PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 18 July 2007

(Extract from book 10)

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By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

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Deputy Premier and Minister for Water, Environment and Climate Change	The Hon. J. W. Thwaites, MP
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Minister for Gaming, Minister for Consumer Affairs and Minister assisting the Premier on Multicultural Affairs	The Hon. D. M. Andrews, MP
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Minister for Planning	The Hon. J. M. Madden, MLC
Minister for Sport, Recreation and Youth Affairs	The Hon. J. A. Merlino, MP
Minister for Mental Health, Minister for Children and Minister for Aged Care	The Hon. L. M. Neville, MP
Minister for Roads and Ports	The Hon. T. H. Pallas, MP
Minister for Health	The Hon. B. J. Pike, MP
Minister for Industry and State Development, Minister for Major Projects and Minister for Small Business	The Hon. T. C. Theophanous, MLC
Minister for Housing and Minister for Local Government	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Robinson, MP

Legislative Assembly committees

Privileges Committee — Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Napthine, 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*): Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras. (*Council*): Mr Elasmar, Mr Finn 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*): Ms Beattie, Mr Dixon, Mr Perera, Mrs Powell and Ms Wooldridge. (*Council*): 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 Lupton. (*Council*): Mrs Kronberg, Mr O'Donohue and Mr Tee.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Ms Green, Mr Hodgett, Mr Nardella, Mr Seitz and Mr K. Smith. (*Council*): Mr Elasmar, 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*): Mr Eren 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. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. J. W. THWAITES

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	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	Northe, Mr Russell John	Morwell	Nats
Clark, Mr Robert William	Box Hill	LP	O'Brien, Mr Michael Anthony	Malvern	LP
Crisp, Mr Peter Laurence	Mildura	Nats	Overington, Ms Karen Marie	Ballarat West	ALP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Pallas, Mr Timothy Hugh	Tarneit	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Perera, Mr Jude	Cranbourne	ALP
Dixon, Mr Martin Francis	Nepean	LP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Duncan, Ms Joanne Therese	Macedon	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Eren, Mr John Hamdi	Lara	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	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezise, 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	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Lim, Mr Muy Hong	Clayton	ALP	Wynne, Mr Richard William	Richmond	ALP

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WEDNESDAY, 18 JULY 2007

Wednesday, 18 July 2007

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.33 a.m. and read the prayer.

PETITIONS

Following petitions presented to house:

Wantirna Road, Ringwood: pedestrian crossing

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the dangers posed to pedestrians crossing Wantirna Road near Waldreas Lodge retirement village.

The petitioners therefore request that the Legislative Assembly of Victoria resolves that the Minister for Roads and Ports undertakes an immediate review of pedestrian safety in conjunction with VicRoads, with a view to providing pedestrian-activated traffic signals.

By Mrs VICTORIA (Bayswater) (532 signatures)

Trams: Vermont South–Knox extension

To the Legislative Assembly of Victoria:

The petition of residents, staff and friends of the Salford Park Retirement Village draws to the attention of the house the need to extend the public tram service from Vermont South to the Knox central activity centre to improve the accessibility of public transport services available to the village.

The petitioners therefore request that the Legislative Assembly of Victoria resolve to extend the public tram service from Vermont South to the Knox central activity centre at the earliest opportunity.

By Mrs VICTORIA (Bayswater) (47 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) (30 signatures)

Rail: Sale line

To the Legislative Assembly of Victoria:

The petition of the members of the University of the Third Age based at Sale but incorporating the central Gippsland region draw to the attention of the house the lack of a train service leaving Melbourne in the early afternoon to travel to Sale thereby causing gross inconvenience to many citizens who are forced to await the departure of the evening train.

The petitioners therefore request that the Legislative Assembly of Victoria calls upon the government to remedy this problem by instigating a train service which departs Melbourne in the early afternoon and travels to Sale.

By Mr RYAN (Gippsland South) (703 signatures)

Northern Highway–Warrowitue Road, Heathcote: safety

To the Legislative Assembly of Victoria:

The petition of the following residents of Heathcote and districts in the electorate of Rodney draws to the attention of the house the dangerous traffic conditions at the Northern Highway–Warrowitue Road intersection at Heathcote. The intersection is one of the Heathcote district's most dangerous stretches of road and residents are particularly concerned about the potential for a fatality at the site. Residents hold very serious concerns about the dangers of turning at the intersection, particularly given the volume of heavy transport on the road.

The petitioners therefore request that the Legislative Assembly of Victoria ensures that the roads minister includes this intersection in the government's grey spot program for funding to carry out improvements to this high-risk site.

By Mr WELLER (Rodney) (380 signatures)

Tabled.

Ordered that petition presented by honourable member for Gippsland South be considered next day on motion of Mr WALSH (Swan Hill).

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

Ordered that petitions presented by honourable member for Bayswater be considered next day on motion of Mrs VICTORIA (Bayswater).

Ordered that petition presented by honourable member for Rodney be considered next day on motion of Mr WELLER (Rodney).

DOCUMENTS

Tabled by Clerk:

Land Acquisition and Compensation Act 1986 — Certificate under s. 7

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

Ararat — C11

Central Goldfields — C10

Frankston — C43

Golden Plains — C30 Part 1

Greater Shepparton — C44, C64

Kingston — C90

Moira — C27

South Gippsland — C36

Wellington — C29, C43

Whitehorse — C71

Whittlesea — C80

Police Integrity, Office of — Ceja Task Force Drug Related Corruption — Ordered to be printed

Victorian Electoral Commission — Report to Parliament on the 2006 Victorian State Election (two documents).

MEMBERS STATEMENTS

Public transport: Mornington Peninsula

Mr DIXON (Nepean) — The Bracks government's neglect of public transport on the Mornington Peninsula is well known. A major reason for the huge vote against the government on the Mornington Peninsula was its lack of commitment and action over seven years regarding public transport. This year in this place I have already spoken about the Mornington Peninsula being left out of the Met zones, therefore forcing Mornington Peninsula residents to pay two fares if they wish to travel past Frankston. Frequency and access are also two other issues regarding the Frankston–Portsea 788 bus route. I have also spoken of the need to extend the Department of Infrastructure-funded feeder bus a little further inland to Chisholm TAFE and the industrial estate, which now includes a major Bunnings Warehouse.

Today I wish to add further to that list of poor service delivery. Two students from Dromana Secondary College, Phoebe and Jessika, are the latest residents of the Red Hill area calling for a bus service in their area, which has no public transport at all. This growing area needs to be connected with both sides of the peninsula for social, educational and tourism reasons. A trial cross-peninsula service was implemented in 1988, without success and therefore any follow-up. But the time is ripe now for another trial, given the huge growth in population and activity in that area since the late 1990s.

Another transport issue is taxis, which are also inadequate, not only on Friday and Saturday nights, when the usual 2-hour wait is becoming a joke and is resulting in some risky driving practices, but I am now regularly hearing of 1-hour-plus waits during those times — —

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

Police: Olinda station

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — On Wednesday, 4 July, the Minister for Police and Emergency Services officially opened the new $750 000 Olinda police station. It was a great day for the people of the Dandenong Ranges, and the station will valuably contribute to community safety in my electorate of Monbulk. The opening was a wonderful win for the Olinda community after the old station was closed down by the previous government. Blending with the local streetscape, the new station is located in the heart of the township. Congratulations to everyone involved in this great achievement, particularly to Sergeant Tony Haining and his team.

Yarra Ranges: 10-year anniversary

Mr MERLINO — On Saturday, June 30, the Shire of Yarra Ranges celebrated the 10-year anniversary of its first democratically elected council, with all former councillors, including those from the class of 1997, the member for Kilsyth and me among them, attending the celebration. It was a great night. Many people talked about the amalgamation, when 55 communities across the former Lilydale, Upper Yarra, Healesville and Sherbrooke municipalities were joined.

That task was not easy, particularly as from 1994 to 1997 the unrepresentative commissioners did everything possible to destroy the undertaking from the outset. Against local wishes the commissioners planned to sell off wonderful community assets, including the former shire offices for Upper Yarra and Sherbrooke. Removing such important local assets does not bring communities together and, led by people including Morrie McQuade, Di Moore and Louis Delecratz, the community fought this outrage.

Ultimately the anti-community behaviour of the commissioners, of which the member for Evelyn was one, actually bound the community, and today those two assets are thriving community hubs. Now called Burrinja, the former Sherbrooke shire office will soon include a first-class performing arts facility. If the commissioners had had their way, this outcome would never have been realised.

Wimmera River: flows

Mr DELAHUNTY (Lowan) — Over the last few weeks I have been contacted by a number of concerned land-holders and residents who live along the Wimmera River. They are extremely worried about the growth of cumbungi and cane grass, which will impede the flow of water along this great river. These people have also raised concern about sand dunes which, along with the growth of the cumbungi, could cause flooding of their homes and properties if the Wimmera River were to break its banks. They are suggesting that action needs to be taken to free up the river to allow the flow of water and ensure the safety of their properties.

I have seen the problems first hand. I visited a site north of the Locheil bridge, where the weeds growth and sand dunes are choking the river. My personal fear is that Dimboola could be flooded before the water pushes through to Lake Hindmarsh. These concerns are heightened by the Gippsland and New Zealand experience with floods, now that we in western Victoria are receiving good rains.

I am aware that cumbungi plays an important role in the nutrient balance of the river, but at the moment the growth is out of control. Many years ago cumbungi and cane grass were controlled by spraying and sometimes using controlled burns. People have said to me that backhoes and other equipment could be used to remove the sand dunes blocking the river. I call on the Minister for Water, Environment and Climate Change to take action and free the Wimmera River of cumbungi, cane grass and sand dunes to ensure the flow of water and to ensure western Victorians do not have similar problems to those experienced in East Gippsland, which has suffered greatly from floods that have caused large environmental damage and economic loss.

Barwon Sports Academy: opening

Mr TREZISE (Geelong) — Last Thursday the Minister for Sport, Recreation and Youth Affairs came to Geelong to open the much-anticipated Barwon Sports Academy at the Geelong Sports House. The Barwon Sports Academy was first mooted with local members by a number of Geelong people, led by Mr Ross Synod, about two years ago. I take the opportunity to congratulate the local people who had the vision and drive to see the project through.

The Barwon Sports Academy will now ensure local athletes with ability will have greater opportunities than in the past to pursue their sporting careers or dreams. The academy will provide state-of-the-art facilities and services to these elite athletes in the region of Geelong so that they will not have to travel outside the region for these opportunities. Local athletes and sporting bodies will now have expert advice and services in areas such as education and training in physiology, biometrics, nutrition, psychology, rehabilitation and injury prevention.

The Bracks government has contributed $80 000 funding to the Barwon Sports Academy, a reflection of this government's commitment to regional Victoria and specifically to athletes based in our regional and country areas. I look forward to working with the newly appointed executive officer, Andy Lovell, and I look forward even more to the ongoing success of the Barwon Sports Academy for many years to come.

Australian Labor Party: performance

Mr KOTSIRAS (Bulleen) — I stand to condemn this Labor government for looking after the interests of the Labor union movement instead of the interests of Victorians. The ALP is controlled by factional warlords and is a mouthpiece of the union movement. In the recent *Higgins FEA News* a Ms Diane Anderson, a member of the ALP and delegate to the state conference, wrote the following:

> The unions are not just another friendly interest group to the ALP … Historically, they have been the heart and soul of our party.
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> …
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> Employers … have the upper hand in the worker-employer relationship. Unions help to redress that imbalance.
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> …
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> The structure of the unions themselves also contributed to … ethos within the party organisation. Unions … make first contact with their members at the workplace level. Workplace branches translate readily to the local ALP branch structure. At the workplace meeting, unionists expect to have a say. The same was true within the ALP.
>
> … the ALP never had an identity crisis. We knew first and foremost we were there to be the political mouthpiece of the trade union movement.

What a disgrace! Instead of standing up for all Victorians, we have a government that stands up for approximately 20 per cent of Victorians. This is only

the start. One can only imagine what would happen if Kevin Rudd wins the federal election. The influence of the union movement would be enormous, and it would have a detrimental impact on Victoria. The member for Burwood is also one of the four delegates of Higgins — —

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

Torquay Rotary: achievements

Mr CRUTCHFIELD (South Barwon) — On 25 June I had the pleasure of attending the Torquay Rotary club's changeover dinner at the Rose reception centre. Outgoing president Darrel Brewin handed over responsibilities to new president Greg Plumridge. Greg will be supported by vice-president John McDonald, secretary Graham Gill, Treasurer David Mitchell, president-elect Amanda Hough and five directors, Michael Reed, Trevor McCorkall, Peter Bollen, Brian Mynott and Maggie Isom.

Torquay Rotary is a rather small but growing club that is active in the community. Last year alone it raised nearly $18 000, which it distributed to local and overseas projects. These included the Gatharra school in Arnhem Land, BAYSA, Have-a-Go holidays for drought victims, Jan Juc Surf Lifesaving Club, Oberon High School, Relay for Life, soccer balls for Sudanese refugee students, Torquay Football Club juniors, Torquay Surf Lifesaving Club, Torquay Guides, Torquay Foodbank, Ripple Effect, Australian aid to Trokosi women, Interplast, prostate cancer and the Cosy Corner foreshore barbecue and stairs, to which the club contributed $4000 as well as labour. The club's outstanding service was recently recognised by the awarding of the presidential citation by the district governor, an award it richly deserved. This year is Torquay Rotary club's 20th anniversary, and I wish it every success.

Doncaster electorate: drug and alcohol services

Ms WOOLDRIDGE (Doncaster) — The government provides health services on a regional basis, but in Manningham again and again we find these services are located not in Doncaster but in Ringwood or Box Hill. Due to our poor public transport infrastructure, people, particularly young people, cannot readily access them. My parliamentary intern, Eleni Stamboulakis, has just completed a report on alcohol and drug services in Manningham and has found that more services are needed to be based locally. There is just one specialist drug and alcohol counsellor in Manningham, to cater for all adults and young people. Local service providers believe this is a hidden problem, and in a survey by the YMCA earlier this year young people rated drug and alcohol consumption as the biggest issue in Manningham. As a start, the government must ensure more specialised drug and alcohol youth counsellors are employed in Manningham to support young people with drug and alcohol problems.

Victorian Drug and Alcohol Prevention Council

Ms WOOLDRIDGE — On a separate issue, just last week in a sneaky late Friday afternoon announcement, the Premier's Drug Prevention Council was renamed the Victorian Drug and Alcohol Prevention Council. Rather than reporting directly to the Premier, this new council will be chaired by the Parliamentary Secretary for Health. Apparently this new council is not even important enough to be chaired by the Minister for Mental Health, who has responsibility for drugs. This government must get serious about drug and alcohol abuse in our community, but all the indications are that this is just not happening.

Dr Mohamed Haneef

Ms THOMSON (Footscray) — I rise to express my concern about the actions of the federal government and, in particular, the Minister for Immigration and Citizenship in relation to Dr Mohamed Haneef. While I do not want to go into details about the case currently before the Queensland courts, I want to state that I came into Parliament — into the other place — supporting antiterrorism legislation that complemented legislation moved by the federal government. I stand by that. It is under that legislation that action was taken in Queensland and a magistrate determined that Dr Haneef was eligible for bail.

I have, however, grave concerns that we now see an immigration minister act on Dr Haneef's visa after such court action. If there is a security risk — and I do not know whether there is or not — where is the accountability for the federal government to identify that risk? I do not condone terrorism in any circumstances. In fact my family has been closely affected by acts of terrorism in other countries. However, I do stand up as a proud Australian to say, 'I value our democracy and the accountability of our governments'. It brings into question whether the minister can say this is now the case.

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

Disability services: funding

Mr NORTHE (Morwell) — I rise today to express my concern in relation to the plight of those in the community who have a disability or are carers for those with a disability and who suffer greatly from a lack of services and shared supported accommodation, among other issues. Figures show that in December 2006 there were 3194 people on the waiting list to access disability services in Victoria, as indicated in the disability support register. Add to that the fact that approximately 94 000 Victorian families currently accommodate and support children of various ages with disabilities and you can only imagine the frustration of these families.

I have had discussions with various carers of children with disabilities who are thoroughly disheartened by the situation that exists in Victoria and the lack of action by this government. An example of this was the refusal of this government to enter into discussions with the commonwealth in relation to the dollar-for-dollar, unmet-needs funding offer made in April this year. Embarrassingly for Victoria, the Western Australian, ACT and Northern Territory governments have all entered into discussions with the federal government on their future plans for unmet needs. Victoria, however, did not respond to this offer, seemingly because it was not prepared to commit any additional funding to the disability sector. Having refused this generous dollar-for-dollar offer how then will Victoria attempt to meet the unmet demand for disability services in the future?

I note that in 2007–08 the Auditor-General will conduct a performance audit relative to housing and accommodation support for persons with disabilities and an audit on programs for students with disabilities, but this does not appease those who are currently adversely affected by various inadequacies in the disability sector.

Housing: affordability

Ms D'AMBROSIO (Mill Park) — I rise to express my grave disappointment that the number of households suffering mortgage stress has more than doubled in the last five years. Recently released census data shows that more than one in four households with a mortgage is spending more than 30 per cent of its gross income on repayments. Meanwhile Prime Minister John Howard's Liberal government has presided over eight back-to-back rises in interest rates since 2002.

The census data reveals that families in every state across the country are suffering, with the greatest impact being experienced in Sydney and Melbourne. Families in our capital cities, including Melbourne, now need an income of $115 777 to service a mortgage on the median-priced home. This is more than double the income needed in 1996, when the income requirement to afford a median-priced home was just $46 693. John Howard and his Liberal government showed they had lost the plot when he recently said that families have never had it so good.

I challenge the John Howard Liberal government to actually come down and work out exactly how to actually balance family household budgets, because the fact remains that he has no idea. His government continuously ignores this massive increase in the affordability of housing, despite the fact that the phenomenal increase in the number of families experiencing mortgage stress is something he is fully responsible for.

Portland hospital: future

Dr NAPTHINE (South-West Coast) — Tonight in Portland there will be a community meeting to discuss the crisis facing the Portland hospital. This morning the interim chief executive officer of Portland District Health, John O'Neil, alerted the community to the very serious problems facing the hospital and the Portland community. He outlined a 33 per cent drop in patient admissions, and at the same time he said there had been a significant increase in costs. He said services were being shifted from Portland to Warrnambool and Hamilton.

Recently I alerted the Portland community to the fact that the Auditor-General had revealed Portland hospital to be one of the six worst performing hospitals in the state. In response the Minister for Health said my comments were false, unhelpful and scaremongering. But now the truth is out. The Portland hospital is facing a financial and service crisis. Action is needed to secure services for the future to meet the needs of the Portland community. We need surgical, obstetric and gynaecology services. We need a physician, an anaesthetist and a 24/7 accident-and-emergency facility. But what we are getting is redundancies and staff cuts.

Portland has an increasing population, an international port, major industries and growing tourism. Portland needs a proper hospital with a proper range of services. The state government and the Minister for Health are deliberately trying to downsize the Portland hospital and cut services. We need the community, the board and the chief executive officer to stand up for Portland and the Portland hospital, and we need the Minister for

Health to stop playing politics and work with the Portland community to rebuild our hospital services.

Water: Victorian plan

Dr HARKNESS (Frankston) — The Bracks government is tackling climate change and will increase water supplies for Melbourne by 50 per cent within five years. It is absolutely essential that we invest to secure water supplies for the next 20 years.

We will certainly all benefit from the $4.9 billion investment in Australia's largest desalination plant, major irrigation upgrades and an expansion of the Victorian water grid. This investment will provide long-term security for Frankston and the rest of Victoria and will ensure that Victoria's economy and population can continue to grow. The second phase of the water strategy will deliver the single-biggest boost to Victoria's water supplies in decades. The 2004 Our Water Our Future plan helped save over 100 billion litres of water per year across Melbourne and began the planning for the next stage of major water projects.

Saving water has become a feature of our local community, and I am certainly urging Frankston residents to save more water at home by contacting South East Water to exchange an old showerhead for a new water-efficient one. The government also has a series of other initiatives to help local communities. Indeed the Bracks government recently provided a $40 000 grant to allow for the replacement of three red porous tennis courts with hard acrylic surface courts at Frankston Tennis Club and the harvesting of run-off from courtside drains, the clubhouse roof and the car park to provide water for the remaining 12 courts.

Whilst there remains a series of sceptics and serial knockers, there is no doubt that the Bracks government's strong and sensible solutions based on expert advice and detailed work will have a huge and positive effect in further tackling climate change and securing water supplies for this and future generations.

Rail: Malvern land

Mr O'BRIEN (Malvern) — Reports about a project with the prophetic codename 'Operation Double Fault' have again surfaced — this time in the *Sunday Age* of 15 July 2007. According to the reports, Operation Double Fault is a Bracks government plan to sell off valuable real estate along the Glen Waverley rail line to property developers to build over 1500 high-density apartments. Yet again we see the Bracks government supporting the alienation of public land for the building of apartments in the Malvern electorate, as it did with Stonington Mansion and now wants to do with our train line.

This outlandish proposal would dump a sharply increased population onto already overcrowded local infrastructure and community services in return for removing some railway crossings, merely swapping one urban terror for another. If, as reported, the government has set up a task force to examine the project's feasibility, the question arises: when, if ever, does this government propose to consult with the residents who will be so dreadfully affected by 1500 new apartments built on their doorstep?

The article says that the Premier is supportive of Operation Double Fault, as is the Minister for Public Transport, who, for our sins, has been put in charge of the project. It is time for the Premier and the minister to come clean on Operation Double Fault and to consult with Malvern residents, because on the face of it this proposal looks like an absolute disaster, and it will not be accepted without a huge fight.

Cranbourne: community enterprise projects

Mr PERERA (Cranbourne) — I have another good news story. The Bracks government has supported two great community enterprise initiatives in the electorate of Cranbourne. A community enterprise project promoting healthy eating and another offering jobseekers in Frankston North a chance to learn horticulture skills have received a funding boost of $25 000 from the Bracks government.

The $25 000 grant will help plan for the development of the Frankston North fresh food community enterprise, which will deliver pre-packaged fresh fruit and vegetables with healthy recipes to local residents, schools and shops. This project will not only encourage healthy eating but also provide job and training opportunities for local students and residents of the Frankston North community renewal site.

Recently I also had the pleasure, together with the Minister for Victorian Communities, to launch this $630 000 Bracks government community renewal initiative. The community garden and horticulture training enterprise is another exciting project. It will receive funding of $23 000 and will consist of a feasibility study, business plan and enterprise development for an enterprise that will address food quality issues in Cranbourne through the provision of horticulture training and employment opportunities, the development of a community garden and the sale of fresh fruits and vegetables to local restaurants and

schools which are unable to source particular produce locally.

Projects like these two are a really good way of giving people, including jobseekers and younger members of our communities, a chance to develop new skills and help them enter the workforce.

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

Mordialloc Creek Bridge: reconstruction

Mr MORRIS (Mornington) — On 18 June the Nepean Highway bridge at Mordialloc was reduced to one lane in each direction while it underwent refurbishment. There was some discussion with the community in the vicinity of the bridge, but the changes came as an unpleasant surprise to regular users from further away. Even more unpleasant was the extent of the delay — an extra 50 minutes on a trip of 1 hour, making a travel time of 2 hours a day. As Steve Brown of VicRoads acknowledged on radio yesterday, alternative routes, such as they are, are already carrying traffic at maximum capacity. When I travelled to the city on Friday night, traffic was at a standstill from White Street through to the bridge — and that was in school holidays!

At the first opportunity — on 19 June in this chamber — I raised this issue privately with the Minister for Roads and Ports. The minister told me he was not aware of the problem but that if I sent him an email, which I did that evening, he would have a look at it and get back to me. From that point on not a word has been heard from the minister until he was forced to comment when the matter was raised in the adjournment debate last night. He demonstrated in his response to that matter how out of touch he is.

But there has been plenty said by the local media under the following headlines: the *Frankston Standard Leader* of 25 June, 'Bridgework bedlam'; again the *Frankston Standard Leader* of 2 July, 'Traffic chaos'; the *Mordialloc Chelsea Leader*, 'Worst … bottleneck … in Melbourne'; and again the *Mordialloc Chelsea Leader*, 'Shops lose trade'. The minister needs to come out of hiding and get this problem fixed — and get it fixed now.

Victorian Parliamentary Indian Friendship Group

Mr HOWARD (Ballarat East) — Last night the Victorian Parliamentary Indian Friendship Group had its first dinner meeting, with the High Commissioner for India, P. P. Shukla, as its special guest. Two other members of the Victorian Indian community were invited as guests to join us in discussing ways of building cultural and economic links between Victoria and India. Clearly there are great opportunities in this area as we have much in common, and this is demonstrated by the fact that Victoria has already attracted a very significant population of people of Indian heritage to come here to live. During the dinner there were a lot of stories told of people within the Victorian non-Indian community developing very warm and friendly relationships with Indians both here in Australia and in India.

Dr Mohamed Haneef

Mr HOWARD — What was reflected as a concern, however, was the present situation with Dr Haneef and the apparent challenge to the human rights of this Indian national. We understand that the police and the federal government may have information which has not been made public and that the threat of terrorism needs to be taken seriously. However, there are concerns about the fact that although the evidence presented in court was not enough to satisfy a magistrate that Dr Haneef should not be granted bail, we have since seen the federal immigration minister sidestep that ruling and place Dr Haneef in indefinite detention based on information which we are told cannot be made public. The information which is in the public domain suggests that the human rights of this Indian national are being threatened.

NAIDOC Week: Mildura schools

Mr CRISP (Mildura) — I recently had the pleasure of presenting six Aboriginal flags to representatives from the following schools: Manangatang P–12, Robinvale Secondary College, Red Cliffs Primary School, Red Cliffs Secondary College, Ranfurly Primary School and Merbein Secondary College. The master of ceremonies for the day was Ken Stewart, indigenous facilitator with the Mallee Catchment Management Authority, and the guest speaker was Lawrence Moser, indigenous facilitator for the Department of Sustainability and Environment at Swan Hill. Both did a fabulous job.

