrangements;

the second bill will cement the role of the Office of Police Integrity as Victoria's pre-eminent police anticorruption watchdog; and

the third bill will replace the Police Regulation Act, providing a more accountable framework for police operations and employment.

Another significant law reform project already under way in Victoria is reform of the 50-year-old Crimes Act. This process will continue in 2008, with three new acts to modernise legislation dealing with criminal procedure, police investigation powers and criminal offences.

In 2008, we will also implement a new detention scheme for serious sex offenders who pose a high risk to the community. Other legislation will simplify evidence laws to speed trials and modernise the Coroner's Court.

Two thousand and eight will also see Parliament debate some important social challenges.

New laws covering family violence — the product of extensive consultation with victims groups — will be introduced to make it easier to obtain protection from family violence.

An exposure draft has been already released for legislation to govern the tattooing and body piercing of people under 18 years of age.

The Victorian Law Reform Commission will report at the end of March on clarifying the law on abortion and removing from the Crimes Act offences relating to terminations of pregnancy where performed by a qualified medical practitioner. This debate will be the subject of a conscience vote.

We will pass new laws to make it easier for local councils to enforce planning provisions against illegal brothels. And gambling legislation will be strengthened to better regulate the industry and support the government's problem gambling strategy.

Jobs

One of the best ways a government can strengthen a community or a family is to build a strong economy to drive new investment and growth and create new jobs across the state.

Our government led the country in job creation last year — and has created 445 100 new jobs since 1999. Our challenge — in the face of an uncertain international market and high inflation — will be to keep growing the jobs market right across Victoria.

One of the best ways we can achieve that ambition is through innovation. For example, Victoria's national

leadership in renewable energy through initiatives such as the Victorian Renewable Energy Target has two major benefits:

first, it is helping us prepare for the challenges of climate change — VRET will save around 27 million tonnes of greenhouse gases;

second, it is generating billions of dollars in investment and creating thousands of jobs — VRET is expected to drive \$2 billion in investment in clean energy and create 2000 new jobs.

And most of those new jobs will be in regional Victoria.

Speaker, the 2008–09 budget will be brought down on Tuesday, 6 May.

It will contain the major financial priorities for the government and deliver resources to achieve our objectives for 2008.

We will also continue to work closely with the business community to maximise the competitiveness of Victorian industries.

A new Accident Compensation Bill will modernise and simplify existing legislation and provide more protection to injured workers.

And a number of measures are planned to help farmers through the drought.

Particular attention will also be given to tightening the existing biosecurity laws to control livestock and plant diseases.

Water and climate change

Victorians are now the most water wise and energy-conscious people in Australia, buying more green energy and saving more water than any other state.

In 2008 our government will continue to invest heavily to secure our state's water security.

We will reform the metropolitan retail water sector in line with recommendations from the Victorian Competition and Efficiency Commission.

A proposed amendment to the Water Act will also enable water managers to be more responsive to the consequences of long-term drought, by adjusting water entitlements depending on the supply position.

Climate change presents a major challenge, but — as VRET demonstrates — it also brings new opportunities.

Our response to climate change will be heavily influenced by national policy decisions, particularly the introduction of a national emissions trading scheme. But Victoria will pursue policies that prepare households and businesses for the impact of a price on carbon, and will be developing a range of initiatives over 2008.

A major community summit will be held here on 23 April to listen to the views of Victorians and to enable Victorians to come to consider the best ways our state can tackle climate change.

Honourable members interjecting.

The SPEAKER — Order! The member for South-West Coast and the member for Warrandyte!

Mr BRUMBY — The outcomes of that summit will inform our government's future climate change policies and programs. In the interim, a range of immediate measures are proposed, including legislation to enable onshore carbon capture and storage in Victoria.

Other environmental legislation to be considered this year includes:

reforming industrial waste management;

amending the National Parks Act to ensure Point Nepean has permanent protection as a national park;

and protecting the habitats of several rare or vulnerable species by establishing the Cobboobonee national and forest parks.

Leadership on reform

Finally, let me say this about our federation.

The election of the Rudd government heralds a new era in commonwealth-state relations and offers a once-in-a-lifetime opportunity to end the blame game and wasteful duplication.

Mr K. Smith interjected.

The SPEAKER — Order! I ask for some cooperation from the member for Bass.

Mr BRUMBY — The challenge for Victoria and Australia is to drive productivity improvements, as well as investment in human capital, physical infrastructure and regulatory reform.

That is why Victoria initiated the national reform agenda.

That is why we welcome a return to cooperative federalism.

And that is why we welcome the Council of Australian Governments decision to meet on a quarterly basis with the direct involvement of Australia's treasurers.

The task before us now is to accelerate the delivery of the national reform agenda.

And in 2008 Victoria will legislate national schemes and repeal Victorian-specific legislation in a number of areas, including product safety, trade measurement, business name registration, and national gas and electricity regulation.

We will also reform and simplify the state regulation of:

the food industry;

community organisations; and

fundraising laws.

And in 2008 we will continue to repeal redundant legislation and consolidate the statute book.

A comprehensive audit of Victoria's financial management framework will commence this year. That audit will lead to the development of a new, more financially accountable Public Finance Bill in 2009.

Changes to the landmark Public Administration Act are also planned.

Conclusion

Speaker, our democracy has a long and proud history, but democracy needs to keep evolving to keep pace with the ever-changing needs of our state's hardworking families and diverse and growing communities.

This need for change has driven our government's landmark democratic reforms — such as fixed term elections and proportional representation in the other house.

The 2008 statement of government intentions is the next step forward in the evolution of our democracy. It is the next landmark reform.

Honourable members interjecting.

The SPEAKER — Order! I seek the cooperation of the member for South-West Coast, the member for Scoresby and the member for Bulleen.

Mr Kotsiras interjected.

The SPEAKER — Order! The member for Bulleen is warned.

Mr BRUMBY — Fundamentally, this statement is about re-engaging the people of Victoria in the legislative process.

It gives the Parliament and the Victorian public an overview of the ambitious legislative program this government will deliver to meet the future challenges facing Victoria.

As I indicated, the final program of legislation will be refined as new challenges emerge, and as Victorians, for the first time, engage in this historic opportunity to participate in the democratic processes that influence Victoria's future legislation.

For the first time, Victorians will have greater insight into the legislative process and a greater say in how legislation develops.

I invite and encourage all Victorians to participate in the many consultation opportunities that are a part of this legislation program.

The greater the community input, the better the democratic outcome.

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte might like to control himself.

Responses to the Premier's statement will be listed on the notice paper for consideration tomorrow. I ask the house to pause to allow members of the Legislative Council to withdraw.

President and members of the Council withdrew from chamber.

ASSISTANT CLERK, PROCEDURE, AND SERJEANT-AT-ARMS

The SPEAKER — Order! Under section 18 of the Parliamentary Administration Act 2005 the Clerk of the Legislative Assembly has appointed Ms Anne Louise Sargent to be Assistant Clerk, Procedure, and Serjeant-at-Arms following the resignation of Mr Gavin Francis Bourke.

ACTING PUBLIC ADVOCATE

The SPEAKER — Order! I wish to advise that on 20 December 2007 I administered to Michael Lawrence Wells, the acting public advocate, the affirmation required by schedule 3 of the Guardianship and Administration Act 1986.

OPPOSITION LEADERSHIP

Mr BAILLIEU (Leader of the Opposition) — I advise the house that in the other place David Davis is Leader of the Liberal Party and Wendy Lovell is Deputy Leader of the Liberal Party.

QUESTIONS WITHOUT NOTICE**Port Phillip Bay: channel deepening**

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. Will the Premier immediately release the channel deepening project environment management plan as provided to Minister Garrett last week, and if not, will the Premier advise the house why this vital plan has been and continues to be a secret?

Mr BRUMBY (Premier) — My understanding of the process here is that there is a plan which requires commonwealth approval. It has been submitted as required by appropriate process to the federal minister. He will consider it, and obviously upon his consideration of that matter it will then become a public document.

Government: statement of intentions

Mr LUPTON (Pahran) — My question is to the Premier. I refer to the government's commitment to accessibility and accountability, and I ask — —

Honourable members interjecting.

The SPEAKER — Order! I ask the Leader of the Opposition not to bang on the table in that manner. The job for Hansard reporters is difficult enough without having that thudding going through their earphones as well.

Mr LUPTON — I refer to the government's commitment to accessibility and accountability, and I ask: can the Premier outline to the house how the new statement of government intentions will give the government another opportunity to listen to Victorians?

Mr O'Brien interjected.

The SPEAKER — Order! I warn the member for Malvern.

Mr BRUMBY (Premier) — I want to thank the member for Prahran for his question. The member for Prahran is also, of course, the Cabinet Secretary, and if I could I would just thank the Cabinet Secretary and the Deputy Premier for the enormous contribution they have made towards the development of the statement of government intentions.

The SPEAKER — Order! I suggest to the Premier that the statement is listed for subsequent debate tomorrow and that he should be mindful that he does not anticipate debate.

Mr BRUMBY — I certainly will not anticipate debate. The statement of government intentions sets out the government's broad intentions in terms of policy over the next year, and as I have just indicated to the house in my speech, the government has set a number of clear priorities in terms of its approach for the year ahead.

The statement of government intentions obviously provides the Parliament with great opportunities for debate about the year ahead which it has not previously had. All members of the house will have that opportunity to speak on this statement. Through its posting on the website members of the community will have the opportunity to look at the bills which are proposed over the year ahead, to consider those and to feed their input to the government and to ministers. All of that I believe is a significant and positive parliamentary reform. It does make our Parliament more accessible, it does open it up for more debate and it does open it up for more participation by the people of Victoria — and that, I believe, is a very positive thing to do.

There are 60 pieces of legislation which are proposed in the year ahead. Circumstances sometimes can change and new issues can arise, so there may be more legislation than that which is introduced, but these are the key elements of the legislation as we know them at this point in time. The government will be introducing a number of new initiatives to support families, including a new — —

Dr Napthine — On a point of order, Speaker, you have already given advice to the Premier in regard to anticipating debate. The Premier has spoken as the lead speaker in that debate, and he is now reiterating parts of his speech. That is not appropriate, because it is continuing to anticipate debate and to have a second go

at the debate. So, Speaker, I ask you to bring him back to answering the question and not to reiterating his speech, hollow as it was, and anticipating the full debate which other members will seek to have on this issue.

Mr BRUMBY — Do you want open, accessible, accountable government — —

The SPEAKER — Order! The Premier!

Mr Batchelor — On the point of order, Speaker, the Premier was talking about the proposals for government policies and initiatives. This is a much broader contribution and covers a wider field than is mentioned in the annual statement of government intentions. In that context, if this abuse of the provision against anticipating debate were to be allowed, it would mean that we would not be able to talk about anything. I put to you that the issue of government policy is much wider than the annual statement of government intentions, and therefore he is able to discuss, talk about and raise issues in relation to government policy.

The SPEAKER — Order! I am not prepared to uphold the point of order at this time, although I ask the Premier, as I have already asked him, to be mindful of not anticipating the debate on the statement of government intentions.

Mr BRUMBY — As I have indicated, the government has a number of key priorities for the course of the year: obviously supporting families and strengthening families, improving the performance of our education system, rewriting the Health Act, improving public transport and ensuring — —

Interjections from gallery.

The SPEAKER — Order! I ask the Serjeant-at-Arms to remove that person from the gallery.

Person escorted from gallery.

Mr BRUMBY — As I have also indicated, one of the other key priorities during the course of this year is to maintain a strong economy and generate new job opportunities for Victorians.

We have all seen over the last few weeks that there are a number of significant uncertainties in the international economy. We have seen in particular what has occurred in the United States of America, and that goes to make a more challenging economic environment for the state than we have had in the past. In those circumstances getting the right set of financially responsible policies,

investment in infrastructure and the reforms that we will put in place through the national reform agenda — all of these things — will be crucial to sustaining our rate of job growth and creating new opportunities for families in the future.

I was pleased today — —

Mr McIntosh interjected.

The SPEAKER — Order! The member for Kew!

Mr BRUMBY — I was pleased that the Australian Bureau of Statistics data on building approvals today again shows a record level of building approvals for Victoria in the last month. That means — —

Interjections from gallery.

The SPEAKER — Order! The Serjeant-at-Arms will clear the gallery.

Persons escorted from gallery.

The SPEAKER — Order! I request some cooperation from the members of the gallery. One more outburst and the gallery will be cleared and not reopened for the rest of today.

Mr BRUMBY — As I was saying, Victoria has led Australia in building approvals in the last year. We have led Australia in job creation — —

The SPEAKER — Order! I believe the Premier is debating the question.

Mr BRUMBY — Ensuring that we have the right framework in place in 2008 to continue with that strong performance is crucial for our state. That is why the statement is so important and why it provides a blueprint for Victoria in 2008.

Government: statement of intentions

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Why should Victorians believe anything the Premier has told them in today's statement of government intentions when the government's own track record on commitments such as not piping water to Melbourne from northern Victoria clearly shows it will break its promises whenever it suits?

Mr BRUMBY (Premier) — I thank the Leader of The Nationals for his question and remind the house that on 1150 occasions the Leader of The Nationals, the member for Gippsland South, voted with the Kennett government to remove services from country Victoria.

Honourable members interjecting.

The SPEAKER — Order! While that level of cheering and jeering may be appropriate at the cricket or the football, it is not appropriate in the Parliament of Victoria.

Mr Donnellan interjected.

The SPEAKER — Order! I seek the cooperation of the member for Narre Warren North and indeed all government members.

Mr K. Smith interjected.

The SPEAKER — Order! Without the assistance of the member for Bass. The Premier, without debating the question.

Mr BRUMBY — It is worth bearing in mind that background — —

Interjections from gallery.

The SPEAKER — Order! Clear the gallery.

Interjections from gallery.

The SPEAKER — Order! The sitting will be suspended until the ringing of the bells.

Sitting suspended 2.55 p.m. until 3.03 p.m.

The SPEAKER — Order! I call the member for Mordialloc — —

Dr Napthine — On a point of order, Speaker, when the sitting was suspended the Premier was on his feet. He had just commenced to answer a very important question from the Leader of The Nationals, and I believe it would be appropriate and in the interests of an honest, open and accountable Parliament for the Leader of The Nationals to be allowed to ask his question again and to have the Premier answer the question without the disruptions that preceded the clearing of the gallery and the suspension of Parliament.

It is my understanding that the Premier certainly had not finished — in fact he had barely started — and he had not begun to address the substance of the question. I would urge you, in the interests of proper parliamentary process and democracy, to ask the Leader of The Nationals to ask his question again and have the Premier address and answer the question.

Mr Ryan — On a point of order, Speaker, I think the confusion has arisen here because I asked the question — the Premier obviously heard it — and he

then commenced an answer which you ruled, with respect, amounted to debating. I am asking that he answer the question that I asked him, and I renew that call. I ask the Premier to answer the question.

The SPEAKER — Order! I do not consider that the question needs to be asked again. It is a matter for the Premier as to whether he has completed his answer or not. Has the Premier completed his answer?

Mr Brumby interjected.

The SPEAKER — Order! My apologies to the Premier.

Mr BRUMBY (Premier) — Thank you, Speaker. As I was saying, the house needs to be reminded that the member for Gippsland South voted on 1150 occasions with the former government to take resources away from country Victoria.

The SPEAKER — Order! I have asked the Premier to answer the question without debating. I ask him again to do that.

Does the Leader of The Nationals still wish to take a point of order?

Mr Ryan — With due respect, the Speaker has anticipated my point of order.

The SPEAKER — Order! The Premier, to continue without debating.

Mr BRUMBY — The Leader of The Nationals did not stand up quite so tall in the 1990s.

Honourable members interjecting.

The SPEAKER — Order! The Premier should confine his answers to the question.

Mr BRUMBY — The question I was asked was about regional economic development.

Honourable members interjecting.

Mr BRUMBY — Yes, it was. It was about regional economic development. The project to which the — —

Honourable members interjecting.

Mr BRUMBY — You do not want me to answer the question? You do not want me to answer, or you do not like the answer?

Mr Ryan — On a point of order, Speaker, the Premier is continuing to debate the question.

The SPEAKER — Order! At this stage I do not uphold that point of order. The Premier has only just commenced to answer the question following a number of requests from me not to debate the question. I do not believe, in the few words he had uttered, that he was debating the question. I will be listening very carefully.

Mr Ryan — On a further point of order, Speaker, the Premier has sought to recast the question. I simply asked him: they have broken promises before, how can people believe that they will not break them again? That was simply the question, on the back of illustrating it over the north–south pipe issue.

The SPEAKER — Order! The Leader of The Nationals clearly mentioned an infrastructure project, which is what the Premier was referring to in his answer.

Mr BRUMBY — During 2007 it became apparent to most Australians that we have a challenge nationally and internationally in relation to climate change and the way in which that affects drought and water supply. As everybody in this house knows, we have gone through a number of years of the worst rainfall totals on record. We have gone through periods of more irregular rainfall patterns, and in the last four years we have gone through three serious bushfire events.

With that context in mind the government was approached in 2007 by representatives of the Goulburn-Murray irrigation region — known as the food bowl group — with a proposal to invest a billion dollars in the first stage in water infrastructure in that region to save up to 800 gigalitres of water which is lost through that system and to share the savings of that water between irrigators, the environment and households.

As a government we went up to northern Victoria and listened to the community. What the community said is that in this new, more difficult environment — with lower levels of rainfall, more irregular rainfall and climate change — you cannot go on any longer losing 800 gigalitres of water a year. This is like a big water tank, where the top half of it is all rotted out, and every time you fill it up you lose half the water that goes into it. We are going to invest a billion dollars in what is the biggest investment in country water infrastructure that this state has seen for the best part of 100 years.

When you think of the big investments that have made a difference in country Victoria in recent decades, you note that they are all investments which have been made by our government. You think of the Wimmera–Mallee pipeline, which is saving 80 gigalitres of water; you think

of the Regional Infrastructure Development Fund, which has now triggered a billion dollars of new investment across the state; you think of fast rail — a billion dollars, a Labor initiative linking up all the regional cities — —

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier to conclude his answer.

Mr BRUMBY — These are the big investments which have built up country Victoria, and the food bowl project is one of those investments. When this project is complete and people look back on it in four or five years time, they will see a renovated infrastructure system, they will see more efficient farmers, they will see a stronger regional economy and they will not see all farmers with less water, as The Nationals say repeatedly in their lies to the Victorian public. Every farmer will have more water, the environment will have more water and households, including Melbourne, will have more water as well. That is a sensible investment, a good investment. It is a win, win, win.

Port Phillip Bay: channel deepening

Ms MUNT (Mordialloc) — My question is to the Minister for Roads and Ports, and I ask: can the minister update the house on what the government is doing to keep the public informed of developments in the channel deepening project?

Mr PALLAS (Minister for Roads and Ports) — I thank the member for Mordialloc for her question and her continued support for a responsibly managed and efficiently delivered channel deepening project.

We of course await the final sign-off by the federal Minister for the Environment, Heritage and the Arts on the environmental management plan (EMP). As the port has already indicated on the public record, if and when that plan is approved by the federal environment minister, it will be released — including all appendices and contingency plans.

Honourable members interjecting.

Mr PALLAS — We hear from those opposite that we should release a half-concluded document. We want the thing — —

Honourable members interjecting.

Mr PALLAS — Once again, half the story.

Dr Napthine interjected.

The SPEAKER — Order! The minister can proceed when the member for South-West Coast has finished wasting the chamber's time.

Mr PALLAS — As I have indicated, when the EMP and if the EMP is approved by the federal environment minister, the government is committed to the full release of the plan, its contingencies and its appendices. We will ensure that it is posted on the internet, and copies will be made available in hard form for the public. But of course that is just part of the process of keeping the public informed about the process going forward. Subject once again to formal environmental management plan approval occurring, the chief executive officer of the Port of Melbourne Corporation will hold regular — and at the commencement of the project, on a daily basis — project news conferences to advise of all channel deepening activities over the last 24 hours and those planned over the next 24 hours.

Additional to that, the Port of Melbourne Corporation website will provide daily updates on vessel activity and the location of those vessels, along with ongoing facts about deepening activities. Regular project newsletters will be provided, together with stakeholder and community involvement. Monthly dredge schedules will be provided on the website. Fact sheets and frequently asked questions will also be provided on the website. But that is not all, because our commitment is to providing useful material. Instead of the big red button that the Leader of the Opposition advocates, we support the process of providing usable and useful information. So if any member of the public has a query about the channel deepening project, they can call 1800 731 022, toll free, to access a community liaison officer.

We will be providing quarterly public summary reports on the channel deepening project from the Port of Melbourne Corporation, in addition to the ones from the independent monitor. Additionally there will be community liaison with both the dive industry and the broader community to allow for information and news updates to be passed on directly to those users of the bay. Community information evenings will also be provided around the bay where project representatives, engineers and scientists will be available to address community issues.

The commitment that this government has to the provision of this material stands in stark contrast to that of those opposite. We have a clear view about what should happen in respect of this project. We have a plan, and we have a commitment to delivering it, subject to the appropriate environmental approvals. So

unlike the Leader of the Opposition and his predecessor, who have indicated that they want to have their cake and eat it too when it comes to channel deepening, we understand that the community actually needs this project and that it needs adequate and useful information to be provided.

We know that the Leader of the Opposition, for example, has indicated to the *Herald Sun* that he supports the project proceeding. However, the day after, he told the *Age* that he actually did not support the project.

The SPEAKER — Order! The minister is clearly debating the question. The minister, to continue without debating.

Mr PALLAS — You cannot have a clear position in respect of this project unless you are committed to unambiguously indicating to the community where you stand on the project. Those opposite are prepared to flip flop and obfuscate in respect of these issues.

The SPEAKER — Order! The minister, without debating.

Mr PALLAS — Many proposals will come forward about how information can be provided to the community. What we are committed to is making sure that the information that is provided to the community is not only factual but capable of being used by the community to develop an informed view and to adjust its activities in and around the bay in order to recognise that this is a project that will be difficult and will take considerable diligence to manage. This government is up to that task; this government is committed to delivering on that task.

I make the final point that plans abound in terms of how information can be provided and how this project should be monitored and managed. There are 15 000 pages of technical data and reports, 40 expert reports have been produced, and independent experts have advised government, and in addition to that there are the processes that the government itself has put into place to monitor this project in an effective way going forward. That stands in stark contrast to the process that applied in the past. Between 1992 and 1999, 1.85 million cubic metres of dredged material was removed from the Yarra and the bay, and nothing like the environmental safeguards that this government is proposing to put in place was put in place and openly disclosed to the community. Where was the Leader of the Opposition when these issues were being dealt with back then?

Port Phillip Bay: channel deepening

Dr NAPHTHINE (South-West Coast) — My question is to the Minister for Roads and Ports. I refer the minister to chapter 7, page 65, of volume 1 of the supplementary environment effects statement on the channel deepening project, which states that the bund being created to hold over 7 million tonnes of contaminated toxic material has a design life of 30 years, and I ask: what happens to all this toxic material after 30 years?

Mr PALLAS (Minister for Roads and Ports) — I thank the member for South-West Coast for his question and also his preparedness now to demonstrate exactly where he stands in respect of this project. On this — just one more substantial issue that would make this project effectively unmanageable — the member for South-West Coast has very clearly indicated that he does not support the bunding and the capping process that the independent panel has indicated will be appropriately managed by the processes put in place. Let us remember that in the past when dredged material has been placed in the locations identified within the bay as locations for the receipt of dredged material, there has been no capping —

Dr Naphthine — On a point of order, Speaker, the minister is debating the question rather than answering it. The document I referred to says, ‘The bund has a design life of 30 years’. The question is: what happens at the end of that 30 years to 7 million tonnes of toxic contaminated material? That is what the public needs to know, and that is what the minister should answer.

The SPEAKER — Order! The member for South-West Coast well knows that that is not the form in which to take a point of order. It is not the opportunity to repeat the question.

Mr PALLAS — The member for South-West Coast will of course recall that he was a member of cabinet when dredged material was dropped uncapped in the middle of the bay.

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to continue answering the question without debating.

Mr PALLAS — He has simply taken a position to create community concern around this issue without a full analysis of the independent panel’s assessment, which has determined that the environmental safeguards that the government has put in place are manageable and appropriate and that the strategic approach the government is putting in place is

compelling. All of those things, together with the research that we have put in place, demonstrate that as a government we are committed to the effective and environmentally responsible delivery of this project.

Mr Baillieu — On a point of order, Speaker, the minister is debating the question, not answering the question. The question was a straightforward question about the future of the project. The minister has already indicated to the house that he has presented the federal minister with only a half-concluded environmental management plan. This project does not conclude in 30 years, and the minister has been asked to indicate to the house what will happen. I invite you, Speaker, to ask him to address the question.

The SPEAKER — Order! I believe the minister has concluded his answer.

Health: government initiatives

Ms BARKER (Oakleigh) — My question is to the Minister for Health. Will the minister outline how the government will be delivering on its commitments in health and advise the house about the government’s upcoming investments in Victoria’s health system?

Mr ANDREWS (Minister for Health) — I thank the member for Oakleigh for her question and acknowledge her longstanding interest in advocating for the very best health care in Melbourne’s south-eastern suburbs.

I am asked about our record in terms of our ongoing investment in our health system. As all honourable members know, as a government we have increased funding for every single health service in every single year of our term in office — a record to be absolutely proud of. We have increased funding by a whopping 96 per cent!

Mr Hulls — How much?

Mr ANDREWS — Ninety-six per cent more funding! And on top of that recurrent boost there is \$4.1 billion — the biggest health asset investment program this state has ever seen. In every way we are giving our dedicated health services, those who work so hard across Victoria, the resources they need to treat more patients, to provide better care and to meet the health challenges of the future.

As the Premier has made clear, and as I have made clear, we can do more and we must do more. As a government we are committed to meeting the health challenges of the future, whether it be in relation to the onset of cancer or the fact that as a community we are increasingly gripped by chronic illnesses such as type 2

diabetes and others. These are our priorities as we go forward, but at the same time we must provide our health services with the increased capacity and increased resources they need to meet those challenges.

Recently, as part of a proper partnership with the commonwealth government, something we have sought long and hard — for eight long years we have sought proper investment, shared effort and proper partnership with the commonwealth government — I am pleased to be able to say that the commonwealth government has for the first time invested a dedicated amount of money in partnership with this government to reduce the number of Victorians waiting beyond the clinically appropriate time for elective surgery. We welcome that increased investment.

Honourable members interjecting.

Mr ANDREWS — I am asked to draw the comparison. The \$34 million from the Rudd government — —

The SPEAKER — Order! The minister should ignore interjections. I ask the member for Caulfield, the member for Polwarth, the member for Nepean and the member for Bass to cease interjecting.

Mr ANDREWS — I am more than happy on behalf of every single Victorian to make the point that \$34 million plus from the Rudd Labor government compared to zero — —

Mrs Shardey interjected.

The SPEAKER — Order! the member for Caulfield! I have just asked the member to cease interjecting. I ask her again, but I will not ask a third time.

Mr ANDREWS — It is a very substantial boost, and one that sits in absolutely stark contrast to 11½ years of underinvestment from the Howard-Costello government, when we did not see one dollar — not one dollar — for additional elective surgery. A partnership is what we have sought. That is what this government wants, and that is what we have delivered in recent announcements.

Not only will we invest that funding from the commonwealth government appropriately and properly, but we as a government have announced an additional \$26 million to take to a total of \$60 million the additional elective surgery effort that will be made through our public hospital system — and there will be some work in the private sector as well — during calendar year 2008. To be clear about this, that is the biggest boost to elective surgery capacity in the history

of this state — I repeat: the biggest in the history of this state.

It comes on top of the fact that through our record funding — that 96 per cent increase I spoke about earlier — we already perform 132 000 additional episodes of elective surgery a year, fully 15 000 more than were being performed when we came to government in 1999. Record spending and a record effort, and on top of that a proper partnership with the commonwealth government to reduce substantially the number of Victorians who wait longer than the clinically appropriate time: where I went to school that is progress; that is a good deal. That is giving health services the resources they need.

There has been much commentary about this, some of which is an absolute standout. A particular commentator thought that ‘the allocation of \$34.2 million is a band-aid measure and will not significantly reduce the elective surgery waiting list in Victoria’.

Mr Hulls — Who said that?

Mr ANDREWS — Well might you ask who said that. I will give you a hint, Speaker: it was the same person who back in 2002 — —

The SPEAKER — Order! The minister will not debate the question and will confine his response to answering the question.

Mr ANDREWS — It is important that we make sure that the community understands the context in which this record investment is being made. This was ‘a bandaid solution’ — —

Honourable members interjecting.

The SPEAKER — Order!

Ms Kosky interjected.

The SPEAKER — Order! I ask the Minister for Public Transport to cease conversation when the Speaker stands.

The lack of respect shown on both sides of the chamber to fellow members of Parliament this afternoon has been outrageous and atrocious.

Mr Lupton interjected.

The SPEAKER — Order! The member for Prahran is skating on thin ice.

I ask for some cooperation from all members. With some concerted effort we may finish question time by 4 o'clock. The minister, to continue his answer.

Mr ANDREWS — As I said, there has been much commentary about this record investment. Some have been very praising of this record spend. Another has called it 'a bandaid solution', and it was also referred to by that same commentator as 'a drop in the ocean'.

Mr Hulls — Who said that?

Mr ANDREWS — I have been asked who said that. It was the original drop in the ocean — the Leader of the Opposition. It was he who sat idly by when elective surgery waiting lists went from less than 30 000 in 1992 to more than 40 000 in 1999.

Mr Hodgett interjected.

The SPEAKER — Order! I ask the member for Kilsyth to be mindful of the comments he makes in interjecting.

Mrs Shardey — On a point of order, Speaker, you made a request of me not to interject, and I have acceded to your request. You have requested the Minister for Health not to debate the issue. I believe he is clearly debating the issue, and I ask you to bring him back to the question.

The SPEAKER — Order! I uphold the point of order, but I suggest to the member for Caulfield that interjections are disorderly and should not need a reminder or otherwise from the Speaker. The minister, to conclude his answer, with no debating.

Mr ANDREWS — Thank you, Speaker; I am very pleased to conclude my answer. This is the biggest investment in elective surgery capacity that this state has ever seen. It is an important step forward. It is the first step in a proper partnership with the commonwealth government towards a shared effort, a joint effort, to tackle common health challenges.

At the same time it is important to be frank, open and honest about the fact that we face challenges — and we do. A lot has been achieved, but there is more to be done. And make no mistake, this is the government to do it.

Public transport: ticketing system

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the overdue and over-budget transport ticketing fiasco and to his statement on 3AW this morning that, 'We have

had two auditors-general who have looked at this and signed off on it', and I ask: will the Premier now release the copy of that relevant audit document which he claims was signed by the previous Auditor-General, Wayne Cameron? Or is this just another Brumby secret?

Mr BRUMBY (Premier) — I have not seen the working papers; obviously they are the property of the Auditor-General. When this matter was raised with the government last week, the journalist who has the papers believed some of the papers were working papers of the former Auditor-General. Apparently they are not; they are the working papers of the current Auditor-General. Having heard that request, I assumed that she was correct in her information and that there was information from two former auditors-general. That is not correct; she has information from only one.

Mr Baillieu — On a point of order, Speaker, the Premier is debating this question, not answering it. He told Victorians this morning that two auditors-general had signed off on this audit report. If he lied, let him tell Victorians now.

The SPEAKER — Order! I do not uphold the point of order. I believe the Premier was being relevant to the question.

The Premier has concluded his answer.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Scoresby and the member for Polwarth for unparliamentary language.

Children: early childhood initiatives

Mr HERBERT (Eltham) — My question is to the Minister for Children and Early Childhood Development. Can the minister outline to the house how the government is delivering on its priority of early childhood development and any recent announcements that demonstrate this?

Ms MORAND (Minister for Children and Early Childhood Development) — I thank the member for Eltham for his question. The Brumby government understands that quality early childhood services lay an important foundation for a child's development and learning into the future. Parents using early childhood services want to know that their children are in a safe and caring environment that gives them the best possible opportunity for learning and development. That is why the Premier outlined this afternoon in his

annual statement of government intentions the reforms that will be undertaken later this year.

In addition to improving standards through the legislative reform and regulation of child services, this government has also substantially increased its investment in and strategic programs for early childhood development over the last eight years. Today the Premier and I visited the Lady Gowrie Child Centre in Carlton and announced two further measures that will enhance the quality of the early childhood experience and also the information provided to parents and teachers about the children.

When a child makes the transition from kindergarten to school, parents have a huge appetite for information about that transition. They want to know how their children are progressing, and they want to know what they can do to assist them in that transition. They want information that provides them with guidance on their abilities and on what their development needs might be. So today the Premier and I announced a commitment of \$4 million towards the development of a Victorian early learning development framework and \$4 million towards the development of plans for the transition from kindergarten to school.

The framework is going to provide clear and commonly agreed developmental outcomes for children and is going to support the work of the early childhood professionals and give them a common language they can use in describing a child's milestones as they reach them. The framework will then provide the basis for those transition plans, which will be carried from kindergarten to school. It will provide prep teachers with standard information that they can understand, so no matter which kindergarten a child attends across Victoria there will be standard information and milestone checks for that child going into school.

We have a great kindergarten program in Victoria, and we are going to build on the great work that kindergarten teachers already do. We know that — —

Ms Asher interjected.

Ms MORAND — I take up the interjection from the — —

The SPEAKER — Order! The minister will not take up the interjection, and I ask the Deputy Leader of the Opposition to cease interjecting across the table.

Ms MORAND — Finally, these plans are going to make sure that the transition from early childhood to school is as smooth as possible. They are part of the reforms we have undertaken in putting early childhood

education into the Department of Education and Early Childhood Development. They are part of the initiatives we are introducing to make sure that children have the best possible start in life in Victoria.

Public transport: ticketing system

Mr MULDER (Polwarth) — My question is to the Minister for Public Transport. I refer the minister to the overdue and over-budget transport ticketing fiasco and to the contract awarded to Keane Incorporated, and I ask: will the minister advise the house what qualifications and corporate experience Keane has in developing, implementing and operating a ticketing system?

Ms KOSKY (Minister for Public Transport) — I thank the member for Polwarth for finally asking a question relating to public transport in this house. The new ticketing system is a very exciting system. When it is up and running it will deliver a lot to Victorians using public transport. It is a highly complex project. For those who take an interest in looking at what has happened in other jurisdictions around the world, there have been some difficulties in the implementation of the project simply because you need to make sure that it is working 100 per cent of the time right across the system. This will apply to our multimodal system in Victoria: buses, trains, trams and the country rail network. It is a very complex project.

As the member would know, we have the Transport Ticketing Authority, and it is responsible for the management of this project, including the employment of contractors and the awarding of contracts. The TTA makes decisions about the appropriateness — —

Mr Mulder interjected.

Ms KOSKY — You do not like the answer.

Mr Mulder — On a point of order, Speaker, on a matter of relevance: the minister's answer in no way, shape or form gets to the issue of Keane and its capability to deliver a ticketing system. That is what the question was about — its capability to deliver this ticketing system. I ask you to bring the minister back to answering the question.

The SPEAKER — Order! The minister is being relevant to the question. As I have mentioned before, the preamble to a question forms part of the question. The preamble to this question talked about the ticketing system. The minister, to continue her answer.

Ms KOSKY — The TTA, in going through the process of awarding contracts, awarded the contact to

Keane, known as Kamco here in Australia. It did that on the basis of all the organisations that tendered and the experience, background and proposals put forward as part of the contract. I defer to the TTA in the decision it has made to appoint Keane.

Water: government priorities

Mr HARDMAN (Seymour) — My question is to the Minister for Water. Can the minister outline to the house how the government is delivering on the priorities for water for Victoria?

Mr HOLDING (Minister for Water) — I thank the member for Seymour for his question.

Mr Hodgett interjected.

The SPEAKER — Order! The member for Kilsyth!

Mr HOLDING — As honourable members would be aware, this government is planning to deliver projects which are vitally important in providing secure, safe and reliable water supplies for Victorians for the next 50 years. That is what Victorians know, and that is what this government is working very hard to do. As honourable members know, we are delivering projects which will be vitally important for Victorians. Included in those projects is the \$3.1 billion desalination project, which will provide our first realistic non-rainfall-dependent source of water. It is a very important project for Victoria.

As part of these projects honourable members know that we are delivering the \$1 billion food bowl modernisation project, the most significant upgrade to irrigation infrastructure in the state's history. It is a very significant regional development project, and the best possible way to secure the economic future of that part of Victoria. As honourable members know, we will also be delivering the Sugarloaf interconnector, a very important part of the water grid that is required to enable us to transfer water to where it is able to be used most efficiently and effectively.

The Wimmera–Mallee pipeline project is part of these projects. It is a very important part of making sure that that system works in the most efficient way and that the system losses that have been occurring are able to be captured and used more productively. As honourable members know, this government is also delivering the Gippsland Water Factory, again a very important project to secure the water future of a part of Victoria that I know is of passionate interest to the member for Gippsland South.

These are important projects. We know that from time to time there will be people in Victoria who do not agree with the government's water agenda. What did we see today? We saw people opposed to the desalination project. We saw people opposed to the pipeline project. We saw people opposed to the channel deepening project. We saw people opposed to wood harvesting in our catchments. We saw people opposed to fluoride. The poor guy protesting against genetically modified food was completely swamped by less than 100 people on the steps of Parliament House opposed to all of these projects. What did we see? We saw the stunt they pulled in here, aided and abetted by The Nationals, to try to distract interest from their feeble protest on the steps of Parliament.

We are going to get on with the job of delivering these vitally important projects, but we also recognise that we need to plan for the next 50 years in the most comprehensive way possible. That is why last week I was very pleased to release the *Northern Region Sustainable Water Strategy Discussion Paper*, which is the first step in developing the northern region SWS — sustainable water strategy — for that important part of Victoria. We have already completed the central region sustainable water strategy, a very important framework to take us forward. This is a very important process for the northern region. Along with the discussion paper it includes a consultative committee that will engage with local people. It includes environmental groups —

An honourable member interjected.

Mr HOLDING — The interjection is, 'All the government's cronies'. That will be news to the Victorian Farmers Federation, which is represented on the committee. It will be news to northern Victorian irrigators. It will be news to the United Dairyfarmers of Victoria, which is included on the consultative committee. It will be news to the fruit growers who have been asked to participate.

Mr Weller interjected.

Mr HOLDING — The member for Rodney claims there are two representatives of farming interests. There are actually four.

The SPEAKER — Order! I ask the minister to ignore interjections.

Mr HOLDING — I will take your advice, Speaker, and ignore interjections from the member for Rodney. This is not the first time he has intervened in the debate to spread misinformation in relation to the government's intentions. We are making sure that the government has the most comprehensive set —

The SPEAKER — Order! The minister, to come back to answering the question, without debating.

Mr HOLDING — We are making sure that the government has the most comprehensive set of plans in place to provide a safe, reliable and secure water supply for all Victorians. We are making sure that we are getting on with the business of delivering these vitally important infrastructure upgrades. We are making sure that at the same time we have in place the best possible philosophical framework to deliver these projects and all the other work that needs to be done to make sure that we secure Victoria's water supply for the next 50 years.

We accept that there will be opposition to some of these plans. We are happy to continue the dialogue with those who are opposed to these things, but we will not be distracted from the important business of providing water security for Victorians for the next 50 years.

The SPEAKER — Order! The time set aside for questions has expired.

Mr Batchelor — On a point of order, Speaker, I refer to the ugly, premeditated and organised disruption of question time today and to the procedures which exist in this Parliament for the securing or ordering of seats and the common practice of allowing schools and schoolchildren to do that. In terms of organised groups and people who have come in to deliberately disrupt Parliament, I was just wondering what the policy —

Honourable members interjecting.

The SPEAKER — Order! The member for Scoresby and the Premier! I need to hear the point of order in silence.

Mr Batchelor — I am inquiring as to what the general policy is in relation to groups other than schoolchildren coming in here and making bookings for question time. I am also inquiring in relation to the responsibility of individual members of Parliament who bring groups and individuals into the chamber and into the Parliament as to who is responsible for those groups, and in particular the role of the member for Benalla in advising booking procedures to these ugly, ugly people.

Honourable members interjecting.

Mr Ryan — On a point of order, Speaker, the Leader of the House has cast a deliberate and unfounded slur upon the member for Benalla, and I call upon him to withdraw it.

The SPEAKER — Order! The practice of this house is that the member who feels aggrieved asks for the withdrawal of any comments.

Honourable members interjecting.

Dr Sykes — On a point of order, Speaker, in line with your ruling, I am offended by the unfounded slur upon my name cast by the Leader of the House, and I ask him to withdraw that comment.

The SPEAKER — Order! Will the minister withdraw his remarks against the member for Benalla?

Mr Batchelor — Speaker, if the member wants remarks withdrawn — —

Honourable members interjecting.

Mr Batchelor — If the member wants me to withdraw any remarks, I will withdraw those remarks. However, Speaker, I still persist with the — —

Honourable members interjecting.

The SPEAKER — Order! The member for Kilsyth should be mindful, as I have pointed out to him already once today, of the language he uses in his interjections.

The howling down of members who have been given the call by the Speaker is unparliamentary, undisciplined and disrespectful not just to the Parliament of Victoria but to the people of Victoria.

The minister has withdrawn his comments made against the member for Benalla?

Mr Batchelor — I have withdrawn the comments that he has found offensive. The comments I made about the protesters here still stand: they were ugly, they were disruptive and their actions were premeditated. I have nothing to withdraw about that.

Honourable members interjecting.

The SPEAKER — Order! The minister is not asked to withdraw all comments, only those comments directed to the member for Benalla which the member found personally offensive.

On the point of order, discussions have already occurred between the Serjeant-at-Arms, the Clerk and the Speaker. Action will be taken. Obviously today was a disgrace to all Victorians. It is the right of all Victorians to come to this place and watch the Parliament in action, but with that right come responsibilities for them and for the members who bring their guests into this place. On numerous

occasions there have been remarks and rulings from the Chair asking members to take responsibility for their visitors' actions.

Today's events will be investigated, they will be discussed and there will be further action. It would be an unmitigated shame if the Parliament of Victoria had to restrict access to its galleries, as it has had to do today. It is incumbent on all of us to look at what we wish the Parliament of Victoria to become and how we want it represented in the media and in the wider community.

CROWN LAND (RESERVES) AMENDMENT (CARLTON GARDENS) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Community Development) introduced a bill for an act to amend the Crown Land (Reserves) Act 1978 to provide for the management of land in the Carlton Gardens Reserve for special events and for other purposes.

Read first time.

NOTICES OF MOTION

Notices of motion given.

Mr FOLEY having given notice of motion:

The SPEAKER — Order! I remind the member for Albert Park that there is a time for members statements. That should really have been a members statement rather than a notice of motion.

Further notices of motion given.

Mr WALSH having given notice of motion.

The SPEAKER — Order! As I reminded the member for Albert Park I also remind the member for Swan Hill: there is a time to make members statements.

Further notices of motion given.

PETITIONS

Following petitions presented to house:

Water: desalination plant

To the Legislative Assembly of Victoria:

The petition of residents of Victoria points out to the house that, given the lack of information and consultation with the public, we are totally opposed to the proposed desalination plant on the following grounds:

Desalination is an energy-intensive and unnecessarily costly means of addressing water shortages. Any renewable energy offsets need first to be directed to reducing the impact of current levels of energy use.

The construction of the plant poses potential risks to marine and marine park environments.

Aboriginal heritage sites are also at risk. Detailed environmental effects studies have not been undertaken.

Inappropriate siting of the plant has potential detrimental effects on coastal space, with the likelihood of destroying the very values which attract visitors and residents to Bass Coast.

The development is at conflict with state and local government policies, especially marine protection, Victorian coastal strategy, Victorian coastal spaces study and Bass Coast strategic coastal framework.

The petitioners therefore request that the Legislative Assembly of Victoria directs immediate consultation between government and the local community's representative committee to address the issues as listed above.

By Mr K. SMITH (Bass) (567 signatures)

Water: north-south pipeline

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne.

The petitioners register their opposition to the project on the basis that it will effectively transfer the region's wealth to Melbourne, have a negative impact on the local environment, and lead to further water being taken from the region in the future. The petitioners commit to the principle that water savings which are made in the Murray-Darling Basin should remain in the MDB. The petitioners therefore request that the Legislative Assembly of Victoria rejects the proposal and calls on the state government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

**By Dr SYKES (Benalla) (267 signatures)
Mrs POWELL (Shepparton) (576 signatures)**

Nuclear energy: federal policy

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the commonwealth government's promotion of a nuclear industry in Australia and the strong likelihood that

Victoria will be selected as a site for the construction of a nuclear power facility.

The petitioners therefore request that the Legislative Assembly of Victoria reaffirm the opposition of the Victorian government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant.

By Dr HARKNESS (Frankston) (29 signatures)

Lipscombe Park Reserve: facilities

To the Honourable Speaker and members of the Legislative Assembly in Parliament assembled:

The petition of the participants of Croydon Hills Auskick draws the attention of the house to the inadequate facilities at Lipscombe Park Reserve, Croydon North.

The petitioners therefore request that the government allocate funds to ensure the needs of the users of Lipscombe Park Reserve are adequately catered for.

By Mr R. SMITH (Warrandyte) (146 signatures)

Tabled.

Ordered that petition presented by honourable member for Benalla be considered next day on motion of Dr SYKES (Benalla).

Ordered that petition presented by honourable member for Warrandyte be considered next day on motion of Mr R. SMITH (Warrandyte).

Ordered that petition presented by honourable member for Bass be considered next day on motion of Mr McINTOSH (Kew).

Ordered that petition presented by honourable member for Shepparton be considered next day on motion of Mrs POWELL (Shepparton).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 1

Mr CARLI (Brunswick) presented Alert Digest No. 1 of 2008 on:

- Constitution Amendment (Judicial Pensions) Bill**
- Consumer Credit (Victoria) and Other Acts Amendment Bill**
- Crimes Amendment (Child Homicide) Bill**
- Criminal Procedure Legislation Amendment Bill**
- Emergency Services Legislation Amendment Bill**
- Infringements and Other Acts Amendment Bill**
- Legislation Reform (Repeals No. 2) Bill**
- Liquor Control Reform Amendment Bill**

- Police Regulation Amendment Bill**
- Professional Boxing and Combat Sports Amendment Bill**
- Relationships Bill**
- Victorian Energy Efficiency Target Bill**

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Crown Land (Reserves) Act 1978 — Orders under s. 17D granting leases over:

- Albert Park Reserve
- Brighton Beach Reserve
- Elsternwick Park Reserve
- Lake Wallace Caravan Park Reserve
- Torquay Public Purposes Reserves
- Wombat Hill Botanic Gardens Reserves

Financial Management Act 1994 — Budget Update 2007–08

Health Services Act 1988 — Report of the Community Visitors 2006–07 — Ordered to be printed (in lieu of report tabled on 5 December 2007)

Legal Profession Act 2004 — Practitioner Remuneration Order under s. 3.4.24

Major Events (Crowd Management) Act 2003 — Order declaring a managed access area under s. 7

Medical Practitioners Board of Victoria — Report for the year ended 30 September 2007

Murray-Darling Basin Act 1993 — Revised Schedule G under s. 28

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

- Alpine — C16
- Banyule — C58
- Bass Coast — C80
- Boroondara — C63, C82
- Brimbank — C95 Part 1
- Central Goldfields — C15
- Corangamite — C12
- Darebin — C70, C82, C89
- Glen Eira — C57
- Greater Bendigo — C99

Greater Geelong — C123, C157
 Hobsons Bay — C64
 Horsham — C35
 Kingston — C59, C60, C72, C97
 Knox — C65
 Loddon — C21
 Manningham — C73
 Maribymong — C68
 Maroondah — C66
 Melbourne — C127
 Mitchell — C35
 Monash — C72, C78
 Moreland — C42, C62, C74
 Moynes — C29
 Murrindindi — C20
 Nillumbik — C13 Part 2, C50
 Port of Melbourne — NPS1
 Port Phillip — C63, C67
 Stonnington — C68, C72
 Towong — C14
 Victoria Planning Provisions — V6
 Wellington — C36, C48
 Whitehorse — C81, C86, C88
 Wyndham — C104, C105, C107
 Yarra — C52, C94, C120
 Yarra Ranges — C56, C59
 Yarriambiack — C14

Professional Standards Act 2003 — Notice and Scheme under s. 14 (*Gazette G1, 3 January 2008*)

Project Development and Construction Management Act 1994 — Nomination order under s. 6, application order under s. 8 and a statement under s. 9 of reasons for making a nomination order (three documents)

State Services Authority — The State of the Public Sector in Victoria Report 2006–07

Statutory Rules under the following Acts:

Charter of Human Rights and Responsibilities Act 2006 — SRs 135, 145/2007

Dangerous Goods Act 1985 — SR 140/2007

Environment Protection Act 1970 — SR 138/2007

Fisheries Act 1995 — SR 143/2007

Gene Technology Act 2001 — SR 147/2007

Health Act 1958 — SR 146/2007

Health Professions Registration Act 2005 — SR 132/2007

Legal Profession Act 2004 — SR 134/2007

Magistrates' Court Act 1989 — SR 142/2007

Mineral Resources (Sustainable Development) Act 1990 — SR 131/2007

National Parks Act 1975 — SR 139/2007

Owners Corporations Act 2006 — SR 130/2007

Prevention of Cruelty to Animals Act 1986 — SR 144/2007

Radiation Act 2005 — SR 148/2007

Road Management Act 2004 — SR 154/2007

Road Safety Act 1986 — SRs 151, 152, 153, 155, 156/2007, 2

Subordinate Legislation Act 1994 — SRs 129, 136, 141/2007, 1

Transport Act 1983 — SRs 149, 150/2007

Travel Agents Act 1986 — SR 137/2007

Victorian Civil and Administrative Tribunal Act 1998 — SR 133/2007

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rules 129, 136, 139, 141, 142, 143, 144/2007, 1

Ministers' exemption certificates in relation to Statutory Rules 132, 135, 139, 140, 145, 146, 147, 148, 150, 154, 155, 156/2007, 2

Water Act 1989 — Stream Flow Management Plans under s. 32A (three documents).

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 19 December 2006:

Gambling Legislation Amendment (Problem Gambling and Other Measures) Act 2007 — Part 1 and ss 7, 16, 17, 18, 51 and 56 — 31 January 2008 (*Gazette G5, 31 January 2008*)

Justice and Road Legislation Amendment (Law Enforcement) Act 2007 — Part 2, ss 11 and 12 and Part 5 except ss 14, 15 and 20 — 28 February 2008 (*Gazette G5, 31 January 2008*)

Liquor Control Reform Amendment Act 2007 — Whole Act except ss 11, 13, 16, 17(1), 19, 20, 21, 22 and 23 — 19 December 2007 (*Gazette S342, 18 December 2007*)

National Electricity (Victoria) Amendment Act 2007 — Whole Act except ss 5 and 6 — 1 January 2008 (*Gazette G51, 20 December 2007*)

Port Services Amendment Act 2007 — Whole Act — 1 January 2008 (*Gazette G51, 20 December 2007*).

ROYAL ASSENT

Message read advising royal assent to:

11 December 2007

Agent-General and Commissioners for Victoria Bill

Animals Legislation Amendment (Animal Care) Bill

National Electricity (Victoria) Amendment Bill

Police Regulation Amendment Bill

State Taxation and Accident Compensation Acts Amendment Bill

Transport Legislation Amendment Bill

Victorian Energy Efficiency Target Bill

Victorian Workers' Wages Protection Bill

18 December 2007

Gambling Legislation Amendment (Problem Gambling and Other Measures) Bill

Liquor Control Reform Amendment Bill

Road Legislation Further Amendment Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Constitution Amendment (Judicial Pensions) Bill

Consumer Credit (Victoria) and Other Acts Amendment Bill

Infringements and Other Acts Amendment Bill

Professional Boxing and Combat Sports Amendment Bill

Relationships Bill.

BUSINESS OF THE HOUSE**Program**

Mr BATCHELOR (Minister for Community Development) — I desire to move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 7 February 2008:

Crimes Amendment (Child Homicide) Bill

Freedom of Information Amendment Bill

Infringements and Other Acts Amendment Bill.

I move this motion on the government business program with the need to give members the explanation that I have provided to the member for Kew, because it

is important to give it to the wider house and, through *Hansard*, to the wider community.

We are structuring a government business program that has a constrained legislative program this week in order to allow for responses from the Liberal Party and The Nationals to the annual statement of government intentions. As I understand it, following earlier advice from the member for Kew, it is the desire of the Liberal Party to commence that response first thing Thursday morning. That will therefore be followed by the response by the Leader of The Nationals, and under these new procedures individual members will then be entitled to join in the debate.

We anticipate that there are quite a few members of the chamber who would like to join in that debate. Accordingly that will occur in this parliamentary week and the following parliamentary week, and then we will see where it goes. The government expects that there will be a substantial opportunity provided to individual members of all parties and the Independent to contribute to the debate on this new part of the parliamentary program.

Acknowledging that you cannot do two things at once, it is the government's desire to make sure an opportunity is provided in a timely way for the bulk of members of Parliament to join in the response to the statement of legislative intentions. Given that dynamic, it is clear that the amount of legislation we are proposing to progress through these weeks, in which a large part of the parliamentary timetable will be taken up with the debate on the annual statement of government intentions, will necessarily be reduced from what would normally be the case.

This week it is our intention to bring forward three pieces of legislation, and at least two of those, I am informed, will attract quite a substantial amount of debate in Parliament in their own right. In particular I imagine that the Freedom of Information Amendment Bill and the Crimes Amendment (Child Homicide) Bill will attract considerable speaking lists from all parties. In that context, the government is pleased to provide the opportunity for members to join in those debates.

As you will see from looking at the notice paper, nine pieces of legislation have been held over from last year. This was a deliberate act on the part of the government to provide a bank of legislation for the early weeks of this calendar year's parliamentary sittings. During the coming weeks we will progressively add to that list, but it is not our intention to provide an additionally large swag of legislation, because there would not be the opportunity in the forthcoming weeks to debate it.

Mr McINTOSH (Kew) — The opposition does not oppose the government business program. It certainly seems to be an appropriate number, given the limited time available this week to debate bills. As the Leader of the House correctly indicated, after discussions with me and the representative of The Nationals, the member for Lowan, it would appear that a large number of members wish to speak on the Freedom of Information Amendment Bill and the Crimes Amendment (Child Homicide) Bill.

In relation to that, I want to raise one matter just to ensure a degree of clarity. In relation to the responses by the various parties to the statement of government intentions that was delivered today, the opposition's preferred option would have been to treat it as a ministerial statement per se. That is, we took the view that it should be delivered after question time, given the importance of question time to the parliamentary process as a cornerstone of democracy where the government can be held accountable.

All other things, like the budget, for example, are dealt with after question time. Our preferred option would have been to have question time and then have the statement of government intentions, to be treated as a ministerial statement with the appropriate delivery of a copy of the speech and with responses to be delivered by the leaders of the opposition parties. Then a select few would thereafter represent their parties in their contributions on the matter. This would not take important debating time away from the chamber.

However, given the fact that we voted on this issue and the government exercised its numbers and took the view that the statement would be delivered before question time and the responses would be adjourned to the next day, the other option was to lose the grievance debate tomorrow. The first available opportunity for responses we felt comfortable with was Thursday morning, not tomorrow morning, as we would lose the grievance debate. Accordingly, the responses will not be made until Thursday.

The opposition took the view that the important party leaders and perhaps a select few — one or two others — should be able to make contributions, but it was made perfectly clear by the Leader of the House that a large number of members of the Labor Party wished to participate in what I think will probably become an enormous amount of drivel, when we should be dealing with the government business program in its entirety. There are a large number of bills. They are, supposedly, important bills, and those matters should be properly dealt with by this Parliament. Unfortunately we have been dealt a hand;

we have no say in the matter. That is why the whole of Thursday will be taken up with responses.

To make it perfectly clear, we are limited to debating three bills. This is not at the direct request of the opposition; in fact it is quite the contrary. We have been compelled into this position. We have also been compelled into losing all of Thursday to responses. It is not a matter of us remaining silent. If the government is going to drive the agenda, it is important that both sides of the equation are put by the various opposition parties in response to whatever the government may say. Our preferred option would have been to treat the statement as a short, sharp ministerial statement after question time on Tuesday. That should have been satisfactory. However, we are confined to debating these three bills. I also note that on a day when we are talking about the government's intentions for this Parliament and the greater good of Victoria, the only bill that has been introduced is about a flower show. Perhaps this says something about this government's priorities.

Mr DELAHUNTY (Lowan) — The Nationals will be supporting the government business program. We do that on the grounds that there are three bills to debate and an enormous amount of time will be allocated or needed for members to respond to the annual statement of government intentions. My understanding — even though I have not spoken to the Leader of the House — is that this will continue on into the next sitting week.

There are three bills, and they are very important, as are — as I see it — eight bills listed under government business. The Nationals think this is a common-sense approach. There are three bills there and, as the Leader of the House and the member for Kew said, there will be numerous speakers on two of those bills. They are very important — particularly the Freedom of Information Amendment Bill. We have had about 20 000 inquiries about FOI in the last 12 months, many of them from people who are unhappy with the process, and particularly with its administration, so there will be a lot of information. I hope the government will listen to the debate.

I have to say I am a little bit disappointed. I have been in this job — whip for The Nationals — for a bit over 12 months. I have had a very good amount of contact with the Leader of the House. I have his numbers, he has my numbers — that is, phone numbers and email addresses —

An honourable member interjected.

Mr DELAHUNTY — I do not think either of us is like that! The reality is that we would appreciate some

contact in relation to a discussion of the program. I tried to ring the Leader of the House last week, but unfortunately I could not reach him. I know he is a busy man, as we all are. However, it is important that we keep the lines of communication open to ensure the best operation of the Parliament.