The point of the presentation was to celebrate the scholarships received by the schools, increasing this year from $5000 to $6000, which gives each school $1000 to use for their indigenous cultural awareness programs. I commend everybody involved with the NAIDOC Week celebrations. It really shows unity and the proud preservation of the rich indigenous culture we are so fortunate to have.

Berwick Fields Primary School: wetlands

Ms GRALEY (Narre Warren South) — On Sunday, 24 June, some fantastic members of my electorate came together and did their bit for the environment with a community wetlands planting day. I was delighted to be invited along to participate and do my share.

Held at Berwick Fields Primary School in Berwick South, this activity was supported by 83 families from the school together with a whole raft of community members such as Irene Kelly and Dianne Held. The event was led by staff at the Berwick Fields school, in particular principal Steve Wigney and assistant principal Amanda Ellaby. School council president Bryan O'Reilly and Parents, Teachers and Friends Association president Sally Kelly were also driving forces on the day and, like many parents, were out in force with spades in hand.

The planting day was sponsored by Westfield Fountain Gate as part of its community partnership program. This day had a festive feel about it, with the sun shining, a magician on hand to entertain the little ones, and hot dogs and lemonade to enjoy after all the hard work. There are now 4000 new plants in the ground. The school's motto is 'Together we achieve', and witnessing the transformation of the land into a green wetland was a great example of the school motto at work. The wetland will be a living classroom for students to learn about the environment, and it will also enable them to do all the things kids love to do, like paddling in puddles, hunting for tadpoles and just playing in dirt and sand. The 100 she-oaks that I donated were planted, and they look magnificent on the mound. They will provide a little forest for kids to explore.

We all know that parental involvement in a child's education is of real benefit to a child's educational achievement, and this was a great example of how it can be done with a lot of fun. Well done to everyone at Berwick Fields Primary School.

Kew Primary School: funding

Mr McINTOSH (Kew) — Despite all the promises from the Bracks government in the lead-up to the last election, school maintenance funding remains a disgrace, with no solution in sight. Recent estimates indicate that Victorian schools are being short-changed in excess of $268 million. At present in my electorate of Kew public schools are facing a school maintenance backlog of some $1.8 million. In the latest round of funding only some $30 000 was provided to the eight public schools in my electorate.

One of those schools, Kew primary, currently suffers from a maintenance backlog of some $70 000. Members of the school community have written to me expressing their concern about getting no money in the latest round of funding. Worse is Kew primary's problem in relation to maintenance backlog in light of the Kew Cottages overdevelopment that could easily see a significant number of students coming in.

Many members of the school community have expressed their frustration and concern at the lack of planning for the future and the lack of funding for the school; they feel Kew primary is consistently overlooked by the Bracks Labor government. A prime example of this was a total disregard shown by the government to the proposed acquisition of adjoining land to help the school accommodate the growing number of enrolments which remain well and truly above the long-term enrolments that are used by the department.

Chinese Friends of Labor

Mr LIM (Clayton) — On Tuesday, 10 July, some 600 people from mainly Chinese community organisations, business and the media congregated at the Happy Reception Centre in Ascot Vale for a fundraiser organised by the Chinese Friends of Labor to support the federal Labor Party election campaign. The guest of honour was the federal Leader of the Opposition, Kevin Rudd, who spoke in fluent Mandarin to the captivated audience about his vision as the alternative Prime Minister. He spoke particularly of putting an end to the politics of fear, division and scaremongering by the conservative Howard government.

It is significant that many people delayed their holidays or rushed back from their holidays — as it was school holiday time — to attend this important dinner. People returned from China, Hong Kong, Indonesia, Malaysia and Singapore just to be at this event. Many more came from interstate. To many attendees, this was an historic occasion. They believe they are witnessing history in the making. They believe in helping to get Kevin Rudd elected as the next Prime Minister. He will be the first and only leader in the Western World who can speak fluent Mandarin and therefore can command the respect of the leaders of China in dealing with them in economic, political or security matters.

I congratulate the Chinese Friends of Labor for a tremendously successful event. Particular acknowledgement should be made of Dr Stanley Chiang, Ron Lim, Wah Yeo, Wesa Chau, Iris Wang and many others — —

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

Victorian Parliamentary Indian Friendship Group

Ms BEATTIE (Yuroke) — I too was privileged to attend last night's dinner with the Indian friendship group in Parliament House and meet the High Commissioner of India as his Parliament's delegate to the Commonwealth Parliamentary Association's — —

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

MATTER OF PUBLIC IMPORTANCE

Government: standards

The DEPUTY SPEAKER — Order! The Speaker has accepted a statement from the member for Kew proposing the following matter of public importance for discussion:

> That this house condemns the Bracks government for its failure to follow its 1999 policy Integrity in Public Life and especially the code of conduct for members of Parliament.

Mr McINTOSH (Kew) — This matter of public importance (MPI) is an opportunity to examine the failure of the Bracks government to adhere to its 1999 policy entitled Integrity in Public Life. When it comes to the Bracks government it is a case of, 'Do as I say rather than as I do'. The Premier, who was then the Leader of the Opposition, in the lead-up to the 1999 election personally endorsed the Integrity in Public Life policy. He certainly used the banner throughout the election campaign, when he said he would provide a new style of leadership.

That new style of leadership, as I said, is a demonstration of deviation away from rather than adhering to that policy of Integrity in Public Life. Indeed, when you examine the details of the policy it is very interesting to note the deviations. I start with how the policy document talks about restoring the credibility of this Parliament. It provides a number of line items that suggest that this particular concern of the Labor Party would be addressed.

It says that a Labor government would substantially increase the number of sitting days. That is wrong, because a cursory look at the number of sitting days in the last few years compared with the number of days under the Kennett government shows not only that there has been no substantial increase but that there have been far fewer sitting days than there were under the Kennett government. Secondly, it says Labor would have a longer and more efficient and effective question time. Certainly one could say that question time may be some 10 to 15 minutes longer, but whether it is effective is certainly a moot point.

One of the opposition's concerns is that the document is more about rhetoric than about substance. It says Labor would provide more time for private members bills and other debates. Certainly this is an opportunity for the opposition to raise these concerns, but half of the MPIs (matters of public importance) are usurped by the government, quite contrary to the practice that is adopted in the federal Parliament, where an MPI is treated inevitably as a matter of opposition time. But in my almost eight years in this place I can recall only one private members bill, and that was moved by an Independent. I have certainly attempted to move a private members bill on a matter relating to extended supervision orders, but that was not permitted, and any other time that a member of the opposition has sought to move a private members bill, it has not been agreed to by the government and so does not even appear on the notice paper.

Perhaps I will let the member for Bass talk about behavioural standards and the sin bin for disruptive MPs. But the document says that Parliament will be open to the community and that there will be modernised petitioning procedures that allow selected petitioners to directly address Parliament. I am not aware that that has ever occurred in the last eight years, and certainly as far as modernising petitioning procedures goes, we still have the same old tried and true procedure that has been used over a number of years.

Apparently we are entitled to have televised sittings. I agree that on occasion there have been television broadcasts of special events in this Parliament, but it is certainly not a regular occurrence. There is also a proposal to provide access to proceedings through a state-of-the-art online democracy via the internet. We are still waiting for that proposal to be developed. As I said, this is a matter that the Premier, as Leader of the Opposition, staked his credibility on. Certainly he has been unable to deliver in relation to those matters.

Also in relation to freedom of information, the opposition proposed in 1999 that it would substantially reform the FOI procedures in this state. There have been reforms of the FOI act, but certainly they have not addressed the concerns that were being raised by the opposition in 1999. There were three principal heads of the reforms it was to going propose in relation to

freedom of information. The first one was about ending commercial-in-confidence exemptions so that, essentially, the members of the public could expect all transactions with government, including all contractual documents and all tender documents, to be fully open to their scrutiny and that the commercial-in-confidence provisions would be removed from the FOI act. Guess what? That never happened.

More importantly, the government regularly in response to opposition FOI requests claims commercial-in-confidence exemptions for a broad range of matters, including information on the public sector comparator in relation to the EastLink tollway, which, according to the government's own documents, is supposed to be a public matter. The second limb of their policy was that FOI requests would be responded to in time — that is, within the statutory 45 days. Indeed when you look at that in practice, you find that it seems to be observed almost entirely in the breach.

Most importantly I personally have had a number of FOI requests that have come back saying, 'We cannot respond within the time', and telling me about my opportunity to appeal to the Victorian Civil and Administrative Tribunal, which is often done. But each one of those is frustrated, because the time involved in appealing to VCAT certainly limits the number and utility of FOI requests. I had a cursory look in the last Parliament at the number of FOI requests that I put in to the justice department in relation to my then portfolio responsibility of shadow Attorney-General. In all but one of some 20 I was told that they would not be met because the officers did not have the resources to meet the 45-day time limit.

Finally, and probably most importantly — it is certainly something that the Premier and other members of the then opposition were saying was a matter critical to the proper performance of government — was the promise to stop exempting documents on the basis of there being cabinet in confidence, particularly in relation to those matters where documents were appended to cabinet documents. While there were changes to the cabinet exemption provisions, this matter was not addressed, and certainly in relation to the public sector comparator matter, cabinet in confidence was exactly what was claimed. The public sector comparator matter involved a document that was prepared in accordance with the government's own rules in relation to public-private partnerships.

Such documentation should be made public so that members of the public are able to look at a particular project — in this case, the EastLink tollway — to determine how a public-private partnership compares to the cost of its being done by the government itself. That is important documentation in relation to public disclosures on significant projects like the EastLink tollway. Also tied up in that is the costing of the arrangements that would enable the thing to be done totally by the private sector versus totally by the public sector, as well as the introduction of tolls. It certainly appears that all of these issues relating to the public sector comparator and the issue of tolling were looked at by a cabinet subcommittee back in August 2002, some three months before the last state election, when the Premier stood up and promised that there would be no tolls on EastLink in the lead-up to the 2002 election. It is a well-known promise that could have been tested by the documentation that was sought by the Honourable Richard Dalla-Riva in another place.

Of course the government used the cabinet-in-confidence protection as a reason not to release those documents, notwithstanding the fact that they were prepared in accordance with its own rules for public disclosure. These documents were appended to cabinet documents, and when I say 'appended' I mean that there were some 20 or 30 files that were wheeled into a cabinet subcommittee for its consideration. Whether it looked at these documents or not is not the test. The test should be the primary purpose, which was for public disclosure rather than for submission to cabinet. In that case, one of the documents was released, but the cabinet exemption was certainly and significantly reduced in its capacity by VCAT.

Guess what? The government's new trick — and it now seems to be standard practice, given the terrible and draconian implications of appeals in relation to costs and the time implications — was to appeal to the Court of Appeal. Under the FOI act, the Treasurer, as the responsible minister, was responsible to this Parliament, and he had a requirement to make a statement to the Parliament justifying the reasons for that appeal. Notwithstanding all that, it was never done, so the government never adhered either to the requirements of that act of Parliament or indeed to its own policy about getting rid of cabinet-in-confidence exemption. Most importantly what we now have is a practice that seems to be growing. There are at least three matters in which the opposition was successful at VCAT that are currently before the Court of Appeal for its consideration, including, of course, the costs implications.

I note also that the matter of Richard Dalla-Riva in another place and the Department of Treasury and Finance was listed for hearing in the Court of Appeal five days before the last state election, when not only the Honourable Richard Dalla-Riva but many of the

others who were involved in that application, including the member for Box Hill and me, were concentrating on what was going to happen at the forthcoming election. Of course, this can be run by government lawyers and government bureaucrats, because they are the only ones who actually gave evidence at VCAT.

But most importantly, notwithstanding the impending election, there was no opportunity to attend to that particular matter. It is a moot point, but the opposition says that while the appeal was allowed it certainly constrained this matter and it has been returned to VCAT for further consideration. The member for Brighton was successful in a matter she took to VCAT, but again as a cabinet exemption that has been appealed to the Court of Appeal. Again, there has been no statement made in either this place or another place by the relevant minister as to the reasons why that matter has to proceed to court, and certainly there are other matters pending where the threat of going to the Court of Appeal will exhaust the opposition's resources.

In relation to political advertising we have seen a complete breach of the government's undertaking to substantially constrain political advertising and also market research. In relation to the code of conduct that is prescribed by this government, it sets out what it requires as a substantial improvement in the way members of Parliament conduct themselves in public life. Indeed as a principle the policy talks about avoiding conflict of interest.

In my own new portfolio responsibility the gravest matter that was addressed at the end of the last election was about the secret deal that was entered into by the then Minister for Police and Emergency Services and the Premier with the police union. That secret deal was roundly criticised when it became public early this year, some three months after the election. It was criticised by a number of people, not just members of the opposition. Indeed I note that Frank Costigan, QC, who was representing a number of bodies, came out and slammed the government on this secret deal and said that these sorts of deals should not take place in the middle of an election campaign and that certainly such deals made with trade unions ought to be made in public.

That secret deal has completely corrupted the current process — the enterprise bargaining agreement negotiations — because it has completely sidelined the Chief Commissioner of Police, notwithstanding the government's own legislation, the Public Sector Employment (Award Entitlements) Act, which says that the Chief Commissioner of Police is unequivocally the employer of Victoria Police and that person should be given the opportunity of negotiating those matters. As I said, the secret deal has corrupted that process and it has jeopardised the safety of Victorians, because we know that the police have met and resolved to impose work bans. Most importantly, as a result of those work bans not being successful in relation to their claim — and they say that the Premier himself breached an agreement that was reached as part of that secret deal — the safety of Victorians could easily be jeopardised because of strike action by Victoria Police.

In relation to the bullying allegations of the police union we have also seen the Minister for Police and Emergency Services directly contact the chief commissioner and intervene in her discretion in a conversation that meant that Victoria Police no longer investigated the allegations and the matter was sent to WorkCover, which the Ombudsman has soundly criticised as an ineffective measure. We have had allegations of the government having conflicts of interest in matters relating to the MCG redevelopment, the Saizeriya project and Latrobe Regional Hospital. The government has even pleaded guilty to a criminal offence in the Federal Court. It is a disgrace, and what is worse is that it continues.

Ms THOMSON (Footscray) — I rise in opposition to the matter of public importance before the house. It is very interesting that it has taken the opposition three election campaigns to find the Labor Party's policy document and actually look at it.

Mr Mulder interjected.

Ms THOMSON — The policy was put out for the 1999 election. Wake up! The new century is here. It is also interesting that the document was issued on the back of Parliament virtually being closed down and sitting a minimum number of days under the Kennett government. Under the former government the Ombudsman and the Auditor-General were closed down. It was a time when question time was effectively neutered and when opposition spokespeople could not get accurate or timely briefings, but all this has changed.

Let us have a look at the changes that have been made during the terms of the Labor government. We have increased the number of sitting days to a minimum of 50 days per year. We have put balance back into question time and committed to there being 10 questions asked every day at question time, with 5 of those being guaranteed to the opposition benches. We have ensured that question time is conducted in an orderly way, as much as can possibly be the case with an unruly opposition.

We have also put in place fixed terms for the Parliament, which makes us answerable on the same day every four years to the Victorian people. We have put fixed four-year terms in place in the upper house to ensure that our Parliament is more democratic and represents the views of the people at any given time, and we have put in place proportional representation in the upper house. We have certainly restored democracy to this state, and I might add that it was done against our own interests, given that we had a majority in the upper house prior to the election. We made those changes because we believed it was appropriate for the upper house to reflect all views of Victorian people, and we understood that that would mean that other parties would be represented within the Parliament, and that is what occurred at the last election.

We have restored the power of the Auditor-General and the Ombudsman, and so much so that we have enshrined their powers within the constitution and have given them additional resources to do the work that they need to do. We have also assured the independence of the Victorian Electoral Commission. All of those measures are vitally important. We have also assured the continuation of the important role of an independent judiciary and non-interference in the judiciary and the processes its members undertake. The importance of the separation of powers cannot be underestimated in ensuring that we have a thriving democracy. Within this house we have given members the opportunity to make members statements. Some people might not be aware that members were not able to do that under the Kennett government, nor did they have any opportunity to speak on reports.

I know that other members will speak in more detail about what we have done to restore democracy to the Parliament and to the state of Victoria, but I want to talk about freedom of information requests. A lot of work was done in the first term of the Bracks government to put in place FOI legislation which would increase the availability of FOI processes, not only to members of Parliament but also to members of the broader public. However, there is no doubt that there has been an astronomical increase in the number of FOI requests being put before government, which has made it very difficult for government departments to commit to delivering the answers on time.

Most of them are fishing expeditions by members of the opposition, and I suggest that a better understanding of what information they might be seeking would be most helpful. I have to say that one of the key elements the minister at the time and the current Attorney-General put in place was that FOI requests would be treated and administered at arms-length from ministers themselves, and they are. They are conducted by the departments and the process adheres to the act as it is in place.

I want to talk a little bit about the issue around private-public partnerships and EastLink. What hypocrisy! I remember the time when we talked about CityLink becoming a toll road. I also remember that the Tullamarine Freeway was an existing road and that you put tolls on that existing road. Now let us have a look at EastLink.

Mr R. Smith interjected.

Ms THOMSON — Yes, we have put an arrangement in place that has put tolls in place on EastLink. It is a totally constructed new road, is being built ahead of schedule and is a state-of-the-art project. The fact that it would be a toll road, and when it was announced we would have preferred not to have done so, was because members of the former Kennett government, now the opposition, sold off public assets and were absolute failures at delivering contracts that would benefit the Victorian people.

In fact, the contracts that were written at the time of the sell-off of various Victorian assets — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! If the member for Kilsyth and the member for Warrandyte wish to speak on the opposition's matter of public importance, they should seek the call. I ask them to cease interjecting in the meantime.

Ms THOMSON — The opposition, when in government, sold off government assets without any care about the possible long-term effects on the Victorian people. The opposition wrote contracts that benefited the people who bought those assets but not the people who used them.

The house should have a look at what the opposition did with public transport. It came to a point where M<Train had to give back contracts because it could not meet its contract arrangements and run the rail system. The opposition could not put together contracts for public assets which met the long-term needs of Victorians. As a matter of fact, the opposition could not even meet any short-term needs, and the Bracks government had to bail out the public transport system at a huge cost to the Victorian taxpayer, which is why EastLink will have tolls on its use.

The principles of democracy are sound in this state, because this government is serious about its

commitment to democracy. We are also serious about the role that members of Parliament have to play in this house in representing the interests of our constituents and ensuring that there is an avenue through which we can raise matters on their behalf in this house. These opportunities were not readily available during the Kennett years. He literally closed down Parliament. He stifled any dissent in the public service, and at that time public servants were scared to speak the truth; but that has now changed.

Now we have whistleblower legislation in place to protect public servants, but that was not the case under the Kennett government. The number of public servants, including teachers, who were sacked and unable to reflect during their time in the job what the true circumstances were was shameful. I am proud to have been part of a government that has restored democracy in this state, which has allowed dissent to occur and has allowed the truth to be told.

I want to tell a story about when we came into government in 1999. I was a minister, and I sought a brief from my department. The brief that I received told me what the department thought I wanted to hear, but it was not necessarily the truth of the issue or the facts that needed to be taken into account. I went to the department and asked why the public servants had not given me more information; I asked why they had not challenged some of the statements in the brief.

They replied that it was because previous ministers did not want that. They just wanted to be told how they could do what it was they wanted to do. That is not a sign of a good public service. A public service should be able to give fearless advice to ministers so that ministers have the opportunity to determine a course of action based on the facts. If you do not get those briefs, you cannot make good decisions.

I am pleased to say that the Bracks government has enabled public servants to give briefs that actually state options and clearly indicate ways in which decisions can and should be made. That does not mean the briefs are always correct or that a minister should not seek or take advice outside of government — of course they should, because that is good, sound and sensible government administration.

Another thing that the Bracks government has brought back into this state is proper consultation.

Honourable members interjecting.

Ms THOMSON — The opposition does not like hearing that we prepare draft legislation — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The members for Warrandyte and Mornington!

Ms THOMSON — A number of pieces of legislation are produced in draft form to allow for broad community consultation. They are then brought into Parliament to make changes to existing legislation that has become outdated or needs to be changed in accordance with changing community sentiments. Opposition members may mock, but they do not remember, were not around or do not understand just how bad it was during the Kennett government. In the dark of night legislation would be brought into Parliament to be debated. No-one would have seen the legislation, no consultation would have been sought and no briefings would have been provided to opposition spokespeople — but that is not the case now.

Legislation is brought into this place, then consultation is sought from various interest groups affected by that legislation. We have opened up aspects of Parliament's operation that were previously closed down. Some opposition members say the number of parliamentary sitting days has not increased, but that is not the case. We are now sitting a minimum of 50 days a year, the only thing interrupting that pattern being elections.

People need to take some time to review what occurred prior to October 1999, and they need to understand just how disaffected the Victorian community was with the state's decision-makers. The further out of Melbourne you went, the more disaffected those communities were. Our taking the community cabinet out to the people was another first for Victoria. We take our cabinet ministers out to meet — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Footscray is to speak without that constant level of interjection.

Ms THOMSON — It is interesting that opposition members object to hearing the truth — that is why they try to interrupt when it is being told. We take the community cabinet out to communities, yet before 1999 they had rarely, if ever, seen their members of Parliament. Now these communities see all their ministers in the one area at the one time. The community can voice its concerns and have the opportunity to talk one-on-one with ministers. This also gives the government an opportunity to understand the circumstances being faced by those communities and to deal with some of the issues present in some of the most isolated communities. It is why we continue to see

our Labor regional members returned to this house. It is because people out there in country Victoria know we care and are committed to meeting their needs.

We also took Parliament to the regions for the very first time. We went to Ballarat, Bendigo, Geelong, Benalla and Colac. I went to Benalla and Colac with the upper house. I know how much those communities appreciated the opportunity of seeing Parliament in action in the regions. We are committed to ensuring that we govern for all of Victoria. We do that in our policy. We do that through the actions of ministers constantly going out to country Victoria and being accessible to people in country Victoria. We do that through our commitment to community cabinet and through our commitment to Parliament going out to the regions.

We have done that in our commitment to Parliament's sitting on a regular basis. We have done that in our commitment to ensuring that members of Parliament are able to raise the concerns of their constituencies through members statements, to be able to speak on committee reports and to open up this Parliament to issues that matter. The population summit and other issues that we have discussed — —

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

Mr RYAN (Leader of The Nationals) — I support this matter of public importance. This is like going along to a smorgasbord lunch: there is just too much to pick from. I just want to focus on a couple of features. The first of them is the *Integrity in Public Life — Labor's Plan for Proper Standards* document, produced by the Labor Party in its own interests. Under the heading 'Political advertising' it says in part:

> Labor will end the current government's practice of misusing taxpayers money for disguised political advertising and for market research that is clearly party political. This practice has wasted tens of millions of dollars of taxpayers money and has been the subject of a special report by the Auditor-General.

It says under the heading 'Promotional expenditure':

> Promoting Victoria does not require a government to spend millions of taxpayers dollars on glossy brochures chock full of ministerial photographs. It does not need to spend millions of dollars on expensive hospitality for those who are kindly disposed to the Premier and his government.

In the famed response to the Independents charter, this is what the Premier committed the Labor government to:

> The consultative and inclusive style of government that consults with the Victorian community prior to the development of new legislation (and policy) rather than briefing after the finalisation of a decision …

It goes on to talk about being open and accountable in relation to FOI. It also talks about ministerial answers during question time, where it says that Mr Bracks commits to:

> Instructing all ministers to answer questions directly and in a manner that does not waste the time of the Parliament …

What have we got? A. C. Nielsen has recently done a distillation of expenditure on advertising in Australia. It has concluded that the Victorian government is no. 7 in Australia. We have Coles group at no. 1, the commonwealth government at no. 2 and Harvey Holdings at no. 3, and then come Telstra, Nestlé and Woolworths. Then we have the Victorian government at no. 7 in the Australian nation. The Victorian government, in this small part of Australia, is no. 7 in the land for advertising. What an absolute classic!

Let us look at some of the other things we have. We have the Auditor-General's report, which has absolutely lambasted this government in relation to its misuse of funds for self-promotion of what it says it is doing on behalf of country Victoria. I think about $160 million a year was the Auditor-General's figure for the amount that is presently being expended on those causes. This government has become arrogant in its disregard for people. When you have a look at the undertakings that were given — and I have read out only a smattering of them here this morning — what we see now would be the height of farce if it were not so serious. Let us look at a couple of examples, one historical and one contemporary.

I refer, firstly, to the toxic waste dump fiasco. Here we had a process of absolute and utter abuse of power by the government. Remember years ago when they drove up to those three properties in central Victoria one morning, walked up to the back doors of the property owners and, without further ado, told them their respective properties had been selected as prospective locations for the development of a toxic waste dump? They actually had the temerity to go into the houses of these people and show them film of their own properties that had been taken from the adjoining roadside without the owners knowing. They told these people, 'We will take your property from you if you will not agree to sell it to us if we believe this is where this toxic dump should be located. We're going to take it away from you'. Here in Australia we have this sort of conduct from a government which has professed all the sorts of things I have just read out.

Of course the government abandoned that ridiculous proposition. It then went up to the Hattah-Nowingi site, up near Mildura. We had the council at Mildura fighting a magnificent rearguard action, together with its ratepayers and with the alliance which was formed to look after the people in that area in the context of this whole debate. The current member for Mildura was one of the leaders of that fight and did a magnificent job. We had the ratepayers, as I said, who were dudded to the tune of about $2 million for doing no more than defending themselves against this bunch. The only winner out of it was Mr Dreyfus, QC, who was paid $340 000. He has now advanced to being the federal Labor candidate in one of their seats for the upcoming elections. He was the only winner. Again, the government ultimately abandoned it. To top it off, it abandoned the whole policy as well. In the context of all this, the government burnt absolutely millions of dollars of ratepayers money in self-promotion, apart from anything else, in self-advertising and in abusing the rights of the people upon whom it was trying to foist this whole misguided project.