We are disappointed about a couple of the bills listed on the notice paper. No. 8 is the Consumer Credit (Victoria) and Other Acts Amendment Bill. With the debt levels across Australia, particularly after Christmas, I am sure there would have been a lot of comment about that in the house. There would have been a lot of discussion about whether there is an appropriate level of support for people going into debt, particularly with credit and that type of thing, in Victoria. There is a bill sitting on the government business program that is now over 12 months old, the Water Amendment (Critical Water Infrastructure Projects) Bill 2006, as amended by the Legislative Council. If my memory is right, the bill was introduced in this house, it had to go through quickly, it was brought back — —

Dr Napthine interjected.

Mr DELAHUNTY — It was urgent, as the member for South-West Coast said. Yet, if I read this paper right, it was introduced in 2006 and it has come back into this house. It surprises me when the government promises a lot on infrastructure projects, particularly water infrastructure. I feel it has sat on its hands for six or seven years, and now it is catch-up time.

I was more than disappointed with the comments of the Leader of the House and some others reflecting on The Nationals and with the way that people in the gallery were treated today. It is my understanding that they were independent people from across country Victoria who showed their disappointment, as did many others — —

The SPEAKER — Order! I am not sure that the member for Lowan's comments concern the government business program.

Mr DELAHUNTY — That is true, Speaker. I take your guidance, but it did take up a lot of time today.

In finishing I would like to say that The Nationals will speak on the three bills, as we always do. The Leader of The Nationals is our lead speaker on all of them, and he wants to contribute to debate on them. With agreement from the Leader of the House, my understanding is that we will run each of those bills through — not like the times when we get only the lead speakers through. With

those few comments I repeat that The Nationals will be supporting the government business program.

Mr LUPTON (Pahran) — I just want to make some brief comments on the government business program. At this time in a sitting week I often get stuck into the member for Lowan, but on this occasion I can tell him that I appreciate The Nationals support of the government business program this week.

I will briefly raise a couple of matters in relation to the comments made by the member for Kew. Notwithstanding that the Liberal Party is said not to be opposing the government business program, the member for Kew always then takes the opportunity to make a variety of criticisms. In particular it is pertinent to deal with the issue of the statement of government intentions and the way in which parliamentary time is going to be expended this week. The member for Kew wants people to infer that, because we are debating the statement of government intentions and all members of this house are going to be given an opportunity to contribute to that debate, that in some way will restrict debate on bills and other matters that come before the Parliament. Of course that is in fact completely contrary to the truth; it is completely wrong and needs to be corrected without delay.

The statement of government intentions debate will obviously give all members of this chamber an opportunity to make a contribution to the important agenda going forward; but notwithstanding that, all the legislation that would have otherwise come before this chamber this year will still come before this house for debate. We make no apology for the facts. We regard it as a very positive thing for the democratic process in Victoria that, in addition to all the legislation that would normally come before the house, we have the opportunity to know as much as we can about that legislation in advance and therefore have a greater opportunity to debate that legislation and the agenda the government has set going forward. The government business program this week is a good program; it has an appropriate amount of legislation in it. The statement of government intentions debate will start and then will continue after this sitting week.

Finally I make a comment on the attitude to one of our important economic drivers in this state, one of the major areas that contributes to economic prosperity, and that is the holding of major events. Major events not only attract the people of Victoria, they attract people from interstate and overseas to come to Melbourne and Victoria to attend those major events, to stay in our hotels and other accommodation, to go to our restaurants, to spend their money and to find out

what great places Melbourne and Victoria are. That is why this government proudly supports major events as it does. I was dismayed to hear the comments made by the member for Kew attacking the importance of the Melbourne International Flower and Garden Show. The Liberal Party stands condemned for its opposition to that sort of event and the prosperity that it brings to Victoria!

Otherwise I support the government business program, and I commend it to the house.

Motion agreed to.

MEMBERS STATEMENTS

Parliament House: public gallery disruption

Mr NARDELLA (Melton) — I rise to condemn the Liberal Party and The Nationals for organising the ugly, disruptive rabble in the gallery today. Their actions have brought the Parliament and democracy into disrepute, and they show how bereft of ideas, policies and vision for Victoria the opposition parties are.

The rabble was organised by The Nationals — they know who they are — in an attempt to be relevant to country Victoria after abandoning it in the seven long, dark years when they were in office and part of the Kennett government. That was when they voted 1150 times with the Liberals to close six country railways lines, including Cobram, Ararat, Bairnsdale and Mildura; when they closed 12 country hospitals; when they closed country police stations and reduced police numbers by 800; when they closed 126 country schools; and when they opposed the regional rail upgrade.

Now they oppose the investment of \$1 billion into the food bowl district where we are creating water for agriculture through savings, and when the idea actually came from the local food bowl irrigators! They are bereft of ideas and policies and are prepared to destroy our proud democratic institutions to lead the rabble and mob and to be their mouthpieces here. The Nationals, through their actions, are anti-agriculture by denying extra new water to this important food bowl irrigation district.

The Liberals and The Nationals are rudderless. Mr Philip Davis from the other place was absolutely correct when he wrote that they stand for nothing and continue to remain irrelevant. The cooperation in this underhand operation may be the precursor to the opposition parties' eventual amalgamation in this state. They stand condemned for disrupting this Parliament,

bringing it into disrepute and acting in unison with the rabble and mob in the gallery.

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

Racing: country meetings

Dr NAPHTHINE (South-West Coast) — Country Victoria is frustrated and angry with the city-centric Brumby Labor government, which is simply not listening to and has stopped caring about rural communities. Country people are shocked that the Brumby government is stealing their water, selling off rural police houses, closing country rail freight services and failing to fund a life-saving emergency chopper for south-west Victoria.

Now the Minister for Racing is attacking country racing by taking away race meetings, removing TAB race dates and putting country clubs and tracks at risk of closure. In 2006 a parliamentary committee revealed that country racing generated over \$1 billion for the state and over \$800 million for country Victoria. Country racing creates jobs and economic benefit for rural communities, yet this city-centric government is taking 28 race meetings from country clubs, downgrading five country race dates from TAB to non-TAB meetings and removing numerous popular Sunday race days from country Victoria. This is on top of the government's decision to close seven country harness racing tracks only two and three years ago.

I call on the Minister for Racing to stand up for country race clubs, to stand up for country racing, to stand up for rural communities and to stop this destruction and decimation of country racing by the Brumby Labor government in cahoots with Michael Duffy, a former Labor federal member.

Parliament House: public gallery disruption

Ms GREEN (Yan Yean) — I rise to express my disgust at the stunt pulled by The Nationals today, which sought to disrupt the Parliament. Obviously I have been under a misapprehension in thinking that The Nationals was an outfit of old-fashioned gentlemen who actually had some respect for the traditions and processes of the Parliament. The member for Benalla today has shown by his organised stunt that he and his party have no respect at all for measured, rational debate, but prefer mob rule and the law of the jungle.

These dinosaurs, these climate-change naysayers, continue to play politics with the future of farming families and communities by talking down much-needed investment in our water infrastructure —

something they never had the foresight, courage or commitment to do. The Nationals are the vandals of country Victoria. On their watch — when country Victoria was known as the toenails of the state — 186 country schools, 12 country hospitals, 6 regional rail lines and 26 country rail stations were closed. Local councils were obliterated, and police, nurse and teacher numbers were slashed. The so-called toenails of the state did not just get a clipping; country Victoria got a double-leg amputation under the watch of the then National Party.

When the current Premier was the Leader of the Opposition in the time of the Kennett government he was the first to stand up for country Victoria under that terrible rule, and as Premier he continues to govern for all the state, for all Victoria.

SPC Ardmona: workforce

Mrs POWELL (Shepparton) — On Tuesday, 29 January, Nigel Garrard, the managing director of SPC Ardmona, phoned me to advise that his company will be announcing a reduction of approximately 50 positions in its permanent workforce across its three Goulburn Valley plants and its Melbourne operation. This is a devastating blow for the Goulburn Valley and for the people who will lose their jobs and for their families. Mr Garrard advised that he regretted having to make this decision but said that SPC Ardmona would do everything possible to assist and support people who lose their jobs.

I ask the government to contact SPC Ardmona to offer whatever assistance is needed for those who will lose their jobs and for the company to ensure it can remain viable and sustainable into the future. Mr Garrard blames increased costs, the competition from imported products and the drought for the need to restructure, but has said that imported fruit and vegetables will not replace locally grown produce. This will be a huge relief for local growers, who have been hit hard by the worst drought on record, hail and frosts over the years and recent high rainfall, which has affected peach and tomato crops.

SPC has been operating in the Goulburn Valley for almost 90 years and has become the largest fruit and vegetable processing company in Australia. It is one of the biggest employers in the Goulburn Valley — with 1500 full-time positions, increasing to 3000 during the season. Over the past 10 years the company has donated millions of dollars worth of canned food to charities, with volunteers and workers donating their time and growers donating their produce. Now is the time for this government to support SPC Ardmona and

its people to enable them to move on to further employment or retraining and to ensure SPC Ardmona's continued growth in the Goulburn Valley.

Regional and rural Victoria: community building initiative

Mr BATCHELOR (Minister for Community Development) — I rise to congratulate the rural communities involved in the Brumby government's community building initiative. The aim of the community building initiative (CBI) is to strengthen small rural communities by bringing local residents together with government and community agencies to plan for and address local needs, build leadership and foster community networks.

Through active participation in community-planning events the CBI delivers new and improved community facilities, employs local people and increases economic activity for small business and tourism. What has particularly impressed me is that, although in their early stages of planning, many of these communities have placed great emphasis on environmental sustainability, particularly in terms of energy generation and use.

For example, in Donald a key priority for the community has been to explore sustainable energy opportunities and particularly the possibility of installing solar and wind generation. Similarly the community of Wycheproof has identified as a priority the possibility of developing Wycheproof as a solar village, with a view to reducing both the local carbon footprint and energy costs. These communities are to be commended for recognising the long-term benefits to the environment and to the financial security of the community of clean energy alternatives.

Right across country Victoria community building initiatives are working with local communities, with state government agencies and with local government to deliver better outcomes for rural people.

Housing: affordability

Mr WELLS (Scoresby) — This statement condemns the Brumby government for its appalling failure to provide urgent assistance to the many Victorians struggling to buy a home in the current period of record house prices and record state property stamp duty revenue. Recent figures revealing that Melbourne's median house price surged by 25 per cent — almost \$100 000 — in 2007 mean that the great Australian dream of home ownership is now in real crisis.

It is time the Brumby government used some of its expected \$800 million-plus state budget surplus to provide genuine relief to home buyers by immediately cutting property stamp duties. Housing affordability is in crisis, and the Brumby government continues to deny that the record level of state taxes it is slugging Victorians with — particularly property stamp duty and land taxes — is contributing significantly to that problem. The fact remains that Victorians are paying the highest level of stamp duty in any Australian state. Despite Melburnians paying record house prices and record state taxes the Brumby government slugs them \$20 619 in stamp duty on an existing owner-occupied median-priced home costing \$463 488, which is 151 per cent, or \$12 000, more than stamp duty on a similarly priced home in Queensland, and 26 per cent, or \$4200, more than in New South Wales. With record state tax revenue and an expected state budget surplus this financial year — —

The ACTING SPEAKER (Mr Ingram) — Order! The member's time has expired.

Australia Day: Yuroke electorate

Ms BEATTIE (Yuroke) — On Saturday, 26 January, I was very pleased to attend the 2008 Hume Australia Day celebrations. This day of celebration included a citizenship ceremony, at which approximately 150 new citizens took the oath or the affirmation, and the presentation of the 2008 Hume City Australia Day awards. Today I would like to congratulate a constituent, 18-year-old Lucas Ryan, who was the deserving recipient of the Hume young citizen of the year award. Lucas, who was nominated by his school, received this award for his role as a key organiser of the Hume Youth Summit last year, an event which provided an opportunity for hundreds of young Hume residents to voice their opinions on a range of issues.

Lucas is a member of the Hume Youth Ambassador and Leadership Group, a member of the Youth Affairs Council of Victoria and a Victorian young member for National Youth Week 2008. As an advocate for young people Lucas has made an outstanding contribution to our community. Lucas was inspired by other young people who make a difference in the community, and he is now an inspiration and a role model for others to do the same. As Lucas starts his bachelor of arts course at Melbourne University, I would like to wish him well in his university studies. I am sure we will be hearing a lot more about Lucas in years to come.

Public transport: violence

Mr MULDER (Polwarth) — Violence is out of control on Victoria's public transport system. Documents released to the opposition under freedom of information point to guns, knives, fists and unruly behaviour ruining our citizens' day-to-day travel arrangements on Melbourne's trains. The documents provided to the opposition are available to the Minister for Police and Emergency Services and the Minister for Public Transport on a day-to-day basis. The question remains as to why they only acted after this information was made public by the opposition. The freedom of information documents provided to the opposition are only the tip of the iceberg.

An article which appeared in the *Berwick Leader* of 27 January states that the real figures were considerably higher. It says that on the previous Monday night 'we had 15 reported incidents'. Connex says that across Melbourne's 16 lines in the calendar year 2007 there were 1384 such incidents involving 5110 trains, rather than the 330 the opposition highlighted in the first six months of 2007. A government that cannot protect its citizens is failing in its basic duty of care. The Labor government claims we have an additional 1400 police on the beat and a total of 230 transit police and 591 authorised officers across Connex, Yarra Trams and private bus operators. Where are they? V/Line still lacks a single authorised officer.

Last Saturday night, 2 February, on the Glen Waverley line a train driver was confronted at Holmesglen. His cab was smashed into by a group of youths. The Connex security guard had his glasses taken off him at Glen Waverley, and a Connex staff member at Mount Waverley had to ring police three times. We do not want stunts; we want announcements and we want action.

Gay, lesbian, bisexual, transgender and intersex community: events

Mr FOLEY (Albert Park) — I rise to bring to the house's attention the successful trifecta of events recently concluded in our gay, lesbian, bisexual, transgender and intersex (GLBTI) communities — namely, the Midsumma Festival, the 13th annual Pride march, and the first Asia Pacific Outgames — many of which had a focus in the Albert Park district. Collectively these events were a coming together of the GLBTI community to celebrate their bright future, courage, solidarity, pride and diversity.

Perhaps the Governor of Victoria put it best when he launched the Outgames last week saying:

Through playing sport, being involved in the human rights conference, enjoying Midsumma's cultural program or by volunteering, you are a champion. Coming together as a community to participate, talk and celebrate, you are taking an active role to create change. Melbourne in 2008 will be a beacon of acceptance and diversity to people across the Asia Pacific and for those where inequalities and injustice exist.

More than 1100 participants from 15 countries made the Melbourne First Asia Pacific Outgames an athletic and cultural success. I congratulate the organisers and all the volunteers concerned. The Brumby government provided over \$30 000 to assist these games, including \$5000 towards the Rainbow Conversation Human Rights Conference. The games were also accompanied by the Midsumma Festival, which continues to be Melbourne's premier gay and lesbian arts, culture and community event. Finally there was the ever successful 13th annual Pride march, which was successfully completed on Sunday.

Water: north–south pipeline

Mr WELLER (Rodney) — All members here today have witnessed the protests of Victorians desperate to make their voices heard. But thanks to the draconian measures adopted by the Brumby government in dealing with people who dare to contradict its plans to build the north–south pipeline, their concerns have been ignored. I again intend to lay them out before you. The government tells us that 225 gigalitres, or 225 billion litres, of water will be saved by modernising northern Victoria's irrigation infrastructure. But last week the Minister for Water informed my constituents that their future is presently insecure, as climate change is likely to result in less rain and inflows.

If such is the case, then the savings the government has so sketchily calculated do not even exist. The modelling shows that the Goulburn-Murray water system will receive a full allocation in only 43 years of every 100. That means the savings, which have been calculated using historical averages, simply will not be there in most years. Then where will Melbourne get its water from? The irrigators are under no illusion; it will come from the irrigators' pool. Little consideration will be given to the loss of rural jobs or vanishing export dollars.

It is this attitude — the same attitude that puts Labor seats first and the interests of the city before those of the country — that has led many people from across Victoria here to protest today.

Roslyn Smorgon

Ms GRALEY (Narre Warren South) — It was not long ago that I went to the Brownlow medal dinner as the guest of the Western Bulldogs' indefatigable chief executive officer, Campbell Rose. It was a night of glamour, fun and player adoration, but the real highlight for me was how very welcome David and Roslyn Smorgon made me feel. I gather Roslyn had this impact on everybody, wherever she was. Sadly, after a long battle with cancer, Roslyn Smorgon passed away on 27 January 2008.

Roslyn was the mother of Dean, Ricky and Dale and the grandmother of six. She was made a member of the Order of Australia (AM) in 2006 for her services to the community through a variety of fundraising activities. Mount Scopus Memorial College, the United Israel Appeal, the Jewish National Fund of Australia, the Breast Cancer Network Australia, the St Vincent's Institute, Monash University and the Peter MacCallum Cancer Centre all benefited from Roslyn's generosity and hard work.

During her life Roslyn taught loyalty to her family, her community and her faith and of course to the Western Bulldogs. She practised and enthused others about the value of serving others, especially the disadvantaged and ill. Roslyn had a beaming smile, a hopeful voice and an air of assurance that gave everyone — whether those familiar to her or strangers — a feeling of being special while also making sure they took what she said seriously.

All the members of the Bulldogs family will miss her being by her family's side at the footy, cheering and willing her boys to win. Go Dogs! All of us who are red, white and blue through and through will miss a champion lady and our no. 1 Bulldog belle.

Yarra River: Warrandyte swimming hazard

Mr R. SMITH (Warrandyte) — On 27 November last year Alan Alder, president of the local police community consultative committee — and unit controller of the local State Emergency Service — wrote to Melbourne Water regarding a long-time swimming hazard in the Yarra River through Warrandyte.

There are deep holes in this section of the river, possibly as a result of some long-ago mining operations. These holes are filled with debris, which has proven to be a major hazard for swimmers who unexpectedly find themselves out of their depth. The lack of notices highlighting the dangers that these holes

hold for unsuspecting swimmers is a concern for local residents, particularly in light of the drowning in Warrandyte of a Bundoora man last year and the tragic loss of a local teenager in similar circumstances a few years ago.

Mr Alder's letter, written on behalf of the police community consultative committee, suggests that while the cleaning and filling of these holes would be the most ideal way forward, the more expedient solution would be to erect signage cautioning swimmers about the dangers. With such a tragic record of incidents, you would think some sort of action, or at least a letter of acknowledgement, would have been forthcoming in the last two months since his letter was sent. Unfortunately this has not been the case, and locals have been left to hope that these current warm months do not bring another tragedy to the area.

I urge the government to act on the concerns of Warrandyte residents and commit to ensuring that everything is done to avoid further misfortune.

Marriott Support Services: employment initiatives

Mr HUDSON (Bentleigh) — I would like to congratulate Marriott Support Services on the initiative it has taken to provide employment and training opportunities to people with a disability in and around my electorate. Trading as Lewis Industries, the organisation provides employment opportunities in packaging, light assembly and blister packing to 80 people on two sites. Recently Marriott Support Services invested \$3 million in a new factory complex in Keys Road, Moorabbin, to expand its operations.

Marriott Support Services has now joined forces with Wallara, Ozanam, Woorinyan and SEARCH, with which Marriott has amalgamated, to form the Southern Best Practice Group. The group is a partnership of disability service providers that offer contract packaging services as well as gardening and landscaping business services. These organisations have come together to develop common business practices and quality assurance systems for the delivery of their services. This work is being undertaken with the assistance of a business grant from the Victorian government.

These organisations know that, if they are to expand employment opportunities for people with a disability, they must be competitive with other private businesses. By focusing on efficient and productive work practices they will grow their businesses and improve the quality of the jobs they are collectively offering to their

300 employees. In turn they will enhance the dignity and independence of people with a disability. Congratulations to Marriott Support Services and the other organisations for the fine work they are doing in bringing people with a disability back into the community.

Towong Turf Club: future

Mr TILLEY (Benambra) — In 1927 the Towong Turf Club was robbed of the Towong cup day takings by Melbourne gangster 'Squizzy' Taylor. In 2008 the turf club is again being robbed by another Melbourne based organisation, Racing Victoria Ltd (RVL), supported by this Labor government.

Towong racing commenced in the 1870s. In 1885 the Towong Handicap was known as the Melbourne Cup of the Upper Murray. The Towong Cup was first run in 1924. A grandstand was erected in 1884, and thanks to the hard work of committees and the community over many years, this grandstand is still in excellent functional condition and was used in the movie *Phar Lap*. The community and country racing has had its guts ripped out. Towong has been cut to one race meeting a year, despite exceeding race day criteria and adapting to Country Racing Victoria policy, and despite ongoing assurances that it would maintain its two meetings.

How can country racing survive? How can country clubs maintain grounds, membership and sponsorship with decreased meetings? Towong Turf Club attempted to place an advertisement in the form guide of the Melbourne paper, the *Herald Sun*, which read:

The end is near for country racing. Last rites administered by the new RVL board on Thursday 24.1.08. Deepest sympathy to all clubs that have lost race meetings and hoping that your remaining time in existence isn't too painful.

The ACTING SPEAKER (Mr Ingram) — Order! the honourable member's time has expired.

Country Fire Authority: Belgrave South and Heights brigade

Ms LOBATO (Gembrook) — I was pleased late last month to hand over the keys to a brand new pumper tanker to the Belgrave South and Heights Country Fire Authority (CFA) brigade. The state government, through the Community Safety Emergency Support program, provided \$70 000 towards the cost of the \$250 000 truck, with the remainder provided by the Country Fire Authority and, through an enormous amount of fundraising, by the brigade. Aaron Carlton, the captain of the brigade,

expressed his gratitude to all those involved and showed genuine leadership in encouraging the CFA, brigade members and the fundraising committee in their fantastic efforts to raise money for the new pump tanker.

The Dandenong Ranges area has experienced a number of devastating fires over the years, and it is important that we equip local brigades appropriately so that they are in the best possible position to tackle fire threats. Over 100 fires started on Ash Wednesday, 16 February 1983, and it is now one of Australia's most well-known bushfire events. Fires swept across Victoria and South Australia, killing 75 people and causing widespread damage, with 47 lives lost in Victoria. The fires occurred during one of the hottest and driest Februaries on record.

Over 16 000 firefighters attended the Ash Wednesday fires, including park and forest firefighters and CFA volunteers. My electorate of Gembrook suffered the most severe damage, with the loss of 27 lives, including 11 from Upper Beaconsfield. On Sunday, 17 February, I will be attending the commemoration service at St Luke's Church in Cockatoo to mark the 25th anniversary of Ash Wednesday.

The ACTING SPEAKER (Mr Ingram) — Order! The member's time has expired.

Latrobe Valley Racing Club: future

Mr NORTHE (Morwell) — I rise today to speak on Racing Victoria's recent decision to reduce the number of race meetings in the Latrobe Valley for the 2008–09 season. In particular, the newly formed Latrobe Valley Racing Club, which operates from Glenview Park in Traralgon, has lost one of its three meetings for the upcoming season — that is, 33 per cent of its meetings. The unique dual-code day which encompasses both thoroughbred and greyhound racing is the meeting that Racing Victoria has decided to abolish. This decision is despite the dual-code meeting exceeding benchmarks as defined by Racing Victoria, so I wonder how the decision is justified in this circumstance.

The loss of this race meeting will have enormous implications not only for the local economy but for the local racing fraternity and the Latrobe Valley community in general. It appears that decisions made by Racing Victoria on the allocation of race meetings are reliant on the almighty dollar, without consideration being given to a number of factors, including the potential for future development and in this instance the growth of the dual-code day.

The Latrobe Valley Racing Club and its committee have worked tirelessly to reinvigorate racing in the Latrobe Valley, and the decision to abolish one-third of the race meetings is a kick in the guts to say the least. Peter Hall, a member for Eastern Victoria Region in the other place, and I have written to Racing Victoria requesting it review the decision to abolish the dual-code day at Glenview Park. Hopefully common sense will ultimately prevail for not only racing in the Latrobe Valley but across the board for country Victoria.

Israel: Beersheba battlefield

Mr HERBERT (Eltham) — I rise to thank the Honourable Alan Griffin, the federal Minister for Veterans Affairs, for his prompt response to an issue I raised with him regarding the restoration of a famous battlefield in Beersheba, Israel. The Beersheba battlefield was the site of the last successful cavalry charge in history. This charge by the Australian 4th Light Horse Brigade is of great significance to veterans all over Australia and to many Israeli Australians. It is noted as having played a major role in the successful battle against the Ottoman Empire in the First World War in the Middle East.

Unfortunately the state of the battlefield and wells in Beersheba is poor and littered with rubbish, and they do not do justice to the brave actions of the Australian light-horsemen involved in that battle on 31 October 1917. After viewing these historic sites as part of an Australian delegation, I wrote to the Honourable Alan Griffin, the Minister for Veterans Affairs, on 9 January. I wish to thank the minister for his very prompt reply, less than two weeks later, and express my gratitude at the obvious importance which he has placed on this issue.

The minister has advised me that he has contacted the Australian Embassy in Israel to seek their advice about approaches to keep the site free of litter. He has also informed me that the Australian ambassador to Israel has written to the mayor of Beersheba municipality about the condition of the wells. The ambassador is also seeking a possible joint project to clean up Israel. The minister has assured me that he is, and I quote, 'confident a solution to the problem can be achieved by working with the Israeli authorities', and he is committed to such an outcome'.

Dorset Road, Croydon: upgrade

Mr HODGETT (Kilsyth) — I wish to draw the attention of the house to the concerns of residents in my electorate about Dorset Road, Croydon. Dorset Road is

a main road travelling through my electorate from its southern border with Dandenong Creek, Bayswater North, to its northern most point at the intersection of Maroondah Highway and Bellara Drive, Croydon. From Dandenong Creek, Dorset Road is a dual carriageway to Hull Road, before changing to a single carriageway, crossing a narrow rail bridge and traversing along unfinished edges and open drains to its end point. This section of the single carriageway is in need of urgent upgrade.

According to the September 2007 response to my question on the traffic flow on Dorset Road from the Minister for Roads and Ports, 18 000 cars use the single carriage section of the road per day. At peak times, this part of Dorset Road is like a car park; it is a single lane road and is hampered by a poorly designed intersection at its end. Added to this mix we have the Minister for Planning in the other place supporting a decision resulting in a potential 650 new homes on the Croydon golf course site, which happens to be on Dorset Road. With a poorly provided public transport system presided over by the minister, we will now have an additional 1300 cars, minimum, using the single carriage section of Dorset Road.

The minister says that any proposals for improvement must be considered and prioritised on a statewide basis, and so I tell him on behalf of the local residents of Croydon that this section of road should be prioritised. Let us not keep reacting to problems. Let us see the Brumby government being proactive and acting sooner rather than later. It should listen to the concerns of local residents and prioritise the upgrade of this section of Dorset Road, including improvements to the intersection of Dorset Road, Bellara Drive and Maroondah Highway and an upgrade to the single lane railway bridge at the intersection of Dorset Road and Lincoln Road. There are no excuses: fix Dorset Road.

Australia Day: Ballarat East electorate

Mr HOWARD (Ballarat East) — Australia Day saw many celebrations held across the Ballarat East electorate. While I could not attend all the events held across the electorate, I was pleased to attend events held in Moorabool shire, the city of Ballarat and Hepburn shire.

These included a breakfast barbecue and citizenship ceremony held in Ballan, a citizenship ceremony held in the city of Ballarat, a family barbecue event at Caledonian Park, Creswick, a multicultural event held on the shores of Lake Wendouree and an evening barbecue at Glenlyon. Within these municipalities citizens of the year were also recognised, as were

community events held last year. It was pleasing to see that so many people joined these events and celebrated what it is to be Australian.

I wish to commend those many people who took out citizenship on the day and became full members of the Australian community. I wish also to congratulate all of those who helped to arrange events. It was terrific to see that so many people were pleased to come out and recognise that we are very fortunate in this country, Australia, and it is great to come together and celebrate that.

Frankston Hospital: equipment

Dr HARKNESS (Frankston) — Key medical equipment at the Frankston Hospital will be updated as a result of the \$985 000 in Brumby government funding. This funding will be used to replace equipment which is now becoming outdated, providing the Frankston Hospital with the most modern technology now available, and will help ensure that it stays at the forefront of the introduction of new technology. Our hospitals need to stay abreast of developments in technology to ensure they continue to provide the best possible care to patients. This funding will enable our hospitals to take advantage of advances in technology and buy the most up-to-date systems to improve patient treatment and diagnosis.

The Frankston Hospital funding will replace 15 physiological monitoring units in the emergency department — 3 for resuscitation, 11 in the acute area and 1 in the high-risk cubicle. It will also provide a new central monitor in the emergency department, a digital X-ray in the radiology section and three new cystoscopes for the endoscopy section.

Frankston electorate: sporting facilities

Dr HARKNESS — In other good news, six grassroots sports clubs in the Frankston area will be dressed for success after receiving grants of up to \$1000 to purchase essential sports uniforms and footwear. Sport in Frankston is as strong as ever, but many of our local clubs lack the resources and funding to properly equip their teams. New uniforms will play an important part in reinforcing the clubs' identities and help build morale and character among team-mates.