I might say that amongst all of this the FOI legislation was also abused by this government. In the course of the whole thing I sought access to documentation regarding alternative sites that were being considered by the government for the development of this project, and it would not give it to me under FOI. It refused access. I appealed to the Victorian Civil and Administrative Tribunal. The government used the provisions of the cabinet-in-confidence sections of the act to again deny me being able to get access to information on these various other sites. This was the open, honest and accountable government which promised, as I read out before, to take people with it in a consultative manner and make sure everybody was aware of what it would be doing with regard to the development of policy and particular issues. So that is an historical example. Let us look at a contemporary example — that is, issues to do with water.

We have had the terrible saga that has unfolded in Victoria over the past few years simply because this government cannot properly manage anything, particularly issues relating to water. Last December in this place the Premier of the state told me in answer to a question that the government had the solutions to Victoria's water problems. He said it had the plan, it had the will, and it was going to go ahead and fix it. Of course the government had no plan at all. There was no plan. When the budget came, there was no plan. Subsequently we have seen announcements in relation to water. But it was the way in which it was done that is particularly relevant to this matter of public importance, particularly in the context of what I have just read out about this government being open and honest and all the rest of the terminology that goes with it.

We had the Treasurer saying, 'This won't go ahead without public support'. They were his reported comments. That is what he was telling the councils behind closed doors: 'We won't do this unless we get public support'. Then of course he was out there threatening municipalities if they did not go along with the government and agree to be part of this process. We had the government telling the Victorian Farmers Federation (VFF), which it has played like a Stradivarius through all this, until minutes before the whole decision was announced that it was still in consultation and it would not be going ahead unless they agreed to it.

We now know that all of this was occurring at a time when the government had actually already filmed the advertisements. We had the Premier out there in the red helicopter. This is the helicopter clause. This is the Red Baron clause. This is the clause, as I have read out before, about all this business of the government taking people with it and having consultation. We had the Premier already filmed, do you mind, flying up and down the coast of Victoria at a time when the government was out there still telling the VFF it was going to negotiate with it. The brochures were already printed!

So far as the desalination plant is concerned, as was mentioned by way of interjection just a little while ago, the poor old Bass shire did not even know about it until it copped a phone call from the Premier or whomever literally minutes before the decision was made. What about the property owners where this facility is to be sited? This is the toxic waste dump fiasco, mark 2. The process the government misused before it is now employing in the development of the desalination plant. The issue has to do with the magnificence of the coastline of South Gippsland, yet even as late as yesterday in question time the Premier did not commit to having an environment effects statement undertaken on this major $3 billion project.

The government is prepared to have an environment effects statement on a boat ramp at Bastian Point in Far-East Gippsland, but when it comes to having an environment effects statement on a $3 billion desalination plant — plus the pipeline, which is supposed to be another part of the lattice work of pipelines we are going to have across Victoria — the government will not commit to it. This is in circumstances where, as shown by what I read out before, the government professed itself to be ready to

consult with people and to ensure it took people with it in relation to its initiatives.

In relation to freedom of information legislation, the government is hedging. Delays are of course rampant, and the Auditor-General's report speaks for itself.

As for ministerial answers, you only have to be in here any question time to see what a circus it is. We cannot get a straight answer out of a minister in relation to the issues of the day. The way in which ministers obfuscate every day and avoid answering questions, as opposed to committing to what the government said it would do, is an appalling disgrace. This matter of public importance is correct in its content, because what this government is doing is an absolute disgrace so far as the operation of the Victorian Parliament is concerned.

Mr LUPTON (Prahran) — It is a pleasure for me to stand here this morning to speak on this matter of public importance and to oppose it. Having listened to the contributions by members of the opposition parties, I must say it seems they have learnt nothing during their years in opposition.

If we go back and have a close look at the shoddy practices engaged in by the Liberal and National Party government during the 1990s and compare its record with the record of the Bracks government, which has put in place a robust and transparent process so far as public tendering, contracting and other such matters are concerned, we can see there are fundamental differences in the approach now taken here in Victoria. I want to concentrate my remarks on the issue of public tendering and contracting, because I think it is a very important part of the way in which governments operate. Governments use very large sums of public money, and those processes need to be accountable and in the public interest.

To provide a quick survey of the sorts of processes that were engaged in by the Liberal and National Party government, if we go back to the 1990s we remember the appalling treatment meted out to the Ombudsman in Victoria. We remember the extraordinary process that the then Auditor-General, Ches Baragwanath, was put through by the Kennett government. We remember the extraordinary sagas and scandals involving the government's attitude to the Director of Public Prosecutions and the undermining of the independence of that office along with the offices of the Ombudsman and the Auditor-General.

Who could forget the extraordinary ability that the then Premier, Mr Kennett, had to put a gag on even his own ministers? Government ministers were not allowed to speak up and speak their mind here in Victoria. There was this extraordinary code of silence in operation in government through the 1990s. No-one was able or in a position to speak out, and there was very little scrutiny coming from within government. The way in which contracting and tendering was undertaken meant that there was a virtual cloak of invisibility placed over government so far as public scrutiny of what was going on was concerned. It was very difficult for anybody to know what was happening in Victoria in relation to the use of public money, including the contracting and tendering-out processes that were engaged in, because secrecy was the order of the day. Secrecy was the modus operandi of the Kennett Liberal government. These were shoddy practices, and they were exposed by the Bracks government once it came to office in 1999.

We were elected in 1999 with a mandate to restore the openness, fairness and transparency in Victoria that the public deserved and expected. That is in fact what we have done. Our aim was to restore confidence in the government's contracting and tender management process after seven years of secret Liberal deal making, and that is what we have done. After coming to office in 1999 the government commissioned an independent audit, the Russell review, headed by Professor Russell. That review was extremely important in exposing, in the first instance, what had been going on in Victoria through the 1990s, including the secret deals and inappropriate processes and practices of the Kennett Liberal and National Party government. It also established some proper processes and procedures for the incoming Bracks government to use in order to restore public confidence in government processes, particularly in contract management.

In 2000 the audit review chaired by Professor Bill Russell examined contracts with a combined value of over $35 billion that had been entered into by the Kennett government. For the first time Victorians had, as a result of that review, an independent picture of what had been sold off by the Kennett government, what had been licensed, what had been franchised, what had been outsourced and what had been contracted out, and how all that had been hidden from public scrutiny from 1992 to 1999. One of the key findings of the audit review carried out by Professor Russell was that unnecessary secrecy had surrounded the sale of key assets and the awarding of major contracts by the Kennett government. Professor Russell's recommendation was that, where possible, existing contracts — that is, contracts that had been entered into by the Kennett government — should be disclosed by the government after negotiation with the contractors concerned.

That was in fact done by the Bracks government as a result of the Russell review, which found that the contracts entered into by the previous Liberal government required the state of Victoria to pay some $11 billion over the next 20 years — that is, from the time the Kennett government was removed from office by the Victorian people — for the supply of services by private sector contractors. The arrangements entered into by the Kennett government also imposed non-financial obligations that could seriously hamper government action and policy development for decades. That was the kind of approach the Kennett government took to public tendering and contract management in this state. There will be lasting effects of that approach, but fortunately this government has now been able to ameliorate some of the worst excesses of that regime.

One of the key recommendations of the Russell review was the public disclosure of contracts to ensure transparency and accountability. Professor Russell recommended that the contracts entered into by the Kennett government be disclosed wherever possible and that a new and appropriate system for public disclosure of contracts be adopted by the Victorian government. The Bracks government accepted and acted on that suggestion. As a result of the acceptance of the recommendations of the Russell review, all contracts greater than $100 000 were published on the Victorian government tenders website. That is something you never would have seen under the previous Liberal and National government.

We have also introduced strict purchasing guidelines which require either three quotes or a public tender for government contracts in excess of $102 500, with exemptions given in particular, limited circumstances. Those circumstances include matters of extreme emergency affecting things like public health, security and safety; matters where confidentiality for security is required; and matters where no reasonable alternative exists and there is a sole supplier or limited number of suppliers.

What we have now in Victoria is a system where the presumption in relation to government contracts and purchasing is disclosure. Only where there are particular and special reasons why there should not be such disclosure, and those exceptional circumstances are made out, is the matter confidential. That is an appropriate, sensible and proper way for governments to behave. As a result of the introduction of those new proper procedures, I am advised that no retrospective sanctions have been made and that such exemptions are not permitted under Victorian Government Purchasing Board policies.

There has been a fundamental sea change in the way government operates in Victoria since the election of the Bracks government, particularly with regard to public tendering and contracting. To see this we need only look to the report by the Auditor-General, tabled earlier this year, that examined a number of government contracts in order to establish whether proper procedures were being followed.

The report confirmed that all government contracts met tendering requirements, and it endorsed government procurement activities and compliance with legislative requirements. That is the sort of change that has occurred in Victoria under the Bracks government. We now have a system of public tendering and contracting that is open, fair and capable of being scrutinised, and the Auditor-General is now in the position to sign off on that and give the new regime a proper tick of approval.

Mr MULDER (Polwarth) — I rise to support the member for Kew's matter of public importance:

> That this house condemns the Bracks government for its failure to follow its 1999 policy Integrity in Public Life and especially the code of conduct for MPs.

It is interesting to look at this Labor Party's plan in relation to proper standards. In it the Premier, the then opposition leader, says:

> The authority and the privileges the community gives to those in public office are a measure of the significance of the role; they are not there as a matter of right or to be taken for granted.
>
> In seeking the highest office of government in this state, it is essential I articulate my expectations. These expectations include the standards that I set for my government and myself, and express the obligations that I would return for my place in public life.

It is extraordinary to see the revelations of the past few days in relation to what the Premier himself determined to be acceptable standards and to be the acceptable way for this government to spend taxpayers money.

We have to understand that in government those who work in the public service, including those in senior roles, through to ministerial staff and ministers, all deem whatever is appropriate behaviour for the Premier of this state to be appropriate behaviour for them. When you have a look at some of this government's expenditure, you get a better understanding as to why some of our government authorities think it is appropriate to spend public money the way they do — they are mimicking the behaviour of the Premier and senior ministers.

I go to the issues that were raised recently in relation to expenses that this government and its ministers deem to be appropriate in conducting their public affairs and compare those expenditures to how that money could have been spent in the Victorian community. I will also talk about how people in the Victorian community, particularly vulnerable people, would view the behaviour of government ministers and the Premier regarding the way they see fit to spend public money.

One concern raised was the expenditure of $619 for dinner one night by the Premier at Rules, London's oldest restaurant, and $1176 at the swanky La Trompette restaurant in Chiswick. That expenditure would feed 326 pensioners who receive Meals on Wheels at $5.50 a head. Two butlers were hired at a cost of $330 to oversee an Australian High Commission dinner for the Premier. Earlier today some school students were in the public gallery, which reminded me that $330 is about what a school would pay for a 45-seater bus to go on a school excursion. That is an example of how this government has lost touch with the general public.

The Attorney-General would have to go down as one of the government's greatest gluttons because of his $10 000 Parisian lunch. That $10 000 would feed 1818 pensioners with a Meals on Wheels lunch, at $5.50 a head delivered to their homes, or would feed more than four pensioners for an entire year. However, the Attorney-General, one of the great sponges of the Bracks Labor government, deems it appropriate that he spend $10 000 of taxpayers money on his lunch.

I also remind members about the $1400 lunch in London's Soho enjoyed by the planning minister, the Honourable Justin Madden in the other place. That $1400 would have fed about 254 pensioners. The $1325 lobster and salmon feast for the health minister equates to Meals on Wheels for about 241 pensioners. I ask you, Acting Speaker, whether this government is in touch with what is happening in the real world? Does it know how hard people are doing it on a day-to-day basis?

What about the limousine hire for the Premier? His one visit to London included $21 575 spent on limousine and other hire costs.

An honourable member — A family in need!

Mr MULDER — You can just imagine what a family in need could do with $21 575! I would say that amount indicates that the chauffeur and his limousine were on 24-hour call.

The cabbies in London do a fantastic job. We have made some inquiries with the limousine company and found other vehicles were available for hire at much less cost than what the Premier paid for his limousine service. Why did the Premier see fit to travel around London in an S-class Mercedes-Benz? The trip has been sold to the Victorian public as, 'This was great for business. We were there to promote Victoria, we were there on business'. But how much influence would it have had on a London company for the Premier to have arrived in a chauffeur-driven limousine versus his taking a taxi or using a car made available to him by the Victorian Agent-General? This is an example of the standard this government has set for itself.

I would say that perhaps around 2000, when he had been in his role for only about a year, the Premier would not have thought this expenditure appropriate, but after about eight years of leading a government which has become attached to the public purse and to sucking money out of Victorian taxpayers, he deems it appropriate for he and his ministers to gourmandise and turn into the great gluttons of the Victorian Parliament at taxpayers' expense. How inappropriate has that become?

Members can probably recall all the stories about the silver service. Labor said it would get rid of the silver service when it got into government, but I suggest there is no doubt that the tucker the Attorney-General had in Paris would have been accompanied by handfuls of silver. How the Attorney-General has turned over the years! The public should look at them — government members and ministers lounging in their limos, lunching in London and laughing at the Victorian taxpayers. That is what it gets down to with the Bracks Labor government. At least our cricketers brought back the Ashes, but all the Premier has brought back to Victoria are the bills for his limousine and all the tucker he swallowed on a most expensive trip.

As I pointed out, the government has determined it will be judged by these issues. The standards that it sets filter down into government authorities. The results of a number of FOI applications I have made in relation to the public transport portfolio unveil a trail of right — that is, authorities and public servants deem that they have certain rights as a result of the behaviour of the Premier and ministers in their own right.

In particular, one FOI application related to the South Eastern Integrated Transport Authority (SEITA). The results showed that apart from forking out $63 000 to the road contractor for videos and photographs, the head of that authority also decided he would undertake a course in digital photography at the Holmesglen

TAFE — at a cost to taxpayers of $239. I was interested to see the course described as learning how to photograph weddings, how to do studio portraits, and how to touch up and repair photographs.

In December 2006, SEITA chewed through $6628 in taxpayer-funded breakfasts. Its officials shunned public transport and preferred to travel by taxis, to the tune of $9348. They lashed out on portraits of staff, at a cost of $1563, and they spent $13 200 to have two staff attend a residential company directors' course at Sanctuary Cove — naturally, in the midst of winter.

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

Mrs MADDIGAN (Essendon) — It is a pleasure to participate in debate on this matter of public importance. I intend particularly to address parliamentary standards in my response to the opposition's statement.

What we have learnt very clearly this morning is how short the opposition's memory is. It is interesting that the speakers we have heard were not here when the Liberal Party was last in power. They have no idea how things have changed around here since the days when former Premier Jeff Kennett and his cronies ran this Parliament. Perhaps this is being done on purpose, because those who were party to that sort of behaviour are not here. As I glance around the chamber I see three new members over there who have no idea what it was like in the bad old days of the Kennett government. I think I will take the opportunity to let them know what it was really like, how things have changed and how much more democratic and open this government is compared to the one that was in power when I was elected in 1996. Let us look at some of the points on parliamentary standards.

Honourable members interjecting.

Mrs MADDIGAN — I am more than happy to advise the new members of Parliament that it is much more attractive on this side of the house than it is over where they are sitting. Good luck to them: I hope they get here one day.

What did we promise? We promised a substantial increase in the number of sitting days. We had some complaints from the opposition about the fact that we sat 35 days in the election year last year. How many days did the Kennett government sit in 1999 prior to the 1999 election? Twenty-three days was as much as the Kennett government could bear to put up with in terms of public scrutiny.

Honourable members interjecting.

Mrs MADDIGAN — Unfortunately members opposite are adding in the sitting days after the Labor Party was elected to government. They had better check their figures. They are talking about the whole of 1999 — and in case they have forgotten, we were elected to government in 1999.

The next point is about a longer and more effective question time — and this is where we really get to the nub of the matter. The Labor government as part of its policy introduced to the house the requirement that we have a minimum of 10 questions during question time. That certainly did not happen before. Let me remind members opposite of the great opportunity the opposition had to ask questions when the coalition was in power. I will give you the number of questions we had on some of those days, which a brief glance at *Hansard* will show. As the then opposition we would have had just half of the total number. On 22 October 1998 we had three questions, and one of the minister's answers went for 18 minutes. So for 18 minutes the minister was allowed to ramble on in answer to a question on that day. On 28 October — —

An honourable member interjected.

Mrs MADDIGAN — I am glad the member has interjected about the quality of answers. The member should just contain his excitement, because I will come to the quality of answers shortly. On 28 October there were 6 questions. It was a red-letter day on 10 November, because the house actually had 10 questions, which is the minimum number of questions now required to be asked in question time on a daily basis. However, we reverted to form on 11 November, when it went back to 5. In an election year you would think members would be keen to get out there and have lots of public scrutiny. But no, I am afraid that did not happen. On 14 April there were 8 questions; on 22 April there were 6 questions; on 5 May there were 8 questions; on 6 May there were 7 questions; on 12 May there were 6 questions; on 24 May there were 6 questions; and on 25 May there were 6 questions. Half those questions were opposition questions and half were dorothy dixers. That is the Liberal government's understanding of an open and accountable government.

Let us look at the answers. I invite the opposition members who are new to this house to have a look at the way the former Premier used to answer questions. Under the current standing orders introduced by this government, that would not be allowed in this house. The previous Liberal Premier spent most of his answers

to questions abusing members of the then opposition. He abused the leader of the party and the shadow ministers as well as other members. All the members opposite have to do is have a quick look at *Hansard* to see how true that is.

I will continue on with accountability and look at committees such as the Public Accounts and Estimates Committee, one of the greatest forums for oppositions to find out what governments are doing. What changes did the state Labor government bring in when it was elected? It insisted that every minister attend and, for the first time, that the presiding officers attend. What happened during the Kennett government? Ministers used to turn up occasionally, perhaps every one, two or even three years. The Deputy Leader of the Opposition would remember how rarely she appeared when she was a minister in the previous government. Would the then Premier come? No, we did not see the Premier; he did not come at all. For opposition members to suggest that the government has not improved accountability is just nonsense.

The member for Kew when he was speaking lamented the lack of private members bills that have been introduced into Parliament, saying there had been only one. I can tell him that that is one more than was ever debated during the Kennett years in government. There was never a private members bill debated here at all in that time, so even that is wrong.

I will move on to another policy which we brought in — reasonable, family-friendly hours of sitting. My colleague, who is a former upper house member, would remember the all-night sittings that we were encouraged to have debating subjects like WorkCover and even the reform of the upper house under the previous Kennett government.

Mr R. Smith — On a point of order, Speaker, on the question of relevance, I am not really sure that the member's skewed perceptions of the previous government's actions have anything to do with the government's adherence to its own 1999 policy.

Mrs MADDIGAN — On the point of order, Speaker, the opposition has raised this matter about integrity in public life for public debate. I have figures which I obtained from *Hansard*. I understand that the opposition finds this uncomfortable. This is about the policy it has referred to, and I am going through the points one by one. It would be very difficult to sustain a finding that they are not relevant.

The ACTING SPEAKER (Mr Ingram) — Order! I do not uphold the point of order. The matter before the house is on the 1999 policy, Integrity in Public Life. The member was referring to aspects of what the government has introduced in comparison to others.

Mrs MADDIGAN — Thank you very much, Acting Speaker, it is a very sensible decision, if I may say so. This is perhaps very relevant to my friend over here, because it is about behavioural standards and a sin-bin for disruptive MPs. The introduction of a sin-bin was very sensible. It means that members who are having trouble conducting themselves in a way that is appropriate for a member of Parliament can be dispensed with quickly to allow the sitting of Parliament to continue in a more gentlemanly or gentlewomanly manner. Perhaps that is something the member opposite might like to think about.

The procedures of the Parliament have also been opened up. We have seen the reform of the upper house, and all those policies have been carried out. There has been an updating of the standing orders, which was done in collaboration with the Standing Orders Committee. Members opposite would be interested to know that Liberal members also contributed to what was the first significant update of the standing orders since 1894. We had lots of Liberal governments in the meantime that were not prepared to change the standing orders and bring them up to date.

The holding of regional parliaments was introduced by the state Labor government. That involved taking Parliament to regional Victoria for the first time, and it has been a huge success. We have also introduced community cabinets, which have been mentioned previously; the opportunity for members to make members statements on matters relating to their electorates; and the opportunity for members to talk about the reports of committees of which they were part. All these things have been enabled the Parliament to be opened up far more to the public of Victoria.

The matter of public of importance raised by the opposition does not take account of those facts and shows a total ignorance of how things have changed in this Parliament in the last eight years. Anyone who has any understanding of Parliament would view this matter as absolute nonsense. Those who have been around here long enough can remember how bad it was during the days of the Kennett government, when there were personal attacks, when there were no proper procedures in Parliament and when the practice of the former Speaker, when answers to questions got a bit awkward for the government, was to leave the chair and cut off question time.

Ms ASHER (Brighton) — I wish to confine my comments to the matter of public of importance before the house, which was raised by the member for Kew — that is, I will look at Labor's failure to implement its 1999 policy, laughingly called Integrity in Public Life, and also focus on the code of conduct for members for Parliament, which Labor proposed in 1999 and has consistently refused to implement.

Of course we know why it has refused to implement this code of conduct, because the Labor Party is showing an increasing propensity to stick its snout in the trough and to rip off taxpayers for activities which are clearly personal in nature and which do not have public benefit.

For the benefit of those new members in the house, as someone who has been a member of this Parliament since 1992 I will go back over a little history. First of all there are two documents that need to be looked at. The first is the document referred to in the matter of public importance entitled *Integrity in Public Life — Labor's Plan for Proper Standards*. That document proposed a code of conduct for members of Parliament, and it states:

> Labor believes that it is the right of all Victorians to be represented by members of Parliament who are honest, accountable and motivated by the public good and not their own self-interest.

The document then went on to point out that MPs should 'properly use public resources and not abuse the benefits of office'. The code — again, proposed by Labor — states:

> Labor will enact a comprehensive new code of conduct for members of Parliament that requires them to act honestly, declare their pecuniary interests and avoid conflicts of interest.

That was the document put forward by the now Premier and indeed reiterated in a press release from him on 3 September 1999. That was the document put forward by the Labor Party.

The document also encompassed far more than a code of conduct for members of Parliament. The Labor Party said it would 'put an end to the use of the public purse for inappropriate political advertising and promotion'. Perhaps the Labor speaker after me might like to explain to this house why Shannon's Way, a small company headed of course by Bill Shannon from Progressive Business, has already received over $12 million of contracts from this Labor Party, many without tender and many under a subterfuge called a selective tender, which basically means giving advertising jobs to Bill Shannon.

Labor also said that it would 'reduce highly priced consultancies'. I would urge Labor members opposite to look at the annual reports that are put out or to just look at a case like the Melbourne showgrounds, for example, where clearly Labor has not reduced the use of highly priced consultants.

Labor also said it would 'restore the independence of the public service'. Anyone who has put in a freedom of information application would surely question the independence of the public service. These FOIs, in my opinion, are clearly handled by ministers' offices.

The Labor Party also said, according to this document, that it would 'end the use of commercial in confidence in FOI'. That is now the Labor Party's key tactic in handling FOI. Everything is either cabinet in confidence or commercial in confidence.

Labor said it would 'introduce a code of conduct for MPs'. There is none. It said that it would make the upper house a genuine house of review; I would urge members of Parliament to look at the conduct of the upper house just this week to see that it is not a genuine house of review.

The Labor Party also put out another document called *Making Parliament Work*. It was issued by the now Treasurer and authorised by one J. Lenders, who, of course, is now leader in the upper house. That document clearly articulated the code of conduct that the Labor Party said it would introduce if elected to government, and that code of conduct was provided as an attachment to that particular document. I want to refer to paragraph 4 of that document which relates to the duty to disclose personal financial matters and other information. Paragraph 4(f)(i) of the proposed code of conduct, which was never introduced, states:

> Members of Parliament must declare the receipt of any gift from any person other than their family if the ordinary retail value of the gift is $500 or more.

Paragraph 4(f)(iv) states:

> Sponsored travel or hospitality is to be treated as a gift for the purposes of this code of conduct —

which of course bears directly on the conduct of the Deputy Premier of recent times.

The document that the Labor Party produced made it very clear that the code that currently exists for us, which comes under the Members of Parliament (Register of Interests) Act, is:

> … ambiguous and as a result has been interpreted as placing few constraints on the behaviour of members of Parliament.

That was the scenario prior to Labor's election in 1999. Not only did Labor not introduce this code, it has abandoned that previous policy.

Let us look at Labor's record in office. I do not want anyone in this chamber to think that the desire for the high life and the abuse of office for private purposes is something that has happened only recently in this government. It has been happening since the very early days of this government. I would remind members that on 14 and 15 September 2002 the then Labor cabinet went to Lancemore Hill at Kilmore and in one night spent $20 500 — in one night! That is a significant amount of money, including over $1000 spent on alcohol.

I note that when this was drawn to the Premier's attention, the Premier said, 'We'll pay back the money for the grog'. That is the style of this Premier: when he gets caught he tells ministers to pay back the money. He does not set the ethical standard according to the 1999 policy and the code of conduct; when he gets caught he says, 'Pay it back'.

Members of Parliament who have been around for a long time will remember the very famous party that the ALP held after one of its budget announcements, when a very large grog bill came to the Treasurer and his then chief of staff, Craig Cook, classified the function as a Treasury and Finance function. It was not. We all saw it — it was an ALP members function! Again, the Premier said, 'It's all right, we'll pay back the money'. The constant track record of the Premier has been to say that if you pay the money back when you get caught, it is all right. It is not all right. There should be a complete understanding that if you are a member of Parliament, taxpayers money is for taxpayers benefit and not for private use.

Let us look at some more recent occurrences. We have seen that the Premier is rather fond of limos, with $17 000 worth of limousines hired for his London trips. We find out that this Labor Premier likes having a butler serving his meals. If someone on our side of politics engaged the services of a butler at the taxpayers expense, can you imagine what those on the other side of the chamber would say? We find out that, of all people, the Attorney-General, who railed against these sorts of expenditures when in opposition — I even recall him railing over $60 of taxpayers funds — had a fabulous lunch in Paris for over $3700.

I draw to everyone's attention the conduct of the Deputy Premier who received free accommodation at ski resorts and free accommodation at Wilsons Promontory and about whom we have heard an allegation, which he has not denied, of having accommodation at a private resort funded by the taxpayer. Three questions have been asked of the Deputy Premier in this chamber about those matters, and he will not divulge the details. I have a very clear recollection of the previous Premier, Jeff Kennett, and one thing he and his ministers would do when they were questioned in Parliament about expenditures was to give the details. The Deputy Premier, who is absolutely flouting the purpose of this Parliament and the purpose of question time, simply gives answers like 'This is my job' and 'This is what I do'. The Deputy Premier and indeed a raft of ministers in this government do not understand that members of Parliament should not be free to use their positions to exercise private benefit. If the Deputy Premier's family is having a holiday around Easter time for an elongated period of time, it might indicate that there is some sort of private benefit. I also make the comment that the Deputy Premier has not declared these advantages — which the government said the code of conduct would require him to, and which I believe he is required to declare anyway — yet the Minister for Finance, WorkCover and the Transport Accident Commission, the member for Forest Hill and a member for Northern Victoria Region in the other place, Ms Darveniza, have all declared free accommodation at ski resorts. There is a different standard operating for the Deputy Premier and for others.

Again I say that the Deputy Premier has accepted free accommodation for elongated periods for his family and he is using public resources for private use, yet in 1999 in its policy and in its mooted code of conduct the Labor Party promised that its members would not do so.

Mr HAERMEYER (Kororoit) — I have to say there is a sense of deja vu about walking into this place and having this debate, particularly following the member for Brighton, who, unlike any of the previous opposition speakers, was actually here in the seven dark years of the Kennett government.

I have to say that the Liberals coming into this place and sanctimoniously pontificating about integrity and accountability in public office is a little bit like Fat Tony Mokbel lamenting Christopher Skase's escape to Majorca. Seven long years I sat in this place whilst the Kennett government was in charge. Today we had the member for Kew get up and talk about parliamentary accountability. He was not here during those seven years, but I was.

Let us talk about question time. Sometimes you had as few as two opposition questions at question time. The

questions were curtailed to such an extent as to make the whole process almost futile. Ministerial answers did not have to bear any relationship to the question, and an opposition interjection was deemed to be the opposition inviting the government to expand the scope of the question. That is the way they ran this house — with jackboots. I remember those seven long years. They sat up here with their massive majority like a jackbooted tyranny. There was no requirement, as I say, for ministers to be vaguely relevant to the question — no requirement at all. I recall when I asked the former Premier at one stage whether he was actually soliciting clothing retailers around the state to dress him for free that what he proceeded to do was strip off in the house. He proceeded to strip off in the house!

It was a case of the emperor having no clothes. I remember the Speaker forfeiting questions for the opposition because the opposition had the temerity to interject. Good heavens if the government ever did that to these people now! As I say, there was no limit to the length of ministerial answers to questions. I remember the then Premier taking almost 20 minutes to answer a single question.

The member for Kew raised the issue of MPIs (matters of public importance). There were no MPIs when these people were in government, no MPIs whatsoever. There was a thing called an urgency motion and you had to jump through a whole lot of tortuous hoops to maybe get one up every couple of months. That was the opportunity for the opposition to raise issues of concern.

The member for Kew raised private members bills. I am glad that the member for Brighton is in the chamber, because when the member for Brighton was the Minister for Small Business I actually brought into the house a private members bill to deal with retail tenancies and the exploitation of small business owners by rapacious retail landlords. Do you think the Kennett government even bothered to bring it on to debate it? It did not matter if the government agreed with it or not. It did not even allow it to be debated. I do not remember a single private members bill being debated in this house during the seven years of the Kennett government. So much for parliamentary democracy under the Kennett government!

This government brought in members statements. There was no such thing under the Kennett government, and if you dared during debate or during the adjournment to vaguely criticise or try to hold the government to account, government members used all sorts of tortuous points of order to sit you down, and if that did not work they howled you down.

I refer to the sitting hours. I remember coming in here one Friday at 10.00 a.m. What I did not realise is that I would not be going home until 5.00 p.m. the next day, a Saturday. When the Parliament sits through the night in the way it used to routinely do under the Kennett government, that absolutely stinks of tyranny.

If we want to talk about the use of this place, we had the former Premier at one stage — before he was Premier admittedly — sitting in Queen's Hall selling jade bracelets. Then when he became Premier he used the Premier's office in this place as a sales office for his fundraising wines — without a licence! You want to talk about abuse of the Parliament. What an absolute outrage!

We also had a bit of talk earlier about the Freedom of Information Act, and my colleague the member for Burwood, who in fact succeeded the former Premier as the member for Burwood, will say a little more about that later. But let me say it was impossible to get an FOI out of the previous government. One of the Kennett government's first acts was to completely curtail the FOI act to render it virtually meaningless. With respect to the privatising of things like emergency communications and prisons, do you think you could get those contracts out of the former government? No, you could not.

This government makes those contracts publicly available, unlike the previous government — and you can understand why it did not make them available. When we eventually got to see the private prison contracts we found there were tolerance levels for escapes and tolerance levels for assaults in the prison system. When we got the Intergraph contract we realised why that was not publicly available. There was just no requirement on the system to deliver emergency service vehicles effectively, efficiently and in a timely way to the community. We had 40-minute ambulance response times. What an absolute disgrace, and no wonder former government members were busy covering it up.

We have had some discussion of commercial in confidence. The former government pretty much sold everything that was not nailed down — schools, hospitals, prisons, emergency services. The fire brigade and water were going to be next. All of our essential services got sold off and then the Kennett government hid the contracts under commercial confidentiality. Now opposition members have the temerity to come into this house and complain about the performance of the private operators that they actually put into place. They were responsible, yet they have the temerity to come in here and complain about it.

Let us talk about fundraising. The Kennett government actually set fundraising targets for its ministers. They had to go out there and they had to achieve specific targets for fundraising. They had to ring people up and get them along to fundraisers. What does that do for a minister? The idea of a minister soliciting corporations, soliciting high net worth individuals with, 'Would you please donate to my party? Would you please attend my party's fundraiser?' is ridiculous. All parties have to fundraise, but there has to be some distance between a minister who is having to make decisions that affect stakeholders and the minister asking stakeholders whom they have to administer to come along and donate to the party.

Then we had those little gold Victoria badges that everybody had to wear — a little bit like Schindler's List. You had to wear a little badge to show that you were a lickspittle of the administration. If you were not wearing the badge, if you were not licking their boots, you did not get the business; and if you were a public servant but were not wearing the badge and did not do the government's bidding, you were going nowhere except out the door.

Fortunately on election night in 1999, Collins Street was littered with those gold Victoria badges. They all threw them away. They could not get rid of them quickly enough. That was the sort of government we have succeeded. This government has democratised the Parliament. This government has brought real accountability to government, and these people opposite coming in here lamenting the supposed lack of public accountability and public integrity is a little bit like Tony Mokbel lamenting Christopher Skase's escaping to Majorca.

Mrs VICTORIA (Bayswater) — I am shaking my head now. Is the question surrounding this matter of public importance about what went on in history, or is it about exactly what the MPI says — that is, about what this government said it would change after 1999? The government should stop living in the past as it is so very good at doing.

When I decided to go into politics I was asked by family and friends if I was really sure I knew what I was doing. They said to me, 'Aren't all politicians bad? Aren't you all tarred with the same brush?'. I can honestly say I do not believe that is so. I can stand here and hold my head high. I can say I lie straight in bed every night. I have always held my head high in business, and I am also very proud to say I can hold my head high in this chamber as a parliamentarian and a representative of the people of Bayswater.

But can that be said of members on the other side? I turn to the document that so many of my colleagues have talked about in this debate today. My colleagues have been talking about a policy called Integrity in Public Life, which is Labor's plan for proper standards. I quote from it:

> Labor will:
>
> > Labor's plan for integrity in public life —

will be introduced. Targeting waste and mismanagement was one of their goals and freedom of information was something that they wanted to clean up:

> Labor will:
>
> > Put an end to the use of the public purse for inappropriate political advertising and promotion.
> >
> > …
> >
> > Reduce highly priced consultancies.
> >
> > …
> >
> > Introduce a code of conduct for MPs.
> >
> > Restore the credibility of the Victorian Parliament.
> >
> > Significantly increase the number of parliamentary sitting days.

You are kidding! It further states:

> We hear a great deal from governments about the obligations that individuals have to their community in return for the support and assistance of government. They are obligations that are well understood by most people and readily accepted.
>
> But when governments set those standards for others, they themselves have a fundamental obligation to the people who have elected them to public office.

I remind the house what the federal Leader of the Labor Party said within the last month about the abuse of taxpayer-funded government advertising and self-promotion:

> If you have incumbent governments making wrongful use of publicly funded advertising, then we need to deal with it. I'm serious about this stuff. I think it stinks.

There is something very much on the nose in Victoria, and I wish this government would have a good look at the code of conduct that it said it would adhere to. The Integrity in Public Life policy further states:

> The public has been called on to pay for … advertising that should properly have been paid for …

This was a reference to the government in office when this document was produced. It then says:

> Government hospitality has been excessive and all too often exclusive.

I will just hold those sentiments in mind for a moment.

In targeting waste and mismanagement, the then would-be Premier said:

> A Labor government will put an end to the waste and mismanagement … Political advertising, government promotion … and highly paid consultancies …

They were also claiming there has been an undermining in the credibility of public office. In a little more detail the document says:

> Labor will introduce strict guidelines to prevent publicly funded advertising being inappropriately used to promote the government.

What part of 'inappropriate' does the government not understand? The amount of money the Bracks government has been spending is shameful. Leading up to the 2006 election it was spending almost half a million dollars a day — that is, my and your taxes! Labor was spending that in advertising, as was ratified by the Auditor-General. He had a look at it and said, 'This is not on'.

Let us have a look at the water crisis. We get a very belated water plan, and I have to say 'plan' in inverted commas because I am not quite sure what it is. These guys are playing catch-up, and they are playing catch-up in helicopters. They are spending over $1 million on advertising this so-called water plan, and the helicopters in the ads are a really interesting aspect because the south-west region desperately needs an emergency helicopter to help with road trauma, bushfires, floods and marine rescue. But guess what? They do not get one, but the Premier gets one.

Mrs Fyffe interjected.

Mrs VICTORIA — Red ones go faster. If we are talking about half a million dollars a day in pre-election spending on advertising, between 2002 and 2005 the Bracks Labor government was found by the Auditor-General to have spent half a billion dollars in advertising. That is shameful. Perhaps a lot of it went on that absolute winner of a election promotion, the DVD. That was really good. It was well received in my electorate, where some of my constituents cannot afford DVD players.

The Leader of The Nationals mentioned that at least half a billion dollars has been spent on promotion. I turn to look at some of the money that is now being spent. Under FOI we have had a look at the Premier: he dined at Rules restaurant in London. I have always wanted to go to Rules but have never been able to afford it — but apparently the Victorian taxpayers can afford it. That dinner cost $619. The Premier's meal at La Trompette in Chiswick cost $1176, which is not bad for dinner, but I have got to love the visit that cost Victorian taxpayers over $21 500. That sum could have fixed a couple of toilets in the Bayswater electorate. A couple of toilets at local schools are mouldy and are disintegrating, yet the Premier can spend $21 500 while traipsing around the world.

The Attorney-General had lunch in Paris at a cost of $10 000. Perhaps I am a woman who can budget, but I could do the plane fare, the hotel and the lunch for less and still come back with change in my pocket. How many people in Bayswater could come off the public hospital waiting list for $10 000? And I love this: the health minister is being healthy, getting her omega 3 oils in a lobster and salmon spread for $1325. There is a lot of omega 3 in there. Some of my Bayswater families cannot afford $8 per child to attend the life education and bus program that is designed to prevent drug use in later life, yet we are now talking about $1000 being spent on lunch. This government should be ashamed of itself.

Let us have a look at the backlog of school upgrades and school maintenance in my area. This is very relevant, because under the heading 'Expenditure Review Committee' the ALP's election policy document says that this 'Labor government is committed to giving expenditure priority to schools'. There is a $2.8 million backlog in maintenance in my electorate alone. For the $1 billion that this government has spent in advertising we could have built two major hospitals. There is a very big resource drain on police in my area, and for $1 billion we could have had an extra 6000 police out on the beat, helping Victorians and making sure they are safe.

Just to round things off — because I love this one, and it has come up on so many occasions — this government said in 1999 that it would increase the number of sitting days in this Parliament. Let us take a look at some figures. As the member for Essendon said, let us take election years out of the equation and instead look at sitting years that are full. In 1993 Parliament sat for 62 days; in 1994, 58 days; and in 1995, 49 days. Now let us get to the Bracks years. In 2005 Parliament sat for 48 days; in 2004, 47 days; and in 2003 days, 47 days. That is not an increase. I do not know which schools those on the other side went to, but I was certainly taught that 62, 58 and 49 were greater numbers than 48, 47 and 47. When government members talk about openness and accountability, they do not know what they are talking about.

The Auditor-General found that this government is spending far too much money, does not comply with relevant procurement requirements and goes over and above what it is allowed to do with advertorials. Government members should be ashamed of themselves, and the people of Victoria need to be aware of what it is doing.

Mr STENSHOLT (Burwood) — I am delighted to participate in this debate and to oppose the matter of public importance which has been put forward. This is actually a debate about the hypocrisy of the Liberal Party — the party that made an art form of rorting the public purse, of shutting down our democracy, of sacking judges, of reducing the relevance of Parliament, of making a mockery of FOI and of nobbling the Director of Public Prosecutions and putting the Auditor-General in a straitjacket. How can the Liberals come before this house with straight faces and talk about integrity in public life? This mob have all got form in big letters on this one.

I would like to recount to the house my own experiences in standing for Parliament. I was giving a course at Monash University for senior officials from the Thai government on good governance and anticorruption. As part of that I was doing a comparative analysis of the Thai constitution and what was then happening in Victoria — I am talking about the year 1999 — and I was rung up one evening and asked if I would stand against the then Premier. Naturally I accepted that challenge and put my money where my mouth was. I stood on the slogan of bringing democracy back to Burwood.

The matter of public importance refers to the 1999 election and a policy the Labor Party brought to it. Let me remind members of what happened in 1999, and I remember some of the newspaper reports. For example, the *Age* of 8 May that year contained an article headed 'Secret state', with the subheading 'Taking liberties'. It states:

> Victoria has the most secretive government in the country, according to the president of the state's leading civil liberties group, Ms Felicity Hampel, QC, who this week joined leading academics in decrying a dramatic cut in the amount of information publicly available …

In the same article she is also quoted as saying:

> We have a more secretive and less accountable government. There has been an enormous decline in access to information.

That is the record of the Liberal Party. This is about the hypocrisy of the Liberal Party, which made an absolute art form of that.

Another article appeared in the *Age* of 16 September in the same year. Written by Murray Mottram, it is headed '"Secret state" begs questions'. We all remember the former Auditor-General, Ches Baragwanath, and what happened to him. The article reports on the changes in auditing made by the Kennett government, the enormous hubris of that government and the arrogance of members of the Liberal Party. In terms of accountability he was asked what his government's most important failing had been over the past seven years. Under a subheading 'Question time', the then Premier is quoted as saying that his government had no failings.

For the same article the current Premier was not shy in saying what he thought were the former Kennett government's single most important achievement and single most important failing over the seven years. He is quoted as saying:

> The Premier's most important achievement for our democracy —

he is talking about Jeff Kennett here —

> was backing down on his threat to abolish by-elections and resisting his urge to abolish elections altogether.

I might also refer to the results of a poll which appeared in the *Herald Sun* of 28 May 1999. A poll was conducted by the newspaper's Voteline on the question: 'Is the Kennett government too secretive?'. As I said, we are talking about the Liberal Party and the hypocrisy of its members. My word they were secretive! The poll result showed that 88.9 per cent said that they were. The public perception was clear at the time we brought our policy to the election campaign.

What of the history of freedom of information? It was introduced federally in 1982, and I might add that it took four years to introduce it. In Victoria the Cain government was the first state government to introduce it. What is the record on FOI in Victoria? Once again I refer to the *Age*, and in particular to an article of 23 January 1999, which states:

> On freedom of information, the state government has instigated a number of legislative reviews since 1992, resulting in increased costs for users and new restrictions on access to documents.

It goes on to say:

> Within seven weeks of winning office legislation was passed, meaning that applicants could be refused records of any state-owned enterprise under FOI.

And further it says:

> By May 1993 all FOI users were required to pay for the service while the definition of cabinet documents that could be withheld was expanded.

We all remember the stories. Shopping trolleys were wheeled into cabinet. The member for South-West Coast probably remembers: he probably pushed the trolley into cabinet so that documents could be rendered ineligible under FOI and so questions about them could not be asked. They wheeled them in by the trolley load to make sure that they were exempt. That is what happened. That is the hypocrisy and hubris of the Liberals!

There is even a quote from the leader of the state at that stage. In making his views on FOI clear the article quotes Mr Kennett as saying in 1993 that he believed the laws should be tightened partly because 'there is too much law in our society'. That was his view of that matter. I might also add that in another article that appeared in the *Age* of 1 February 1999 Rick Snell wrote about the possibility of the Liberal government dismantling:

> … one of the few remaining operational elements of civic governance in Victoria.

He was writing about FOI.

> Kennett's rantings about 'the pale of decency' and his resolve to scrap FOI if necessary to protect the safety of Victorians left on the public payroll reek of political opportunism.

That is the record of the Liberal Party. This matter of public importance just reeks of the hypocrisy and absolute two-facedness of the Liberal Party.

What is this government's record on FOI? I want to spend a couple of minutes on this one. The Bracks government is committed to open and accountable government. FOI is Labor policy: we introduced it and those on the other side tried to nobble it. We have actually made sure that it has been strengthened once again. Interestingly enough, the number of FOI requests has increased by 50 per cent since this government came to office. In 2005–06 there were more then 20 000 applications for the fourth successive year. This is openness and accountability. According to the FOI annual report 97.4 per cent of documents requested were provided through the FOI process. This is real access.

Less than 1 per cent of FOI decisions were appealed to VCAT (the Victorian Civil and Administrative Tribunal), and most of those were actually upheld. The total number of appeals lodged in 2005–06 amounted to less than half the decisions appealed in 1997–98. It is cheaper to do it now. In his review the Ombudsman said that an undue delay in processing applications occurred in a minority of cases. He also said that FOI officers are handling requests promptly and diligently, respecting the spirit of the act. You can find out who supplies documents through FOI, because information about who handles FOI requests is supplied in the handbook. During the Kennett government years its members cut that information out and made it all secret.

Once again I will refer to Rick Snell's article. It says:

> Piece by piece, Kennett has chipped away at legislation that is regarded by many, including Justices Gaudron, Gummow and Hayne in the 1998 High Court decision in Egan v. Willis, as a necessary component of representative democracy —

here in Victoria. I note that there are a number of things involved in the policy of 1999, including access to commercial-in-confidence documentation. On 11 November 1999, only weeks after the Bracks government came to power, changes were made to the Freedom of Information Act. In regard to commercial confidentially, the second-reading speech of the Freedom of Information (Miscellaneous Amendments) Bill 1999 says:

> The Freedom of Information Act provides an exemption for a range of information relating to business, commercial or financial matters … This exemption has been employed in the past, under the guise of commercial confidentiality, to prevent disclosure of documents that should be open to public scrutiny —

and I have mentioned the shopping trolley episodes of the previous government. It then says:

> The bill narrows the ambit of this exemption. Under the proposed amendments documents will be exempt only if disclosure of information relating to business … expose a business organisation unreasonably to a disadvantage.

This bill was passed without amendment and received royal assent on 21 December 1999. This was the implementation of the freedom of information policy in Integrity in Public Life. We will again move in terms of our policy this year to further strengthen the freedom of information legislation. Labor will implement the reforms recommended by the Victorian Ombudsman to the Freedom of Information Act and remove the conclusive certificate provisions. This is unlike the federal member for Higgins, who went to the High Court to try to stop it.

We will also modernise the Freedom of Information Act to take account of the emergence of the internet and maximise the availability of basic information. This is about actually strengthening our democratic institutions. Labor has a proud record of doing that, compared to the hypocrisy of the Liberal Party.

The ACTING SPEAKER (Mrs Powell) — Order! The member's time has expired.

Mr BAILLIEU (Leader of the Opposition) — We have had eight years of this government and the stench is growing every day — eight years of incompetence; eight years of lies, and the government is still at it; eight years of deception, waste and neglect; and eight years of spin, self-promotion and manipulation. It is a shameful record.

This government has had unprecedented opportunities. It has had unprecedented resources supplied by a GST that it campaigned against and still campaigns against, yet it takes the money. This government has enjoyed unprecedented power. It has perhaps been the most powerful government in Victoria's history — it has had the majorities, it has had the money and it has had the mates. Powerful governments have two fundamental obligations: to perform and to leave a legacy, and to conduct themselves with the utmost integrity. On both counts this government has failed miserably.

The Bracks government's performance has left us with inadequate energy security, whether it is electricity or, overnight, gas; inadequate water security; inadequate public transport; inadequate policing; soaring antisocial behaviour on our streets; rising waiting lists; soaring prices for essential services; and rising debt. That is its legacy, and it is a legacy that has lowered expectations in this state.

The Premier is so out of touch that he did not know yesterday — and still this morning he claimed he did not know — that one of Victoria's biggest manufacturers would today announce the closure of its plant in Geelong.

As for integrity, what an appalling record this government has, and it is getting worse every day. 'Open, honest and accountable' was the shorthand policy. The government is anything but open: anyone who has attempted to make a freedom of information application in recent years knows that, whether it is a member of the opposition, whether it is a member of the media or whether it is a member of the general community. It is certainly not honest, and it is certainly not accountable. How many times have we heard from this government that it is someone else's fault? This is a government with unprecedented power, but it is always someone else's fault.

The problem starts at the top. We can look briefly at some of the Premier's involvement, including a secret pre-election deal with the police union that has been condemned roundly by every corruption expert in this country. It is has already been shown to have dramatic consequences. This was not something out of the ordinary. This was about the personal involvement of the Premier, who met with the police union, signed a deal with it and sought desperately after the election to conceal that deal. The contents of the correspondence have still not been revealed. For the sake of the member for Burwood, who has darted out of the chamber, I point out that in this chamber there has not been one straight answer from the Premier about this deal.

More recently we have had the Premier's water plan. What a deception that has been and what a con for the community north of the Great Dividing Range! It is all about a pipeline to Melbourne to save the Premier's skin, and it is not about anything for the north. What has been the government's approach? Bully any opposition, bully regional communities and intimidate those in local councils who have sought to express a different view, including phone calls of intimidation. And what do we get from the government? It denies it all.

At the very same time that the government denied this pipeline was going to proceed — and the Treasurer was in the north of the state — the advertisements were in the can. Chopper Steve was flogging himself and flogging the community, saving his skin to build a pipeline of panic to steal water from the north and bring it to Melbourne. He is now playing politics with the commonwealth's water plan when he should simply sign up to delivering twice the savings and twice the investment and to keeping those savings in the region. We have seen this behaviour from the Premier in the past regarding the infamous situation with Jim Reeves and the subsequent inquiry. We do not need to go through that in detail. There has been personal involvement in behaviour and conduct that belies the government's claims. Now we see it in the gambling inquiry. I believe we will see shortly in this house the Premier defy a request from the other chamber to appear before the gambling inquiry.

The *Herald Sun* editorial of 10 May concluded:

> There's now no doubt the best way the Premier could defend himself would be to appear before the committee and give his version of events.

What is the bet that he will not? He will not do so. This is a Premier who has turned a blind eye to so many examples of misconduct in this government or indeed given active consent. He has turned a blind eye to the abuse of expenses by ministers. We have seen it: lunches, limos and more recently the lodges of the Deputy Premier where he has had taxpayer-funded holidays, not declared and inappropriate. What is the

Premier's response? His response is to say, 'It's all okay. No problem'. We have seen the Premier turn a blind eye, or I suspect give active consent, to an extraordinary blow-out in advertising expenses, defying his own policy, and defying the recommendations and policy of his federal leader.

We have seen a police minister intervening inappropriately in a police investigation. We have seen a minister interfering in the awarding of dodgy contracts. We have seen the Premier turning a blind eye to his own MPs stacking branches, manipulating fundraising and not declaring that fundraising. We have seen the Premier turning a blind eye to MPs involvement in the provision of references for convicted drug dealers. I heard the member for Kororoit talking about Fat Tony Mokbel — yes, Fat Tony Mokbel, for whom references were given by the Premier's own members. We have seen another MP providing a reference for a person convicted of assault of a police officer. They are the sorts of standards we have come to expect. And what is the response from the Premier? A blind eye or active consent.

We have seen the Premier turning a blind eye to the ministers register of interests. We have seen the Premier turning a blind eye to the abuse of communities. Hattah-Nowingi is one example. Tooronga is another example where the Premier will say one thing, do another, and leave those communities to wear the cost. We have seen the Premier turn a blind eye to ministers' staffers manipulating local government elections, including Whitehorse, Greater Geelong and Maribyrnong. We have seen the Premier turning a blind eye to staffers accepting cash donations, and not declaring them, from developers and others, whether it was in Hume or Greater Geelong. The Treasurer's own staffer accepted cash from a developer and did not declare it. And what is the Premier's response? He says it is all okay.