The Brumby government's \$1.5 million Our Club, Our Future sporting uniforms grants program gives our local clubs the opportunity to feel that sense of pride and belonging. The six local clubs to receive funding are the Peninsula Fencing Academy, the Langwarrin Soccer Club, the Ballam Park Cricket Club, the

Frankston Pines Soccer Club, the Heatherhill Cricket Club and St Anne's All-Stars Basketball Club.

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member for Clayton has 5 seconds.

Chinese new year: Year of the Rat

Mr LIM (Clayton) — I wish the Parliament and the people of Victoria a very happy Chinese New Year.

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member's time has expired. The time for making members statements has expired.

FREEDOM OF INFORMATION AMENDMENT BILL

Second reading

Debate resumed from 22 November 2007; motion of Mr HULLS (Attorney-General).

Opposition amendments circulated by Mr CLARK (Box Hill) pursuant to standing orders.

Mr CLARK (Box Hill) — This is a bill to amend the Freedom of Information Act. The government has gone to the public and the media saying it is a bill to introduce reforms responding to the Ombudsman's report and to make other improvements to freedom of information. But instead when we examine the bill we find it is a bill under which the government will be giving itself enormous power over what information is made public. It is giving itself sweeping capacity to extend time limits by a further 30 days; and it is also giving itself the power to put on hold all requests by applicants, particularly requests by applicants such as members of Parliament and journalists, under the expediency of a spurious claim that applications are vexatious.

We already know that this is a government that is given to secrecy, cover-up, obfuscation and corner cutting. We have seen it with projects such as channel deepening, the desalination plant and the north-south pipeline. Some of those projects may have merit in principle, others may not. But what is common to the government's handling of all of them is that decency and due process have gone out the window. Community groups across the state are outraged at the lack of full and frank information that they are receiving from this government.

In relation to freedom of information, as in so many other areas, the government has adopted an *Animal*

Farm approach. That classic novel by George Orwell is yet again typified and characterised by the Bracks and Brumby governments. Having abused the previous government for alleged misuse of freedom of information, and after coming to office and promising what government members claimed would be a new era of reform and enlightenment, they then proceeded to abuse freedom of information legislation outrageously to suppress rather than to release information and to manipulate public debate.

It is not just opposition members of Parliament who are saying that now. We had the recent report of the Ombudsman of June 2006, the *Review of the Freedom of Information Act*, which has backed up exactly the sorts of concerns that opposition members have been talking about. Just about every member on this side of the house has stories about the delays, the misleading responses, the spurious claims of voluminous or unclear requests that have been used to filibuster our applications. When that has not worked the government has poured hundreds of thousands of taxpayers' dollars into resisting applications at the Victorian Civil and Administrative Tribunal and through the court system.

My colleague Richard Dalla-Riva was put through years of extended litigation, including the threat of the loss of his family home hanging over his head, simply because he wanted to get access to documents that may have shed some light on what government secret pre-2002 election plans had been put in place to toll the Scoresby freeway and to find out how much extra motorists are being forced to pay as a result of the now Premier's extraordinarily costly EastLink tollway deal.

My colleague the member for Brighton and Deputy Leader of the Opposition has similarly been taken to the Court of Appeal by this government. But in that case the outcome, at least to date, has been different. The Court of Appeal delivered a stinging rebuke of the government's interpretation of cabinet-in-confidence provisions. I quote in particular the judgement of Court of Appeal judge Justice Buchanan in the case of *The Department of Infrastructure v. Asher* (2007) VSCA 272, where he said:

I can readily understand that it is necessary for the protection of an essential public interest to prevent the disclosure of documents revealing the views expressed by members of cabinet as to a matter and the manner in which cabinet treats and uses information placed before it. I am unable to see, however, that the disclosure of a document placed before cabinet, without any indication that cabinet even read the document, let alone how cabinet dealt with the document, could jeopardise any public interest.

That remark by Justice Buchanan blows the whistle on the approach to cabinet-in-confidence confidentiality

which the government has been asserting over many years.

As I said, in his report of June 2006 the Ombudsman has now backed up many of the things that opposition MPs have been saying for years. One need only refer to a few extracts from that report and a few of the case studies that the Ombudsman included in his report to get the flavour of the Bracks and Brumby governments' approach to freedom of information. At page 4 of the report the Ombudsman said:

My investigation revealed that delay in processing FOI requests is still a major issue within the departments and Victoria Police. I am also concerned about the lack of quality in reasons for decisions, the poor level of assistance to applicants and some internal practices.

He pointed out that, while across the board full access is given in response to 77 per cent of all requests, when one looks at departments one sees that only 36 per cent of requests are given full access. He said:

Delay was a key issue. Only 56 per cent of FOI decisions by government departments in 2003–04 were made within the statutory time frame of 45 days. Nearly 21 per cent of decisions took more than 90 days.

At page 5 the Ombudsman said:

In many of the files examined requests were handled promptly, diligently and well. However, many files demonstrated undue delay.

The Attorney-General's guidelines advise five days should be allowed for noting by the minister's office of decisions on sensitive FOI requests, but this was exceeded in many cases, often exacerbating delays.

In several cases examined the reasons given for claiming exemptions were misleading. In some cases departments' asserted requests were unclear or voluminous with little or no justification. In many cases they failed to give proper assistance to applicants in amending their requests. The effect was to delay answering the request without appearing to exceed the time limits of the act.

...

Some decisions showed little regard for the objects of the act. Some responses provided material that might technically be relevant to the request but was of little or no value to the applicant. Some took advantage of every available exemption to provide as little material as possible.

In many cases statements of reason were inadequate. The material facts on which the decision was based were not stated and the documents for which exemption was claimed were not identified or linked to the reasons given.

He also found:

My officers' examination of cases indicated little evidence that multiple requests overwhelmed the resources of the

department. It did not support the need for an extension of time available to agencies to respond.

The files examined did not suggest that third-party consultation was necessarily a source of undue delay.

He also observed:

While multiple requests and complex requests for sensitive documents can be demanding, I consider that is part of the general flow of work for departments and other agencies for which their FOI units should be adequately resourced.

The 45 days allowed for processing under the act is already longer than is allowed by most Australian jurisdictions and I do not see grounds for the time to be extended for multiple requests.

He also said:

At present few Victorian agencies fully comply with the publication requirements ...

Departmental record management systems are often not designed or sufficiently well maintained to be an efficient tool for an FOI search.

...

Departments frequently claim exemptions on grounds of confidentiality or personal information without contacting the third parties whose interests are involved to establish and/or confirm the grounds for those exemptions.

In many cases information about the reasons for exemption is prepared for internal use and advice but is not given to the applicant. In most cases where information such as a schedule of documents and the reasons for exemption is already prepared for advice to management or the minister's office, it should be provided to the applicant.

The Ombudsman then went on to make a range of recommendations, many of which I will touch on in discussing the bill. But before doing so, I want to refer to some of the case studies that the Ombudsman cited, because they give a flavour of what opposition and other non-government MPs are facing on a routine basis. In relation to the case studies on page 24, in one case he illustrated the extent to which documents were held up in a minister's office, with the freedom of information officer waiting 26 days for advice that the minister had been fully briefed on the sensitivities of the report. He observed:

The act does not authorise agencies to wait for noting of the proposed decision by the relevant minister. The improved accountability guidelines issued by the Attorney-General suggest that the FOI officer should wait only five days for noting by ministers so that decisions are not unduly delayed.

But clearly that is not happening. At page 30 of his report, regarding case 5, the Ombudsman said:

A request was made for reports or results produced from a survey carried out for a department. Having photocopied some thousands of pages of raw survey results, the

department then advised the applicant that assessing the material might be 'voluminous' and sought clarification of the request.

The suggestion that the original request was voluminous was inappropriate. It should have been evident that the applicant was requesting reports prepared on the data and not the raw data itself. Moreover, the raw data did not contain exempt material and would have been easy to assess.

On case 6 the Ombudsman said:

A request sought access to documents relating to consultancy services provided by a specified company. The department adopted a definition of 'consultancy services' taken from the Victorian Government Purchasing Board's ... guidelines which excluded 'contracts'. The applicant was not made aware of the definition ...

On that basis:

... documents were then treated as irrelevant ...

He observed:

A file note referred to the exclusion of some documents as 'lucky'.

The final example I will cite is case 7:

On the 44th day after a request was received, the department asked the applicant to clarify it and suggested that, if not clarified, the request might be voluminous.

The request appeared quite clear in its terms. No information was recorded on the file to indicate how the request was unclear or to justify the assertion that the request was potentially voluminous, or to show any assessment of the resources needed to process it.

These examples should be enough to cause ministers to hang their heads in shame and any government backbenchers with decency to clamour for proper reform and a change of practice by the government. But instead of saying, 'Mea culpa', or instead of saying, 'We plead guilty, and we promise to change and to repair the damage and do better in future', the Attorney-General has come into this house trying to represent the Ombudsman's report as actually giving a clean bill of health to the government's practices.

To make matters worse, when we actually examine the bill that has been brought before the house we find, as I said at the outset, that far from simply implementing the recommendations of the Ombudsman as he put them forward, the government is using this bill to try to wind back even further the scope of freedom of information legislation in Victoria.

The Ombudsman made a number of recommendations that are relevant to this bill. In his report he classified his recommendations as falling into three groups, including legislative, process and administration

recommendations. The measures in this bill come from both the legislative and the administrative sections of his recommendations. The legislative recommendations are incorporated in part 3 of the bill. Many of this part's amendments are unexceptional, such as confirming that FOI applications can be lodged electronically, empowering the Attorney-General to require agencies to use the FOI online web service, rewording the provisions relating to personal information to bring them into line with the Information Privacy Act 2000, removing the conclusive certificate provisions, which have been unused in Victorian legislation, and providing for various procedural and mechanical amendments.

This part of the bill also includes an extension of the time limit for dealing with FOI applications, to which I will return, and the removal of application fees, which currently stand at \$22, as well as a provision allowing departments to waive minor charges of up to \$11.

Other amendments in this bill, which do not reflect the intent of the Ombudsman's recommendations, include two that arise out of his so-called administrative recommendations. In his report the Ombudsman recommended there be a review of part II of the Freedom of Information Act and that VCAT (Victorian Civil and Administrative Tribunal) be given the power to declare various applicants vexatious. The bill purports to pick up on these two recommendations, but in one part it imposes a scheme far removed from what the Ombudsman was pointing to, and in the other part the government has inserted extraordinarily wide powers to block FOI applications under the guise of preventing claims by vexatious applicants.

Starting with part 3 of the bill, the provision that causes the opposition considerable concern is the one that extends the time line — by 30 days to 75 days — for the determination of applications in cases where third-party consultation is required. The instances where third-party consultation is required are referred to in clause 11 of the bill and may involve personal information, trade secrets or other commercially confidential information, or information given to the government in confidence. In principle, of course, where there is a genuine reason and a genuine need to engage in third-party consultations, that should occur.

However, the concern the opposition has is that in practice the time it takes to undertake that consultation, and the proposed extension of times contained in the bill, gives the government enormous scope for abuse. There is going to be a wide number of occasions on which the government will be able to use the cover of third-party consultation to gain even further extensions

of time than that currently contained in the legislation. The Ombudsman pointed out that the 45 days in the existing legislation is longer than that provided for in many other jurisdictions. He found that overall there is no need for an extension of time.

The Ombudsman suggested an extension of time in cases involving third-party consultation. But the concern of opposition members is that, regardless of the merits of the recommendation in principle, we simply do not trust the government — and we think there is very good cause not to trust the government on this measure — because it will simply be seized upon as a device for further delay.

As the *Sunday Age* editorial of 25 November 2007 in relation to the bill points out:

The only significant change is to slow the release of information from a dribble to a drip. Brumby has extended the response time for FOI requests from 45 days to 75 days. It beggars belief that the best solution to freedom of information officers failing repeatedly to meet the 45-day deadline was to give them even more time.

The opposition will therefore be moving an amendment to delete this extension of time. On the balance we do not believe it is supportable, given the government's track record of abusing freedom of information legislation and given the enormous potential for future abuse that would be provided by the extension.

I want to turn now to talk about the changes being proposed in part 2 of the bill to part II of the principal act. This is a topic that was canvassed by the Ombudsman, starting at page 50 of his report. He assessed the merits and the effectiveness of the existing provisions, which go back to the 1980s, when freedom of information legislation was first introduced. Of course there have been considerable developments in technology since then. The Ombudsman recommended that there be reforms to part II of the existing legislation, but he was very specific about the direction of the reforms. I quote his recommendation at page 52:

I recommend that government departments and agencies review their compliance with part II of the act and that DOJ should monitor the compliance by agencies with part II. I also recommend that part II is reviewed as a matter of urgency, giving consideration to adopting a system of publication schemes on the model of the UK FOI act.

At page 51 he outlined the UK scheme and stated:

One aspect of the UK approach is its flexibility. The legislation does not attempt to prescribe the range of information to be published but rather allows each agency to prepare its own scheme, subject to approval by an information commissioner.

I emphasise those latter words, 'subject to approval by an information commissioner'. No *carte blanche* is given to government under the UK approach, which is the Ombudsman's preferred approach.

That can be contrasted with the scheme that has been put before this house. There is no information commissioner and no independent scrutiniser or approver of the scheme for publication of information under this bill — far from it. The Ombudsman is not given a say over it. It is the Attorney-General, the minister administering the act, who is to issue the standards relating to the information to be published by agencies under this part. For heaven's sake, it is the Attorney-General who has been at the core of the abuse of the Freedom of Information Act which has taken place under the current government and which has led to the appalling results which the Ombudsman documented in his report and which are recognised far and wide across the state, particularly by the media and anybody else who has tried to obtain information from the government.

Yet it is this Attorney-General — without any scrutiny and without any independent check or safeguard — who is going to be given total power to decide what is to be published under the regime for publication of information that is contained in part 2 of this bill. There is no way that the opposition is going to have a bar of that approach. I would certainly hope that the other non-government parties will support us in that. I would also hope that any government backbenchers — or indeed government ministers with any decency — would realise the folly and inappropriateness of giving a minister total power over what regime of information is published. There is certainly scope for the reform of part II of the legislation, but the regime that the government has brought to this house would take the community out of the frying pan and into the fire. It will be vigorously opposed by the opposition.

The final area that I want to canvass is proposed part VIA dealing with vexatious applicants, which is to be inserted by part 4 of the bill. It certainly reflects the Ombudsman's recommendation that there be a power for the Victorian Civil and Administrative Tribunal to declare an applicant to be vexatious. That is something that the opposition supports in principle. But there is a real nasty that the government has slipped into this provision, and it is contained in proposed sections 61A(3) and (4). Those subsections provide that if an agency or a minister makes an application for a person to be classified as a vexatious applicant, the determination period — which is the time period within which the application is resolved or determined — is to be disregarded in the computation of the period for

notice of an FOI decision or the period referred to in section 51(2)(b) of the legislation. The determination period is defined as:

... the period commencing on the day that the application is made to the Tribunal ... and ending on the day that the application is determined by the Tribunal or withdrawn.

In other words, if the government applies to have someone declared as a vexatious litigant, every application that person has lodged with government is put on hold until the issue is determined by VCAT. You can just imagine how that could be abused by government to restrict access to freedom of information particularly by members of Parliament and by journalists who, in the course of doing their job properly, may well have a number of applications to government under freedom of information on foot at any one time, and yet the mere making of an application by government to have that person declared vexatious will put all their FOI applications on hold.

Proposed section 61C gives an open-ended partial definition of what being a vexatious applicant amounts to, and that can be constituted by applications being made for the purpose of or having the effect of obstructing or otherwise unreasonably interfering with the operations of the agency or agencies. In other words, it does not have to be proved that the applications have a purpose of unreasonably obstructing or interfering with the operation of a government agency; it simply has to be claimed that the applications have that effect.

The Ombudsman has already been very critical of unjustified allegations by government that FOI requests are unduly demanding or unreasonably interfering with the operation of a government agency, and yet that will be sufficient ground for an application to be made. Of course when it gets to VCAT, the application will have to be heard by the President of VCAT, who will be a judge. It may be that the application will be thrown out on its ear eventually, but in the meantime all of that person's FOI applications will have been put on hold. We believe the unilateral power the government is proposing to give to itself is completely unacceptable, and we will be proposing that those two subsections in proposed section 61A be deleted.

Let me also point out that it may well be that not only is this manifestly and on ordinary principles a breach of the rights of citizens, it may also infringe on the government's much-vaunted charter of rights and responsibilities, because the charter prohibits arbitrary interference with people's rights and abilities to gain access to information. The government's statement of compatibility on this bill claimed that the provisions are

neither unlawful nor arbitrary as they are sufficiently circumscribed and reasonable. But is it reasonable and is it not arbitrary that the mere fact that a government makes an application is enough to stymie an applicant's rights to obtain access to information? The failure of the statement of compatibility to address that issue is yet another indictment of how contemptuous the government is in its approach to its own charter.

In conclusion, the benefits side of the ledger in relation to this bill is modest indeed. Yet in addition to those provisions that I have already referred to, we have potential concerns about provisions such as clause 8, in terms of applicants having their FOI applications rejected on the basis that a document can already be obtained on a website. All the government has to do is point to an internet site where that document can be obtained; and, as we all know, documents can be buried very deeply within internet sites. But the main concerns we have are those I have described in relation to the potential abuse of the extension-of-time provisions, the enormous power that the government is grabbing for itself to determine the standards of publication of information, and the power that it is giving itself to stymie the work particularly of members of Parliament and journalists by spurious allegations that they are vexatious applicants.

We will be moving amendments to deal with those three particular vices, as I have foreshadowed. I hope they will be well received by the house. Regardless of the outcome of that, in this place we will not be opposing the bill. But if the government does not accept our amendments in this house, we will certainly be pressing them in the other place. We will be making very clear to Victorians that yet again this government is being shifty, duplicitous and secretive, and I think the public of Victoria have had enough of it.

Mr RYAN (Leader of The Nationals) — Freedom of information legislation always generates plenty of passionate comment, and it is no less the case with this bill. The legislation in its infancy was introduced to the Parliament of Victoria in 1981 by the Thompson government. The act now before us was introduced by the Cain government in 1982. There have been subsequent amendments by governments of all persuasions, and that process continues to this very day. Inevitably when those amendments are before the house, they generate an enormous amount of discussion, conversation and contention.

It is important to reflect upon that in this debate, because of course the legislation itself is intended to move towards some of the very basic aspects of what makes a democracy tick. In the principal act the objects

of the legislation are set out in section 3, which talks about the base principles being, I suppose, essentially twofold. The first of them is making available to the public information about the operations of agencies and, in particular, ensuring that rules and practices affecting members of the public in their dealings with agencies are readily available, and so on.

I pause to say that within the second-reading speech on the bill now before us the Attorney-General made the observation that something of the order of 1000 government agencies of all sorts, shapes and kinds doing myriad things are now impacted upon by the provisions of FOI legislation. Accordingly it can obviously be said that the import of this legislative instrument is extraordinarily broad and very important in the way in which the state functions. The second principal object of the act is creating a general right of access to information in documentary form in the possession of ministers and agencies, limited only by exceptions and exemptions which are necessary in a manner which the act defines.

They are the twin pillars upon which the whole legislative structure stands, and, of course, with all these things it is a question of balance. It is important that, where appropriate, government has a capacity to be able to investigate and to be able to conduct its affairs on behalf of the people of the state in a manner which is appropriate to the times, and there are, therefore, instances where there are protections that are necessary to ensure that cabinet in particular is able to have that conversation in a manner where FOI legislation does not apply. But beyond that, the tendency has been for government to be more intent, I think it can reasonably be said, upon attempting to make material available to the public at large in a manner which leaves a general degree of dissatisfaction in the public arena.

The second-reading speech makes reference to events that are said to have occurred in the time of the former government, and that is a matter for the public arena for people to comment upon as they may like. But I can tell the house that whatever commentary may have been made about the performance of the former government — that is, the Kennett-McNamara government — in relation to FOI, it never, ever copped anything like what the Ombudsman has had to say about FOI legislation under the hand of this present government.

As we know, the Ombudsman prepared a report in 2003. Subsequently, on an own-motion reference, he prepared a further report on the act in June 2006. That latter document is compelling reading for those who

have an interest in this legislation and its operation in Victoria. It is replete with commentary the general tenor of which can reasonably be said to be absolutely damning of the place FOI legislation has had under the Labor government.

I will refer to only one small part of the report, because I am conscious that the member for Box Hill has already referred to a number of the more juicy parts of it. However, I cannot resist that part which appears on page 18 under the general heading 'Examination of FOI processes in departments and Victoria Police' and the subheading 'Delay'. The Ombudsman said:

Delay in handling FOI requests is the largest single cause for complaint to my office about the administration of FOI.

He further said that that complaint prompted the early investigation by his office in 2003. He referred to the fact that the same sort of problem was the foundation of his own-motion investigation of the legislation in 2006. He said:

Agencies are required to provide a decision on FOI requests within 45 days of receipt of the request.

A compelling and damning couple of sentences follow:

Of the FOI decisions by government departments in 2003–04, only 56 per cent were made within 45 days. A further 23 per cent of decisions were made in between 46 and 90 days and 21 per cent of decisions took more than 90 days.

The Ombudsman went on to say that the Department of Human Services was by far the greatest offender. In fairness, he also observed that DHS was also the department to which most of the applications were directed. Nevertheless I think it is reasonable to assert that the commentary by the Ombudsman on the performance of FOI under this government — that commentary being encapsulated in the conclusions to which I have just referred — is something of which this government should be absolutely ashamed. It should be ashamed of it in any event, let alone on the basis of the rhetoric it has been visiting upon the people of Victoria for many years.

This is an issue of which the Premier made great play when he came to the position he now occupies some six months ago. Observations were made at the time about the introduction of legislation to amend the FOI act prior to the end of 2007. Of course the clinical assessment might well be made that the Premier had absolutely no option but to introduce legislation with a view to ensuring some compliance, at least, with the recommendations of the Ombudsman. Had the government not acted, one can only imagine what would have been in the next report, given that the

events of 2003 saw a report and those of 2006 saw a further report. Had the situation remained unaddressed, then I am sure the Ombudsman would have had plenty more to say over and above the compelling and damning material contained within his report of 2006.

Across the community there is in so many forms access through the act to those areas that the act permits access to. It is very important in terms of the work done by the media. We regularly see such material published in the *Herald Sun*, the *Age* and the other major dailies available here in Victoria and across Australia. It applies across all aspects of the media, not only the print media. The legislation is used for the purposes of keeping readers and those who follow media matters properly informed. It is used by many individuals and community groups, all of whom rely upon its terms to get access to information. For those of us in Parliament, there are occasions when the legislation is used to enable access to government documents and the documents of government agencies.

One has to cast one's mind back only a touch to recognise that in bygone days the Labor Party in opposition used this legislation extensively. I must say that that tradition has continued. That is a very reasonable thing on the part of all concerned, because after all the legislation is designed to do exactly what it says — to make this material available, subject to various legislative constraints. Therefore it is only proper that the legislation is used in a manner appropriate to the needs of those who wish to exercise their right to act under its terms.

I have been involved in making applications under the FOI legislation. In 2004 I sought information from this government on issues pertaining to the dispute over the toxic waste dump, as it was then known. It was ultimately found through a sequence of events that the government had under consideration something of the order of 100 potential sites for the location of the toxic waste dump. Through an agonising process over a period of a couple of years those sites were eventually whittled down to three. Ultimately, of course, the three became one — and even more ultimately the one fell over, so the whole thing disappeared into the ether. I pause to say that I am still not sure what the government has done about the policy that was driving the process of establishing a toxic waste dump. That policy also seems to have disappeared into the ether, but that is a story for another day.

I sought documents under FOI to identify the sites the government had under consideration. The government resisted the application on the basis that they were cabinet documents under section 28 of the act. That was

the primary basis for resisting my application. I sought a review and was again refused access. I took the matter to the Victorian Civil and Administrative Tribunal (VCAT), and the final determination of Justice Stuart Morris appears in VCAT no. 2346 of 2004 under my name versus the Department of Infrastructure.

Ultimately I won the battle and lost the war in that I got access to some of the documentation but not to the broad sweep of it. But the whole exercise was instructive from the point of view of demonstrating how a government mounts its defences in an endeavour to avoid the sort of public scrutiny which was so vitally important, certainly in that case, to the people who were affected by it. But apart from those people it was also vitally important to all Victorians, because none of us knew where the other 100 sites were that the government had under active consideration from time to time.

Insofar as this legislation before the house is concerned, there are elements of it that we support, and there are other elements that cause us concern. The report from the Ombudsman had three principal areas of recommendation: those areas were legislation, process, and administration. I received a briefing on this bill. I was advised by departmental officers that the process and administration recommendations have in fact been implemented already and that the legislation now before the house reflected what the Ombudsman had to say in the report tabled in June 2006.

The principal concern of The Nationals with this bill is the repeal of part II. In the recommendations from the Ombudsman, at page 50 there is a section under the subheading 'Part II statements'. The Ombudsman sets out the general summary of what constitutes a part II statement under the act. Interestingly, at the top of page 51 the Ombudsman goes on to say:

A number of agencies expressed support for repeal of part II in their submissions to me.

The Ombudsman says that those propositions from those agencies were based on a number of criteria.

Further down the same page the Ombudsman goes on to say that other agencies favoured retaining part II but with a full review to ensure it was aimed at providing relevant and useful information without imposing an unreasonable burden on agencies, and so on. The point is that the Ombudsman in his report specifically referred to those agencies that had proposed the absolute repeal of part II as opposed to those agencies who suggested a review with appropriate amendments. The member for Box Hill has already referred to the

recommendation by the Ombudsman, but I do it again in context; it appears at page 52. The Ombudsman said:

I recommend that government departments and agencies review their compliance with part II of the act and that DOJ —

Department of Justice —

should monitor the compliance by agencies with part II. I also recommend that part II is reviewed as a matter of urgency, giving consideration to adopting a system of publication schemes on the model of the UK FOI Act.

Now, what did we get? In this bill the government has actually repealed part II of the principal act. That is not in keeping with what the Ombudsman recommended. That is not the Ombudsman's recommendation.

The bill also introduces a new part II, and the content of that new part II concerns us considerably. New section 7(1) in clause 4 under the heading 'Publication of certain information' states:

The responsible Minister of an agency, other than a council, must cause the agency to publish information for the purposes of this Act in accordance with the standards issued under section 8.

The part that particularly troubles us is the standards for publication of information by agencies set out under new section 8. Proposed subsection (1) says the minister administering the act — the Attorney-General — must, and I emphasise the word 'must', issue standards relating to the information to be published by agencies under this part. Subsections (2) and (3) of this provision use the word 'may' — for example, the standards may relate to certain categories, or a standard under this section may be expressed in certain terms.

This causes us great concern, because we believe that in the contemporary era there needs to be a system in which benchmarks which are set for the provision of material into the public arena should not be in the hands of executive government. It should not be the Attorney-General who is setting those standards. We do not believe that is the Attorney-General's task, and we think, in the context again of the public commentary about all of this, it is a clear conflict of interest from which the Attorney-General ought properly remove himself.

For his part the Ombudsman, in making reference to what ought to be done, referred to a system of publication schemes within the UK FOI act. I have that act before me. I have about 90 seconds so I am not going to read it all — it is about 500 pages — but sections 19 and 20 are particularly relevant for the

consideration of members. Section 19 sets out the responsibility of every public authority to adopt and maintain a scheme which relates to the publication of information by the authority and is approved by the commissioner. In this context the commissioner refers to the information commissioner, which is a separate entity away from executive government.

Section 20 talks about establishing model publication schemes whereby the information commissioner has a capacity to set out basic schemes that any agency can simply adopt. It has therefore removed any contention about what is actually produced by that agency insofar as compliance of the act might be said to be effected.

That is a model to which the Ombudsman specifically directed the Attorney-General and the government; that is a model upon which the government has turned its back. We need to have a degree of independence involved in the actual operation of the legislation in a manner which does not now exist. It is no longer any good. I do not believe, given all the commentary within the Ombudsman's report and the general outrage in the community about the way in which this act is given effect, that we can any longer leave it in the hands of executive government. We should have an information commissioner or something of that ilk who is able to set the benchmarks in the way that the United Kingdom legislation does. More particularly that would reflect with much more precision the core recommendations made by the Ombudsman in his report. That, amongst other things, is a principal area of concern for The Nationals.

Mr LUPTON (Pahran) — I am very pleased to be able to speak in support of the Freedom of Information Amendment Bill today and applaud the government for introducing these important reforms to freedom of information here in Victoria — reforms that are largely based on recommendations of the Ombudsman in his report, but importantly reforms that go even further than those that were recommended by the Ombudsman.

I will set out the main purposes of the bill. In the first instance it will abolish freedom of information application fees, which were introduced in this state by the Kennett government. When the Cain Labor government introduced freedom of information legislation there were no application fees set out in the legislation to apply when people sought information. Early on in its seven dark years of power the Kennett government made what can only be regarded as a very retrograde move by introducing application fees under FOI. What was found was that when the application fees were introduced the number of applications for information under the act initially fell by some 10 per

cent. That was the sort of attitude the Liberal-National government, elected in 1992, had to freedom of information, and that was the type of effect it had on the number of applications and the ability of people to gain access to information in this state. A little later in my remarks I will go on to deal with some of those other historical matters.

An additional objective of this legislation before us now is to implement all the legislative recommendations made by the Ombudsman in his report on FOI to improve the operation of this legislation. There are some non-legislative recommendations that the Ombudsman made, which I understand have already been implemented by all relevant agencies, but this legislation implements all the legislative recommendations made by the Ombudsman — that is, changes that require legislative amendment in order to put them into effect. This legislation, however, goes further than that and fulfils our government's election commitment to the people of Victoria to remove conclusive certificate provisions in relation to cabinet documents. This means that in the future conclusive certificates can only be used in cases of national security.

Further, the legislation also modernises the FOI act to take into account the increasing public use of the internet — for example, by increasing the ability to lodge FOI applications online and requiring all government departments and agencies to increase the information that they freely provide on the internet about how government functions. That last item I mentioned goes to an evolving and continually improving culture of giving access to information on a broader scale. Part of this legislation is underpinned by the concept that the maximum amount of information should really be made available to people as appropriate without the necessity of making an FOI application in order to get it — if it is not really necessary for it to be part of an FOI application, it should be available accordingly — and that is put into effect by this legislation.

The Liberal Party and The Nationals make a lot of noise about FOI. They say they are committed to FOI, but of course we know that when they were last in government their record in relation to these types of activities was a sad and sorry one.

Honourable members interjecting.

Mr LUPTON — They can attempt to twist and change history as best they can, but the people of Victoria are well aware that the former Kennett government was particularly savage when it came to

freedom of information matters. What we did on coming back into government in 1999 was to repair the damage that had been done by the Kennett government to freedom of information in this state.

We all recollect those appalling stories of the shopping trolleys going into the cabinet room and going out again at the other end, full of documents that would thereby be classified as cabinet documents although they had never been considered by cabinet at all. We remember the stories of enormous volumes of material being appended to cabinet submissions purely for the purpose of trying to give them cabinet confidentiality when they were in no way cabinet documents. When the Liberal Party was in government it expanded the definition of 'cabinet document' in an attempt to bring more of those sorts of documents under its regime of confidentiality.

It is interesting that there are some members of the opposition at the table as I am speaking, particularly the member for Box Hill and the member for Brighton, who, back in 1993, supported amendments introduced by the Kennett government which brought in the application fee I mentioned earlier which reduced the number of FOI applications in Victoria and extended the definition of 'cabinet document'. These members, who are sitting here today, voted for those amendments, which quite severely restricted freedom of information in this state. That is the history the Liberal Party has, whereas our approach in government has been one of expanding and continuing to change the culture of FOI so that people have proper and appropriate access to information in this state.

Before concluding my remarks I need to make a couple of points about our record over those years to put all this in context. FOI requests have increased by 50 per cent since this government came to office, and in 2006–07 there were more than 20 000 applications for the fifth year in a row. Under our government documents have been provided in 97.4 per cent of cases in relation to access decisions, and less than 1 per cent of FOI decisions have been appealed to VCAT (the Victorian Civil and Administrative Tribunal) — and of those decisions that have been appealed, most have been upheld. In 2006–07 there was the lowest percentage of internal reviews of FOI decisions ever conducted.

What we see is that for every year that this government has been in office since 1999 the percentage of documents released under FOI applications in this state has been over 95 per cent — in fact it has been something of the order of 98 per cent every year since Labor has been in office. Prior to our coming to office there had never been a year in which the percentage of documents released under FOI was more than 95 per

cent. There has been a clear trend in this state since 1999 of more information being made available. A higher percentage of the documents sought under FOI has been released. But we know that times change and that we have to continue to keep up with technological and cultural change.

We need to make sure that the common use that is made of the internet these days is taken into account in the way FOI applications are made and assessed. We need to make sure that the culture of dealing appropriately with the applications that are made to government departments is being improved. That process is the sort of thing that is being developed by this piece of legislation. It will mean that the approach to freedom of information in this state as evidenced by the percentage of successful applications under FOI since 1999 will continue.

We support freedom of information in this state. Our record in this regard is significantly better than — in fact a world apart from — the approach that the Kennett government had towards FOI. The amendments that are being made by the legislation before the house will continue this trend by putting into effect the recommendations of the Ombudsman and putting into effect our election commitment to abolish conclusive certificates. The cultural changes that are to be driven by this government will continue to improve freedom of information for the people of this state. I support the bill and commend it to the house.

Ms ASHER (Brighton) — This bill is in part a con and a sham. If the member for Prahran actually believes what he has just articulated, then he needs to put in an FOI application himself to understand how difficult it is to use freedom of information legislation in this state under the Brumby Labor government, as indeed it was previously under the Bracks Labor government.

We have a number of key concerns, and the member for Box Hill has addressed these and flagged a range of amendments. In brief, we are concerned about the procedure in relation to vexatious applicants. Again, I understand — and I have read the government's press release accompanying this legislation — that the government has referred to prisoners who are vexatious, and with that we have no dispute. However, my concern is that this government may well wish to declare opposition MPs — or indeed members of community groups — as vexatious in their use of FOI. It is, of course, the core business of MPs to scrutinise the government. Now ministers, agencies and ministers may apply to VCAT —

Mr Lupton interjected.

Ms ASHER — I have read it — and the Attorney-General must approve this. Again, one cannot help but make the observation that the Attorney-General, probably one of the hardest political players in this Parliament, is now going to be approving applications for declaring who is vexatious and who is not. Another element of the vexatious component that causes concern is that all applications before VCAT are stop proceedings, and we have raised an amendment in relation to that.

We are also opposed to the government's proposals for an extension of time to process FOI requests. The government's proposal is to increase the time from 45 days to 75 days. You cannot help but make the observation that the government clearly cannot cope with expediting FOI requests under the current 45-day rule and that the solution — notwithstanding the words of the Ombudsman — is not to give it more time but to provide the resources or indeed change the culture to enable the proper processing of FOI requests. I am also concerned about a blatant untruth in the second-reading speech, in which the minister claimed:

Key reforms made over the last seven years include that documents cannot be attached to cabinet submissions merely for the purpose of avoiding release ...

That is not true, and VCAT and other bodies have found that that statement in the second-reading speech is not true. Again, we are all accustomed to spin in press releases, but to have untruths in second-reading speeches is disgraceful.

I also flag as a concern the reference on page 4 of the second-reading speech to the 'greater use of the internet'. I am suspicious that the government may well place people's FOI requests on the internet. Again I seek an assurance from the Attorney-General in his summing up of this debate that that will not be the case. Beware government spin on FOI!

I also refer to the government's repeated claims that 97 per cent of requests for FOI are granted either in part or in full. One need only look at the report tabled by the Attorney-General in this Parliament, which states that 78.6 per cent of requests are given full access but that part access is given to 18.8 per cent, which last year represented over 4000 FOI applications. I can inform members of the government that there are many occasions on which we get blank pieces of paper with 'Released under FOI' stamped on them, yet under this categorisation the government is claiming that such blank pages are released documents, which is clearly a joke.

Others have referred to the fact that some of the clauses are based on the Ombudsman's report *Review of the Freedom of Information Act* of June 2006. I refer to page 18 of the report, where the Ombudsman was very critical of delays in handling freedom of information requests. I also refer to page 23, where the Ombudsman makes the following observations:

I am disappointed to see that in many of the files the time taken for noting —

that is, by minister's offices —

exceeded the five days provided in the Attorney-General's guidelines.

Indeed he went on to say at that page:

There were also ... indications that members of the executive or of the minister's staff had suggested changes to the proposed decision.

Blatant political meddling in the FOI process as identified by the Ombudsman! Again at page 27 he went on to provide examples of 'needless delay' in the whole process of FOI applications, in particular from the opposition. But the key issue is not the bill before the house; it is the practices of this government in handling FOI requests. First of all, many people who use FOI regularly find that there are ridiculous requests for clarification. In fact I would like to provide an example.

I asked the Melbourne Convention and Exhibition Trust for board minutes, agendas, papers and reports relating to the expansion of the Melbourne Convention Centre, and I got back the following letter:

Before I can proceed with your request I require clarification ... of the meaning of the term 'papers' ...

For goodness sake: as if you do not know what board papers are! Again, this is part of the culture of this government, which allows the public sector to process FOI requests this way.

I put in another request, this time to get documentation relating to the Spencer Street station redevelopment's original opening date. Again I received a stupid letter back from an FOI officer — Michelle Grech — who wrote that there were 'no documents' fitting the description of what I had asked for, and:

During the course of the redevelopment the station has always been operational in some shape or form and has never closed for business. On that basis an official 'opening' date has not been planned, considered or evidenced in any documentation that could be located by the authority.

What absurdity is that? I might add that in press releases ministers used the term 'open' as well.

Unfortunately we are seeing in this state absurd requests for clarification by bureaucrats who know that they can write anything they wish as long as it is stopping the opposition from getting freedom of information documentation.

The latest iteration of this is storage off site. I have put in a number of FOI requests to which authorities have replied, 'Terribly sorry, all the documents have been packed up and stored off site and archived. Therefore we cannot get them; it would take a lot of staff time'. It is almost policy under this government that, if government departments have packaged up their documentation and stored it off site, FOI requests are therefore made invalid. That is a corruption.

I also note that there is a huge difference between the ridiculous spin put out by the government and the reality. For example, the Attorney-General on 21 December 1999 made reference to a so-called change regarding documentation in relation to cabinet — which is not a change — and also made the following comment:

... the \$170 appeal fee to the Victorian Civil and Administrative Tribunal is no longer payable by applicants where a government agency has failed to respond to a request within the statutory time limit of 45 days ...

Guess what, I have had a case go to the Court of Appeal, and I had to file the VCAT fee. This press release is a nonsense. The government issues these press releases time and again, but what it writes in the press releases is not reflected in actuality. Of course if you want to lodge a case at VCAT you have to pay the fee. The Attorney-General's press release is about as useless as his bill before the house. Opposition members of Parliament — and this has certainly happened in my case — have been threatened with costs on multiple occasions, including an occasion where threats were made about costs in a Court of Appeal case where the government had chosen to challenge a VCAT ruling. If this government thinks that sort of financial bullying is open, honest and accountable, then it has another think coming. The government needs to stop this constant threatening of costs against government MPs, which never happened under the Kennett government.

I have also had FOI documents withheld until after elections — for example, in July 2002 I put in an FOI request on the film and TV studios. Documents were sent to me on 28 November 2002; the election was held on 30 November; the documents arrived at my office on 3 December. I have other examples concerning documents requested well in advance of the 2006 state election — for example, one document requested on

16 September did not arrive until after the election. This government's handling of FOI is corrupt, and this bill will do nothing to change these sorry circumstances. With this record of FOI documentation being withheld, FOI requests being manipulated and opposition members being threatened with costs, the government's handling of FOI is corrupt, and it stands condemned.

Mr LANGUILLER (Derrimut) — I rise with enormous pride to support the Freedom of Information Amendment Bill 2007. The Freedom of Information Act gives Victorians a guaranteed right of access to government information. Access to government information is absolutely critical. It is given in the belief that the government of the time, and indeed our government, will perform well, will perform transparently and will perform openly. When it comes to openness, when it comes to transparency and when it comes to accountability, ours is the government! I am very proud to stand up on this side of the house and say that this bill brings about improvements to the Freedom of Information Act and makes provision for more Victorians to have more and better access to information.

This government believes that in doing this it will be improving our governance, our accountability, our openness and the way in which we govern — given that we use people's taxes, assets and wealth to do so. I think this government can stand very proud because of the fact that with this bill we are now improving the provisions covering FOI.

Clause 1 sets out the purposes of the bill, which include providing for information to be made available on the internet for access to the public. Acting Speaker, you would know that when the Cain government first introduced the FOI legislation there was no internet — such services that are today available to Australians as a matter of course were certainly not available then. We seek to take full advantage of new technologies in order to ensure that they help Victorians understand better the way we do business in government and that Victorians can have better access to information.

Speaking of the internet, one of the great changes in this bill in terms of new provision-of-information measures — and I commend the minister and his department on the bill — is that it says that government departments and agencies should provide certain information as a matter of course. There are some examples of the types of information that a standard may require a given agency to publish, including a description of the structure and functions of an agency, a description of the services provided by the agency, details of when the agency is open for business and

service delivery options, and a statement on the legislation under which the agency operates and which it administers.

This is all new, and this is all good stuff in terms of Victorians having access to information. Let us be absolutely clear: from the opposition we have heard criticisms, reflections and remarks in relation to the Ombudsman's report of last year which reviewed the Freedom of Information Act. This bill adopts and implements all of the Ombudsman's recommendations. It is significant to indicate that fact, and we on this side of the house should be proud to say that we as a government have embraced all of the Ombudsman's recommendations on freedom of information.

Further, we believe that we could and should do better and that there is always room for improvement. For example, we have gone further than the recommendations made by the Ombudsman in his report. We have abolished application fees. Members who have been in the chamber much longer than me will remember, as I remember when I was a member of the community but not a member of Parliament, what happened with application fees during the period of the Kennett government. I will refer to some commentary in the press about that issue.

In addition, the legislation does something good beyond the Ombudsman's recommendations, because it deals with exemption certificates for cabinet documents. This is a major step forward and is not insignificant or to be underestimated. In my judgement and the judgement of the government this provision will be one of the legacies we will leave behind for future generations of Victorians. Any documents that the Kennett government did not wish to disclose, usually commercial documents, were given certificates which prevented the community and members of the then opposition accessing those documents.

We have gone further by normalising freedom of information with the use of the internet, which I think is terrific. The changes to section 2 of the principal act will modernise freedom of information by ensuring that government agencies provide certain levels of information and minimum standards, which, if you think about it, logically and rationally the community should have. It should have greater access to information about government agencies and the way they work, and it should not necessarily have to resort to FOI applications.

It is important to remember what actually happened during the dark seven years of the then Kennett government, particularly in relation to FOI requests. I

wish to cite some of the headlines in the media at the time. An *Age* article carried the headline 'The FOI act: closing one cabinet, opening another'. Spencer Zifcak said:

Since its introduction by the Cain government, the Freedom of Information Act has been surrounded by controversy.

Also in the *Age*, an article by Paul Chadwick is entitled 'Danger in watering down FOI scheme'. Other headings include 'FOI changes rushed through' and 'No reason offered for fee to appeal against FOI rulings'. That article relates to the then Attorney-General, the Honourable Jan Wade. An article by Lyn Dunlevy is entitled 'The silent strangling of freedom of information'. She talks about the role the then Minister for Major Projects, the Honourable Mark Birrell, played when he was in opposition and the opposite action he took when he was a minister of the government. Another article is entitled 'Libs' turn to play hidey'.

It is important to reiterate that this government asked the Ombudsman to review the act; the Ombudsman conducted a review and made recommendations; the government embraced all the recommendations, but it went even further or beyond what he recommended. It has done more.

It is also important to remember that in 2006–07 the number of FOI requests had increased by 50 per cent since the government came to office. There were more than 20 000 applications for the fifth consecutive year. Under our government, there are more and we do more. Documents were provided under FOI in 97.4 per cent of cases and less than 1 per cent of decisions on FOI requests were appealed to the Victorian Civil and Administrative Tribunal; of the decisions that were appealed, most were upheld by VCAT.

I take the opportunity to commend the Attorney-General in relation to the Charter of Human Rights and Responsibilities. Speaker, as you would know, the Scrutiny of Acts and Regulations Committee, so ably chaired by my colleague the member for Brunswick, examines legislation. As a member of SARC, let me say its members were very happy with the statement of compatibility provided by the minister on this bill, because it is comprehensive in setting out the human rights issues. It refers to the discretion to consult and the provisions in section 13. It refers to vexatious applicants. The government will ensure that while it has to deal with vexatious applicants, it equally recognises and is cognisant of the fact that the rights of vexatious applicants should be dealt with. They can go to VCAT to be heard, where, I am confident, they will get a fair hearing.

In conclusion, when it comes to freedom of information, to transparency, to accountability, to openness and delivering good governance for all Victorians, this is the government at work. I proudly commend the bill to the house. It will enhance democracy and make our government a better government by providing more information to the public.

Mr KOTSIRAS (Bulleen) — It is a pleasure that I stand to speak on the Freedom of Information Amendment Bill. I was not too sure whether the previous speaker had actually read the bill or had any experience in seeking freedom of information documents from the government.

I have to say that what he said during the last 10 minutes of his contribution was not true. In fact, under this government 'FOI' stands for 'fear of information'. The government is afraid to give out information because it is afraid it will show it is incompetent and should not be governing Victoria.

The government claims it is open and transparent, but I say this is nothing more than a sham and an insult to all Victorians. The government is trying to play a game of hide and seek. It hides the documents and then it has you find those documents before it decides whether it will release the documents to you. On two occasions I was lucky enough to obtain documents from someone in the public service through the mail. On both occasions the government was embarrassed.

The first time I had requested the Ombudsman to investigate why this government refused to provide me with one document which it said did not exist. After his investigation the deputy ombudsman wrote to me and said:

I believe its interpretation of your request was too narrow. This, in my view, is contrary to the objects of the Freedom of Information Act ... In the circumstances, I have recommended that department provide you with an apology.

The deputy ombudsman requested the department provide me with an apology because it was wrong.

The second time occurred at the Victorian Civil and Administrative Tribunal. I took the Department of Premier and Cabinet to VCAT because it refused to provide me with all the documents. The department spokesperson, the FOI officer, said at VCAT that the documents did not exist. I have a transcript of the hearing. At the hearing she was asked:

Apart from the earlier draft of the slides themselves there's never been anything else in the last period — —

She said:

No, we're actually trying to put into a style guide and also onto the website a more interactive ...

You told us that there have not been any speaker's notes?

She said:

No.

No notes used by yourself of any sort?

Again she said:

No.

I'd like you to have a look at another document, please. Would you be good enough to show that to the witness, if you wouldn't mind?"

At that stage, after a few more words, the Deputy president asked that I and others leave the chamber, and I think at that stage he asked the witness to provide me with those documents because she was shown to have not told the truth while she was a witness. As a result of that I received in the mail some documents that she initially claimed did not exist.

I have another document which fell off the back of a truck on its way to my office. It is headed 'FOI requests for 2006-07 currently on hand on 6 July 2007'. They put all the FOI requests in a document with a column entitled 'Sensitive', and they write yes or no. In this situation the two documents which are sensitive are one requested by the *Herald Sun* and the other by the member for Polwarth, which has to do with documents regarding statutory audits carried out on Connex. Here we have a government that tries to ensure that anything that is embarrassing or sensitive goes firstly to the minister's private office so the minister's advisers can decide whether the documents should be made available to the opposition.

The government claims to be open and transparent, and yet it plays games. It plays the game of hide and seek. It will hide the documents, and it is up to you to try to find them. And if you find those documents, it will try very hard to ensure that you do not receive them. The government has four steps when it comes to this hide and seek game. The first step is to claim ignorance and seek further information on the FOI request. I have a few examples. The first one occurred when I requested all documents relating to any reviews or investigations undertaken by the Premier's office. A few weeks later I received a response asking me to explain what I meant by 'reviews' and 'investigations'.

The second example occurred when I asked for all expenditure and purchases. A few weeks later I got

back a letter asking me to explain what I meant by 'purchases' and 'expenditure'.

Another example occurred when I asked for documents. The department wanted me to explain what I meant by the word 'documents'. If it had had a look at part 5 of the act, it would have seen that the word 'document' is explained in full. This was a stalling tactic by this government to ensure that it did not release any documents.

If that step fails, the government tries to stall for time. I submitted a request again on 22 July 2003. I did not hear anything from the department until 5 December 2003, five months later. The response I received states:

The response to this FOI request is now overdue, and I regret to advise that I have been unable to provide you with decision.

Five months later it was not able to decide! Another example occurred when I submitted a request on 30 January 2004. I received a response on 6 July 2004, six months later, again with no answer.

On 15 October 2007 I put in an FOI request. Would you believe I have had no response! I have not even received an acknowledgement that it has received my letter. It has cashed the cheque — that is not an issue. The cheque has gone into its account, but it does not even have the decency to acknowledge my FOI request for a document. I find it appalling that this government claims to be open and accountable — —

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

Mr KOTSIRAS — Before the dinner break I advised the house that this government has a four-point plan for FOI and that under this government FOI stands for 'fear of information'. It plays this new game called hide-and-seek — it hides the documents and we have to try to find them. If we find those documents, it will deny us access to them. It is a game that it plays, and it is all because the ministers are afraid of the truth. When the Attorney-General was in opposition often he would come in here very upset — in tears — and accuse the former Premier of being a bully, and then he would criticise us because of the FOI process. Under this minister — the Attorney-General — everything is kept secret. Even the Ombudsman has advised me that this government is late with FOI requests because of the offices of the ministers. In a letter to me the Ombudsman said:

The department further advised of a delay of five days in briefing its minister regarding your FOI request.

Nothing can come out unless the minister and the political adviser have approved it.

I have this one-pager, and this is how the departments work out FOI. They list all the FOIs down and put a column next to them, and on the column it says, 'Is the document sensitive — yes or no?'. If the document is sensitive, it must go to the minister. One request is from Ellen Whinnett from the *Herald Sun*. She made an FOI request, and the department officers said it is sensitive and therefore it should go to the minister's office. The other one is from Terry Mulder, the member for Polwarth. Terry Mulder put in an FOI request, and they said it is a sensitive FOI request and therefore it must go to the minister before the minister's office agrees to release those documents.

It is a sham, and it is a disgrace. This government, especially the Attorney-General, should be ashamed for hiding documents that he said, when he was in opposition, should be released. Yet in government, because he likes the perks of office — he likes his driver, he likes his 500 staff, he loves the bonuses and he loves the travelling — he turns a blind eye to the fact that the government is hiding documents.

Mr HAERMEYER (Kororoit) — We have obviously heard a lot of lofty comments from the other side of the house tonight. When it comes to matters of freedom of information, though, at the end of the day you judge people on what they do, not on what they say.

The Labor Party promised to introduce freedom of information legislation prior to its election to government in 1982. It was resisted by the Liberal and National parties when they were in government, but it was actually introduced by the Cain government. Mind you, when it was introduced it was used voraciously by members of the Liberal and the National parties. Having resisted any semblance of freedom of information legislation when they were in government, they actually started to complain about how restrictive the legislation was and that they could not get the things that they wanted.

Year after year the Liberal Party complained about freedom of information legislation. The previous member for Doncaster whacked in something like 14 000 FOI requests, completely clogging up the system, and then complained about how the system was not servicing his needs, despite the fact that the Liberal Party had refused to introduce any sort of freedom of information legislation when it was in government. The Liberals came to office in 1992, the year that I was elected — and it was interesting earlier to hear the

member for Box Hill and the member for Gippsland South, because they were in the house at the same time.

I remember that one of the first acts of the Kennett government, in May 1993, after having complained about the inadequacies of the freedom of information legislation, was to bone the Freedom of Information Act. The Liberals removed the \$100 ceiling as far as FOI claims were concerned, making it more expensive for anybody to go through the process; they introduced the application fees for FOI applications, which we are removing today; they changed the definition of what actually came under the FOI act by putting restrictions on large and voluminous requests; and they bought in restrictions on what they called 'repetitive requests'.

One of the areas I found most interesting was the way the Kennett government changed the treatment of commercial-in-confidence provisions — for example, in relation to private prison contracts. Running prisons is an activity that happens behind closed doors. It has to be highly accountable. The Kennett government introduced three privatised prisons in this state, but when you actually wanted to see how those prisons operated and what the conditions were under which those prisons operated you were not able to get that information because it was deemed commercial in confidence. Similarly, you could not get information on things like the CityLink contract — all of these areas of government activity were hidden behind the veil, the cloak, of commercial confidentiality.

I spoke to one particular company that had a contract with the then government and asked, 'Why do you have an objection to this information being out there in the public eye?' And they said, 'Look, we didn't want that in the contract; the government wanted that in the contract'. So you actually had the Kennett government specifying things to go into contracts with the private sector so they could use commercial confidentiality to stop the then opposition seeing what was actually in those contracts. That is the way these people do business when they are in government.

It was quite interesting, because when we got the private prison contracts we got to see why. Some of the private prisons had allowances for two or three escapes. That was acceptable! That was why they were hiding the contracts. Yet these people come in here and complain about what we are doing — not only restoring the FOI act to what it was in pre-Kennett days but actually creating the most liberal, democratic and free FOI act anywhere in the country. They say, 'It is not enough', but what they say and what they do are always two different things. They did it the last time. They complained about the FOI act under the Cain

government — the FOI act they did not want to bring in when they were in government before then. When the Cain government brought in the freedom of information act, it was not free enough for them, but the moment they got into government they tried to close it down — in fact they boned it. It is absolute hypocrisy for these people to complain about the FOI act.

They have a few complaints about FOI requests that have not been granted. Regarding most of the requests they have not been able to get up, I have to say that it is largely because of their own incompetence and laziness. They put in FOI requests as part of a trawling expedition that would make the Japanese fishing fleet proud. Quite frankly not a lot of thought goes into it. When I was Minister for Manufacturing and Export and Minister for Financial Services I got an application from one Liberal MP seeking FOI documents from the Minister for Manufacturing and Export and Minister for Financial Services going back to 2002. The portfolio was not actually created until after the 2002 election. They do not put a lot of thought into it at all.

Sometimes you get applications for things that are available in the annual reports of departments — publicly available documents — yet these guys have not worked that out. Sometimes what they are asking the departments to do involves addition, subtraction and processing that — with a little bit of hard work and elbow grease — they could do themselves. What the members of this lazy, incompetent, derelict and directionless opposition are complaining about is that the departments will not do their homework for them. That is what we have here — they are lazy, incompetent, directionless and derelict.

I am very proud to be part of a government that is bringing in these changes to the FOI act. It addresses all the matters that were raised by the Ombudsman. This government has a very proud record when it comes to FOI requests. It has increased by 50 per cent the number of requests that have been processed. Under the government some 97.4 per cent of requests for documents have been granted. That is something that neither the previous government nor the Liberal-National government before that, which had no FOI act, could say in its own favour. The government has a very proud tradition of openness and democracy, particularly when it comes to freedom of information.

The sort of nonsense we hear from the opposition over FOI is all about crying crocodile tears. It is like the firebug who burnt down the school complaining that he does not have a place to study. That is the sort of hypocrisy we get from these people. Fancy them even having the nerve to talk about FOI! I know exactly

what they would do if they ever got back into government in this state. The very first thing they would do is bring in amendments to the freedom of information act to make sure nobody could see what they were doing. The Kennett government slipped and slid around in the half light. That is the way they operate in government.

Opposition members come into this chamber and you can see the smirks on their faces. They talk about freedom of information with absolutely no conviction. They come in here knowing that if they get back into government they will rip the guts out of the Freedom of Information Act, because that is the way they work. They have no commitment to democracy; they have no commitment to transparency. For them to criticise this government is absolute hypocrisy.

Mrs POWELL (Shepparton) — I am pleased to speak on the Freedom of Information Amendment Bill. As members have said, the purpose of the bill is to amend the Freedom of Information Act. This is to reflect what the Ombudsman has put in his report and to take into consideration his recommendations. We have heard a number of government speakers talk about how proud they are of the history of the way they treat FOI requests. Non-government members have put on the record that this is not the case: when you read the Ombudsman's report, you realise that there are some very big flaws in the way that the government deals with freedom of information requests.

One part of the report is worth putting on record. It gives a reason why the Ombudsman started the investigation. The report reads:

The concerns that led to this investigation included allegations by applicants of:

- delay in processing FOI requests, including delay in the release of documents for political reasons;
- unreasonable claims that requests are unclear or voluminous;
- a lack of assistance to applicants in trying to reformulate requests;
- inadequate or misleading advice;
- misuse of exemptions to deny access to sensitive documents;
- use of internal review and VCAT as mechanisms for delay, with documents released on the eve of hearing by VCAT.

The report shows that there is a history of the government using delaying tactics. The Ombudsman said that the delaying of FOI requests is one of the

reasons for his investigation and one of the biggest complaints that the Ombudsman receives. A number of those complaints were made before 2003; the Ombudsman then investigated. A damning report was the result. In his review of the Freedom of Information Act in 2006 the Ombudsman described some important matters regarding government departmental delays, including the use of tactics so that freedom of information requests were either delayed or not fulfilled.

There were also allegations expressing concern. The report says:

Agencies are required to provide a decision on FOI requests within 45 days of receipt of the request ... in 2003–04, only 56 per cent were made within 45 days.

That is appalling. Only half of all FOI decisions were made in that period. There are no penalties if the government does not comply with FOI requests. The Ombudsman has made a number of recommendations. I hope the government takes them on board, because the way that departments are dealing with FOI requests shows that the government does not take the requests seriously. It is making sure that information remains secret or is confidential, to be used only by the government.

The second-reading speech says that there are:

... a number of further initiatives to increase the accessibility of government information to the Victorian public.

The second-reading speech then states that there are 20 000 freedom of information requests a year. That is a substantial number. It shows that if the government were more open and accountable, as it said it was going to be, there would be no need for freedom of information requests. The government can make information available in all sorts of ways: the information could be put online or in annual reports. The government obviously keeps a lot of information secret.