We have seen the Premier turning a blind eye to the government defying its own policies on things like Melbourne 2030, at Kew, Burnley, Tooronga and Royal Park. We have seen the Premier turning a blind eye to a senior public servant being sacked, for all the wrong reasons, to save the health minister's skin. He should have gone, but he went for all the wrong reasons. We have seen the Premier turning a blind eye to local government being stripped of powers, and in the *Age* today we see there will be more of that. And of course we have seen the Premier turning a blind eye and the cock crowing in regard to the infamous David White.

The Premier's response is to ask us to cop this. Standards are falling. We will not cop it. This is a dodgy government. It is the Premier's government. He is turning a blind eye to so much of it. He has dumbed down this Parliament. It is now a Parliament of cheerios and waffle. Let us understand, there are no consecutive sitting weeks, and that is a deliberate attempt to dumb this Parliament down. It has gutted scrutiny in this place and crushed FOI. No amount of spin, no political Pine O Cleen will kill the smell. The *Age* says it all in its editorial of Wednesday, 23 May, in the headline 'Premier Bracks must act to stop the rot from within'. The smell is a stench, and this government will suffer as a consequence.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: budget estimates 2007–08 (part 1)

Mr SEITZ (Keilor) — I rise to speak on the Public Accounts and Estimates Committee's report on the 2007–08 budget estimates, and in particular its import and how that affects Parliament and parliamentary spending on the staffing and the members. I commend the committee for the excellent preparation of the report. It is easy to read, understand and follow, not only for members of Parliament, the practitioners, and the public servants but also the general community, who can actually avail themselves of the opportunity to look at it. The information is available on the public record. This government prides itself on having an open and accountable government, not what we just heard about before from the Leader of the Opposition.

When you look at the expenses and costs incurred with the relocation and refurbishment of electorate offices due to the restructuring of the upper house and the election of 2006, you realise that extra expenses will naturally be incurred for that part of the operation of the Council because of the need to ensure that members are allocated electorate offices that are suitable, are accommodated in a reasonable time frame and also have a computer link-up with the Parliament. That is all included and explained under the item relating to infrastructure upgrade and relocation and refurbishment of electorate offices. I believe that refurbishment and change is ongoing. An amount of $720 000 has been allocated in the budget to deal with leases expiring, relocation and the like. New members were housed in the offices of existing members which in most cases were not suitable or not within their new electoral boundaries, and therefore they had to be relocated so they could service their communities much better and

so their communities could have better access to their local members.

When boundaries change there is always a displacement in regard to the geographics and access. In my own case, I still receive telephone calls from people who have gone to my old office and then come to me saying, 'Your office is no longer in St Albans', because I was relocated to Sydenham after the redistribution and boundary changes. Yet people still come and contact me and still have my phone numbers, even the new ones since my relocation.

This report is good. The allocation for the infrastructure upgrade of the building in St Andrews Place which is operating for the parliamentary committees, which have been rehoused over there, along with the human resources department, is openly explained by the Public Accounts and Estimates Committee. I commend the committee again for the report and the thoroughness with which it has presented it.

The electorate offices wide area network upgrade is important, as are the relocation and refurbishment of electorate offices. The infrastructure upgrade of St Andrews Place is still a work in progress, with Hansard people going across the road from the Spring Street building. It is important that money will not be wasted on the lease of those premises and that they will be economically used. I also commend the clerks particularly for administering and seeing those works right through as the year goes on. Members of this house will probably see the progress of those changes as the year goes on. I understand a number of the members of committees still need to get passes to get into St Andrews Place. There will now be more security in that building. That is another change that had to be implemented, and again that incurs greater cost and more money is required.

There is the parliamentary departments assets investment project for which capital expenditure is allocated for 2007–08, including infrastructure and communications, as I pointed out. The committee is awaiting further information from the departments on the envisaged annual expenditure amounts relating to each of the assets investment projects. When the committee receives this information it will also be included in further reports on the 2007–08 budget estimates. Again, it just shows the government and the ministers are committed to providing the information. When you see the scale and detailed costing that is provided in the budget papers, you recognise how difficult it can be to understand how the money will be allocated and spent. I therefore commend the committee for producing a report that is so easy to read, and I am sure I will be taking this report into my high school classes.

The ACTING SPEAKER (Mrs Powell) — Order! The member's time has expired.

Public Accounts and Estimates Committee: budget estimates 2007–08 (part 1)

Mr KOTSIRAS (Bulleen) — I also wish to speak on the Public Accounts and Estimates Committee's *Report on the 2007–08 Budget Estimates — Part One*. I agree with the member for Keilor that it is easy to read, and I assume that is why he is reading it!

I wish to turn to the Minister for Multicultural Affairs, who happens to be the Premier himself — though in name only, because the Premier, as Minister for Multicultural Affairs, has done absolutely nothing over the last few years. If we have a look at the report, we see that when he was asked a few questions by members of the committee he gave some answers which I have to say are puzzling. The first thing he said was:

> We have rolled out the new Australian interpreter symbol and the Victorian interpreter card …

One has to understand that the interpreter card is not new. The interpreter card was a Kennett initiative in 1995. The Premier said before the estimates committee that it is a new initiative and something he is proud of, yet all he has done after eight years is copy an initiative of the Kennett government. What he should have done was to make sure it was a national interpreter card, a card that could be used in every state and not just in Victoria, and a card that could be used in local government and not just state government agencies. He failed, yet he is good at putting a spin on things and trying to convince the rest of us that he is doing something. We have had eight years of stagnation in multicultural affairs — eight years of no new policies and no initiatives.

The Premier also said:

> We have made significant progress in delivering the refugee brokerage program.

There is no program whatsoever! Refugees are coming in, yet there is not a single coordination unit in any department within the government to ensure there is no duplication. No-one knows what the state government is doing, and the state government does not know what the federal government is doing. No-one knows what each of the departments is doing either, because there is no coordination unit within the departments of this government. When the Premier talks about programs

for refugees, he is misleading the public. He is not delivering anything, and he is not doing anything. It is all spin and media hype just to give the impression that the government is doing something for refugees.

This is a shame, because we have the Premier as Minister for Multicultural Affairs, we have the Minister assisting the Premier on Multicultural Affairs, we have a Parliamentary Secretary to the Premier for Multicultural Affairs, and we have a Parliamentary Secretary for Victorian Communities. When there have been no new initiatives that actually make a difference for refugees or migrants in Victoria, you have to ask: what do these four people do? The Premier went on to say:

> The VMC grants: I think most members here would be familiar with the grant program. Of course, we have increased the grant program … in this budget … from $750 000 under the previous government to now $3 million in 2006–07.

What the Premier was refusing to say was that in 1992 there was a deficit of $32 billion as a result of his poor advice. The current Premier was an adviser to the former Labor Premier, and as a result of his poor advice we were in debt of $32 billion.

What has the government done with the money it claims it is now putting out? It is all about securing votes. It depends on which electorate you are in and which branch of the ALP you are in. If you are a member of the ALP and prepared to say some good words about the government, then you will get some money. Whether it is $500, $1000 or $1500, you will get a grant provided you are supportive of the ALP.

The Premier goes on to say that the government has amalgamated the Victorian Office of Multicultural Affairs and the VMC (Victorian Multicultural Commission). The real reason why the government is merging the two is that the chairperson of the VMC does not — or did not — speak to the director of VOMA. They refused to speak to each other. Instead of the minister stepping in and showing some leadership, the government opted for the easiest way to do it, which was to merge the two and get rid of one of the people. This means, of course, that the VMC is now politicised — not that we have had the chairman of the VMC ever come out and be critical of this government! It is obvious that the government has politicised the VMC. It is there simply to be the mouthpiece of this Labor government, which has failed Victorians.

Law Reform Committee: de novo appeals to the County Court

Mr LUPTON (Prahran) — I am pleased to have an opportunity to make some comments in relation to the report of the Law Reform Committee of the Victorian Parliament on its reference on de novo County Court appeals. This was a reference given to the Law Reform Committee by the Attorney-General in the 55th Parliament. I was privileged to be a member of that committee in that Parliament, and I am also happy that I am a member of the committee in the current Parliament.

I spoke about the recommendations of the Law Reform Committee report on de novo appeals to the County Court in February, subsequent to the report being tabled. I am again interested to speak on the matter, because since that time the government has tabled its response to the committee's report. I am pleased that the Attorney-General announced in May this year that Victoria would retain County Court de novo appeals. In so doing the Attorney-General accepted the recommendations arising from the review conducted by the committee.

It is probably not a very common occurrence that a committee set up to inquire into the methods and operation of such a thing as the judicial system or a part of it comes back with recommendations that largely recommend that the current system be retained. More often than not, I suspect, consultants and inquiries look for a range of novel ideas that they can recommend. The Law Reform Committee conducted a very thorough investigation and review of the way in which this important part of the appeals process operates in Victoria, and it also had a look at some of the changes that have been made in recent times in other Australian jurisdictions, particularly New South Wales. We came to the clear conclusion that the current system of people appealing on criminal matters from the Magistrates Court to the County Court works effectively and well and should be retained.

Other detailed matters the committee dealt with subsequent to its general finding that the system should be retained in its current form concerned certain aspects of the way in which the County Court deals with appeals that come to it from the Magistrates Court. We found that some changes made by the previous government in the late 1990s made the appeal process and the way it is handled in the County Court unnecessarily cumbersome and difficult, both for the court and for the parties appearing before the court.

The committee recommended a greater use of judicial warning regarding the potential for sentences to be increased on appeal. What we meant by that is that judges in the County Court should be encouraged, where appropriate, to ensure that an appellant understands that the County Court has the power not only to reduce sentences — which is generally what the appellant is seeking — but also to increase them. We believe it is appropriate and sensible for the court to do this.

The committee also believes there should be greater flexibility to allow appeals to be abandoned. The current situation, put in place by the previous government, limited appeals that could be abandoned on the day of the hearing in the County Court to cases where exceptional circumstances could be shown. We believe that is too great an imposition both on the court and on appellants, so we recommended that that be removed. We also recommended that records be kept for longer periods so that defendants cannot abuse the de novo system.

The government has accepted all three recommendations, in addition to the continuation in general terms of the system of de novo appeals. I commend the government for that.

Public Accounts and Estimates Committee: budget estimates 2007–08 (part 1)

Dr SYKES (Benalla) — I make my comments on the Public Accounts and Estimates Committee report, in particular the record of interview of the Minister for Education in the other place and of the Minister for Skills, Education Services and Employment. In particular I comment on the issue of the poor year 12 completion rates by young people in country Victoria as compared with young people in the city. The bald fact is that only 69 per cent of young people in the country complete year 12, whereas the state average is 85 per cent — —

The ACTING SPEAKER (Mrs Powell) — Order! I ask the member to clarify which Public Accounts and Estimates Committee report he is speaking on.

Dr SYKES — Part 1.

In relation to this poor year 12 completion rate the Minister for Skills, Education Services and Employment tried to talk up the low figures by saying there had been a 2.7 per cent increase on the preceding few years. That glosses over the reality that a 69 per cent completion rate is totally unsatisfactory in comparison with an 85 per cent completion rate.

The minister then attempted to deflect attention from this issue by commenting on other useful programs such as the vocational education and training and Victorian certificate of applied learning programs, and then attempted to blame the poor completion rate on the federal government because of the need for more regional universities.

Both ministers seemed to imply that country young people had less need for academic tertiary education, suggesting that apprenticeships and other forms of hands-on education were more appropriate. I hope that this was not their intention and that they are committed to the principle of equal education opportunity for all young people, whether they be country or city, wealthy or poor. To that end they need to look at issues such as improving the learning environment in country schools by providing adequate maintenance and upgrade funding.

During the interview I asked the Minister for Education about upgrade funding for Myrtleford Secondary College — and I know my colleague in the other place, Mr Drum, has followed up on that issue. There is no money available for this upgrade, so the students there have a second-class environment in which to learn. Similarly, many other schools in my area, such as Mansfield Secondary College, need upgrading.

Having more regional universities would provide a great opportunity for young country people to undertake tertiary education, but for many of them it would still invariably involve travel, living away from home and substantial cost. That is why The Nationals have proposed a $3000 allowance for young people from country Victoria attending university — to help overcome the disadvantage that country students have.

My colleague in the upper house, Peter Hall, is proposing a parliamentary inquiry into the issue of the poor completion rates of country year 12 students and also the issue of the lower level of tertiary education enrolments of those students. I look forward to the government supporting this inquiry, rather than continuing to attempt to play the blame game by implying it is the federal government's fault and not accepting the responsibility to govern for all Victorians, as their often-stated mantra goes.

An additional impact on the educational opportunities for country students is the lack of Bracks government funding for students attending non-government schools. Victorian government funding for students attending non-government schools is one of the lowest in Australia, and certainly well below the Australian average. If the government wants to help country

students have an equal opportunity, then the first thing they could do is to get their levels of funding for students attending non-government schools up to the national average.

I cannot let an opportunity pass without mentioning water. The issue was raised on a number of occasions during the Public Accounts and Estimates Committee's interviews, especially with the Minister for Water, Environment and Climate Change. In particular, we asked what water infrastructure projects were proposed. At that stage no such projects were proposed, but we have subsequently been made aware of ill-conceived plans to pipe water from the north to the south. These plans were based on incomplete and flawed information and were then promoted by glossy advertisements, deceit and straight-out lies.

The government has covered up the length of time the plans were in progress, misrepresented the facts about the amount of water that will be sent and grossly oversold the water savings available. I call on the Bracks government to be open and accountable. I ask that it not proceed with the pipeline but fund infrastructure upgrades in northern Victoria.

Environment and Natural Resources Committee: production and/or use of biofuels in Victoria

Ms RICHARDSON (Northcote) — I am very pleased to rise to speak on the Environment and Natural Resources Committee's *Inquiry into the Production and/or Use of Biofuels in Victoria*. This inquiry commenced in July 2006, and I understand the report was formally lodged in Parliament in December 2006. The report made five recommendations covering further investigations into biofuels, researching air quality and increasing the use of biodiesel in government and public transport.

Regarding the Labor government's response to the committee report, I must commend the government for what it said with respect to the committee report so far. But more broadly the Labor government is very concerned about climate change. The kinds of reports and investigations that are undertaken by committees such as the Environment and Natural Resources Committee are very important in developing our understanding and growing awareness about the need to respond to climate change, how we can best meet the energy needs that we face as a growing society and economy and what we need to do at a state government level to respond to these energy needs. These sorts of inquiries help develop our understanding about the best way forward.

In terms of the committee recommendations, the first recommendation was that a joint investigatory committee be allocated a reference to conduct an inquiry into the production and use of biofuels in Victoria. The terms of reference for the inquiry should draw and expand upon the material considered during the current inquiry into the production and/or use of biofuels in Victoria and should consider the use of biofuels in non-transport applications.

The second recommendation made by the committee was that the Victorian government initiate scientific research into the air quality benefits of ethanol-blended fuel use, which is obviously a pretty significant recommendation to be making given the crisis of fuel production that is facing us. I myself drive a Prius, and the impact it has had on my capacity to save fuel has been tremendous. I fill up very rarely now. This kind of initiative is very much to the benefit of us all.

Recommendation 3 was that the Victorian government initiate scientific research into the air-quality benefits of biodiesel fuel use, which is also a very good and supported recommendation. Recommendation 4 was that the Victorian government require drivers of government vehicles to use biodiesel-blended fuels where available. Again that was another supported recommendation. Recommendation 5 was that the Victorian government, through the public transport division of the Department of Infrastructure, conduct comprehensive research on costs and benefits associated with the use of biodiesel blends in public transport. These recommendations are an important step in our understanding about where to go from here.

I will take the opportunity to draw upon some reports made in my local area of Northcote about these matters. I would like to draw the house's attention to comments made by Greg Barber, the leader of the Greens in another place, who recently sought to misrepresent a federal member of Parliament, Martin Ferguson, on these kinds of initiatives. Mr Barber tried to claim that Labor supported burning native forests to generate electricity. The claim is absolutely false, and he has been pulled up in respect of that claim. The point here is that these kinds of recommendations follow investigations into the range of scientific evidence that is available. They are commendable and based on research, unlike the statements made by people like Greg Barber and other representatives of the Greens. I commend the committee's report to the house.

Public Accounts and Estimates Committee: budget estimates 2007–08 (part 1)

Mr DIXON (Nepean) — I wish to comment on the Public Accounts and Estimates Committee report on the 2007–08 budget estimates. I wish to specifically refer to page 24 of part 1 of the report. Under the heading 'School maintenance' there is a reference in the table to $10 million for maintenance. When you consider that $10 million is the total maintenance amount across the forward estimates it is quite remarkable, particularly when you consider what school principals and school communities are saying about the need for maintenance in their schools.

Last year the Auditor-General found there was still $200 million worth of outstanding maintenance that needed to be done in our schools. That was based on a rather dodgy audit of our schools, where major issues of maintenance were actually not referred to or counted in the audit. Many schools could actually multiply the audit amount by 10 to give a true indication of the sort of maintenance required. We have had some other announcements about very, very minor amounts of maintenance money by this government, but there is a need for hundreds of millions of dollars of maintenance in our schools.

The government counters that by saying, 'We are spending billions of dollars on rebuilding our schools'. Some of that money is going towards new schools in growing areas — that is just the job of government anyway — but a lot of that money is being spent on rebuilding schools. Many of these schools have to be rebuilt because the maintenance has not been done for years. They are literally falling down around the ears of teachers and students. Billions of dollars in spending was announced with great fanfare during the election campaign last year, but when the budget came down this year and we looked at the forward estimates, we noted that hundreds of millions of dollars were missing from the forward estimates to fund these major rebuilding programs in Victorian schools.

I visited one of the schools in my electorate a couple of weeks ago. All these schools that have been promised major capital improvements just disappeared from the budget; many schools had been led to believe they would be included in the funding. They were told, 'You vote Labor and in next year's budget you will see all the money for your school'. That just has not happened. Scores of schools were expecting capital works to be announced in this budget but very sadly are missing out.

In the meantime while there is major money being spent on the rebuilding of schools there is no money available for maintenance. A school might have to wait for a rebuild, and in the meantime the amount of maintenance money that is available is just miniscule. With the weather we have had over the last couple of days, scores of schools have leaking roofs and heaters that do not work. It may be bad here in the chamber, but children just cannot learn in the sorts of environments that many of our schools are providing at the moment.

I wish to refer to section 3.10.3 on page 35 of the report, headed 'Key matters raised at the budget estimates hearing'. One refers to strategies to increase student access to computers and technology. I was present at the hearing, and I heard the minister talk about improving the computer-to-student ratio. This actually prompted me to put in a FOI request to look at the list showing not only the computer-to-student ratios but also the age of the computers in all the schools in Victoria.

I have found an incredible discrepancy. Statistics say one thing, but the reality is something totally different. There are schools with computer ratios of more than 10 students to a computer. Any educationalist will tell you that that just does not work. We need not only computers in classrooms and specialised learning areas but also computer labs. Those sorts of facilities are just expected by and needed in schools, but many of our schools are absolutely nowhere near that mark at all.

What was most surprising was that about 18 per cent of computers in schools now are more than five years old. Those computers probably do not run. They certainly do not run a lot of the educational programs that are required in our schools, or they are so slow that they are useless and cannot be used in schools. The computer is only there to be counted and to make up the figure, and it makes the ratio look good. But it is typical of this government that if you look under the spin and the glossy brochures to see the reality and what is happening at the coalface, you see the true picture tells a totally different story. The computers in our schools are just one very good example of where this government is all about spin but is really neglecting a key basic area in education in our schools.

The SPEAKER — Order! The time for making statements has now ended.

SELECT COMMITTEE ON GAMING LICENSING

Assembly members

Message received from Council seeking agreement to resolution.

Council's resolution:

> The Legislative Council requests that the Legislative Assembly grant leave to the Honourable S. P. Bracks, MP, Premier of Victoria, the Honourable J. M. Brumby, Treasurer, the Honourable D. M. Andrews, MP, Minister for Gaming, the Honourable T. H. Pallas, MP, Minister for Roads and Ports, and the Honourable John Pandazopoulos, MP, member for Dandenong to appear before the Legislative Council Select Committee on Gaming Licensing to give evidence and answer questions in relation to the committee's terms of reference.

Mr HULLS (Attorney-General) — I move:

> That this house refuses to consent to the Legislative Council's request for ministers and a member to appear before the Legislative Council Select Committee on Gaming Licensing and notes that this request represents interference in the operation of the Legislative Assembly and its members and undermines the traditional Westminster principles that underpin our parliamentary democracy.

Honourable members interjecting.

The SPEAKER — Order! I ask the Attorney-General to wait for one moment. I find the level of interjection far too high. I ask that the courtesy of the house be given to the Attorney-General.

Mr HULLS — What an absolute farce this particular request is! I will outline over the next half an hour or so exactly why this request is a farce, why this upper house gaming inquiry is nothing more than a political joke and indeed why this government will not play the games that the opposition intends to play with this upper house inquiry. Nor will we be party to undermining business confidence in this state as a result of this upper house inquiry, because that is what this is all about.

At the outset, to show what an absolute farce this request is, we have to remind ourselves of what occurred way back in March this year. We read about the 'secret deliberations' of the upper house committee, which were obviously leaked to the media. What we read was that a *Who's Who* of political figures and gambling industry kingpins will be ordered to appear before the parliamentary inquiry into pokies and lottery licences.

This quote, which appeared in the *Herald Sun* of Wednesday, 14 March, was written before any subpoenas had gone out. This came from the so-called secret deliberations of this committee. We actually read in the *Herald Sun* that the committee is going to subpoena particular people and they are actually named. The article goes on to say that controversial lobbyist David White, former Tattersall's chief Duncan Fischer, and Melbourne Cricket Club president David Jones head the list of witnesses. It states:

> Former state Treasurer Tony Sheehan, solicitor-general Pamela Tate and Department of Justice secretary Penny Armytage will be summoned, the *Herald Sun* has learned.

I think we know where they learnt it from. Members of the upper house inquiry yesterday voted to issue subpoenas from next week. The article goes on to talk about other people who will be subpoenaed. We learnt through the media — —

Honourable members interjecting.

The SPEAKER — Order! I ask the Attorney-General to be quiet for a moment. I thank the member for Ferntree Gully for his advice. The Attorney-General would not need to raise his voice to such an extent if he were not trying to shout over the interjections from the opposition. As well as asking the Attorney-General to perhaps speak a little softer, I ask the opposition, once again, to desist from that level of interjection. I remind the Leader of the Opposition and the member for Scoresby that they have been interjecting out of their places. Interjections are disorderly enough without people not being in their allocated seats in the house.

Mr HULLS — As members of the upper house and members of the opposition would know, the fact that these details were leaked to the media confirms absolutely that this is nothing more than a political farce. What we have is an article, which appeared in the newspaper because it had obviously been leaked by opposition members to the media, saying that a certain list of people were going to be subpoenaed.

Honourable members interjecting.

Mr HULLS — I take up the ridiculous interjections by those opposite. I know that *Hansard* of 13 March shows that the President also drew attention to the articles on this particular inquiry coming out. He made it quite clear that articles which appear to detail matters discussed at a meeting of the Select Committee on Gaming Licensing held the previous day had appeared in the paper, and he took the opportunity to warn members of that committee that it was absolutely

inappropriate that these leaked matters should appear in the media. He made it quite clear that these documents being leaked has the potential to affect the efficient operation of the committee system.

What message does it send to businesses in this state engaged in the tender process? It says this: we have an upper house inquiry by an upper house committee headed up by the opposition and the Greens, who are trying to get confidential documents during a tender process and who are then going to leak them to the media. It is an absolute farce.

This is very important, and it goes to show what a farce this request from the upper house is. The upper house was alerted on 11 April 2007, in a letter from me to Mr Richard Willis, the secretary of the legislation and select committees, about summonses to ministers. Summonses were sent to ministers to appear and produce documents, and indeed that was read about in the newspapers before the summonses were issued. I wrote on 11 April and made it quite clear that it was inappropriate for the Legislative Council to be issuing summonses to members of the other chamber — that is, to members of this place. I said in that letter:

> I refer to the summonses that have been served by the Select Committee on Gaming Licensing on the Premier, the Treasurer and the Minister for Gaming to produce papers and documents.
>
> The Legislative Council has no right to summons, much less to compel, the attendance of members of the Legislative Assembly nor to require them to produce documents, as members of the Legislative Assembly are immune from the processes of the Legislative Council.
>
> Further, the issuing of summonses to members of the Legislative Assembly is both a breach of the privileges of the Legislative Assembly and a breach of the standing orders of the Legislative Council. Standing order 18.03 is clear and continues to apply. That standing order reflects the powers of the Council, namely, that it may send a message to the Legislative Assembly requesting that leave be given to a member or officer to attend or give evidence in relation to the matters stated in that message.

The Council cannot subpoena and cannot summons members of this chamber. I went on to say in that letter:

> The well-known immunity of a member of the Legislative Assembly to the processes of the Legislative Council is confirmed by section 19(1) of the Constitution Act 1975 and is based on long-established constitutional principles.

I went on to talk about those principles in the letter, and I have no doubt I will talk about them further after question time.

Sitting suspended 1.00 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Planning: local government

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the Premier's answer to this house on 20 December 2006, when he confirmed that the planning powers of local councils and councillors would not be reduced, and to his pre-election comments on 3AW on 23 November 2006, when he emphatically denied that the planning powers of councils would be stripped, and I ask: does the Premier stand by these comments, or was it all just another Labor lie?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. I assume the opposition leader is referring to the matters which are raised on the front page of the *Age* today in relation to a South Australian planning system which has an expert panel in place on some projects in place of councils. Obviously, like all governments, we examine things right around the country. It does not mean we adopt them though, and the government does not have a proposal — —

Honourable members interjecting.

Mr BRACKS — It does not mean we adopt those proposals. We are very proud of what we have done in planning. We are very proud of the fact that we have third-party rights. We are very proud that councils have a clear and unequivocal say in what is happening in planning.

Ford Australia: Geelong plant

Mr TREZISE (Geelong) — My question is to the Premier. Could the Premier inform the house how the government is planning to assist Ford Australia workers and the Geelong community in the wake of Ford's decision to close its Geelong engine plant?

Mr BRACKS (Premier) — I thank the member for Geelong for his question. Just before question time today the head of Ford Australia, Tom Gorman, announced that the engine plant at Geelong will be discontinuing in 2010. That engine plant provides employment for some 600 workers. It has been in place for a long time. It manufactures the straight-6 engine, and it will be replaced, in accordance with the decision made today by Ford Australia, with a V6 engine which will be manufactured overseas and which will comply with the European emission standards in place.

The government today, alongside the federal government and Ford Australia in working together on

this announcement, has announced that it will assist and support the Geelong community with a new $24 million fund, which will be established to set up and find new business, new investment and new projects for Geelong itself. We should acknowledge that in the statement made today by Tom Gorman the future of Ford Australia has been assured long term — that is, for the remaining 1400 workers who work at Geelong in relation to Ford Australia, for the 3000 workers who work at Broadmeadows, for the new generation Falcon and obviously for the work they are doing to assist in design around the world and having the new design capacities at Geelong as part of the $1.8 billion investment.

Obviously the government regrets the fact that Ford Australia has made the decision to discontinue the manufacture of the six-cylinder engine at Ford in Geelong, but we will work with the community, we will work with Ford and we will work with the federal government to ensure that we have significant investment in place. I can announce that the government will be contributing some $6 million towards the $24 million investment and innovation fund for Geelong. The federal government will be contributing $15 million, and we are pleased to congratulate the federal Minister for Industry, Tourism and Resources, Ian Macfarlane, for his work with our government and his work with Ford Australia in supporting, assisting and making sure we had a response which was there available today.

Ford Australia will be contributing some $3 million towards that fund as well. The fund will seek advice on new investment proposals which will go to both governments and both ministers for consideration over the coming years. This decision will be implemented by Ford Australia in 2010, and clearly those innovations and investment opportunities will be secured before that date. I should add that Geelong is a very robust, very strong and very vibrant community with a very vibrant, strong and robust economy.

If you look at the Geelong region in the last 12 months, you find there were some 6000 new jobs created — one of the highest number of new jobs ever in Geelong. If you think about some of the initiatives under our government in bringing work and investment to Geelong, you think about the Transport Accident Commission relocation and the 600 new people who will be in place; the Avalon Jetstar development on site, which has hundreds and hundreds of new jobs; and Salesforce, the new call centre that is in place. Geelong is growing at the fastest rate it has grown at for at least the last 40 years. Nevertheless this decision means that we need to assist and support Geelong even further, and that is what the government is doing and that is what we are doing for this fund as well.

I understand that Ford Australia is indicating that it will seek to find other work — redeployment — for the 600 workers currently in place in other parts of the operation across Ford Australia. Those that do not find it will receive, as I understand from Ford Australia, voluntary redundancy packages and entitlements which will be a part of that as well. Our government and the federal government will also assist in any ongoing job reskilling and placements in other positions that could result from this in the future.

We are very proud of the automotive manufacturing industry in this state, including the automotive assembly and manufacturing parts companies in the state. We have three great companies in Victoria — Toyota, of course, which is internationally based here, Ford and General Motors (GM). All have design capacity, all are doing 24-hour design for cars around world and all have significant opportunities not only for the domestic market but for export, and we are in accord on this matter with the federal government as well. In addition to Toyota and in addition to GM, with their significant exports and expansion of markets, we would like to see Ford entering into the export market as well as the domestic market. Ford is certainly saying that that is its intention with the $1.8 billion that it is reinvesting in the future.

In addition our government has consistently held the view that the next tariff reduction in 2010, which is proposed to be a further 5 per cent reduction, should be paused and halted whilst we have a position where we do not have the commensurate reduction in tariffs in other countries around the world, and the price of imported cars is cheaper as a result. We have submitted that to the federal government. We have made that case, and the South Australian government has made that case. I think it would be sensible and appropriate not to introduce a further 5 per cent reduction in tariffs by 2010 to allow for further investment, not only domestically but internationally, and to allow for good design capacity to be encouraged as a result of that as well. We will stand by Geelong, we will stand by Ford Australia and we will stand by the region. We are very pleased to work in cooperation to seek to have this fund find new investment for the area.

Water: Victorian plan

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to a media release of 17 December 2002, where the then Minister for Water said that the state government was:

> … supporting more than $1 billion over 10 years for water infrastructure projects across Victoria, covering most of the state's 22 000 kilometre channel and pipeline system, delivering water savings of up to 200 billion litres a year.

I further refer to the food bowl modernisation project as mentioned in a media release on 19 June, which opened with the statement:

> Premier Steve Bracks today announced a landmark project to capture up to 450 billion litres of water currently lost to irrigation inefficiencies in Victoria's food bowl region.

And I ask: given the widespread scepticism within the community about the government's ability to deliver the promised water savings, will the Premier instruct an independent authority such as the Essential Services Commission to audit the billions of litres of water savings claimed by this government in an open, transparent and independent manner?

Mr BRACKS (Premier) — I thank the Leader of The Nationals ultimately for his question and the preamble. The government is committed to water savings around the state and to finding the most productive use of water around Victoria, finding new water which is wasted through evaporation and seepage and having important irrigation upgrades. For example, the Leader of The Nationals referred to some of the initiatives the government has undertaken already, and I can go through some of those. They include the $52 million for the Eildon Dam wall upgrade, which is all about bringing forward initiatives — —

Dr Sykes interjected.

The SPEAKER — Order! The member for Benalla will not interject in that manner.

Mr BRACKS — It is all about bringing forward initiatives to improve the capture of water in Victoria. There is $23 million for the Goulburn-Broken irrigation efficiency project, saving about 18 billion litres of water; the Wimmera–Mallee pipeline, of course, which is a great cooperative venture between the state government, the federal government, local authorities, the water authorities and the community and which will save some 100 billion litres of water; the Macalister irrigation district joint federal-state project, saving some 15 billion litres of water; the Sunraysia irrigation project, which is under way; the Normanville and other projects, which will save about 10 billion litres of water; and so on and so on.

Honourable members interjecting.

The SPEAKER — Order! I ask the Deputy Premier and the member for Rodney not to have that discussion across the chamber.

Mr Brumby interjected.

The SPEAKER — Order! I warn the Treasurer and seek his cooperation in the orderly conduct of question time.

Mr Ryan interjected.

The SPEAKER — Order! The Leader of The Nationals is not making question time run any more smoothly, and I ask him not to interject across the table.

Mr BRACKS — We have a consistent policy commitment to find and save water through smarter irrigation practices and investment in the irrigation system. We have been doing that over the last eight years.

Mr Ryan — On a point of order, Speaker, the Premier is now debating the issue. Whilst I recognise the preamble opens up the general commentary — —

Honourable members interjecting.

Mr Ryan — I accept that, but he is now debating the question. We simply want to know whether it is yes or no. Will he provide the audit?

The SPEAKER — Order! It is not my view that the Premier was debating the question. I ask him to continue his answer. The answer has been interrupted, but I would still expect the answer to conclude within a couple of minutes.

Honourable members interjecting.

The SPEAKER — Order! And the Premier's answer will not conclude any faster with the constant interjections.

Mr BRACKS — I will certainly conclude by saying that our government's policy commitment to smarter irrigation practices and investment in infrastructure, which will save water, will continue. It has borne fruit already. It has been a significant part of the expansion of the dairy and horticultural industries, and the investment that we have got in the future, which we support — the $1 billion in extra investment coming from the taxpayers of Victoria for Melbourne water users and a portion coming from the region — we commit to that, but the opposition does not. The Nationals are opposed to our $1 billion investment. Yes, we support it, but we support even more. Whilst The Nationals are opposing $1 billion of investment in

the irrigation sector, we will continue to deliver for the good of Victoria.

Rural and regional Victoria: economy

Mr EREN (Lara) — My question is to the Minister for Regional and Rural Development. Can the minister advise the house of any new data that demonstrates the strength of the regional Victorian economy?

Mr BRUMBY (Minister for Regional and Rural Development) — I am pleased to inform the member for Lara and all members of this house that the regional Victorian economy continues to remain very strong indeed. Since the Parliament last sat we have had the May ABS (Australian Bureau of Statistics) job data released. That shows, by the way, that for Victoria as a whole since the start of this year we have seen 41 600 new jobs generated in our state. Members might say, 'What is significant about that level of new jobs?'. What is significant is that more jobs have been generated in this state than in any other state in Australia, so we are leading the way in terms of jobs.

I am pleased to say that in regional Victoria we have the second highest employment growth, at 5.4 per cent, of any regional area in Australia, trailing only Queensland, at 6.2 per cent — and we are seeing strong population growth and strong housing growth. An article in the *Herald Sun* of Saturday, 23 June, is headed 'Property boom in the bush'. It states:

> Melbourne's property market may be skyrocketing, but prices in regional centres have grown even faster.

In the Geelong region, in terms of the number of jobs created since the election of the Bracks government in November 1999, we have actually seen 41 200 new jobs generated. To put that in perspective for that seven-year period, that is the same as the total number of new jobs that were generated across the whole of country Victoria during the seven years of the former government. As the Premier mentioned earlier, the Geelong economy is dynamic, robust and growing strongly. In the last year 6000 jobs have been generated in that region. We have seen building approvals which are at record high levels. We have seen, as I said, strong housing prices, and we have seen strong population growth.

The Premier before mentioned some of the new investment which is going into the area. Obviously the relocation of the Transport Accident Commission will see the creation of hundreds of new jobs available to residents of Geelong and the region. With Qantas we have managed to secure significant new additional maintenance work at Avalon, which has generated something like 300 new jobs. Jetstar, which the Bracks government successfully attracted to Victoria, and which runs part of its operations out of Avalon, has seen the creation of hundreds of jobs in the area. Rip Curl has expanded, Quicksilver has expanded, and most recently we attracted Salesforce to Geelong, with 230 new full-time jobs. On top of that we have worked closely with Deakin University and with the federal government in relation to the medical school, and there are new jobs being generated through Deakin University as well.

Putting all of that together provides, I believe, a very confident basis for the Geelong economy to expand and to progress in the future. The announcement that has been made jointly today between the state government, the federal government and Ford Australia is a significant announcement in terms of the new Innovation Investment Fund. It will mean that $24 million is available to assist with the generation of new jobs in the Geelong area. This practice was put in place between the federal and the South Australian government in South Australia some years ago after Mitsubishi closed some of its production facilities, and it has been successful in attracting new jobs to that state. We believe this fund, with $24 million, will be successful in attracting new investment, new jobs and new opportunities to the Geelong region.

It is a significant fund. It will report directly to the two governments. The money is available essentially as of today. We will be setting up an advisory committee with an independent chair and the two government departments, federal and state, represented. They will report to the two governments, and I am confident that through this process we will see new investment and jobs generated in Geelong and we will see strong jobs growth continuing into the future.

Police: employment agreement

Mr McINTOSH (Kew) — My question is to the Minister for Police and Emergency Services. I refer the minister to the fact that under the Public Sector Employment (Award Entitlements) Act the chief commissioner is the employer of Victoria Police and the fact that she has agreed to the terms of the police union's workplace agreement, and I ask: has the workplace agreement been forwarded to the workplace rights advocate as required by law, and if not, why not?

Mr CAMERON (Minister for Police and Emergency Services) — Let us go to the preamble, which consists of two parts. One is in relation to who the employer is — and the employer is the chief commissioner. In relation to the second part — that is,

that the chief commissioner has come to some agreement — the chief commissioner tells me very clearly there is no agreement, and accordingly I reject the basis of the question.

Employment: skills stores

Mr HAERMEYER (Kororoit) — My question is to the Minister for Skills, Education Services and Employment. I ask the minister if she would inform the house of what the government is doing to provide for the skills needs of Victorian businesses, the Victorian economy and Victorian individuals.

Ms ALLAN (Minister for Skills, Education Services and Employment) — I thank the member for Kororoit for his question. As the house has just heard from the Premier and the Minister for Regional and Rural Development, the Victorian economy continues to grow very strongly.

Just yesterday I launched the next stage of the Bracks government's strategy which will continue to support that strong economic growth by building the skill levels and qualifications of Victorians. We are achieving this through the introduction of our 13 new skills stores which is an exciting new initiative that has been backed with an investment of $23.5 million by the Bracks government. The reason why these skills stores are an important new addition to the high-quality vocational education and training system that we have here in Victoria is that they will help maximise Victoria's future job creation and, as I said, our future economic growth.

Victorians in the regions of eastern Melbourne, north-western Melbourne, south-eastern Melbourne, Goulburn Ovens area and central Gippsland are now benefiting from the first 5 of the 13 new skills stores that I launched yesterday. In 2008 the further 8 skills stores will be opened in the areas of Ballarat, Bendigo, Geelong, central Melbourne, Wodonga, Sunraysia, East Gippsland and south-western Victoria. As members can see, these will deliver services to people right across the state.

One of the great features of these stores is that they are accessible for people, as I have said, from all parts of the state to walk in and receive the services that are provided there free of charge. People can walk in off the street into one of our new skills stores and receive free expert advice about how they can get recognition for the skills they currently have achieved — and also, importantly, they can turn that into further qualifications by being referred on to training options that can assist them to turn those skills into those options.

Mr Robinson interjected.

Ms ALLAN — The member for Mitcham has just indicated that vouchers might be provided to members, and he is absolutely spot on. As a part of this new initiative these 13 new skills stores will be able to offer vouchers of up to $250 each year to 5000 individuals to help them to receive that formal recognition of prior learning.

As members can see, these skills stores are just one part of the Bracks government's efforts in meeting changing skill needs and the challenges of our skill needs in our labour market. If you look at the investments we have made, you will see that they are a part of the $241 million worth of initiatives that were put together as a part of our skills statement that was released last year. They are part of our overall investment of an additional $1.1 billion in Victoria's vocational education and training system since we came to office in 1999, which includes the $359 million in capital funding for our TAFE institutes, which is almost double the investment made by the previous government over the same number of years.

Skills stores are an important part of this additional investment. They continue to build on the strategy to invest in a vocational education and training system. It is certainly in stark contrast to the underinvestment in our training system that I have just referred to under the previous government and the continued underinvestment and continued underfunding of our education system by the federal government. Unfortunately the near silence of members opposite about this neglect certainly stands in stark contrast to the actions of the Bracks government in delivering our skills stores and in delivering employment and economic opportunities for all Victorians so that Victoria can continue to be the best place to live, work and raise a family.

Floods: Gippsland

Mr INGRAM (Gippsland East) — My question without notice is to the Minister for Water, Environment and Climate Change. The East Gippsland floods have caused incredible environmental damage to a number of river systems like the Macalister, the Avon and the Mitchell. As the government has already acknowledged, more funding will be required to repair the damage. I ask: when the East Gippsland and West Gippsland catchment management authorities finalise their assessments and costings of required works, will

the government guarantee significant funds to ensure that these essential river works will be completed?

Mr THWAITES (Minister for Water, Environment and Climate Change) — I thank the member for his question. Obviously his constituents have been very badly affected by the drought, but the natural values of the area have also been critically affected. The relevant CMAs (catchment management authorities) — that is, the East Gippsland and West Gippsland CMAs — are now carrying out an assessment of the actual damage done to the rivers and the natural environment. As the Premier advised yesterday, our government has already made a commitment of $60 million to help with the initial recovery, and $20 million has already been allocated to the Department of Sustainability and Environment and the CMAs to commence work in removing debris and in restoring that area.

As the Premier also indicated, we will be considering further applications as they come in and as work is required. It is not possible at this stage to determine exactly what the total damage is. It has been very difficult to get to many parts of the affected areas. The CMAs are now beginning to do that, and it is expected that that will take about five weeks. After that period we will be in a position to make a proper assessment. CMAs have not been able to make an accurate assessment at this stage because they have not been able to get access to the areas. To date all they have been able to do is to extrapolate from the damage of the 1998 floods. What is occurring now is that the CMAs are going on-site with the department and working through of all the issues that have to be addressed. As the Premier said, our government has already demonstrated its preparedness to work very closely with the local community to ensure that that community can start to recover.

Water: desalination plant

Mr HERBERT (Eltham) — My question is to the Minister for Water, Environment and Climate Change. Can the minister update the house on the progress towards and support for Australia's biggest desalination plant at Wonthaggi?

Mr THWAITES (Minister for Water, Environment and Climate Change) — I thank the member — —

Mr K. Smith interjected.

Mr THWAITES — And I thank the member for Bass for his support as well, because he, as the local member, knows that the desalination plant at Wonthaggi will not only be very important for Melbourne but will be very important for his community in providing water security and also jobs. I recently noted an article in the *South Gippsland Sentinel Times* entitled 'Water plant a jobs bonanza'. I am sure that the member for Bass will be very pleased about that.

The desalination plant is part of the government's broader water plan. It includes the food bowl modernisation project, which will produce new water from savings of water that is otherwise lost. It is also on top of the 100 billion litres of water that we are saving as a result of Australia's most successful water conservation project. Our government is delivering extra water for Victorians right around the state. I might say that this plan is in contrast to some other recently proposed plans that I have seen reported. I might say that last week in the *Herald Sun* there was a report of a plan for water to be — —

Honourable members interjecting.

The SPEAKER — Order! The member for Ferntree Gully must stop that constant interjecting.

Mr THWAITES — Last week, in the *Herald Sun* of 12 July, there was a report on a proposed plan that water for Melbourne should be obtained from the Aberfeldie and Mitchell rivers. This is a fairly controversial proposal, and it is a proposal that has traditionally been opposed by the Liberal Party. It was an issue at the time of the Thomson Dam, the argument being that water should not be taken from the Aberfeldie and Mitchell rivers for Melbourne. But interestingly on Monday this week there was a proposal by the member for Narracan — —

Honourable members interjecting.

Mr THWAITES — It seems we have a new plan from the other side of the house for water to be taken from the Aberfeldie and Mitchell rivers. I might say that is completely contrary to the way the Liberal Party voted in this house on the heritage rivers legislation. But having said all that — —

Honourable members interjecting.

The SPEAKER — Order! I ask government members to cooperate with the smooth running of question time. I ask the Deputy Leader of the Opposition not to interject across the table, and I ask members of The Nationals and the opposition to control the level of interjection.

Mr THWAITES — But our government is not taking water for Melbourne from the Mitchell or the

Aberfeldie. What we are doing is getting on with the job of working with the community to build the biggest desalination plant in the world.

I am pleased to advise that this month there will be community information sessions on the desalination plant at San Remo, Wonthaggi, Kilcunda and Inverloch and that my department will be opening an access point in the Wonthaggi area to service the community and provide information about the project. It is important not only that there are jobs available at the plant but that local businesses get an opportunity to get access to those jobs. I am pleased to advise the house that my department is already helping to register with the Victorian Industry Capability Network local businesses that are interested in working on the project. That means that some of the local businesses will get the direct spin-off from the project.

The issue of the environmental assessment has been raised. I can indicate that letters have now been delivered to relevant landowners in the local area requesting consent to access their land and to commence the necessary on-site environmental investigations, and that will enable a determination as to whether an environment effects statement is required.

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte, the member for Bayswater and the member for Kilsyth will stop their interjections.

Mr THWAITES — These investigations will take place over coming months. Finally, I should indicate that the government will be conducting — —

Mrs Fyffe interjected.

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

Mr THWAITES — Finally, I indicate that over the coming months the government will be determining the appropriate procurement method for this project. It will involve very significant private sector involvement. It may involve a public-private partnership. We will be determining that over coming months. What we can say is that this will be a great project for Wonthaggi, a great project for Melbourne and a great project for Victoria, and I hope all members get on side with it.

Ministers: expenses

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier.

Mr Robinson interjected.

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

Mr BAILLIEU — I refer to this week's published Community Indicators Victoria wellbeing report, which found that 225 000 adults in Victoria had either run out of food or could not afford to buy food in the past 12 months, and I ask: how many meals could VicRelief + Foodbank have provided with the more than $17 000 the Premier spent on limousines in London and the two private butlers who served him — —

Honourable members interjecting.

The SPEAKER — Order! Government members!

Mr BAILLIEU — The $10 000 the Treasurer spent on limousines — —

Honourable members interjecting.

The SPEAKER — Order! The Minister for Gaming and the member for Seymour will not interject in that manner.

Mr BAILLIEU — And the more than $1300 the Minister for Health spent on a lobster and salmon feast?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. The report to which the opposition leader refers, the McCaughey report, was commissioned by the government through the Department for Victorian Communities. The department has a report which indicates where some of the needs are and where we can address those in the future. That is why, for example, we have commissioned not just one but three Fairer Victoria reports to look at how we can provide the maximum possible resources for opportunity and access in Victoria.

In relation to the other part of the opposition leader's question, it is entirely appropriate when ministers, opposition leaders, leaders of The Nationals or shadow ministers are travelling overseas and making representations on behalf of the state that they get a vehicle and a driver. When that has occurred, not only for ministers but for opposition leaders and shadow ministers, that has been provided on a regular basis.

Mr K. Smith interjected.

The SPEAKER — Order! The member for Bass!

Mr Mulder interjected.

The SPEAKER — Order! I have warned the member for Polwarth. He will not be warned again.

Rail: level crossing safety

Mr CARLI (Brunswick) — My question is to the Minister for Public Transport. Can the minister update the house on the measures the government is taking to improve safety at level crossings?

Ms KOSKY (Minister for Public Transport) — I thank the member for Brunswick for his interest in what is an incredibly important issue within this state, and I would have thought the opposition would agree with that. The $33 million package that was announced on 25 June by the Premier and me followed the tragic accident that occurred in Kerang in early June. This $33 million package doubles the funding that we had already committed to in order to improve safety at level crossings across Victoria.

The $33 million package that was announced includes over $11 million for automated advance warning signs at 53 locations around Victoria. These are activated automatically when a train is approaching. Also, $11.7 million has been allocated for rumble strips at 200 level crossings. These physically alert motorists as they approach an upcoming level crossing. There is also $2 million to expand the Don't Risk It! education campaign to remind people of their obligations when they are approaching a level crossing. Unlike opposition members, we believe education campaigns are incredibly important — and fortunately their federal colleagues agree with us on this matter.

Tougher and new penalties will be introduced for level crossing infringements. The existing penalties for level crossing offences will be increased, and a new offence will be introduced for deliberate and reckless crossing of tracks. This will carry a fine of more than $3000, loss of 4 demerit points, an automatic three-month licence suspension and also the possible impoundment of the vehicle. These are very serious responses to what are very serious offences. We are also trialling compliance cameras at two locations — one metropolitan, one regional — to test the equipment to see whether its use can be expanded across Victoria.

This is a very comprehensive package. It is important to note that, as I have mentioned, it comes on top of the $30 million that has already been committed over the next two years to upgrade level crossings. We take level crossing safety very seriously, and I am pleased to announce that as at the end of this last financial year we had completed 57 upgrades, with 96 being completed in the previous financial year. This is a record for this state: it is an unprecedented achievement. However, we are determined to do more, and this package does that. The package has been roundly supported, both for its extent and the timeliness of the announcement. The only people who told us to take longer were the members of the opposition, but we did not take notice of them.

I had thought, given that this was a doubling in funding, that this was a very unusual and unprecedented position in relation to safety at level crossings. However, this is not so. In the research we did, looking at what had previously been done in relation to level crossing safety, we came upon a news release which indicates that on 4 December 1997 the state tripled the funding for the rail crossing safety program. A press release states:

> The state government today announced a threefold increase in funding to improve the safety of Victoria's railway crossings.
>
> The Minister for Transport —

and he was very proud of this —

> Mr Robin Cooper, and Minister for Roads and Ports, Mr Geoff Craige, said $3 million had been allocated for safety improvements to railway crossings during 1997–98, a $2 million increase on last year.

In other words, the funding went from $1 million to $3 million — and they were proud of that record!

This government really takes safety at level crossings very seriously, and we take the resourcing of that commitment very seriously. Over $60 million will be spent in the next two years to improve safety at level crossings across Victoria, and I believe all Victorians would expect a bipartisan approach and bipartisan support on this incredibly important matter.

SELECT COMMITTEE ON GAMING LICENSING

Assembly members

Debate resumed.

Mr HULLS (Attorney-General) — As I was saying, Speaker, this request is a farce. We know it is a farce and indeed the opposition and the select committee's members know only too well that it is a farce. Not only have they received advice from me, they have also received independent advice that they have no power to embroil members of this place in the fiasco of proceedings that are now wasting the time of the Legislative Council. In fact the committee's calling members from this place to give evidence before the

upper house inquiry confirms that the select committee in the other house is nothing more than a media stunt and a political stunt. It confirms that those opposite are willing to continue to waste the resources and time of this Parliament on what is no more than a political stunt.

The select committee in another place is chaired by a member for South Eastern Metropolitan Region. It is seeking to award itself unprecedented powers and privileges that would put this committee and its members above the law, powers that would enable the committee to ignore the laws that apply to ordinary Victorians. These powers would enable the committee to demand whatever it likes from private companies or indeed from private citizens. Are those opposite actually saying they support these unprecedented powers being granted to an upper house committee to demand documents from any private citizen in this state?

The committee is attempting to confer upon itself powers that would mean a proper, competitive tender process could never again occur in the public sector. Through this committee the opposition, in partnership with the Greens, is deliberately taking a wrecking ball to proper process in this state.

Honourable members interjecting.