A number of members have raised the number of FOI requests that they have made to the government. I have made only one FOI request; I made it in 2001. I called on the government to conduct a road safety audit of the Peter Ross-Edwards Causeway after a number of accidents and deaths occurred on it. I wanted to know whether that road or driver behaviour caused those accidents. I asked VicRoads to conduct a safety audit. VicRoads completed the audit but it would not release its report. I spoke to some people from VicRoads who said that it was a fairly damning report and that it would cost millions of dollars for the upgrades the report suggested.

I called on the government to release the documents so that the community could see how bad that road was, and I also paid the \$20 for the FOI request. I received a letter many months later saying that the government was returning my \$20. It said if I were to remove my FOI request, it would make the document available to me. That was rather interesting, given I had been calling for it for a long time, and it was only when I made the FOI request that the government decided it would look better if it released the document to me.

After I received the document I understood why the government did not want to make it public. It came about that that road, which is part of the Midland Highway, did not even meet VicRoads' own minimum safety standards for that type of road. In effect, a planning study was brought forward supporting what was said in the safety audit and eventually \$6.3 million was allocated in the budget. By the time the road was built, the cost had blown out to \$10 million. Again this highlights that sometimes if the government has information that does not make it look good, it will not release that information or there will be a long delay before it is released.

The government said that business or financial information will only be exempted from release where disclosure would expose a business organisation unreasonably to disadvantage. The Minister for Planning in the other place holds but has not released the document about bay dredging. People have been asking for that document, but it still has not been released. The government also said it was going to put information from departments on the internet for easy access by the public. I hope the information it puts on those websites is going to be provided in a timely manner.

On 10 January this year I read a report in the *Herald Sun* headed 'Call to help ban piercing'. Obviously The Nationals were quite keen on this, because it was an initiative that we brought forward. The article states:

The exposure draft bill is available at www.justice.vic.gov.au and submissions close on 14 March.

We tried to download that draft bill, only to find that it was not on the website. My office phoned the Department of Justice, to be told that it was not their department and that we had to contact consumer affairs. My office contacted consumer affairs, but they said they knew nothing about it. They were very helpful, but they also said, 'It is not us, it is the Department of Justice'. A bit later that afternoon the document was posted on the web page. If the government is going to say it will do it, before it releases the information or

enables people to actually access it, hopefully it will put the document on a website.

The government also talks about information being available in annual reports. During the last sittings of Parliament we saw many annual reports being tabled on the last sitting day. That was obviously because of a decision by the government to avoid scrutiny, because you cannot scrutinise that many documents. If that information is going to be available in annual reports, we want to see it there so government members and non-government members can scrutinise it to make sure that the information that they need is in those reports. It is no good putting the reports out, but that after 12 months we find we are not able to access any information or the type of information that members of Parliament or the media are hoping for.

The government talks about going to VCAT (Victorian Civil and Administrative Tribunal) for vexatious issues resulting from multiple requests, obviously from opposition MPs and journalists. The Ombudsman's report said that his officers examined the files but found little evidence that multiple requests overwhelmed the resources of departments, and they also gave examples of how multiple requests could be dealt with. Again, it is the freedom of information office saying that it is being inundated with vexatious and frivolous requests, when in fact that is not the case, as the Ombudsman found.

The government is ignoring many requests or has delayed responses, and the Ombudsman has severely criticised the government. This bill is being brought in because of the Ombudsman's report, not because the government believes that it is doing the wrong thing. Again we hear government members saying they have a proud history, and they are defending their FOI history.

Hopefully the initiatives in this bill will make the government more accountable and the information more accessible not just for members of Parliament but for the media and the public at large.

Ms THOMSON (Footscray) — I am pleased to rise to support this legislation before the house today. I do so because we have an Ombudsman's report, and he is an officer protected by the constitution. It was a Labor government — in fact the Bracks Labor government — that secured and protected the Ombudsman under the constitution because of the practices under the Kennett regime.

Many members in this chamber have spoken about the history of freedom of information, and it is true —

no-one can dispute it — that FOI was first introduced in Victoria in 1982 by the Cain Labor government. If my memory serves me right, it was the first piece of FOI legislation introduced into any Australian Parliament. It was a great achievement by the Cain government, but the legislation needs to be updated. A former Premier, Jeff Kennett, decided it needed to be 'updated', as he put it. Let us have a look at his government's idea of updating it. It decided it would introduce an application fee. That might sound reasonable, but is it really reasonable for individuals who want to access information that is important to them? That government extended the definition of 'cabinet documents' to the point where it became absolutely ridiculous and inappropriate. Labor opposed the bill in 1993, and that was no surprise because of its commitment to freedom of information.

Let us look at those members opposite who still sit in this chamber or in the other place and say without even a smirk on their face that they are serious about freedom of information and we are not. The members for Box Hill, Scoresby, South-West Coast, Murray Valley and Brighton in this chamber and Mrs Peulich, now a member for South Eastern Metropolitan Region in the other place, all voted to make changes to freedom of information that actually limited access and availability to information.

I will go back to what I said when I first got to my feet. The fact that we have protected the Ombudsman in the constitution and given him his powers has enabled him to undertake such an inquiry into FOI and to come up with recommendations that the government has accepted in totality and gone further than that. The government has now abolished the application fee for FOI, which means that ordinary Victorians can lodge an application for FOI and have it reasonably considered in a reasonable time.

The other thing that is important is the administration behind the legislation, and the fact that the Attorney-General got the Department of Justice to develop guidelines to assist departments with FOI requirements. Not all agencies get a flood of FOI requests, although I admit the members opposite may be prolific in their search to try to find something without having done any work themselves. But the fact is that some departments and some areas of government do not regularly receive FOI requests and are not properly cognisant of their requirements under the legislation. As the lead agency the Department of Justice will be working with all agencies and departments to ensure they do understand what their requirements are under FOI and that they comply with them.

We take FOI seriously. It is not a joke to us. It is an important access point, not just for political point-scoring for members opposite but for real access to information that means a lot to individuals. That is the perspective from which we come to freedom of information.

I want to talk about statistics. People have been throwing statistics around in relation to FOI. In 1983–84 when we first passed the legislation and it was put in place there were just under 5000 freedom of information requests. That figure steadily climbed right through until 1992–93 and then declined. Why was there a sudden drop-off in FOI requests in 1993? It was because the Kennett government's freedom of information legislation restricted people's access through the freedom of information process. Therefore the number of requests diminished. Basically the figure stayed quite low, pretty much — it grew very gradually — until 1999. Guess what happened in 1999? The Bracks Labor government was elected and reinstated the changes made to the Freedom of Information Act, which made it possible for people to lodge requests for information in a reasonable manner.

Then what happened to the number of requests made through the FOI process? They more than doubled. By 2006–07 close to 25 000 requests for information were being made through the FOI system each year, which is a lot of FOI requests in anybody's language. Now we are again getting serious about changes to FOI legislation. Yes, there will always be ongoing changes. If the Freedom of Information Act is to be a living, continually changing piece of legislation that meets community standards and changes in practices, then that is what has to happen.

I want to touch on something else in relation to the changes we are making — that is, putting FOI requests online. I think this is fantastic. For a long time I have been a supporter of putting as much information online as you possibly can, but more importantly, allowing citizens in Victoria to get as much out of government as they possibly can without having to go into an office, fill out forms and then wait around — to actually make it easy for them to access and engage with government. That is why today I was really proud to hear the Premier's announcement around the statement of government intentions that we were going to engage with the community on the web and enable people to engage with us and be part of the democratic processes as we move legislation into this house and to be part of that consultation process on many levels — face to face through submissions, but also on the web. I was very proud about that, and I am pleased to see that we are doing it with FOI as well.

We have to be sensitive about what we might put online. We have to be careful about privacy issues — we have to be cognisant of them — and there will be guidelines surrounding how we provide information on the web. But it is moving to the next stage of how we engage with one another as more and more we rely on services being delivered to Victorian citizens online.

We are serious about FOI, and our actions demonstrate that. Unfortunately from members opposite all we get are words, and theirs are hypocritical, because their actions have demonstrated over the years that they are not serious about FOI. When they are on this side of the house they do everything they can to limit the public's access and right to access information; we extend it. So I am pleased that they are not in office to be able to go backwards on FOI, the Ombudsman, the Auditor-General and the Director of Public Prosecutions. I am pleased that we are in office to be able to protect the rights of Victorians, their access to information and their ability to participate in our democratic processes.

Mr MULDER (Polwarth) — I rise to make a brief contribution to debate on the Freedom of Information Amendment Bill. As a shadow minister, naturally I have engaged in the freedom of information process on a number of occasions.

Mr Robinson interjected.

Mr MULDER — I have been doing it for a hell of a long time. The document the member for Bulleen produced today during his contribution to the debate was interesting. I am actually a bit disappointed. When the member mentioned my name and the word 'sensitive', I thought he was talking about me, but he was actually talking about progress on a request I had made about a sensitive document.

This document refers in one column to 'Documents regarding safety audits carried out on Connex Melbourne since 6 May 2006' and says that the status of those documents is 'In progress'. It is not in progress; those particular documents were refused and we have not been able to gain a copy of them from the minister. The reason given was that the audit process carried out by Public Transport Safety Victoria and Connex is a process whereby there is a great deal of cooperation between both parties.

Having worked in the area of systems auditing in the past I know that usually the role of an auditor is to walk into a room, set himself up and start to look for areas where he thinks there may be deficiencies within an organisation. This smells to me a little bit like Connex

handing over the documents that it wants to hand over to Public Transport Safety Victoria and that particular process being ticked off. Therefore I would imagine that that is the reason those particular audits are not being released to the opposition. I would have thought, given the number of incidents we have had, particularly in relation to rail safety, that the content, the effectiveness, and the follow-up processes of those audits would be of great interest to the Victorian public. But the response is, 'No, you are not going to get those particular documents'.

There is another issue I would like to raise about this government's handling of freedom of information and the politicising of the process. I go back to a couple of years ago now when we sought information, under freedom of information, from Victoria Police about speed camera tolerances. The information was refused. The opposition was not allowed to get access to information that detailed tolerances — what tolerances applied and when tolerances changed and so forth. We ended up taking the matter to the Victorian Civil and Administrative Tribunal.

Prior to it getting to the VCAT hearing, lo and behold, a gentleman approached us with that exact information which had been released by Victoria Police to a private individual. That says to me that a member of Parliament who is seeking information — that is possibly what 'sensitive' means here; that this person has to be treated in a sensitive manner in terms of what information you hand out — is treated totally differently from how a member of the public is treated. The FOI laws in this state should apply in exactly the same manner to each and every person who goes through the FOI process.

I raise some concerns I have about the issue of more information being made available. New section 7(1) under new part II states:

The responsible Minister of an agency, other than a council, must cause the agency to publish information for the purposes of this Act in accordance with the standards issued under section 8.

Of course those standards and guidelines will be developed as we go forward. New section 7(3) states that if an agency is required to publish information it:

... must publish the information on the Internet site of the agency or of another agency or a Government Internet site; and

... may publish the information in any other manner the agency thinks fit.

New section 7(4) states:

An agency must review and update, in accordance with the standards issued under section 8, information that it is required under this section to publish.

The bill goes on to refer in new section 8(2) to:

... the kind of information to be published;

... how frequently the information is to be published, reviewed and updated;

... the form in which the information is to be published;

... the circumstances in which an agency may publish information on behalf of another agency.

This is not about making more information available to the public. This is about the control of information. This is completely and totally about a minister being able to control the information that goes out to the public. He is able to time the release of that information, he is able to dictate to the agency in what form the information has to be published and he is able to dictate how often the information is to be published.

My concern with that is that quite often we seek information, and we seek very detailed information — for instance, in relation to incidents on the public transport network. Recently we rolled out some media releases about individual railway stations — about the number of unruly passengers who had been misbehaving at stations, about stations where guns had been involved in violence, about stations where knives had been involved in violence and about stations where we have had issues with assaults, authorised officers being beaten up and passengers being beaten up. We got that information via FOI incident reports: about 700 incident reports were provided to us.

I would say that under this new regime you will get the Department of Infrastructure — and Connex providing the information to DOI — publishing that information maybe once a year, or perhaps twice a year, but I will guarantee that you will not get the level of detail that has been provided in those incident reports to the opposition. It will be completely sanitised. When we request this type of information under FOI you know what is going to happen — our requests will be refused on the basis that this information is published annually or half-yearly in such-and-such a document by such-and-such an agency. We will be refused that particular information based on the fact that its provision would be an unnecessary use of resources.

This is what this whole piece of legislation is about. It is about the total control of government information. You will not get the sensitive, hard-hitting information published on a government website. What you will get is sanitised information. It will be just as we saw here

last year, with annual reports being wheeled out here and stacked up on tables as high as you can see in an attempt to conceal as much information from the media and the opposition as possible and stifle debate on those annual reports. We are going to have more of those reports with this type of information added to them. The information will not be treated in the manner in which it should be. It will not be debated, and our ability to get the truth behind the statistics this government provides will be totally shut down.

Another relevant instance is an FOI response we got providing information from the Southern Cross Station Authority in relation to expenses. You saw, when you had a look at what the authority was spending its money on, that it was pretty damning stuff. Cakes from David Jones — I do not know why the authority would want a cake from David Jones or a Santa Claus helper's suit before Christmas — are a great use of public money! The government will say to such agencies that they have to provide information in relation to general expenses, but I would say you will find that these types of expenses may come under something that the minister decides needs to be categorised in a certain manner that conceals how that money has been spent and what it has been spent on. This is what I am concerned about in relation to FOI and in relation to the provisions before us.

We have issues in relation to another FOI request we received. There was a serious incident at the Anakie Road, Bell Park, level crossing on 27 July after 10 o'clock when the driver of an Adelaide-bound freight train advised train controllers that the boom barrier arms were stuck in the upright position. I would say that that particular information would go down in statistical form as 'mechanical failure at a level crossing'. In such cases we will not be able to alert the people who live in a particular area that they need to be very cautious in and around, say, a certain level crossing. Or, to go back to the previous issue I raised — bashings and assaults on particular railway stations — we will not be able to alert the public that that is a problem. We will not be able to put pressure on the government to do something about that, because the actual details, the meat of the issue, will be totally hidden in this controlled mechanism that the government intends to put in place to deal with FOI.

As I say, this has nothing to do with providing additional information to the public. It has nothing to do with making more information readily available. This is about total control of the flow of information from the government and government departments and releasing it in such a manner that that information is not able to

be dissected and got to the bottom of in terms of this government's failure to deliver services for Victoria.

Ms GREEN (Yan Yean) — I am absolutely delighted to join the debate in support of the bill before the house, the Freedom of Information Amendment Bill. I am particularly pleased to follow along a similar line that the other government speakers have taken in support of this bill in this debate. In particular I note the contribution from the member for Kororoit, who took us on a very interesting journey through the history of FOI regarding the position of both Labor governments over recent decades and the Liberals and The Nationals when they were in government. I am particularly pleased to follow the member for Kororoit, who previously represented — as I now do — the electoral district of Yan Yean.

The member for Kororoit took us on a pretty amazing journey, reminding us of that history and most interestingly the history of the Liberal and National parties when they were in government. It reminded me of some things that I had certainly forgotten, probably in horror, having been a public servant during the time of the Kennett government. We were not a very desired species at that time, and I remind people that the then Premier, Jeff Kennett, said that he preferred to run government with six public servants and his two Weimaraner dogs. That was probably pretty much an example of the lack of esteem he felt for public servants, but I also think it extended to the community's right to know.

Labor in government has always been a supporter of transparency, accountability and expanding the ability for communities to know and understand the decision making of government and have a right to access information. Conservative parties, when they have sat on the government benches, have always been about contracting that right.

The Freedom of Information Act was introduced by the Cain government in 1982. At the time the Liberal and National parties supported the bill, but what did they do when they got into government? In 1993, shortly after they took the government benches, they severely curtailed the community's access to information, introduced an application fee and extended hugely the definition of 'cabinet documents', while of course the then Labor opposition opposed that amending legislation.

It was interesting to hear a number of contributors from the opposition benches bleating and crying crocodile tears this evening. I particularly had to get the smelling salts out when I heard the contribution from the

member for Brighton, who had sat around the cabinet table at the time when the Liberal Party contracted access to FOI in 1993. The member, then in the other place, certainly was one who actively supported the Liberal Party's amendments, along with other members who still sit in this house and who are obviously going to condemn this government's changes.

An honourable member interjected.

Ms GREEN — The member for Box Hill, who is now sitting in the chamber, the member for Scoresby, the member for Murray Valley, the member for South-West Coast, the member for Caulfield and, of course, the member for Brighton, who was at that time in another place; and Bruce Atkinson and Inga Peulich, now both members in another place. Not only were the amendments the Kennett government proposed in 1993 designed to curtail access to information, but it had a second crack at it in 1999, when it introduced a blanket ban on the release of information that identified a public servant or a third party.

I have had a look back at some of the commentary at the time, and I quote an article from the *Age* of 1 May 1999 headed 'FOI faces "white anting" with new amendments':

Experts in the field, who were not consulted about the change, said this was a fundamental shift in the basic rules of government accountability.

Mr Rick Snell, a lecturer in administrative law at the University of Tasmania and national editor of *FOI Review*, said: 'No other jurisdiction in Australia or overseas has even considered returning to such a dark age of public service cover-ups and secrecy.'

That is what this lot on the other side did when they were in charge, yet they would say this bill does not go far enough.

In 1997, in a letter to the then Attorney-General, the Honourable Jan Wade, the then president of the Law Institute of Victoria, Mr Geoff Provis — who now is again its president — said:

New provisions related to the definition of cabinet documents had also stifled the release of politically sensitive information ...

We have recently had some of that on that side, because we have seen in Canberra in recent years the terrible curtailing of people's rights and the closing down of information.

I was pleased to see an endorsement of the incoming federal Labor government from a source which I found quite surprising. The *Australian Financial Review* and

the *Sydney Morning Herald* both reported that former Liberal Party treasurer, Ron Walker, said that the defeated Howard government had made the suppression of public information an art form. He said he was looking forward to working with Kevin Rudd. He was reported on 1 December 2007 as telling Fairfax Media's annual general meeting:

We want stronger freedom of information laws, protection for courageous whistleblowers, shield laws for our journalists so that they are not jailed for doing their jobs, and accountability in government at all levels.

That commentary on the history of freedom of information reinforces that what we are doing to expand access to FOI in this bill is truly groundbreaking and that we mean what we say. We made an election commitment to introduce these changes. Getting rid of the application fees will mean that many more people will have access to documents — it may be personal information or information on government decisions — so it will be more democratic and easier for people to get access.

In researching this issue I found it interesting to note that stakeholders said there was no consultation when conservative governments introduced changes. That stands in great contrast to the introduction of this bill. We had an independent officer, the Ombudsman, conduct a review into these laws and recommend changes. This government is not afraid of that, unlike those on the other side who necked the Auditor-General and completely curtailed his powers. They were afraid of the public's right to know.

The changes to the Freedom of Information Act will modernise the act. In this century, technology and the availability of the internet means that the public wants increasing access via that medium. This bill will mean members of the community will be able to lodge FOI applications online. It requires government agencies and departments to freely provide information on the internet about the functioning of the government.

I am pleased to be part of the Brumby government, which is committed to open and accountable government. Freedom of information has been Labor policy since I have been voting. Anyone can look up my date of birth in the parliamentary handbook. It is quite a while ago — —

Mr Robinson interjected.

Ms GREEN — I am not ashamed of it. That is how long Labor governments have been committed to freedom of information. We have had that same commitment whether in government or in opposition,

not like the lot on the other side, which would never have introduced anything that expanded the community's right to know. Their statements to the contrary should be treated with the contempt they deserve by the community. We have seen what they did at a national level and a state level when in charge of the government benches.

I am pleased to speak in support of this bill and I look forward to hearing the remaining contributions by government members and having a laugh at the hypocrisy of those on the other side. I wish the bill a speedy passage.

Mr R. SMITH (Warrandyte) — It is almost amusing to listen to government members attempting to defend the indefensible. They never address the failings of their own government. They attack previous opposition speakers or, with their skewed recollections, attack the actions of the government that was running this state eight years ago. There is a completely blinkered view of what is happening here and now. When they take this line, we on this side of the house know they are having a lot of difficulty justifying their current position.

I was very interested to hear the contribution from the Attorney-General. In introducing the bill he said that he was passionate about ensuring that applications for freedom of information were free. I also put the member for Footscray in that bucket. This government has been in power now for eight years. If it were that passionate about application fees, why has it not made any move prior to now? This government has been the beneficiary of those application fees for longer than the Kennett government was in power, and yet at no time prior to now has it even been suggested that the fees be removed. If that is an example of passion from the Attorney-General, I would hate to see how slowly he would move on something he was not so passionate about.

I also find it interesting to hear the Attorney-General say that he is passionate about open and transparent government. My message to the Attorney-General is that it is never too late to start. This government often talks about openness and accountability, but its political interests are far more important to it than disclosure, and there has been example after example of that in recent times. There is the example of what happened when the opposition sought documents relating to the costing for the EastLink tollway. For four years this government fought to keep those documents hidden, with government members screaming out cabinet-in-confidence excuses.

I refer to a *Herald Sun* article of 11 January 2008, where it was reported that the government had spent two and a half years and tens of thousands of taxpayers dollars fighting to keep secret documents relating to major projects and using the same excuse of cabinet in confidence that was dismissed by the Court of Appeal. It wasted taxpayer dollars to hide its secrets.

The effect of the government's culture of hiding embarrassing documents was essentially summed up when a document about the details of the 5-star energy efficiency regulations for new houses was sought. The planning minister's spokesman said, 'It's not a document we want to make public'. That in effect is the standard response from this government, and it is not one that is given only to the opposition. The *Herald Sun* spent 18 months pursuing the education department for details relating to the paper's investigation of schoolchildren's disturbing behaviour. The *Herald Sun* initially wanted copies of all reports between 2002 and 2005 in order to continue its investigations.

After running into a brick wall it narrowed that down to a request for only 13 reports. How many do you think the newspaper actually got? It got three. The *Age* also had a 16-month battle to obtain information on the fast rail project. When information was sought on the Melbourne Convention Centre public-private partnership (PPP) the government released 1000 pages detailing that arrangement, saying that the documents showed that the community was getting value for money. But the government had blanked out every figure in the payment provisions section, it had removed crucial numbers from the contract arrangements relating to interest, payment disputes and refinancing gains, and it had deleted all the numbers detailing compensation and the triggers and penalties for service failures.

When it comes to public-private partnerships the government rarely wants to say too much. That was proven in the *Age* on 1 November 2006, when it was revealed that a Labor-dominated parliamentary committee had found that government secrecy surrounding public-private partnerships meant that Victorians had absolutely no idea whether they actually provided real value for money.

Taxpayers are paying hundreds of thousands of dollars as the government fights the release of documents. On one occasion it spent \$38 000 in one day on a hearing at the Victorian Civil and Administrative Tribunal (VCAT). I will quote from an article in the *Age* of 13 August 2007 to show how much the government actually spends on this sort of stuff. The article reads:

Melbourne Water is using thousands of taxpayer dollars in a legal fight to block the release of cabinet briefings on the state's water crisis.

The *Age* requested access to the documents this year under freedom of information laws after sources close to the water authority claimed that they would show the government had withheld important information for political reasons.

But the water authority refused the request, arguing the documents may cause 'unnecessary debate' about the drought and Melbourne's water supplies.

'Unnecessary debate'? I would think the more reasonable term would be 'inconvenient debate'. The government does not want any inconvenient debate about the secrets it attempts to hide.

It is not just through the legal process that this government tries to hide its many failures. It was reported in the *Age* of 11 August 2006 that in response to an FOI request from the member for Bulleen the director of the Victorian Office of Multicultural Affairs had allegedly hidden documents in her private office to avoid any embarrassment to the government prior to the 2006 state election.

Further to this it was reported in the *Herald Sun* of 5 July 2006 that the government had bullied the member for Brighton — and bullying is unusual for this government, is it not? It said she had to stop inquiring about the misuse of taxpayers money and that she would be personally liable for all costs if she lost her appeal.

The Ombudsman's report that was released late last year showed there was a culture of delays and misleading details in the way freedom of information applications to government agencies were dealt with. The Ombudsman said that complaints were received where the reasons given for claiming exemption under the law were clearly misleading and that some agencies took advantage of every available exemption to provide as little detail as possible.

The *Herald Sun* attempted to discover how much revenue was generated at each speed camera site, but it was unsuccessful. The excuse given was that 'details were not able to be produced by means currently available'.

It gets worse than that. As reported in the *Age*, the Department of Premier and Cabinet apparently had difficulty defining what a 'signed contract' meant. Film Victoria was unable to define the term 'all documents'. It is just ridiculous. The freedom of information annual report for 2007 shows that almost one in four applicants was denied access to the documents sought or given only partial access to information.

But with some departments that number is much higher. In the financial year 2005–06 the Department of Human Services had 956 requests for information, but it gave full access only 228 times. It denied full access 76 per cent of the time. That is openness and accountability from this government!

The time taken to process freedom of information requests has also been a joke. Almost 50 per cent of the applications are not dealt with within the 45-day time period. But what does this government do when it cannot meet targets? It moves those targets. We should all remember Labor's pledge in 1999 to cut ambulance response times. After eight years of failing to meet even the current response times, what did it do? It extended the response times. And the same applies here — 'We cannot meet the requirements, so let us just extend them'.

This government over the past eight years has on many occasions promised openness and accountability but has fallen far short of delivering on that promise when it does not suit its political agenda. The reality is that it does not matter how passionate the Attorney-General is about making freedom of information applications free, because there is absolutely nothing in this legislation that will change the culture of secrecy and obstruction that has become the commonplace occurrence with this government.

Ms BEATTIE (Yuroke) — It gives me great delight to stand in support of the Freedom of Information Amendment Bill 2007. The previous speaker talked about inconvenience. Let me tell the house an inconvenient truth, because I do not think the other side of the house can stand the truth. I will go through our record and the record of the Liberal Party when it was in government, because it is really important to remember what it did in government.

Honourable members interjecting.

The ACTING SPEAKER (Ms Green) — Order! The member for Warrandyte was heard in silence. He should now give the member for Yuroke the same courtesy.

Ms BEATTIE — This bill abolishes — —

Mr R. Smith interjected.

The ACTING SPEAKER (Ms Green) — Order! The member for Warrandyte has just made a reflection on the Chair. I ask him to withdraw it. He should know better, as he is cautioned frequently by the Speaker in this house to show respect to the Chair, and that goes

for the Acting Chair. If the member cannot do that, he should remove himself from the chamber.

Ms BEATTIE — This bill abolishes the application fee introduced by whom? The Kennett government. We are going to implement all the legislative recommendations made by the Ombudsman in the 2006 report to improve the operation of the legislation.

Another thing those opposite will not understand is that this fulfils the government's election commitment. We do not differentiate between core promises and non-core promises; we make election commitments, and we uphold our election commitments. We also want to modernise the FOI act to take into account the increasing use of the internet by the public. When the FOI act was originally introduced there would have been no such thing as the internet. I am a great supporter of members of the public using the internet to increase their ability to lodge FOI applications.

I want to go into what we have done with FOI and what the previous government did with FOI, because it is important to remember what we are talking about. Since we have been in government FOI requests have increased by about 50 per cent, and in 2006–07, for the fifth year in succession, there were more than 20 000 applications. Documents were provided under FOI in 97.4 per cent of access decisions.

Less than 1 per cent of FOI decisions were appealed against to the Victorian Civil and Administrative Tribunal, and most of those decisions were upheld by VCAT. In 2006–07 there was the lowest percentage of internal reviews conducted of FOI decisions, some 1.3 per cent. The Ombudsman said in his 2006 review of FOI that:

... undue delay —

in processing FOI applications —

occurs in a minority of cases.

In his 2007 annual report the Ombudsman noted that:

... FOI complaints have reduced by 30 per cent ... largely due to the work that departments and agencies have undertaken following my review ...

I want to go back to the record of the Liberal Party in government. Since 1999 this government has introduced a series of reforms, a swag of reforms, to repair the damage done to FOI by the Kennett government. Members opposite try to distance themselves from the Kennett government, but we must remember that there are people still in this house who voted for the legislation. I will name those people later.

Mr O'Brien interjected.

The ACTING SPEAKER (Ms Green) — Order! The member for Malvern is out of his place and knows he should not interject unless he is sitting in it, so I ask him to desist.

Ms BEATTIE — Of course members opposite want to interject. They want to prevent me from talking about their record — of course they do. I expect a few more interjections, and that is not inviting interjections, Acting Speaker. They want to interrupt; they do not want their record laid on the line. They do not want me to talk about when they prevented documents from being attached to cabinet submissions merely for the purpose of avoiding release under FOI. They do not want me to talk about when they introduced a requirement that documents concerning commercial, business or financial undertakings would be exempt from release only where it was unreasonable. They do not want me to talk about how they removed the appeal to VCAT when a government agency failed to respond to a request. They do not want me to talk about how they repealed the personal information provisions.