The SPEAKER — Order! I accept that the Attorney-General has a microphone and can increase the volume of his voice, which increases the volume of the opposition, but I ask people to scale it down for a little while and allow the Attorney-General to continue at a reasonable volume.

Mr HULLS — The Leader of the Opposition should be ashamed of the conduct of opposition members on this committee. Indeed he should show that he has some understanding of due process by supporting my motion.

Those opposite are relying on advice they have received from Bret Walker from New South Wales. What I have argued is that members of the other place, including committees of the other place, do not have power over members of this place. Even Bret Walker's advice confirms that. He says that relations between the two houses — between the upper and lower houses — historically, conventionally and currently do not sanction any compulsion by one house against a member or minister of the other house. That has always been the convention. Even the advice that those opposite are relying on confirms that those powers do not exist.

Honourable members interjecting.

The SPEAKER — Order! I am not sure that I heard correctly. Once again I ask members of the opposition to consider the volume of their interjections, and I now also ask that they consider the content of their interjections.

Mr HULLS — The committee was advised a long time ago that it had no power to subpoena members of this place; nonetheless it went ahead and did so. It has obviously realised that that was the wrong thing to do, that that was ultra vires. It realised that it did not have the power to do that. What it is now doing in what is nothing more than a media stunt is moving a motion to request members from this place to appear before the other place. We will not be part of it.

What the upper house committee is seeking to grant itself would make its chair the most powerful politician in this state. The chair of the committee is trying to grant himself privileges, powers and access to documents in relation to tenders in the middle of a tender process that ministers, and indeed the Premier, do not have access to. Not only that, opposition committee members cannot be trusted because they leak like a sieve. What business in this state will say, 'We will supply documents to these Noddies, because we believe this is a proper process'? They know it is not a proper process. They read about subpoenas being issued before they are issued; they read in the newspaper who will be summonsed to appear before the inquiry before the subpoenas are even issued. It might be hard for ordinary Victorians to understand, given that they were never asked whether they wanted to allow this person from South Eastern Metropolitan Region to be the most powerful politician in the state, but that is what this upper house committee is attempting to do.

This mob wrote to me and sought advice in relation to the legal advice they had from Bret Walker. They wrote to me saying, 'Here's the advice we have from Bret Walker. You have previously given advice that we do not have these powers. Mr Walker has confirmed that both houses are separate, but has given further advice to us. What is your view about that?'. I wrote back after receiving a legal opinion, as I was asked to do, on the advice from Bret Walker. The advice suggested that the government reconsider its position on the production of certain documents and summonses by the committee. On 13 June I advised the committee that I would seek further advice on Mr Walker's opinion, and that I would provide a response as soon as possible after receiving and considering that advice.

I have now received advice from Peter Hanks, QC, and Graeme Hill of counsel, and I have written to Gordon Rich-Phillips, the chair of that committee, setting out the issues in relation to this matter. I make it quite clear that the Victorian position is different from the New South Wales position, as argued by Mr Walker. Mr Walker relied for much of his opinion on decisions about the powers of the New South Wales Parliament. However, as I noted in my letter to Mr Rich-Phillips and in my letter to the committee on 11 April 2007, those decisions have very little relevance to Victoria. We are Victoria; they are New South Wales. The powers and privileges of the New South Wales Parliament are based on reasonable necessity, but the powers and privileges of the Victorian Parliament are based on historical transfer. They are two different things. It might be a bit technical for those sitting opposite, but the fact is that this is considered advice that makes it quite clear that the Victorian position is different from the New South Wales position.

Nonetheless I have said and the government has said that of course we accept that the Legislative Council has the power to call for the production of documents, because it is based on precedent. The House of Commons had such power in 1855, and those powers have been transferred today. So of course we understand that. However, that power is not unlimited. I am sure even the Leader of the Opposition would agree that the power of the upper house to call for documents and indeed to call for people to give evidence before the upper house is not and cannot be an unlimited power. As we know the House of Commons power was subject to clearly established exceptions, and those exceptions today limit the power of the Legislative Council. That is the advice that I have received, and indeed I have given that advice to Mr Rich-Phillips.

Further in my letter to Mr Rich-Phillips I spoke about executive privilege and made it quite clear that when executive privilege is claimed, ministers and officers of their departments must refuse to provide documents that are subject to the claim and the Council and its committees cannot require the production of those documents. As Mr Rich-Phillips and the committee would know, in the case of certain documents executive privilege is quite rightly claimed — for example, cabinet documents. It has been made quite clear that cabinet documents are protected by executive privilege. That includes documents that record or reveal cabinet deliberations and decisions, because those documents contain information which the proper functioning of government requires to be kept confidential. There is nothing new in that. It has always been the case, but again that has to be explained to the upper house committee.

Again the legal advice deals with private information, including commercial-in-confidence information. The advice that I have received and relayed to the upper house committee makes it quite clear that again that is another exception to the power of the House of Commons to call for the production of documents. In 1855 it was unable to call for documents relating to the affairs of private individuals or bodies that were not in receipt of public funds or special privileges or performing some public functions. Because the upper house powers are defined by the House of Commons powers, that is still the case.

Honourable members interjecting.

The SPEAKER — Order! The member for Malvern will not conduct himself in that manner.

Mr HULLS — Again I refer, and the legal advice refers, to legal professional privilege. Indeed a claim of executive privilege can be made over legal advice provided to the executive by its professional legal advisers — and those opposite know that. They know that calling for legal advice from various people was simply a stunt. They know that legal professional privilege would apply. I then went on to talk about the powers of the select committee and made it quite clear that the powers of the Legislative Council apply equally to any committee established by the Council. The Council cannot give the committee any greater power than the Council itself has, and those powers are defined by the powers of the House of Commons in 1855.

I also spoke about the confidentiality provisions, and I am sure the Minister for Gaming will want to touch on this. The confidentiality provisions of the Gambling Regulation Act are a clear example of a statutory modification of the power of the Legislative Council. So I made it clear in the conclusion to my letter to Mr Rich-Phillips that the select committee that has been established is seeking to develop a method of operating that challenges long-held legal principles, conventions and statutory provisions.

I reaffirmed in that letter, and the government reaffirms it today, that we are cooperating with the committee to the full extent of the law. However, this government will not allow the committee to make demands for documents or claim powers that have no legal basis — and we stand by that. So having attempted to subpoena various people and various ministers, including the Premier, knowing that it had no power to do so but still proceeding with that political stunt, the upper house committee has realised that it was acting ultra vires and has now decided to move on another political stunt by

requesting that ministers from this place assist the witch-hunt and the political farce that is this upper house committee and give evidence to it.

I repeat: that ain't going to occur! We will continue to cooperate where it is legally appropriate to do so, but we will not allow due process to be thrown out the window. We will not allow a political witch-hunt — and it is not just that, it is a political farce — to upset a tender process that is currently under way. This is a very important tender process. We believe that it should continue to its conclusion without being tarnished and without being jeopardised by this upper house inquiry.

It is interesting to note that as a government we had the guts to implement historic reforms to the upper house to make it more representative. As I have said on previous occasions, prior to those reforms it was nothing more than a retirement village for the cryovacs.

It was a cryovac chamber consisting of absolute noddies who are wasting everybody's time — and I am talking, of course, about the conservative members of the chamber; I am not talking about those vibrant members on the government side. We introduced reforms to make it more representative and more vibrant. Having had the guts to implement these appropriate reforms and strengthen the democratic process, what we now have is an abuse of the powers and privileges that have been granted to the upper house. Indeed what we have is conservative members and the Greens acting in consort and ultra vires, outside the powers that they have been granted, and in the deliberate knowledge that they are acting outside those powers.

The fact is that this government is more than happy to be scrutinised; it is more than happy to cooperate with the upper house to the extent that the law allows and to the extent that the powers of the upper house and its committees allow. But we are not going to be party to extending those powers beyond what the conventions allow. We are not going to be party to expanding these powers, which is what is being sought here, and I want to echo the sentiments of the President who made it quite clear that if committees are going to operate appropriately, if they are going to have meetings, if they are going to be respected both inside and outside this place, they have to observe the conventions.

If you are calling for documents and for witnesses to give evidence, you do not go around willy-nilly handing out documents or handing around information from the committee like it was confetti at a wedding, but that is what has occurred. The President had to make it quite clear, because when you have on these committees a bunch of conservative and Green amateurs who do not know what the conventions are, in all likelihood you are going to undermine the committee process.

We do not have a problem with upper house committees; we understand that the upper house has the right to set up whatever committees it likes, but it should act within the powers, and — not just that — observe the appropriate precedents and not start leaking like sieves. The fact is that businesses want to have confidence in this state; they want to have confidence in the tender processes, but they cannot have that confidence when they know that a tender process, during its operation, has the potential to be corrupted as a result of power-hungry conservative members of the upper house seeking to operate outside the powers and conventions of the upper house and its committees.

I urge all members of this place to support this very important motion. If they are fair dinkum about democracy, fair dinkum about due process, fair dinkum about the way governments should operate, they have no choice but to support my motion.

Honourable members interjecting.

The SPEAKER — Order! I would like the member for Bulleen to withdraw that comment.

Mr Kotsiras — Doesn't he have to take offence?

The SPEAKER — Order! No. Comments are made through the Chair. That comment was directed to the Chair.

Mr K. Smith — It was not directed to the Chair.

The SPEAKER — Order! The member for Bass!

Mr O'BRIEN (Malvern) — We on this side of the house are not going to accept lectures on principles and democracy from an Attorney-General whose snout is so deep in the Parisienne trough he needs an aqualung just to be able to breathe. This is a government that knows nothing about democracy, nothing about transparency and nothing whatsoever about accountability. The greatest demonstration of that is to compare what this government promised when it was seeking the support of the people of Victoria with the sad and sorry sight before the house today through this motion moved by the Attorney-General.

There was a backbencher who came into this house and said in his inaugural speech:

> The strong and powerful executive that the state government has established also requires strong and vigorous scrutiny.

This is the same backbencher who once quoted with approval a comment made by Mr Tony Rutherford in the IPA review, when he said:

> A great deal of corruption and mismanagement of the last decade could have been prevented if Australia's parliaments had functioned more effectively.

That was not just any backbencher; he is the person who went on to be the Premier of this state — the Premier of this state who he is now refusing to answer questions about his own conduct before a properly constituted committee of inquiry of this Parliament. What has the Premier got to hide? Why are he and his people too afraid to attend this committee, put their hands on the Bible and answer questions on oath about what they knew and when they knew it. It is more like Saddam Hussein hiding in his spider hole, trying to avoid being brought to justice, instead of simply being asked questions about what he has done.

Who said that the government's handling of the gaming licensing process needs scrutiny? None other than the Premier himself. If this gaming licensing process was so aboveboard and so clean, why did the Premier in the heat of the election campaign come out with a policy on the run stating that we need to have a review panel to oversee the conduct of licensing in this state. Why is that? The answer is because this Premier knew from reports in the media about his dealings with his mates and their associations with the companies that were bidding for these licences that there was a smell about the process, and this was a smell that the Premier himself had generated.

So what did he do? He created a review panel. Does this review panel have the power to interview the Premier? No. Does it have the power to interview the Minister for Gaming? No. Does it have the power to question anybody in relation to, for example, lobbying companies that might be working for gaming interests? No, of course it does not. This is a review panel which has its hands tied behind its back.

When at the Public Accounts and Estimates Committee we asked the Minister for Gaming about this review panel, which is supposed to give the public confidence in this process, we found out how many times the review panel had met. Was it five times, four, three, two or one? No, it was zero; it had never met. How many staff did this review panel have? Zero; it did not have any staff. What budget did this review panel have? Zero; it did not have a budget.

This is a review panel designed to try to give confidence that this government has not bungled or mismanaged the gaming licensing process of this state, but it is a review panel that has had no meetings, it has no budget and no staff, it has never met, and it cannot even interview any member of this government. What a disgrace!

That is why the upper house of this state, constituted by a democratic election of the people of Victoria, decided that this was not good enough and that there needed to be a proper upper house inquiry to get to the bottom of these matters. Gaming is far too important an industry in Victoria to allow it to be conducted in the shadows; it needs to be conducted in the sunlight, but sunlight is something this government is very frightened of. It does not want its members appearing before the inquiry. It does not want to release documents to it. It is obstructing it every single step of the way, and it is doing that because it is afraid of what the inquiry will find out.

This is a government that was elected on a promise to restore openness, accountability, democracy and transparency to Victoria. This is a Premier who actually trumpeted his reforms to the upper house in the ALP policy document *Strengthening Our Democratic Institutions* in 2006:

> … there is perhaps no greater mechanism for accountability on government than an upper house that is likely to heavily scrutinise the actions and legislative program of the government of the day.

What hollow words they are! How can the upper house possibly scrutinise this government when this government refuses to submit itself to the scrutiny of this inquiry? The government refuses to submit its members to the scrutiny of this inquiry, it gags public servants and it prohibits documents being put forward. This is an inquiry which this government is doing its damnedest to frustrate and to obstruct. This is not just the view of the Liberal Party, because the committee itself produced an interim report yesterday, and that interim report made quite clear that this government has been obstructing this committee every single step of the way. The report makes this quite clear in paragraph 41:

> The committee believes that the government's obstruction of the committee's inquiry by withholding key documents and by failing to produce even uncontested documents in a timely manner represents direct government interference in the affairs of the Legislative Council.

This is the way the Bracks government treats the will of the Victorian people. The Victorian people had the opportunity to give this government a majority in the upper house. They had the opportunity to give it carte blanche, as they had in 2002. They had the opportunity to put this government under no pressure, with no accountability and no scrutiny, and they chose not to

take that path. They said, 'We have seen what this government has been like over the last four years. We are not satisfied with it. We want this government to be held accountable, and we are not going to give this government a majority in the Legislative Council of Victoria'.

What does this government do? This government ignores the will of the Victorian people and treats the actions of the Legislative Council in setting up this properly constituted inquiry with absolute contempt. The government may think it is just showing contempt for the Liberal opposition, for The Nationals, for the Greens and for the Democratic Labor Party, but it is also showing contempt for the people of Victoria.

I would like to now come to why it is so important that the Premier, the Treasurer, the Minister for Gaming, the member for Dandenong and former Minister for Gaming, and the Minister for Roads and Ports, who was the Premier's former chief of staff, appear before this inquiry and give an account of themselves and their actions. Premier Bracks in November 2006, during the heat of the election campaign — a man under pressure with revelations about his contact with David White in relation to lotteries and gaming machine licences — issued a statement to the *Herald Sun*, which states:

> Almost three years ago, over the new year he —

the Premier —

> and David [White] caught up socially with their wives in Lorne. He has never discussed licences with David or anyone else outside government.

A report in the *Australian Financial Review* of 17 November 2006 again quotes the Premier:

> This was just a social gathering with our wives during which we talked about not much at all … property prices on the coast.

A *Herald Sun* report of 10 May 2007 states:

> The Tatts insider also said controversial lobbyist and Labor powerbroker David White told the company he had personally discussed the pokies licences renewal process with Mr Bracks over a bottle of wine at Lorne.

They are two completely inconsistent statements. Somebody is lying. Somebody is telling lies, and we need to know which one it is, because if the Premier is the person who is not being straight, then that goes to the heart of the probity of these processes and his fitness for office as Premier of this state.

Did the Premier ever discuss licences with anyone outside of government? The Premier spoke on the Neil Mitchell radio program of 27 February this year. Neil Mitchell is reported as having asked the Premier:

> It's reported today you had a meeting with Tatts and you didn't discuss licences; that's right, isn't it?

The Premier answered:

> That's right, yeah.

That same day in Parliament the Leader of the Opposition asked the Premier the following question:

> I refer to the Premier's pre-election statement on 15 November 2006 which claimed he had never discussed gaming licences with David White or anyone else outside of government. I ask: does the Premier stand by this statement?

This is the Premier's answer, Speaker, and I implore you to listen to it carefully:

> The government, I as Premier or any other minister do not discuss gaming licences where there is a tender process on, nor have we discussed those matters prior to that.

The Premier could not have been more cut and dried if he had tried. He did not discuss gaming licences when there was a tender process on or prior to that. He does not discuss them — not with anyone outside of government.

The *Herald Sun* report of 10 May 2007 contains a copy of the agenda of a Tattersall's board meeting for the visit by Premier Bracks on 19 February 2003. Items on this agenda include 'The way forward' and references to the government's review process for the poker machine duopoly — this for a meeting with the Premier who never discusses licences with anyone outside of government! The report goes on to quote a senior gaming industry insider who had knowledge of the meeting with the Premier:

> 'Bracks made out that the government had already decided internally that the duopoly was secure', the source told the *Herald Sun*. 'They —

being Tattersall's —

> weren't going to have to compete'.

A senior Tattersall's person who was at the meeting with the Premier has told the paper that the Premier himself has said to them that they have decided the duopoly is going to remain in place and Tatts would not have to compete. This report suggests that the Premier of the state is telling a major gaming company that the fix is in — that what is supposed to be an open, transparent and competitive tender process for lucrative pokies licences is a sham — because, according to this report, Tattersall's was not going to have to compete because, again according to this report, the government

had already decided internally that the duopoly was secure.

There can be nothing more important and nothing that goes more to the heart of the fitness of the member of Williamstown for the office of Premier of this state than whether or not he has told a participant in a tender process for lucrative licences, 'Don't worry about competing. We've already decided. You're all right, mate'. That is the inference and that is the clear tenor of this report in the *Herald Sun*.

Members opposite wonder why we think the Premier has a case to answer. They wonder why we say he should appear before this inquiry, why he should put his hand on the Bible and why he should answer questions under oath. The Premier has a reputation which is under the pump. It has been tarnished. This issue goes to the heart of his fitness for office. Does the Premier take the opportunity to clear the air, to explain himself to this Parliament and to explain himself to the people of Victoria? Of course not. He hides. He does not even have the courtesy to come into this house and explain why he will not appear. He sends his emissary, the Attorney-General, to do it for him.

It is not just the Premier who has very serious questions to answer before this committee. Other ministers are included in this request from the Legislative Council. I was pleased the Attorney-General finally got around to acknowledging the fact that this is a request from the Legislative Council that this house grant leave to the members concerned to appear. It is not a direction and it is not an order; it is a request to grant leave. The request also extends to other members, and I am pleased to see the member for Dandenong about to step into the chamber. The former Minister for Gaming, the member for Dandenong, is also the subject of this request from the Legislative Council.

The former Minister for Gaming was asked in this house by the Leader of the Opposition whether or not he was prepared to confirm that he had had secret meetings with one of the lotteries bidders, and he refused to give any such assurance. All the member for Dandenong would say was, 'I do not meet with applicants to discuss the licensing process'. Note that he did not say, 'I didn't meet with the applicants'. He would not give that assurance that he had not met with these people who were bidders for a very lucrative lotteries licence. All he was prepared to say to the house — and I assume the former Minister for Gaming was very careful in his choice of words — was 'I do not meet with applicants to discuss the licensing process'.

I would say to the member for Dandenong — through you, Speaker — that that is not good enough. You need to answer when you have met with these parties, who are part of the process of bidding for lucrative gaming licences. It is not enough to say, 'I met with them and we discussed the cricket' or, 'I met with them and we discussed something else'. The reason there are probity auditors who are supposed to be in place on these tenders is to ensure that every single participant knows that nobody else is getting an inside run, nobody else has got inside or confidential information, or the opportunity to influence the government or the decision-making process through anything other than the proper bid documents. For the minister to give an answer like that is no answer at all because it leaves unanswered the question, 'Did you meet with these people at all, Minister?'. That is the sort of question the upper house inquiry should be putting to the member for Dandenong, and I ask the member for Dandenong to agree to appear.

The member for Dandenong was referred to in the *Herald Sun* of 13 February 2007, when he told that newspaper, 'There is nothing to hide'. The former Minister for Gaming, who was at the time a member of the government's backbench, was quite happy at that stage to appear before the upper house inquiry and to answer these questions, but he has changed his mind.

I am very pleased to see that subsequent to that article appearing the government decided that it had made a terrible mistake in dispatching the member for Dandenong to the backbench and in fact he should be brought up as chairman of the environmental committee of the Parliament. Of course I would not suggest for a second that there is any correlation between the member for Dandenong's decision not to appear before this committee and his elevation to chairman of the parliamentary committee, with all the extra revenue and perks that that entails. I am sure it is just a very happy coincidence. I congratulate the member for Dandenong on that, but I ask him to review his refusal to attend before the inquiry and answer questions under oath about his conduct of the portfolio.

That next brings me to the former Minister for Gaming and the Treasurer. The Treasurer has also been asked to appear, but again he is hiding behind the skirts of the Attorney-General in refusing to come into this chamber and explain himself, and in refusing to accede to the request to attend and to answer questions under oath. There was a media report that the Treasurer and the former Minister for Gaming, the member for Dandenong, were reported to have met with Tattersall's chiefs and effectively leant on them to change their corporate structure from being a private trust to a

publicly listed company. I refer to the *Herald Sun* article dated 22 November 2006 headed 'Minister spoke to board: Tatts advised to go public':

> The *Herald Sun* has seen details of talks between Tattersall's chiefs, Treasurer John Brumby and Gaming Minister John Pandazopoulos. Minutes from a Tatts board meeting, held just nine days after the talks with Mr Brumby and Mr Pandazopoulos in March 2004, detail how the pair urged the company to publicly list on the Australian share market as a way of maintaining its pokies stranglehold.

The article goes on and quotes the minutes:

> The trustees also met with the Treasurer and gaming minister to confirm the political preferences, and it was confirmed at that meeting that the government's preference was for Tattersall's to be a 100 per cent listed entity.

I pause at this stage to ask what business is it of the Minister for Gaming or of the Treasurer what the corporate structure of Tattersall's is? Why do they feel it is part of their duties as ministers of the Crown to be trying to influence these sorts of matters? It goes on — and this is the kicker:

> Furthermore, it became apparent that if we did not follow this course of action, Tattersall's would be at a disadvantage in any future tendering processes or extension of our licences.

You have got the Treasurer and the then Minister for Gaming leaning on Tattersall's saying, 'If you don't change your corporate structure from a trust to a company, you guys can forget about winning any licences down the track. We'll make sure you don't get any. We run the show. This is our Victoria. We decide who gets licences. We will decide what sort of companies get the licences, and if you don't change your corporate structure — which is none of our business — I can guarantee you won't be winning anything down the track'.

What sort of Victoria and what sort of state have we got where ministers of the Crown are warning companies that have already been approved to run pokies, have already been approved to run lotteries, are being threatened, are being stood over by ministers of the Crown in this government and told that if they do not change their corporate structure, they can forget about winning any licences in the future! That is the sort of thuggery, the sort of standover tactics of this government, which has been drunk on power for too long.

This is the reason this government is too scared of scrutiny — because it has been exercising this untrammelled power for far too long, and it does not like the fact that the upper house of this Parliament now has decided, 'Enough is enough. We do not accept this sort of power being used and abused any more. We are going to inquire into it; we are going to find out what has been done and who has been doing it'. And what is this government's response? They refuse to participate. Worse than refusing to participate, they actively obstruct the efforts of this inquiry.

So you have a government which has a Treasurer and a then Minister for Gaming trying to stand over companies, you have a Premier who is reported to have told gaming companies, 'Don't worry about the fact we have got this supposedly open and competitive free tender; we have already decided internally that the duopoly is secure and you won't have to compete'.

The government seriously questions the need for this inquiry and why these questions have to be answered by the ministers. Acting Speaker, rather than the opposition simply being a lone voice in this matter, the press has also been calling on the government to take a stand. The *Herald Sun* editorial of 13 February this year was titled 'Pokies secrecy'. It says:

> The Bracks government is doing nothing to allay suspicions that it has something to hide over its handling of the $2.4 billion-a-year poker machine industry.
>
> …
>
> Now we learn Premier Steve Bracks is declining to appear before a separate upper house gaming inquiry to be launched jointly by the Liberals and other parties. But the *Herald Sun* reveals today that former gaming minister John Pandazopoulos has agreed to front the inquiry.

I have already discussed the Damascene conversion of the honourable member for Dandenong.

Dr Napthine interjected.

Mr O'BRIEN — As the member for South-West Coast indicates. The editorial goes on to say:

> Mr Bracks should follow his example instead of relying on the flimsy excuse —

and that is all it is —

> that parliamentary rules excuse his presence.
>
> Dealings over this problematic industry demand absolute transparency.

And this government could not be further away from it if it tried. Absolute transparency does not mean ministers not appearing before duly constituted inquiries of this Parliament. Absolute transparency does not mean the Attorney-General gagging public servants and preventing them from cooperating with the inquiry. Absolute transparency does not mean the Attorney-General stopping documents being released to the inquiry and, when he chooses to release a few

documents, doing so 14 weeks after a subpoena has been issued.

I would like to move an amendment to the motion that has been put forward by the Attorney-General, because it just reeks of this government's refusal to actually acquit itself and account for itself before the people of Victoria.

I therefore desire to move:

> That all the words after 'house' be omitted with the view of inserting in their place the words 'consents to the Honourable S. P. Bracks, MP, Premier of Victoria, the Honourable J. M. Brumby, MP, Treasurer, the Honourable D. M. Andrews, MP, Minister for Gaming, the Honourable T. H. Pallas, MP, Minister for Roads and Ports, and the Honourable John Pandazopoulos, member for Dandenong, to appear before the Legislative Council Select Committee on Gaming Licensing to give evidence and answer questions in relation to the committee's terms of reference.

I ask for the amendment to be circulated. Given the amount of money that is involved in gaming in this state, there is absolutely no greater argument for transparency and openness than what we have seen over recent months and years in this government's conduct. This is not simply a question of governments not necessarily following due process. We are talking about active conspiracies to rig the outcomes of tender processes, because that is the allegation that has been made in the press. This is why it is such a serious matter and needs to be dealt with by this inquiry, and it cannot be swept under the carpet by this government.