Members will remember the stories about shopping trolleys full of documents being wheeled into the Kennett cabinet room so the government of the day could claim the cabinet exemption and avoid releasing those documents under FOI. It must have been a great sight. I do not know where they got the trolleys from, but there must have been trolley after trolley because you had a devil of a job getting anything from the Liberal government under FOI. This has been acknowledged by leading Liberals. I was doing some research. Ron Walker, a former treasurer of the Liberal Party, is now chairman of Fairfax. He is also the Liberal Party's fundraising supremo — he was the el supremo of fundraising for the Liberal Party. He told an annual general meeting of the Fairfax company in Sydney that:

... the previous government —

that is, the Howard federal government —

... have made the suppression of public information an absolute art form.

If those opposite were so concerned about FOI, why did they not ring up their mates in the Howard government and say, 'Look, you have got a hypocritical position here, release the documents. We are all for releasing as many documents as possible. Why don't you release them?'. Of course they did not do that. They sat there mute. They are crying crocodile tears.

Back then WorkChoices was not on the federal government's agenda but then it introduced the legislation and refused to release documents about it. Members opposite have absolutely no credibility where FOI is concerned. In contrast, the Brumby government, and the Bracks government before it, has a very proud history on FOI. It has a history of being open, accountable and transparent. That is why those opposite hate to be continually reminded of their record. Reminding them of their record shows us how hypocritical they are.

I said before that I would name those who voted in favour of draconian amendments made by the former Kennett government. They are Robert Clark, Kim Wells, Denis Naphine, Inga Peulich, Ken Jasper and, of course, Louise Asher. So we see a history of shillyshallying around FOI, but — —

Mr R. Smith — On a point of order, Acting Speaker, I believe it is disorderly to refer to members by their names; they should be referred to by their titles.

Ms BEATTIE — The member for Box Hill, the member for Scoresby, the member for South-West — —

Mr R. Smith — Acting Speaker, a ruling?

The ACTING SPEAKER (Ms Green) — Order! I think the member is acting on the point of order.

Ms BEATTIE — The member for Box Hill, the member for Scoresby, the member for South-West Coast, Inga Peulich, now a member for South Eastern Metropolitan Region in the other house, the member for Murray Valley and the member for Brighton. With or without their names listed here, they stand on record as having a shameful history on FOI. This side of the house has a proud history. I commend the bill to the house.

Ms WOOLDRIDGE (Doncaster) — I rise to make some brief remarks regarding the Freedom of Information Amendment Bill 2007. The opposition has a number of concerns with the bill and will be opposing a number of aspects. I will be supporting the amendments as outlined by the member for Box Hill.

The government has stated that the bill is largely a response to the scathing review of the Freedom of Information Act tabled by the Ombudsman in June 2006. That inquiry uncovered massive failures with the system, with huge delays commonplace, ministers claiming misleading exemptions and departmental officials failing to give proper assistance, to name just a few. The bill will do little to rectify these systemic issues. Indeed some aspects of the proposed legislation

will actually make information harder to obtain. The new part II is a prime example. This part of the principal act sets out a wide range of information that agencies are obligated to make available to the public.

The Ombudsman identified concerns with the government's response to this part and recommended it be urgently reviewed — a recommendation that the Labor government has flatly rejected. In fact under the new part II the government is intending to remove the safeguards in the principal act. It wants to give itself broad powers to determine the amount of information made public by allowing the Attorney-General alone to have discretion to decide what the public should see. In effect Labor is saying, 'Because we failed to meet our disclosure requirements we're going to remove them altogether'.

Part 4 of the bill is also of considerable concern. New part VIA would allow a person to be declared a vexatious applicant, meaning further applications by that person could be made only after VCAT (Victorian Civil and Administrative Tribunal) had given its consent. My concern is that under this government often it is necessary to use FOI in order to gain access to basic information, but Labor's bill contains no exemptions.

It may well be the case that a number of the FOI requests I have submitted to the Department of Human Services constitute obstructing or otherwise unreasonably interfering with the operations of the agency. I am sure the minister finds them annoying! Again this measure, rather than making it easier to gain information, will simply make it harder.

Part 3 of the bill is further proof that this government is simply not interested in genuinely reforming FOI. Clause 11 extends the allowable response time from 45 days to 75. The Ombudsman found that only 56 per cent of FOI requests are processed within the statutory time frame and that over 20 per cent take more than 90 days to be finalised. Rather than make the necessary changes to ensure FOI requests are promptly completed, Labor is simply moving the goal posts. Put simply, these changes will mean applicants will be waiting longer for less information.

This government likes to position itself as open, accountable and honest. There is a well-worn narrative, trumpeted often and loudly by those on the other side, that the previous coalition government was secretive and antidemocratic and that that damage has been undone by these Labor-led reforms. But the truth is different, and this bill demonstrates that fact once again. After peeling away the layers of spin, the inconvenient

truth is that the Brumby government has a closet full of skeletons and is jealously guarding the key. The secret pre-election deal with the police union, secret figures about the hospital waiting list to get onto the waiting list, secret documents regarding the lotteries licence and tender process and the costing of EastLink are just a few of these skeletons.

Rather than simply handing over the documents in the interests of open and accountable government, as Labor's spin would have us believe, the government has gone to great lengths to keep them hidden from view. In the case of the EastLink tollway the VCAT battle lasted four years, and under this legislation more will be able to be kept secret.

Individual ministers are also failing the test when it comes to openness, routinely failing to disclose basic information. In his second-reading speech the Attorney-General lectured this house about open and accountable government being essential in a representative democracy. Unfortunately the actions of ministers do not bear out that lofty ideal. There is no better example of this than my opposite number, the Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians. At the end of last year the minister had 82 questions overdue in the Legislative Council alone, accounting for 30 per cent of all late and unanswered questions. There are now 126 questions awaiting her attention and overdue. I hope some of these may be answered this week.

These questions that we ask are not trivial in their nature. They seek important information from the government about services for vulnerable Victorians. And even when the questions are answered the minister is evasive and secretive. For example, in question 634 she is asked about the funding and staffing for community care units for mental health patients, an important question that was raised in a government-commissioned report that said there were limited accommodation options. The minister simply said that funding data for the units is contained in the funding guidelines. In fact it is not. The minister must not have listened to the Attorney-General's second-reading speech when he said:

It is essential to enable citizens to be well informed in relation to government activities and decisions, to exercise their democratic rights and responsibilities and to contribute to government decision making in a meaningful way.

The opposition has to use FOI given the lack of government respect for the Parliament and its processes, such as questions on notice. The minister also routinely flouts FOI requirements, and this will not be rectified by the proposed changes. Every single one

of the FOI requests I submitted to her department last year came back late, despite the legislative requirement to respond within 45 days, the statutory limit outlined in section 21 of the act which Labor now wants to extend.

In July 2007 I submitted an FOI request to the Department of Planning and Community Development seeking access to documents and expenditure relating to the government's \$5.9 million elder abuse initiative. However, it was not until January 2008 that I finally received the response from the department. The response was six months late in coming, and 151 days overdue. The government's rhetoric about freedom of information is all about openness and transparency — language that is no doubt focus tested for maximum impact — but its actions simply do not match up.

Labor continues to flout the Freedom of Information Act, as it has done every year over the last eight years. This bill does nothing to fix Labor's systemic abuse of FOI. It will simply mean that the community, the media and the opposition will be waiting longer for less information.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak on this Freedom of Information Amendment Bill because freedom of information is Labor policy.

Honourable members interjecting.

Mr HUDSON — Freedom of information is our legacy. It is something the opposition will never be able to claim, because all its record shows is that it is a record of shame. It is a record of closing down FOI, and it is a record of emasculating FOI. It is this party and this government that have opened up the channels to information. It is this government that has given people more access to information than the Kennett government would ever have dreamed of. You only have to go back and have a look at why we believe in this. We know this is one of the fundamental pillars of a democratic society. That is what then Premier Cain said when he introduced the bill. He said, 'We are introducing this because we believe in it'.

We believe members of the public have a right to know; they have a right to have access to records about them held by the government. We believe the government has to be open to public scrutiny and more accountable to the people who elect it. We believe that people who are informed about government policies are more likely to participate in decision making and in policy making. We are still committed 26 years later to the same principles that were enunciated in 1982, and the opposition has the gall, it has the cheek, it has the front to come in here, to get up and to suggest that this

bill, which expands access to FOI, is somehow limiting access to FOI.

Let us go back and have a look at 1982. In the upper house it was opposition members who imposed the \$100 application fee. They did that because they knew that that would be a major impediment to people getting access to information. John Cain accepted that because he had to get the bill through, but we have never accepted the notion of those fees and that is why we are removing them in this bill. We know that when the opposition introduced the fee in the 1990s, applications declined by 10 per cent.

Very simply, the opposition knew when it introduced that fee that it was going to cut the number of applications. That was the intent of that change and that is why it was brought in. Not only did it do that but it extended the definition of what is a cabinet document. It became a farce because every document that was discussed, mentioned or just artificially attached to a cabinet submission became a cabinet document. It became an exempt document. It became a situation where basically no-one could get access to any document of any significance introduced by the Kennett government. That is a fact. That is what happened under the Kennett government.

What was one of the first things that the Bracks Labor government did in 1999 — remembering that one of the pivotal points for the Independents in supporting it as a government in 1999 was that they knew it would be a more open and accountable government? They knew that if the Kennett government was returned it would get rid of the FOI act as it had threatened to. It had already emasculated the Auditor-General; it had already tried to nobble the Director of Public Prosecutions; and there is absolutely no doubt that the Liberals in government again after 1999 would have sought to further emasculate the FOI act. What we did in government in 1999 was to overturn the narrow cabinet exemption that made a farce of every important piece of information in this state.

We narrowed the commercial-in-confidence exemption. As the member for Kororoit accurately pointed out, even if commercial organisations doing business with the Kennett government did not mind if that information was released to the public, they were forced by the commercial-in-confidence provisions to sign up to a regime which basically denied the public access to that information.

The other thing we did was to remove the \$170 Victorian Civil and Administrative Tribunal fee where it deemed that refusal of an FOI application had

occurred because an agency did not make a decision. We required ministers to explain a decision and give their reasons for appealing against a decision made by VCAT. That is an astonishing difference in terms of our record.

The new members over there chuckle away and say, 'This is all very amusing'. But this is actually about how democracy works. This is about the limbs of democracy; this is about the engine room of democracy; this is about whether members of the public actually know what their government is doing, how their government is making decisions, whether their government is keeping information on them as a record, whether that information is accurate and whether or not they have access to information that allows them to make an assessment of what their government is doing as a government.

I am absolutely certain that this question of openness and accountability was one of those questions that were pivotal not only for the Independents but also for the electorate in 1999. That is something that we as a government have built on. That is why this legislation, which we believe in, is such landmark legislation. It is the reason why we are getting rid of the fee that the previous government introduced in those amendments in the 1990s and why we are implementing every single one of the recommendations made by the Ombudsman in his 2006 report in relation to changes to this legislation. It will mean that conclusive certificates will no longer be decided on a whim by the most powerful bureaucrat in the state. They will not be decided by the Secretary of the Department of Premier and Cabinet. He will not be the one who will decide whether or not documents will be released, except in cases of national security. Where there is dispute, the matter will now be decided where it should be properly decided — before an independent umpire, a judicial officer of the state. That is an important protection for the citizens of Victoria.

There is also a requirement under this bill for departments to provide more information on the internet. Opposition members bang on about the unavailability of information — but there is more information available now than they would ever have dreamed of. There is more information on the internet and more information released under FOI. The number of applications and the amount of documentation released under FOI has more than doubled since 1999. We now have a situation where over 20 000 applications are being processed every year. That is a record. It is actually 68 per cent greater than the applications processed by the Kennett government — and this has gone on for the last five years.

We can also see that the vast majority of applications have been met. Of course the opposition can drag up a couple of instances where that has not occurred, but the whole point is that in 97.4 per cent of FOI cases the documents are provided. Less than 1 per cent of FOI decisions are appealed to VCAT. In 2006–07 there was the lowest ever percentage of internal reviews of FOI decisions. That is an incredibly important fact, because there were far more internal reviews under the Kennett government. Not only did the opposition emasculate the act when it was in government, but it held up the operation of the act and undertook more internal reviews.

This government has a great record in FOI because it is our legacy. It is our policy, we believe in it, we have a conviction about its use and we are expanding access to it. I commend the bill to the house.

Mr WAKELING (Ferntree Gully) — I am happy to make a contribution on the Freedom of Information Amendment Bill 2007. In his second-reading speech the Attorney-General said:

Open and accountable government is essential in a representative democracy.

What a joke that statement is! One has only to look to the other side of the house to see how those in government view the importance of open and accountable government, because so few of them are here. Only four members of the government are in the house at present. There is only one minister, who has to be sitting at the table. Not even his friend the member for Seymour, who obviously has sold out, is here. There are only four members of this government sitting in the house. That shows the contempt with which those opposite treat the people of Victoria.

I am reminded of today's actions. Here we have a government talking about being open and accountable and governing for all, but the opening grab on the Channel 9 news showed the Victorian community being thrown out of Parliament and the Premier scuttling out of the house with his ministers behind him. One is reminded that that is the way in which this government is open and accountable. How many times have members on this side of the house been prevented from contributing to debate on bills in this house because the government seeks to gag debate by guillotining bills on a Thursday afternoon? I use that as a backdrop when I talk about freedom of information.

Every time those opposite make a contribution they talk about the Kennett years. I must remind them they have been in power longer than the Kennett government was, so perhaps the time has come to build a bridge and get

over it. More importantly, if the previous legislation was so bad, if it was so heinous, why have they not done anything about it? Why has it taken them eight years? We will be happy to do a *Hansard* search to see what comments those opposite have made in calling for legislation in 1999, in 2000, in 2001 — —

Honourable members interjecting.

Mr WAKELING — Do you want me to keep going — in 2002, in 2003, all the way to now, until finally they realised that they wanted to — —

An honourable member interjected.

Mr WAKELING — But those opposite were in this place and have had every opportunity to raise this issue. If it were such an important issue, of course they would have passionately raised it in this house, but as we know, the issue has not even been debated or discussed.

In June 2006 the Ombudsman, George Brouwer, handed down a scathing report on the manner in which this government has handled FOI requests. Mr Brouwer said that his investigation:

... revealed that delay in processing FOI requests is still a major issue within the departments and Victoria Police. I am also concerned about the lack of quality in reasons for decisions, the poor level of assistance to applicants and some internal practices.

This is not the Liberal Party, this is Mr Brouwer's assessment of the way in which this government has handled FOI. He went on to say:

The great majority of FOI requests are for information for private purposes, with only a relatively small number being for political or media use. Full access is given in response to 77 per cent of all requests. However, only 36 per cent of requests to departments and 31.5 per cent of requests to Victoria Police are given full access.

Damning statistics! Those opposite love to talk about statistics, but their own statistics demonstrate the poor manner in which their ministers have overseen the practices of government departments. The Ombudsman also went on to say:

Delay was a key issue. Only 56 per cent of FOI decisions by government departments in 2003–04 were made within the statutory time frame of 45 days.

What a shame! What a disgrace! Nobody opposite is putting their hand up and saying that is a great outcome for the people of Victoria.

Nearly 21 per cent of decisions took more than 90 days.

I know they want to extend the time frame, but nearly 21 per cent would still not be done within the relevant time frame. None of those opposite are standing up and saying how wonderful this information is and how wonderful this government has been in handling FOI, because they know Mr Brouwer is telling the truth and they want it swept under the carpet. They do not want to talk about the poor manner in which this government has handled FOI in this state.

He went on to say in conclusion that:

While multiple requests and complex requests for sensitive documents can be demanding, I consider that is part of the general flow of work for departments and other agencies for which their FOI units should be adequately resourced.

What he is saying is ‘You should be doing it properly, and if you are not doing it properly, put on the staff to do it properly’. The government has had eight years to do this. It does not need the Liberal Party to tell it and it does not need Mr Brouwer to tell it. It should know! It employs the staff. It puts on thousands and thousands more staff, and it still cannot get it right. How many more staff does it need to put on to get it right?

You have got to understand, Acting Speaker, that this is a government that does not like criticism. This is a government that does not like being seen in a negative light. I can tell you one thing: what we saw today would never have happened under Mr Brumby. That would never have happened under Mr Brumby, because he would not have let that get out of control in the way this Premier did. This is a Premier who cannot —

Mr Nardella — You are talking about Mr Bracks, aren't you?

Mr WAKELING — Yes, settle down!

With respect to the bill, there are three major issues of concern that we have already identified on this side of the house. This is a government that talks about wanting to create a system that is apparently meant to be improving freedom of information, but in effect what the government is going to do is to make a number of changes in this legislation that will in fact stymie freedom of information. One only has to look at the vexatious applicant provisions to see that. What will actually happen is that as a consequence of those provisions, when any person is deemed to be vexatious, any other request that they have within the system can be deemed to be non-answerable.

We also have a situation where the government is now calling for extensions from 45 days to 75 days. As we have already heard from my quoting of Mr Brouwer,

there will still be a number of FOI requests that will not be responded to even within 75 days. We also have a major concern with respect to new part II, where the minister — I am pleased to see that another minister has joined us; we are up to two ministers in the house at the moment, so we are doing very well — —

The ACTING SPEAKER (Ms Green) — Order! I ask the member for Ferntree Gully to continue on the bill.

Mr WAKELING — A minister, under new part II, can simply, with the stroke of a pen, ensure that information will not be handed out. This is a government that is quick to laugh and quick to pretend that it is all a joke, but the Victorian people do not think this situation is a joke. If it is not so bad, and if the legislation that the government has in place is not so bad, then why has the government got this bill before the house at the moment? It knows there is a problem with the act. If it thought it was so bad under the previous government, it has had eight years to fix it, but it did nothing about it. As stated by members on this side of the house, we will continue to hold this government to account.

Ms D'AMBROSIO (Mill Park) — I will not say that that contribution was terribly enjoyable, because it might be misleading the house, but I am very keen to get up and support the Freedom of Information Amendment Bill. I would strongly urge the member for Ferntree Gully to do a little bit more homework in the preparation of his notes and certainly number his pages so that he does not get all his premiers mixed up.

Mr Wakeling interjected.

Ms D'AMBROSIO — I will teach the member about the history of the last few years and indeed the history of his party in government and its responses or lack thereof to opening up government documents to the public. It is a very sad story and one that might cause some people to weep, but it might actually cause the member for Ferntree Gully to do a little bit more research and homework before he gets up in the chamber next time. Let us be clear about this. This is the most significant set of reforms to FOI laws since they were originally introduced by a Labor government in the early 1980s, but of course this comes on the heels of many other recommendations.

The member for Ferntree Gully has accused members of Parliament of not being here to listen to him, and now he is refusing to stay and learn good lessons of history. It seems as if he will be doomed to repeating

his failures, which were so well presented here tonight in his contribution to this bill in particular.

Let us be clear that while this bill contains the most significant set of reforms to freedom of information laws since they were introduced back in the early 1980s, they certainly come on the heels of a raft of other initiatives that have been introduced since 1999 by the previous Premier and the Labor government from that time on. When the Labor government came to power in 1999 it was confronted by a massive set of cuts to access to information under FOI laws, the denial of fair access to FOI laws perpetrated by the previous Kennett government and by a number of members who remain members of this house today.

Let us be clear that the Bracks government set about, through the Freedom of Information (Miscellaneous Amendments) Bill of 1999, to narrow the cabinet exemptions to FOI, narrow the commercial-in-confidence exemption and remove the \$170 Victorian Civil and Administrative Tribunal fee where it was deemed that a refusal of an FOI application occurred because an agency simply failed to make a decision. A minister was required, from that point on, to explain a decision for an appeal against a VCAT decision. The raft of reforms back in 1999 also removed the blanket ban on the release of information that identified a public servant or a third party.

So Labor has got a very clear, consistent record, since the very early days of the Labor government after the 1999 election. Here we are again. It was this government that initiated a request to the Ombudsman to conduct a major review of FOI laws back in 2006. Let it be noted in *Hansard* that every one of the legislative recommendations that was made by the Ombudsman in his report of 2006 has been actioned by this government, and every non-legislative reform recommended by the Ombudsman in the 2006 report has been implemented, by all government departments and the Victoria Police, or has been noted as having already been in place prior to the recommendations. So let us be very clear about whose agenda it is to promote and augment and strengthen the FOI laws in this state. It is squarely an area of Labor territory. It is one that we have carried quite proudly against waves of opposition from those on the other side of this house in previous governments and today in their formation as an opposition.

The slated amendments before the house will facilitate the public's access to government documents. They will achieve this by better managing three key innovations. The first of these is the way that information can be accessed, the second is in reducing

the cost of making an application, and the third is by placing at arm's length from the executive and from government disputed documents on information that can be released. In these ways government becomes more accessible, transparent and therefore accountable. These qualities, I say quite proudly, have been the hallmarks of the Bracks Labor government and now the Brumby Labor government. Those governments have demonstrated that, not only in words but in deeds and in practice. This bill before us is a very strong and vibrant testimony to our commitment of transparent, accountable and open government.

I will take the three points of innovation one by one. Firstly, in terms of the ways that information can be accessed, the amending bill will enter the internet age — for instance, it will allow for the lodgement of FOI applications online. The bill will require all government departments and agencies to make available more information online free of charge. In fact not only will it be a responsive tool, but agencies and departments will be required, under very clear guidelines that will be formulated by the Attorney-General, to freely make available a lot more documents online.

To ensure the availability of information via the internet is consistent with the government's intentions, the Attorney-General will develop very clear guidelines on what would be expected to be put on the internet. The Attorney-General will also be empowered to direct a government agency to participate in the FOI online system.

A spin-off benefit of a modernised, web-based system for accessing a broader array of documents on the internet should be a reduction in the number of FOI applications. In his 2006 report the Ombudsman quite rightly highlighted that was an area of great concern. As I said earlier, we have responded to every recommendation of a legislative and non-legislative kind by putting into effect all those recommendations to ameliorate the concerns that were raised. Let us not forget that it was this government that initiated the review, and we have now acted on the findings. Getting back to my first point regarding innovations arising from the bill, more information will be a click of a button away, without the need to lodge paperwork.

The second innovation contained in the bill is the abolition of application fees. We know that is a Kennett legacy — and that has been discussed at length tonight. The fee was designed to reduce the number of applications that were lodged; that is the reality. It was designed to constrain access to government information. The logical consequence of that is that it

was designed to reduce the transparency of government, to reduce access to government and to reduce government accountability. The converse of that is that every action we as a Labor government have taken since 1999 has produced the opposite of that. Let us remember that. When Kennett introduced a fee, we saw a sharp — 10 per cent — reduction in the number of applications lodged.

Before I run out of time, the third innovation contained in the bill is the placing of disputed documents at arm's length from government. This will occur through the removal of the authority of the Secretary of the Department of Premier and Cabinet to issue conclusive certificates vis-a-vis cabinet documents. The Victorian Civil and Administrative Tribunal and the courts will quite rightly be the places for disputes as to whether a cabinet document should be exempt from FOI laws. That is as it should be. That is a sign of a healthy, robust democracy and a healthy, accountable, transparent government. We do not want to go back to the days when those opposite were very keen to run government as a secret business — as a business that was not listed on the stock exchange, let us say — that did not have to be open and accountable. That is the counter to what we have presented.

The record of governments over the last 20 years tells the story well and truly for anyone who wants to read it. I recommend that the member for Ferntree Gully research issues such as this before he presents himself next time, because I think we would all like to be informed about the real story of this bill. I commend the bill to the house.

Dr SYKES (Benalla) — I rise to speak on the Freedom of Information Amendment Bill 2007. I start by quoting from the second-reading speech. It says:

Open and accountable government is essential in a representative democracy. It is essential to enable citizens to be well informed in relation to government activities and decisions, to exercise their democratic rights and responsibilities and to contribute to government decision making in a meaningful way. It is essential to build confidence in agencies, government departments and the institution of government.

It is a pity that the Brumby government does not practise what it preaches. It has failed miserably, as the protest today demonstrated. It highlighted the failure to implement this basic premise in relation to projects such as the north-south pipeline and the decommissioning of Lake Mokoan.

I wish to focus on what appears to be a key underlying premise of this bill, which is that making information free translates into an increase in openness and

accountability of government. It does not. The key issue is the culture of a government. The culture of this government is to speak repeatedly about openness and accountability but to act secretively, withhold facts and promulgate half-truths and lies. I will use my six-year battle over Lake Mokoan to highlight the point I am making. Page 3 of the second-reading speech states:

... the Ombudsman found that FOI officers generally handle requests promptly and diligently, respecting the spirit of the act.

That is not the case with my observations in relation to Lake Mokoan. Of 12 freedom of information requests about this issue, 4 requests were refused on the ground of concerns about terrorism; 1 request was refused because it related to Aboriginal heritage issues and the party seeking information was not eligible; and 7 requests were refused in part or totally for a variety of reasons including not having finished work, deleted costs, little information and no cost information available et cetera.

Let us look in more detail at some of the refusals and focus on refusals on the ground of concerns about terrorism — that is, the risk of releasing information causing terrorism concerns. This matter related to the management of Lake Nillahcootie and Lake Mokoan from a flood prevention point of view for Benalla. Amazingly the information was released in part on the eve of a Victorian Civil and Administrative Tribunal hearing for one of the people who requested the information, and the information that was made available suggested minimal risk of increased flooding to the people of Benalla in the event that Lake Mokoan was decommissioned.

But there was a concern among the people, given the timing of that release and the background of the issue, that perhaps the information was selective. That concern was heightened in Benalla when the new McDonald's premises were built 1.5 metres above surrounding shops to comply with flood mitigation. You wonder about the validity of the claims when the Rural City of Benalla has just completed a Flood Smart awareness program for the houses located in the lower parts of Benalla. This suggests that it is preparing for an increase in the frequency of flooding, but we have been told that that is not the case.

Moving on to the Aboriginal heritage site issues, a request was made for information supporting a claim by a consultant that he found no evidence of burials being present and that the probability of burials occurring in the identified land form was negligible. The information which was supplied in response to the freedom of information request was a two-page

document. The key statement in relation to burial sites says:

... the area was made of both stone wash and clay, making it extremely difficult to dig suitable graves. I also informed ... that the area was well below the high-water mark and that Aboriginal people did not generally bury their dead in water-inundated areas.

But do you know what? The high-water mark relates to Lake Mokoan, constructed in 1970, and the Winton swamp existed 40 000 years ago. What we have is a problem of fact being delivered under the freedom of information request.

Mr Holding interjected.

The DEPUTY SPEAKER — Order! The minister at the table should stop interjecting. The member for Benalla is to speak without assistance.

Dr SYKES — It is clear that the minister is seeking to engage in this issue, and I welcome his engagement. Minister, I put a question — —

The DEPUTY SPEAKER — Order! The member for Benalla should ignore interjections.

Dr SYKES — In relation to the freedom of information process and the culture of honesty and integrity in government which underpins this legislation, I wrote to the minister seeking information about the management of the decommissioning. The minister's response was that because the DSE (Department of Sustainability and Environment) was actively consulting with irrigators on an alternate proposal he was unable to provide information and therefore unable to answer the question. That was signed by the minister on 31 December 2007. The problem is that the DSE had not consulted with the irrigators since June 2007. There is a bigger problem, in that two weeks earlier the minister had publicly announced that he was proceeding with the decommissioning of Lake Mokoan. What a farcical letter to send to me!

It is clear that there is a need for change to increase the availability of information. This proposed legislation goes part of the way, but the only way to have a truly open and accountable government is to change the culture of government. It would appear to me that that is mission impossible, given the arrogance with which this government is being ruled by the Premier of the day and the repeated withholding of basic information. The solution is to change the government.

In the 2 minutes I have left I want to come back to the culture of the government, using the Lake Mokoan

example. The new Minister for Water agreed to an independent review of the security of the supply. There were terms of reference that specifically restricted the review to one considering only the assumptions used by the DSE and government agencies in their modelling of the security of supply. The brief specifically — I repeat, 'specifically' — excluded consideration of other assumptions which may have been equally valid and would have given a quite different answer. The other thing is that the consultancy that was reported as being an independent review that was undertaken at the request of the minister was in fact done in April, which I believe was before the minister was appointed.

Looking at another contentious issue in terms of culture and honesty and openness in government, the minister has been quoted as saying that the full decommissioning proposal will deliver 12 gegalitres more water savings than the irrigators' mini-Mokoan proposal. What he has omitted to state is that that 12 gegalitres difference is water that is purchased from other irrigators. If you compare the savings in evaporation losses, which is surely the true comparison, then there is agreement between the DSE and the irrigators that the losses are about 33½ gegalitres for mini-Mokoan and 34 gegalitres for full decommissioning. Then we have the situation of the minister and the process refusing to include in the cost-benefit analysis the removal of those 12 gegalitres.

We have a government culture that is about withholding the truth and spreading half-truths, mistruths and lies, and this freedom of information legislation will not solve that problem.

Ms MARSHALL (Forest Hill) — I am pleased to rise and make a contribution in support of the Freedom of Information Amendment Bill 2007. When we think about democracy, there are a few truths that we associate with the aims of democracy. Open and accountable government is one of them, as is the public's access to government information. For so many years prior to the election of the Bracks government in 1999 the Victorian public was treated with contempt by the Kennett government, many of whose members still occupy the same seats for the Liberal Party. We are still talking, so many years later, about the culture of the Liberals, which was, is and will continue to be secretive. This is the same political party that in government abolished the Auditor-General and used every trick in the book to keep Victorians in the dark about every move and decision it made on behalf of the people it supposedly represented.

We have seen under the Bracks-Brumby leadership an unprecedented level of openness and accountability, and in return — —

The DEPUTY SPEAKER — Order! Under standing orders it is time for me to interrupt the business of the house.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Police: Heywood residence

Dr NAPHTHINE (South-West Coast) — The issue I wish to raise is for the Minister for Police and Emergency Services, and the action I seek is for the minister to reverse the decision to close and sell the police residence in Heywood. The minister should commit to building a new police residence in Heywood immediately and ensure that the requirement to occupy the new police residence is a part of the job description for the senior officer stationed in Heywood. Heywood is a great rural community situated on the busy Henty and Princes highways in western Victoria. It has three police positions that operate a 16-hour station when it is fully staffed.

An honourable member — It had three 10 years ago.

Dr NAPHTHINE — Yes, it had. Until very recently the senior police officer was required to live in the police residence. However, upon his departure the local police commander decided that the residence was not fit to be occupied by a police family. The police residence in Heywood is in an appalling condition. It is unfit for habitation by a family and should be pulled down immediately.

At a recent community meeting of about 300 angry local people Superintendent Shane Cole told the audience that there were no positives for the community in the decision not to require the police officer to live in the residence or to live in Heywood. He said the reasons for the decision were based on the cost of repairs to the residence and the potential dollars to be gained from its sale. He listed many negatives for Heywood from this decision, including a potential increase in unlawful behaviour and crime. Many of the people at the meeting highlighted the fact that since the

police officer had left the residence and left Heywood there had been an increase in unlawful behaviour and behaviour which was inappropriate in that community.

Clearly we have a situation where a decision has been made to close down a police residence and potentially to sell that residence based purely on dollars. The fact is that this government and this minister have not provided enough resources to police command to maintain adequate facilities for police officers and their families in country Victoria. That is what Superintendent Cole told the public meeting in Heywood. He made it very clear that it is a dollar-driven decision, not a community safety-driven decision. It is in the interests of community safety to have an officer in residence in the town, and if the house was suitable that is what Superintendent Cole would do.

That is why I am calling on the minister to provide a commitment that there will be a new police residence in Heywood, and a requirement for an officer to occupy that residence to provide the level of protection that community deserves.

Energy: efficient households

Mr STENSHOLT (Burwood) — I wish to raise a matter for the Minister for Energy and Resources. I call upon the minister to take action to implement a longer term strategy and plan to tackle climate change through energy efficiency. I have been a long-term supporter of energy efficiency. I would like to congratulate the Brumby government and the minister for the Change the Globe promotion, which involved giving away half a million energy-efficient light globes through the *Herald Sun*. We managed to cut out the coupon and go down to our local Bunnings store to get our light globe. I am sure the member for Bulleen and others would have done the same thing because this is a wonderful initiative in terms of reducing household CO₂ emissions. But it is a short-term initiative and we need longer term strategies for this.

I am sure all members of the house are very much aware that energy efficiency is not just an effective way to reduce our carbon footprint; it is also a pretty easy measure for us to undertake to reduce our energy bills. We all know that energy prices have been going up with the effects of the drought and a range of other things, and energy efficiency is becoming all the more important for households in all of our electorates.

Mr Robinson interjected.

Mr STENSHOLT — I am sure it is for cake bakers too; they are probably starting work now. This is something I have been interested in for many years. I have worked on many environmental policies before and attended many international meetings as part of Australian delegations in the days when we actually had some credibility. We are now getting back that credibility.

Mr Wells interjected.

Mr STENSHOLT — If you listened, you would hear what I asked for. It is because you do not listen; that is your problem — —

The DEPUTY SPEAKER — Order! The member for Scoresby! I have written down the member's request for action. He has asked for action to implement a long-term strategy to tackle energy efficiency. I accept the member's adjournment debate request.

Mr STENSHOLT — As I said, I am strongly supportive of campaigns. We had campaigns in our local area. We even had an energy efficiency program in Ashburton, Ashwood and Chadstone. We had household audits, and we made improvements in the energy efficiency of those houses. Simple things can be done, and I urge the minister to come up with a comprehensive, longer term plan to tackle climate change through energy efficiency.

I know this is very important for many people in my electorate. We had a forum last year, and people from Sustainability Victoria, as well as the then Deputy Premier, came along and talked about energy efficiency, local action and simple things. We listed 10-point suggestions on a little DL-sized card. I personally distributed them to 7000 households. It is very important, and I urge the minister to come up with a long-term plan to improve energy efficiency here in Victoria.

Rail: north-eastern Victoria

Mr JASPER (Murray Valley) — I raise a matter for the attention of the Minister for Public Transport. I seek urgent action to upgrade the passenger rail services in north-eastern Victoria. Members would be aware of my long-held support for passenger rail services in country Victoria, even during the 1990s; however, the situation in my electorate has become critical because of the substandard service being provided to north-eastern Victoria.

I have received more representations on this issue than any other issue in my electorate in the last 12 months. I have heard stories about horror rail journeys, train

breakdowns, air conditioning not working, lack of appropriate cleanliness in carriages, toilet areas not working, water fountains running dry, canteens not open or properly stocked, trains not running on time and long treks to and from the north-east trains at Spencer Street itself. Passengers in north-eastern Victoria are now being subjected to longer travel times over the summer. Each time the temperature is forecast to reach over 35 degrees, speed restrictions are enforced because of the poor condition of the track. Now they can expect their travel time to be extended by 30 to 45 minutes, and they are given no real indication of when they are going to leave or when they are going to arrive at their particular station. It is simply not good enough.

The state government has now spent over a billion dollars on upgrading the Bendigo and Ballarat rail lines, but the so-called fast rail has been discredited because it is not a fast train anyway. The budget surpluses should be spent on upgrading the services. The latest reports I am receiving are that passengers are travelling by buses to Seymour because of carriages being closed due to problems with the toilets. Passengers are asking to be moved from these seats because of the stench from the supposedly clean toilets. Passenger trains are running out of diesel before they even get to Wallan. This is a farcical situation. I was told about a person who was travelling from Melbourne on Sunday night and was delayed because the toilets had not been pumped out. The passengers waited to get on the train, but once they got on the train the stench in the carriages was so bad that they were shifted to other carriages in an endeavour to travel comfortably. This situation is not acceptable, it must be changed and I seek urgent action from the minister to do that.

Finally, we require the minister to travel on that train. If she travelled on the trains to north-eastern Victoria she would understand immediately that we need corrective action to look at overcoming these huge problems. People who live in north-eastern Victoria need a high standard of passenger rail services and not the substandard services that are being provided. I believe that situation must be addressed by the government immediately. People want to use the service, but it is just not up to standard, and it is not acceptable to those of us who live in that part of the state. We want action right now.

Bundoora Tennis Club: facilities

Mr BROOKS (Bundoora) — I wish to raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs. I call on him to fund an upgrade to the Bundoora Tennis Club facilities.

Bundoora Tennis Club is a fantastic local sporting club. It has around 250 members, and I understand the membership is growing because of the way the tennis club operates. The club runs a range of activities, including an open day that is coming up this Sunday, which I hope to attend with the family. The club has lodged a proposal with Sport and Recreation Victoria through Banyule council to convert two of the club's existing eight courts to synthetic clay — these courts are currently a porous material or en-tout-cas — and also install lighting and new fencing around some of the courts.

The proposal is for the government to fund \$60 000 of the project, the Banyule council to contribute \$60 000, and the club to make a sizeable contribution of \$80 000, which for a club in the area of Bundoora is a big contribution, a big commitment. I commend the club for taking on the fairly onerous task of repaying the loan to improve those facilities for members of the community. Currently three of the eight courts are closed because of water restrictions. The en-tout-cas courts need constant watering. I understand an en-tout-cas court requires about 300 000 litres of water per annum. If you were to replace two of those courts with synthetic clay, which requires no watering, there is a potential saving of 600 000 litres of water every year.

Along with the water savings and the better playing surface, the lighting would mean that the courts would be utilised more efficiently and for longer hours. That would mean that the juniors in particular would be able to play at night, especially in the winter months when the days are shorter. The new court surfaces would free up more courts and result in an increase in women's participation in sport through the Mums' Tennis Program that the club hopes to run, as well as other programs, particularly programs for people with special needs and disabilities and the hot shots program for juniors. It is a great local club, and I urge the minister to support the application that has been put forward.

Roads: Mornington Peninsula

Mr DIXON (Nepean) — I wish to raise an issue with the Minister for Roads and Ports regarding a number of problems with roads on the Mornington Peninsula. I would like the minister to allocate funding to address the problems with our roads.

In the nine years of this Labor government there has not been one major road project in the seat of Nepean. There have been just a few minor touch-up jobs and the occasional pedestrian refuge, and that is about all. Under the previous government millions of dollars were spent; this government has just neglected the

Mornington Peninsula roads as it has many other services in the area.

I would like to start off with the Mornington Peninsula Freeway sound barriers. Back in 2002 I received a letter from VicRoads when it finally recognised that:

... the noise level at this location —

that is, the Mornington Peninsula Freeway —

warrants the consideration of noise barriers. A proposal is being developed and will be submitted to the government for consideration for possible funding in a future program.

That was in 2002. It has been six years since I received that letter, but there has been absolutely no action.

I have a list of the noise barriers that will be installed and their order of priority. I notice that the Mornington Peninsula Freeway is on the list but is going absolutely nowhere up that list. In its own figures VicRoads talks about the number of households that are being adversely affected by the noise levels along the Mornington Peninsula Freeway. I point out that this is just the permanent residents, not the holidaymakers who are down there in their droves. To add insult to injury to the residents, the road was resurfaced with a noisy road texture and so the noise increased even further.

On the same freeway during summer, and on not even a hot day, a whole section of the road surface of the Mornington Peninsula Freeway — you can imagine how busy it was in the middle of summer — just totally disintegrated. The freeway had to be closed down for about half a day so it could be patched up. It was still a mess when the road was reopened, and it has just been repaired now. The condition of that freeway and the amount of traffic on it certainly need addressing.

There are two very busy boat ramps on Point Nepean Road. The overflow of boats and trailers onto the road totally blocks Point Nepean Road throughout the summer. It took many motorists 1 hour to travel the 9 kilometres between Rosebud and Rye over summer due to the gridlocked traffic. It is a huge danger to the emergency vehicles which have to travel along the wrong side of the road to get to their emergency situations. That gridlock has got to be overcome.

Bacchus Marsh Lawn Tennis Club: synthetic playing surface

Mr NARDELLA (Melton) — My adjournment matter is for the Minister for Sport, Recreation and Youth Affairs. The action I request is that the minister consider favourably the application submitted by the

Bacchus Marsh Lawn Tennis Club for a \$60 000 grant to convert the club's existing courts to synthetic grass surfaces which do not require watering.

The Bacchus Marsh Lawn Tennis Club is situated at Maddingley Park. Through Premier Brumby, when he was Treasurer, the government announced a \$300 000 upgrade to the park, which is currently occurring — but this request is in addition to that upgrade. The drought is affecting all the grass courts within Victoria, and Bacchus Marsh is no different. The Bacchus Marsh Lawn Tennis Club is a terrific club, with many committed members and players who stay fit, keep in touch with friends and fellow players, represent their club in competition and promote the game to the local community.

The synthetic court surface will mean that the club does not need to water the courts. The drought is making it very difficult for sporting clubs of many codes to continue using surfaces that require water. The Brumby Labor government has acted to protect these clubs and has worked with local government to, for example, be able to water one in four sporting grounds after a water plan has been developed. These grants assist sporting clubs and councils to upgrade their facilities to either reduce water usage, eliminate it altogether or assist in providing other sources of non-potable water to get them through these tough times.

My understanding is that the \$60 000 has been requested of the minister and of the government, with in-kind support of \$480, and with the Bacchus Marsh Lawn Tennis Club providing a further \$49 200. It is important for all interested people and organisations to make a fair contribution to these upgrades, and that is what the Bacchus Marsh Lawn Tennis Club has proposed.

It is an amazing how critical these local facilities are to the development of our young players. People like Mark Philippoussis, Lleyton Hewitt and our very own up-and-coming Casey all started at the local level.

An honourable member — Casey who?

Mr NARDELLA — It has slipped my mind!

An honourable member — Dellacqua.

Mr NARDELLA — I should have remembered that; it is an Italian name!

Even my grandson Kyle is learning the game and plays tennis, especially with Shaun, his father. Tennis is a real family activity where everyone can play some role in developing the game and encouraging each other in this

fantastic sport. We have just had the fantastic grand slam at the tennis centre; its development is a great credit to the Honourable John Cain and his government. It is a terrific tourism and promotion vehicle for Melbourne and Victoria.

Disability services: support funding

Mrs VICTORIA (Bayswater) — I rise to ask the Minister for Children and Early Childhood Development to conduct an urgent review of aid funding for a beautiful little boy in my electorate. Matthew is six years old and was diagnosed as autistic three years ago. He has two older brothers and loving parents.

When Matthew's condition was diagnosed he began attending Irabina, a highly specialised early learning intervention centre in Bayswater. It was specifically set up to encourage development of skills such as speech and behaviour in autistic children. In order to give their son the best start in life, Kylie and Craig were happy to pay the fees and contribute incredible amounts of time and effort. On top of this Matthew's mum ceased working to ensure she had sufficient time to help her son and drive him to privately funded weekly occupational therapy and speech therapy sessions. These each cost \$80 per hour, week in, week out.

Kylie has no regrets. The family's hard work and sacrifice has paid off. Matthew's skills continue to improve, but to ensure he stays on the right path, he still needs constant assistance. Last week he joined his brothers and started prep at Heathmont East Primary School, an outstanding local school with a nurturing staff and school community. He is excited to be at school, but lacks the skills needed to socialise and make friends. He also has behavioural challenges, which subject him to some segregation by the other children. Basically, he is different and desperately needs specially trained adult assistance to help him settle in, teach him how to behave, and to ensure he maintains a satisfactory level in his school work.

However, therein lies the problem. Matthew is not receiving the contact hours he needs. Children with disabilities undergo an intense assessment, known as the essential needs questionnaire. Input is sought from departmental representatives, a psychologist, a social worker, parents and any prior learning facilities. Matthew was deemed by these professionals as requiring level 3 funding, but a letter sent to his parents in December only allowed for level 2, giving him supervision and specialised aid for just 10 hours per week, approximately half of what the next level would provide and what he needs.

Kylie and Craig revisited all the paperwork and spoke to all those concerned in their efforts to find out why he has been allocated level 2 funding when every other child from Matthew's peer group at Irabina who has progressed to a government primary school this year, and some have more advanced skills than their son, has been granted the extra time — that is, level 3.

All the experts involved agree that Matthew needs level 3 funding, but a computer has obviously thought differently. I ask that the minister immediately review Matthew's case and offer this little boy a bright future by overturning the computer's decision and utilising her ministerial and above all her human discretion.

Surf Coast: sporting facilities

Mr CRUTCHFIELD (South Barwon) — The matter I raise is for the attention of the Minister for Sport, Recreation and Youth Affairs. I seek the minister's support for the Surf Coast Shire Council's application for some \$90 000 of funding from the latest round of the Community Facility Funding program. That \$90 000 is for two extremely important sporting projects in my electorate of South Barwon with which I know the minister is familiar as he was down in Torquay some two months ago and is well aware of both these projects.

Both groups of initiators have worked long and hard with me and, importantly, the council. They have convinced the council to apply through this fund. I congratulate the Surf Coast Shire Council for its application. These groups have been persistent, to say the least, about their projects. They are passionate, and so they should be as they are there to serve the youth of Torquay and, with respect to the aquatic facility, a broader constituency.

The first project involves some \$60 000 from state funding to go towards a lighting project at Horseshoe Bend Reserve, Torquay. This is truly a partnership, if indeed we are successful. The point of my adjournment issue is to urge the minister at the table, the Minister for Sport, Recreation and Youth, to be involved in this trifecta, which includes both the council and the federal government. I congratulate the new federal Labor member for Corangamite, Darren Cheeseman, on his initiative. One of the initiatives he announced during the recent election was his commitment to this particular project. If we are successful, the three tiers of government will be funding this much-needed lighting project at this ground. It will allow users to both train and play at night, and take real pressure off other sporting facilities at Torquay, something which has been a consistent thorn for sporting groups in my area. I

congratulate the Surf Coast sporting clubs in particular for their advocacy.

The other project involves \$30 000 for the Surf Coast aquatic leisure feasibility study. Peter Currie, Ron Lowe and Tony Smailes have spent literally years of lobbying in this regard. This money will give them a chance to prove their belief that there should be some aquatic facility in Torquay, in addition to The Sands Resort, which is only a small, narrow pool. There is a need for another training pool, whether that be at the community hub, which I know the council is looking at in terms of sporting facilities, or somewhere else. But wherever it is, I urge the Minister for Sport, Recreation and Youth Affairs to support both those projects.

School buses: West Gippsland

Mr BLACKWOOD (Narracan) — I wish to raise a matter for the attention of the Minister for Education. I call on the minister to take action to address the inequity of the current government school bus policy and undertake an urgent review of the government school bus program in West Gippsland.

Towards the end of the last school term in 2007 and during the Christmas school holidays just gone, my office has been inundated with parents of schoolchildren who are unable to access a seat on a current government school bus service. I have copies of letters from the government school bus coordinators at both Warragul Regional College and Drouin Secondary College advising Marist-Sion College in Warragul that students from Buln Buln, Buln Buln East, Cloverlea, Rokeby, Heath Hill, Poowong East, Bunyip, Garfield, Tynong, Vervale, Tonimbuk, Labertouche and Modella will not have access to a seat on a school bus for the next three years. In fact one of the coordinators has indicated that there may be some government school students missing out on a school bus seat during the same period.

The current government school bus policy dictates that government school students must receive priority and non-government school students may be permitted to travel on an existing school bus service provided there is space available.

The students who are currently being disadvantaged or discriminated against live more than 4.8 kilometres away from the closest school of their denominational choice. They are the sons and daughters of farming families who are already struggling to overcome the difficulties of the recent drought, and they are the sons and daughters of single-parent families, who, because

of work commitments, do not have alternative options for getting their children to school.

They are not able to exercise their choice in education because of the penny-pinching of the Brumby government, and this is another example of its total lack of regard for country communities. There is no doubt that the continued population growth in our area and higher school retention rates are a significant contributing factor to this problem. However, I believe the existing school bus policy is creating barriers to educational choice and compromising the educational experience and opportunities for success of students from outlying rural areas.

The current situation is placing enormous stress on school bus coordinators and parents alike. The school bus policy has not been reviewed since 2001. I call on the Minister for Education to urgently review the policy so that it can be applied in a far more equitable manner, and I also call on the minister to take action by implementing immediately a comprehensive operational review of the entire school bus service in West Gippsland.

Automotive industry: service upselling

Mr SCOTT (Preston) — I wish to raise an issue for the attention of the Minister for Consumer Affairs, who I note is in the house. The issue relates to upselling, which is the practice of recommending services not requested by customers. The action I am requesting is that the minister investigate the practice of upselling in the motor car service industry.

Six months ago my electorate officer, Stephen Gagen, took his 18-month old Nissan Pulsar to a company in Essendon for its 20 000 kilometre service. The car had had no problems, so he was surprised when he was told that it needed the fuel injectors cleaned. He told the company that he found it difficult to believe the fuel injectors needed servicing in such a new car and that if they did then surely that should be covered by the new car warranty. Strangely enough, the company desisted.

However, when in late January Mr Gagen took the car to the same company for its 30 000 kilometre service, he was astonished to again be told that the car's fuel injectors needed cleaning. On checking with the manufacturer he found that this was not a normal recommended service procedure, so he again refused the offer. A United States magazine called *Popular Mechanics*, which is available on the internet, lists in its September 2007 issue fuel-injected cleaning — usually at a cost of US\$125 or US\$200 — as one of five car maintenance procedures you do not need.

Another US magazine, *Modern Car Care*, also has an interesting article which examined the subject of upselling. It takes a very different tone, as befits a magazine servicing the industry itself. The article is entitled 'Upselling: the fastest way to higher profits'. The article lays great emphasis on the need for staff to adopt a positive and confident tone of voice and attitude, to use the customer's name and to make eye contact with the customer. It describes all of this as part of the art of being sincere. Mr Gagen is a person who has significant scientific and engineering experience and was not taken in by this approach. However, I am sure many consumers in Victoria may be less able to make their own judgements about the engineering requirements of their vehicles.

I request that the minister ask his department to investigate upselling in the automotive service industry with a view to warning consumers about this dubious practice.

Responses

Mr BATCHELOR (Minister for Energy and Resources) — The member for Burwood raised with me the need for the government to expand its recent and very successful Change the Globe campaign and provide more incentives to encourage energy efficiency in the home. I know this is an issue that the member for Burwood takes great interest in. He is a member with a lot of energy, he is a member of Parliament who knows a bright idea when he sees one and he is a member who efficiently looks after his own electorate. The member for Burwood is certainly switched on and does an enormous amount of work.

The Brumby government has long said that the most effective and efficient way to reduce greenhouse gas emissions is through a suite of initiatives. What we say is that there is no single solution and there is no silver bullet.

One part of the suite of initiatives that we will introduce in the energy area is energy efficiency, which, along with emissions trading, smart meters, generation of electricity from clean coal, technological advances through research and development and the Victorian renewable energy target, will be an important measure in reducing greenhouse gas emissions by individuals, by communities and by society as a whole, now and into the future. As the member for Burwood pointed out, energy efficiency is also a very valuable and simple tool in reducing our energy bills.

It is in recognition of the significance of energy efficiency that the government has already proposed the

introduction of the Victorian energy efficiency target (VEET), which will come into force at the beginning of the next calendar year. Under the VEET scheme a target is set for energy savings, and this will happen initially in the residential sector. VEET will require energy retailers to meet targets through certain energy efficiency activities such as providing householders with energy-saving products or services at a reduced or no cost.

These energy-saving activities will be accredited via a certificate system where a certificate equates to a value of energy savings. Every eligible energy-saving activity will be awarded a certificate which the retailer will then surrender to the Essential Services Commission to achieve compliance with the energy efficiency target. Retailers will be required to surrender a specific amount of certificates to ensure they are meeting their obligations and responsibilities. In short, the program is really designed to accelerate energy efficiency choices which are being made by consumers in their own homes. This is about helping individuals to become more energy efficient in their homes.

Energy efficiency will also be made easier for householders as a result of the government's other program, the ResourceSmart Retail program. This program aims to provide Victorian consumers with quality energy-saving advice at the point of sale of consumer products. This is a really wonderful program that has got the support of many retailers including AGL Energy, Beacon Lighting, Bunnings, Camberwell Electrics, Clive Peeters, Elgas, The Good Guys, Harvey Norman, Mitre 10, Origin Energy and a whole host more.

Mr Stensholt interjected.

Mr BATCHELOR — The member for Burwood rightly points out that there are a number of these energy ResourceSmart retailers in his electorate of Burwood, and I would like to go out and visit some of those retailers in his electorate at the first opportunity. I am sure the member for Burwood would agree that the programs I have mentioned — the VEET program and the ResourceSmart program — are a really effective way to promote energy efficiency and to change people's energy-using habits, not just for now but for many years to come, in line with the request for both short-term and long-term action. Not only will these householders be rewarded with a smaller personal carbon footprint, but they will also be rewarded with lower energy bills.

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — The member for Melton raised the

issue of converting tennis courts at the Bacchus Marsh Lawn Tennis Club to a synthetic surface.

The member for South Barwon raised the matter of a funding application by the Surf Coast shire for the lighting of a key reserve as well as for a feasibility study into the aquatic needs of the area.

The member for Bundoora raised the matter of a funding application by the Banyule City Council for an upgrade to infrastructure at the Bundoora Tennis Club. I want to join the member for Bundoora in congratulating the club on raising \$80 000. That is a magnificent effort.

Deputy Speaker, can I start out by saying that these members have been strongly advocating for these projects with my office for several months now, and I appreciate their commitment to developing improved facilities within their respective electorates. All of the requests are for funding from the Community Facilities Funding program, a program which is very familiar to all members of this house, as it has touched every corner of this state.

Mr Jasper interjected.

Mr MERLINO — Absolutely in the north-east. The program is divided into several categories. The categories that have been mentioned here tonight are the minors, which provide up to \$60 000 of funding, and planning, up to \$30 000 of funding. There are also the majors, which provide up to \$500 000, and the Better Pools program, up to \$2.5 million.

This program has helped cement Victoria's reputation not only as the sporting capital but also as the community sporting capital of Australia. Our grounds are bustling even in this time of drought. Our participation rates are above the national average, and our local facilities are growing constantly. Victoria is the community sporting capital of Australia because the Brumby government invests in community sport.

Throughout December and January I announced the successful projects under the major and Better Pools categories, and I am very happy to say that I visited every single one of the majors and the Better Pools projects that were awarded funding. From Ballarat to Bendigo, Shepparton to Wodonga and Drouin to Echuca — the Brumby government pledged millions of dollars right across the state to projects that will make our sporting sector even stronger.

One of those projects, which the Deputy Speaker would be well aware of, is the \$2 million grant towards the redevelopment of the Oakleigh pool. This is a

39-year-old pool, which at one stage was earmarked for closure by the council before a very fierce campaign by the local community to save it got under way. I want to take this opportunity to pay tribute to the blue ribbon community campaign to save the pool; you, Deputy Speaker; the Monash councillors who voted to change their minds — —

An honourable member interjected.

Mr MERLINO — No, I only want to pay tribute to the Monash councillors who supported it. We will not go into that. Most importantly, I pay tribute to the local residents and the local schools for refusing to lose their important community asset. That \$2 million investment by the Brumby government really sealed the deal, and it is going to be completely refurbished.

Our record stands head and shoulders above that of any previous government. To date our investment through the Community Facilities Funding program has soared past \$163 million for 1675 projects across the state. Labor has turned Victoria into the community sporting capital, and this state will continue to have that mantle long into the future because we are going to continue this investment in community sport.

I can assure the members for Melton, Bundoora and South Barwon that I will strongly consider the projects they have advocated for both tonight and on previous occasions. I look forward to making further announcements in terms of the minors and planning in March.

Mr ROBINSON (Minister for Consumer Affairs) — I thank the member for Preston for raising an important issue, the matter of upselling. As I understand it, the claim made by the member for Preston involves a practice within the motor vehicle industry which is equivalent to overservicing, whereby consumers are at risk of being exploited because of their relative lack of knowledge by unscrupulous operators who seek to charge them unnecessarily or for works which are well beyond what is actually required at the time they go along and seek the service.

It is an interesting issue. It is not one that has been raised with me previously. I can advise the member — he may possibly be aware — that as a general statement motor vehicles account for a large number of complaints to Consumer Affairs Victoria (CAV). That has always been the case and will probably continue to be the case. In a recent list of the top 10 consumer complaints motor vehicles came in at no. 4 or no. 5, and that is where they have ranked historically: quite high up on that list.

Consumer Affairs Victoria continues to be very active in the field. It takes lots of calls and conducts lots of inquiries. It works closely with the Victorian Automobile Chamber of Commerce (VACC) to ensure high standards. Consumer Affairs Victoria is also supporting the government's announced intention to introduce a 'lemon' law, which would certainly apply in the first instance to new vehicles. That will further enhance the confidence Victorians can have in the motor vehicle market.

As I said, upselling, from what I understand from the member's contribution, is equivalent to overservicing. I was very concerned to learn from the member's contribution that there is a website operating which appears to promote this activity. That certainly actively runs counter to consumers' interests.

I will refer the matter to Consumer Affairs Victoria for investigation. The member would be aware that the agency, under the Fair Trading Act, has quite extensive and well-known powers in relation to misleading and deceptive conduct. It also has powers, unlike agencies in some other jurisdictions, in relation to unfair contract terms — one of the reforms this government has introduced. Whether these powers would deal specifically and directly with the matter the member has raised will require an investigation; I would not like to give an opinion on that at this stage. However, I will ensure that CAV investigates the complaint, that it liaises with the VACC as to how prevalent the practice is, and advises the member accordingly. I thank the member for his interest in this important area.

The member for South-West Coast raised a matter for the Minister for Police and Emergency Services in relation to the Heywood police residence. I will refer that matter on.

The member for Murray Valley raised his concerns about passenger amenity, in particular in relation to rail services in the north-east. I will have that matter referred.

The member for Dromana raised — —

Mr Dixon — Nepean.

Mr ROBINSON — Sorry, Nepean — he used to be the member for Dromana and now he is the member for Nepean. He raised an issue for the Minister for Roads and Ports in relation to roads and noise barriers in his electorate, and I will refer that on.

The member for Bayswater raised an issue for the attention of the Minister for Children and Early

Childhood Development in relation to aid funding for a disabled child. I will have that passed on.

Finally, the member for Narracan raised an issue for the attention of the Minister for Education seeking a review of the school bus program. I will have that referred on.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 10.42 p.m.