Let me briefly turn to the little bit of substance in the Attorney-General's speech. When it comes to legal advice, what the Attorney-General has completely failed to do is acknowledge the fact that Bret Walker, SC, is one of the most eminent constitutional lawyers in this country. He has argued these very matters before the High Court of Australia. He has been engaged by none other than the leader of the federal Labor Party, Mr Kevin Rudd, to provide legal advice. When the Labor Party wanted to have a go at the Prime Minister over Kirribilli House and its use, whom did it turn to? It turned to Bret Walker, SC. For the government to turn around and try by inference to dismiss the opinion of Mr Walker just indicates that it has no idea what its federal colleagues think of his qualifications.

It is absolutely crystal clear from Mr Walker's opinion, which has been provided to the Legislative Council, that this government has got it wrong when it comes to its arguments about the grounds on which claims for documents can be rejected. In terms of the various grounds that were claimed by the government in refusing to produce these documents, Bret Walker was asked:

> Other than cabinet documents, are any of the following reasons which might be claimed in support of the non-production of documents valid:
>
> Executive privilege or public interest immunity (as distinct from cabinet documents)?

Mr Walker said no — no qualification.

> Commercial in confidence?

Bret Walker, SC, said no.

> Legal professional privilege?

He said, 'Mostly not'.

> Sub judice convention?

He said no. The only thing he said yes to is privilege against self-incrimination. So for the Attorney-General — —

Mr K. Smith interjected.

Mr O'BRIEN — I do wonder whether the Premier is going to take the fifth. Is the Treasurer going to take the fifth? Is the Minister for Gaming going to take the fifth? What this motion and my amendment are about is what it is like to do business in this state. Is it about what you know, or is it about who you know? Is it more important to be a progressive business or to be in Progressive Business?

We need the Premier and all the Premier's men to front this inquiry. We have a Premier who has been accused of looking after his mates through special access and a Treasurer who has been standing over business in Victoria. We have a former Minister for Gaming who refuses to come clean about his meetings with bidders and who presided over the bungling of the lotteries bids; we have had the free extension of Tattersall's lottery licences; and we have a current gaming minister who is asleep at the wheel and who is deliberately trying to avoid entering into any of these issues.

This government has interfered with this parliamentary inquiry, it has bullied private businesses and it is destroying the integrity of the gaming licensing process in this state. It is not the open, accountable and democratic Legislative Council inquiry which is going to destroy public and business confidence in the regulation of gaming in this state. It is the special deals for mates that will destroy that. It is about this government's actions. It is its special deals and its refusal to be open and honest that will do more to destroy the confidence of business in this state than

anything we could ever seek to do through the Legislative Council inquiry.

The Premier must answer and the government must answer. The Victorian people are entitled to answers. The Bracks government can keep running from the truth, but the day is fast approaching when the truth will catch up with it. And when that happens, Victoria will be far better for it.

Mr RYAN (Leader of The Nationals) — I rise to support the motion before the house in its amended form, and to support — —

Mr Batchelor interjected.

Mr RYAN — I will take the advice of the Leader of the House — 'its proposed amended form' — and to essentially say, whatever the niceties of the verbiage, that the government should accept the invitation that is being extended to it to enable members of the Assembly to go across to the Council to give evidence before the select committee, and it should do so for a variety of reasons.

For a start, I want to make the point that this is a classic case of the Labor Party wanting things both ways. This is the classic case of Labor wanting to use only those parts of the system of government which serve its own purposes, whereas when it is faced with the parts of government which do not suit it — and more particularly the operations of the Council which do not suit it — it does not want to participate. Labor applauds the system as it suits it and decries or disdains the system when it does not. It is self-evident that such is the case when you have regard to the way in which the government is approaching this and to the competing arguments about the motion before the house.

The government lauds, in circumstances, of course, where it drove the process, the making of what it described as necessary changes to the upper house, and indeed we have had the Attorney-General make reference to that reform in the course of his comments. The Attorney-General put that in his usual disparaging way today, quickly realising that he had better qualify his commentary to protect those within his own party from the heavy-handed treatment he was according to the upper house in general. Be that as it may, the tenor of the Attorney-General's comments was that the reform of the upper house was needed because it was not truly a house of review and that what the Labor Party wanted to do was to make it just that. Of course that commentary was reflected throughout the material which the Labor Party produced prior to 1999. Subsequent to its becoming the government, that commentary appeared in a plethora of documents and statements right up until the time that the changes ultimately occurred.

Of course in his commentary today the Attorney-General just stopped himself from getting stuck into the Greens. I suspect that he did so because it occurred to him that one of the driving arguments the government put forward in the lead-up to the election was that it was important that the upper house be truly a house of review and that it have the capacity to enable smaller parties and Independent members to be able to put a point of view in that chamber on the basis that the Legislative Council would truly be a house of review. Of course the problem is that the government in its wildest dreams never contemplated that it would get the outcome that it did. Never once I am sure in passing did it seriously think that it would lose control of the upper house. Labor won control of the upper house after the 2002 election and since then it had an advantage and opportunity available to it to use for the purpose of ramming through its legislation. Never once did it ever seriously contemplate — even in the deepest recesses of its collective mind — that it would be doing something to give away that advantage.

On the contrary, to the government's absolute and utter horror — a position that extends to this day — that is what happened. When the changes occurred the government did lose control of the upper house. What irks the government to this day — and it is so obviously the case, as is reflected in the commentary by the Attorney-General today — is that those very same Greens, the ones who helped the government in so many instances to achieve the outcome which it did at both the last election and at previous elections, have lined up with the other opposition parties in the upper house to bring about this imbroglio which the government is now desperately seeking to run from in the form of an inquiry into gaming licensing.

Government members are caught, if you like, in this awful cleft stick. This is the classic case of the old Chinese proverb 'Be careful what you wish for'. Government members wanted to make the changes, and now they have them, and this is an example of where they are being hoist with their own petard. Government members applaud the reforms — the reforms to the upper house were what they wanted to do, and their documentation historically is replete with that commentary — and now they have got this mess on their hands. In the end they will say, I am sure, that it is a matter of their own creation. The upper house has established a couple of select committees, and one of those is to do with public land development. The

Nationals, as a party, very proudly drove the establishment of that select committee.

A joint parliamentary committee, the Environment and Natural Resources Committee, is chaired by the member for Dandenong who is in the chamber. It has the important task of reviewing the management of public land, with a particular emphasis on the way in which preventive burns are conducted in Victoria to ensure that we do not have those massive bushfires that we have experienced earlier this year in Victoria. In that instance the government has been prepared to cooperate with the opposition parties, and I think collectively we have a very good outcome. I am hopeful that through the joint efforts of all those involved we will enable evidence to be called before that committee from a variety of people, not only from the hierarchy of government and the relevant departments but also from the people who were out there at the coalface fighting the fires. That will allow us to have the best evidence before that committee to enable decisions to be made that will be to the ultimate betterment of the people of the state of Victoria. In that instance the government sees that there is nothing to fear — or at least it hopes — from the outcomes of that committee's work, and therefore it is perfectly happy to cooperate.

Contrast that with what is happening in relation to the Select Committee on Gaming Licensing. Here the government sees its worst nightmare. Here we see the prospect of the government having its soul bared before a public forum which was set up by this same Legislative Council — the council which is now truly, by this government's definition, a house of review. Here the government's attitude and response are entirely the opposite of what we have seen in the case of the other parliamentary committee to which I have referred. As I said, it is an instance of applauding the process and decrying the outcome that we have got.

We had the government arguing the toss about standing orders, protocols and precedents. It is doing everything it possibly can, not only to avoid giving evidence but also to avoid the necessity to produce documents which may be of relevance to this inquiry. The terms of reference that the select committee is concentrating upon, for the present purposes at least, are very pertinent to the motion before the house. Those terms of reference appear within paragraphs 1(a) and (b) of the terms themselves. Paragraph 1(a) refers to:

> the conduct, processes and circumstances (including but not limited to the probity thereof) pertaining to post-2008 public lotteries licensing in Victoria pursuant to the Gambling Regulation Act 2003 (the Act) and any related matter …

Paragraph (b) refers to:

> the conduct, processes and circumstances (including but not limited to the probity thereof) pertaining to the extension of Tattersall's public lotteries licence until 30 June 2008 …

These issues are of vital concern to all Victorians. In the case of the first of those — the post-2008 public lotteries — a number of issues have arisen. We had the series of articles by Michael Warner in the *Herald Sun* during the course of the election campaign in November last year. Somehow or other Mr Warner was given access to documents, it seems to me at least, which were being provided to him from some source or other which provided an alarming insight into the series of events which have occurred with regard to the licence renewal process. That series of articles ultimately prompted the Premier in about the third week of the campaign to announce that a review process would be established with regard to the licensing.

We have subsequently seen pass through this place the legislation which gives rise to the establishment of the relevant committee. Unfortunately, until very recently at least, that committee had not even met, so we are left wondering as to the veracity and credibility or otherwise of the articles written by Mr Warner, and the public has a right to know.

We have had the contributions from Mr David White, a former Labor minister. This has become Whitegate in the eyes of many — that is, the extent to which Mr White has contributed to the process of these licences being renewed and to the processes that are to be applied insofar as their future renewal is concerned. We have an industry which is concerned with literally multibillions of dollars. We have the issues to do with Intralot, and the assertion made at one stage made from a very high legal source within government that issues of natural justice had been denied in relation to Intralot's endeavours to achieve a licence within the industry here in Victoria.

On the other question of the extension of the Tattersall's public lotteries licence until 2008, we had the announcement by the now minister of the extension to be made, and that announcement was made right on the eve of Christmas. He just beat Santa Claus! It was a very close thing. Of course people wonder how can it be, after a period of literally months when this issue had remained out there in the ether, that at the last gasp before Easter we got the newly appointed minister coming out and making an announcement which is of very great significance. People want to know the background to all of this, they are entitled to know the background to all of this, and they are entitled to hear it from the people who are best able to tell it.

This notion of going out and making change of this order at the last moment is nothing new to this government. Those of us who were here at the time will always remember what happened during the ambulance royal commission fiasco, when on the day that Cathy Freeman was running a race in the Olympics in Sydney we had the minister of the day coming out to announce at about 5 o'clock that various elements of the commission's inquiry terms of reference were going to be abolished in effect and brought the whole thing to a grinding halt. Of course those of us who were here at the time get suspicious about these things, as do Victorians at large. They are entitled to know why this is so.

We have had the people who own the hundreds of Tattersall's agencies around Victoria wondering for months and months. They are entitled to know the details about how it has all happened, and indeed they are entitled to have faith in the process that is to apply in the future. We have an industry which is concerned with multibillions of dollars here within Victoria. We have heard today a lot of arguments about this question of compulsion and the capacity of the upper house to compel members of the Assembly to give evidence and to compel the production of documents. We have had discussion about the opinions, competing in some respects, of Bret Walker, SC, as opposed to the opinions of Mr Peter Hanks, QC. Those respective commentaries appear in summary at paragraphs 28 and 32 of the first interim report issued by the select committee.

We have had the Attorney-General giving us the benefit of his wisdom — and that is always an interesting element of debate in this place. Mind you — and I am not speaking out of school when I said this to him as an aside across the table — when you get to the stage when you are reading out your own letters to make your own case, it is surely the repository of the weakest argument. I do not know whether he would even get away with it in the Magistrates Court; he seems to think he did in the past, and perhaps, on reflection, I did, too. But when you come into this place and you are trying to make your case by reading out your own letters as the basis of sustaining your argument, it has to be a bit of a problem. We have had all of that commentary.

In the context of what this Parliament is about, what our obligations are to people in the state of Victoria and what this inquiry intends to do, the discussion about compulsion is in many senses irrelevant, because it is not what the whole debate should realistically be about. It should not be about that. If this government is truly as open, honest and accountable as it has professed to us it has been over the years, not only when it was in opposition but during almost the eight years it has been the government — and if it in fact adheres to the basic principle of being open, honest and accountable — then I believe the whole nature of this debate changes hue absolutely radically.

This motion is about a request; it is not about compulsion. The conversation we have had here today about summons being issued by the committee and all sorts of things happening by way of the committee's conduct in discharging its responsibilities are an aside to the motion which is before the house. What we are talking about here today, or what we should be talking about, is whether the Legislative Assembly is going to grant leave to its members, as nominated by this motion, to go and give evidence before the select committee.

You have to ask: why would those members not do that? Why are senior members of the government, including the Premier, not prepared to go across to that committee and make their contribution to this committee's work? Why would they not volunteer to do that? Why should it be that a motion comes to this chamber, in the manner that it is from the place that it has, in these circumstances — if you clinically look at this about the notions of being open, honest and accountable — why would the people who know most about all of the history of this issue, certainly in a parliamentary sense, not be volunteering to go across to a committee and tell it what represents the facts?

Why would those people not do that? They say and think the whole thing is a farce. The quickest way to put an end to the farce is for those who are referred to in this motion to go to the committee, give evidence and tell the committee the facts. That is the quickest way to deal with that. The Premier and other senior ministers are being offered an opportunity to go to the committee and clear the air in relation to the issues which affect a multibillion-dollar industry.

The government complains about a lack of certainty and the creation of uncertainty. The fastest way for the government to put all of that to bed is for the listed members in the motion to go to the committee and disclose the facts. That is the quickest way to finish all of this issue and to enable industry to have the certainty which the government says it craves. It is the fastest way to be able to satisfy community concerns which gave rise to the Premier announcing he would establish — and I might say he has since established it — a review committee. The fastest way to put all of those matters aside is for the people on this list to go and give evidence to the committee.

One way we could do this is have at least the former Minister for Gaming go to the committee. He said that he would in the first instance but then obviously the heavy roller was run over him and now he says no. This is unfortunate because when you cut to the chase, the issue is simply about this: the people who know most about this, in a parliamentary sense, are being afforded an opportunity to go and tell the story in the presence of a committee which, after all, comprises some of their own number.

In passing I say that there is all this business about the committee leaking. As a former chair of the Scrutiny of Acts and Regulations Committee (SARC), one of the committees that I oversaw was in relation to the preservation of the all-important right to silence in Victoria. On the day I was to table the outcome of that committee's inquiry in this place years ago, the outcome of that committee was leaked. It was on the front page of the *Age*. I know the name of the former Labor member who did that. So let us not get too precious about committee members leaking material. We all know that it can happen, all right! I have no doubt where it came from in that case; some things never change.

In conclusion, this issue touches on another matter. It is about the notion of a right to silence. Some would say, as SARC did at the time we looked at the issue of the right to silence, that the most vulnerable in the community are deserving of the right to silence for their own protection and because they might make a statement in ignorance and say something to the police when they are first being investigated, which could later compromise them in some way. They are entitled to their right to silence. But this group of people, on this motion, is not entitled to its silence.

This group of people says that it is open, honest and accountable by its own standards. This group of people — the Premier and the rest of them — should go to the committee as a matter of decency, as a matter of the maintenance of their own standards and as a matter of compliance in doing what they repeatedly told the people of Victoria they are prepared to do — that is, to go to the committee and be open, honest and accountable and tell the world what actually happened. They are the ones in possession of the facts. They owe it to the people of Victoria, they owe it to this Parliament and they owe it to the maintenance of the standards which they themselves set as the benchmark to go to the committee and tell it what happened. That is why this motion, insofar as it means that they should have to do that, should be supported.

Mr BATCHELOR (Minister for Victorian Communities) — Let us make no mistake here today: this resolution from the Legislative Council is a political stunt. We have just heard the two weakest justifications that this chamber has ever heard, trying to justify and cloak this political stunt in everything else. But at the end of the day there is no way you can describe what this resolution is all about other than that it is about base, crude political actions. It comes from a select committee process that is designed to be a witch-hunt. In that context the government will not be supporting this so-called request from the upper house to make people available to this witch-hunt that has been set in train in the other place.

Whilst there are attempts by this select committee from the Legislative Council to cloak itself in self-proclaimed noble aims, the process is, purely and simply, a straight-out, unadulterated political process — that is, a witch hunt — and members of the Assembly should not be subjected to that sort of process. Accordingly the government intends to reject this request. It is a request that has been made to the Assembly to grant permission, as the Leader of The Nationals rightly identified. It is not a decision that the individual members of this Assembly who have been named in the message from the other place are being asked to consider. It is a request that the Assembly is being asked to consider, and we will do it in that context. It is our view that the Assembly should reject this, and accordingly we will be both voting against the amendment and making it very clear that we support the democratic institutions and processes that are in place in this state, and we will not be participating in anything that goes to undermine them.

If this request from the Council were to be agreed to by the Assembly, it would place us in a very invidious position. The Legislative Council has no right to harangue, harass, arraign or indict members of this chamber to appear before its star chamber. It is the height of impertinence. It is the height of acting against all the traditions of this parliamentary process in this chamber to put this suggestion forward.

All we need do here is look at the Bolte principle for guidance. As long ago as December 1969, when this type of matter was raised with then Premier Henry Bolte, he indicated that he would not be having anything to do with acquiescing to a select committee that had been set up by the then upper house. Sir Henry Bolte said in 1969, when being asked about this similar, analogous type of process:

> Mr Speaker, I accept your rebuke in a mild way. I am not saying tonight that the government will approve the

> appointment of a committee of this house, but to uphold the prestige of the Legislative Assembly it is important that the government should give some consideration to the question of this house taking the initiative, rather than being subjected to domination from another place.

In subsequent periods of time when ministers of the Bolte government were requested to appear, they adopted that same approach which has been, over the years and irrespective of the circumstances and of the political complexion at the time: when a request comes from another chamber to interfere with the integrity of this chamber, this chamber has always rejected that request. We do that because these types of requests are against the tradition of the Westminster system that supports our parliamentary democracy. That is why we will be making those strong commitments to support democracy in the motion that we will be moving today to send the appropriate message back to the other chamber.

For the Assembly to agree to have its members appear before this committee that is set up in nothing other than political circumstances is really to have not just those committees but all of us abrogate our responsibilities, our commitment to due process and our respect for the law of this land. This committee and the steps it is taking are in stark contradiction to many of the laws and processes not only of this Parliament but of the land. For the Assembly to agree to the resolution of the other place really would require it to lay down and admit that whenever a convenient political cabal was brought into the other place, we would be subject to the whim of that cabal. This government is not going to do that.

We support the essence of democracy. Why are we saying this? Before this committee had been properly established we saw it leak information to the newspapers. Members of the Liberal Party and The Nationals leaked to the newspapers and other media, telling them what was going to happen. They have utter contempt for the process; that happened even before the committee got under way properly. They had contempt for the process, and accordingly we will not participate in it. We have seen this cabal that has been in operation at the committee voting: the Greens, The Nationals and the Liberals together. On 17 occasions in the lead-up to this interim report they have sought to overcome due process and proper respect for the law of the land.

We have seen the plagiarism. They are a lazy, good-for-nothing group. As Mr Viney identified in his contribution in the upper house yesterday, the last paragraph of this interim report has just been lifted from another report. They are so lazy, incompetent, and so remote from proper scrutiny that they just lifted the paragraph from a select committee report that had been produced on a previous occasion and put it in their report.

Mr K. Smith interjected.

Mr BATCHELOR — We see the member for Bass trying to justify the political laziness that is typified. But we are not going to go along with it.

We also see from this political cabal the leader of the Greens in this Parliament, Mr Barber, reporting on his handbook for parliamentary procedures. He described it as democracy for dummies — apparently some manual provided to him by the Liberal Party that he uses to guide his actions and the way he conducts himself. It is to his eternal damnation that he sits there with The Nationals and the Liberal Party on this and all occasions because that really exposes the Greens.

We will not be supporting the Council's resolution. We will be standing up for democracy; we will be standing up for law; we will be standing up for due process, and we will not be accepting this bullying, thug-like action from the cabal that exists in the upper house.

Mr CLARK (Box Hill) — There is a single, simple question that this house needs to resolve this afternoon, and that is whether we are to agree to the Legislative Council's request that we give leave to certain members of this house to appear before its committee. There is a well-established phenomenon with both the Attorney-General and the Treasurer of this state: the louder the voice the weaker the argument. The bellowing we heard from the Attorney-General earlier today was in fact a bellowing of arguments that defeated his own proposition. Although he quoted his own letters, those letters in fact support rather than refute the procedure that is being proposed today — that we give consent to the Legislative Council's request.

In his letter of 11 April to the committee, headed 'Summonses to ministers', he set out his assessment of the roles of the respective houses and of the fact that it is open to the Assembly to give consent to members of the Assembly to appear before an upper house committee. Likewise in his remarks he cited a legal opinion from Peter Hanks, QC. As far as I am aware, that opinion is not in the public arena. However, in a letter of 21 June to the chairman of the upper house committee headed 'Select committee on gaming licensing — production of documents' he asserted, having received that advice from Peter Hanks, that there was a difference between the positions of the New

South Wales and Victorian parliaments. He said that the:

> … powers and privileges of the Victorian Parliament are based on historical transfer. Under s. 19 of the Constitution Act 1975 (Vic), the powers and privileges of the Victorian Parliament are fixed by reference to the powers and privileges of the United Kingdom House of Commons of the United Kingdom Parliament in 1855, subject to any later modification by a Victorian Act of Parliament.

That is exactly correct, and that is the position on which we need to be proceeding this afternoon. Let me say that that is also the position that was fully recognised in the opinion of Bret Walker, SC, which the Attorney-General sought to denigrate earlier today. Mr Walker said at paragraph 35 of his opinion that:

> Relations between the houses do not, historically, conventionally or currently, sanction any purported compulsion by one house against a member (minister or not) of the other house.

He later goes on to say:

> In my opinion, none of the precedents in Westminster or this country supports the distinction between a minister in the other house and a member in the other house …

At paragraph 8 of his opinion he also says:

> The general importance of the role of the Legislative Council, like that of any house in any Parliament in Australia, in responsible government lies in its capacity to scrutinise the workings of government, and particularly those of the executive, whose members (i.e. the ministers) sit in one or other of the houses (in a bicameral system). This need not be elaborated. I regard it as beyond serious question.

He goes on to say:

> New South Wales does not have a House of Commons equivalency provision, but the explanations of principle in the High Court do not leave any scope for distinguishing its houses of Parliament from other Australian houses in this regard.

Thus we are driven to turn to what the procedure was in the House of Commons, because that is the procedure that should govern us. Contrary to the assertions made by members opposite, *May's Parliamentary Practice*, 23rd edition, makes clear that the procedure that is being put forward today and followed by the Legislative Council is exactly in accordance with Westminster practice. I refer to page 309:

> A member may be ordered by the house to attend in his place on a certain day. Members of the other house may be requested to give evidence.

It goes on to set out the procedure to be followed:

> If the attendance of a Lord is desired before the house or a committee of the whole house, the Commons sends a message to the Lords, to request them to give leave to the Lord to attend as a witness. If the Lord is in his place when this message is received, and he consents, leave may be given for him to be examined, 'his lordship consenting thereto'; if the Lord is not present, the house gives leave for his lordship to attend 'if he think fit'. Exactly the same form is observed by the Lords, when they desire the attendance of a member of the House of Commons.

If that is not enough, the position in relation to committees of the Parliament at Westminster have become even more straightforward. *May* sets that out at page 760:

> As with members of the House of Commons, members of the House of Lords, including ministers, may not be formally summoned to attend. Under standing order no. 138 the House of Commons has given a general leave to attend to any member requested to attend as a witness before a Lords committee or its subcommittees, if the member thinks fit. Under Lords standing order no. 25 (Lords attendance at Commons select committees) any Lord requested by a committee of the Commons to attend as a witness before it or before any subcommittee appointed by it, is given leave to attend if he thinks fit. No messages are exchanged.

In other words, in relation to committee practice at Westminster, it is not even a question of needing a resolution of the house. It is accepted — it is standard practice. Leave is given by the standing orders of the House of Commons for its members to appear before a committee of the other house. Indeed by omission it seems absolutely clear from what *May* says that the request is not disputed and that the ordinary course of events thereafter is that the member concerned goes and appears as a witness before the committee of the other house. There is certainly no discussion of criteria or exceptions or debate; it is simply a matter of the appropriate form to be followed. So if we are truly committed to following Westminster practice, we should not be debating this motion today. It should be passed as a matter of course and as a matter of form, and then the relevant members should proceed to appear before the committee of the other house, just as they would appear before a committee of this house.

Thus, for all the carryings-on about the motion put by the Attorney-General and the claims that moves by the Legislative Council undermine traditional Westminster principles, exactly the opposite is the case. It is the stymying of that request by the government in this chamber that is contrary to Westminster traditions. Those of us in this house who are members of the Commonwealth Parliamentary Association are used to receiving circulars setting out the parliamentary practices and conduct of various commonwealth nations around the world, and occasionally we read with sorrow of departures from Westminster traditions and of new lows being set in some of the struggling or developing democracies in other parts of the world.

If this motion moved by the Attorney-General is carried, I very much fear that a similar note about departures from Westminster practices will be appearing in Commonwealth Parliamentary Association documentation in relation to what is occurring today.

The Attorney-General has repeatedly said in this house and on other occasions that it is the intention of the government to cooperate with the committee to the full extent of the law. I have just demonstrated that by passing this amendment it will be perfectly in accordance with the law and with established Westminster practice for government ministers to cooperate with the committee. If he is true to his word — if there is any decency and truth to what he is saying — the request of the Council should be agreed to and those members should choose to appear. Why on earth would they not? There is every good reason why this amending motion should be agreed to.

The member for Malvern has very eloquently outlined the questions that have to be answered, the inconsistencies between the claims of the Premier and others, and the discrepancies in the assertions of others. If we are truly committed to a democratic and accountable system, we should support the request of the Legislative Council.

We heard the concluding remarks of the Minister for Victorian Communities, denigrating the other place. It is convenient for him to denigrate democracy when it is actually working — when non-government members in the other place are unanimous in their view that what is going on here stinks and that there is a case to answer.

I conclude by simply quoting what is said in the 2006 ALP policy document *Strengthening Our Democratic Institutions*:

> There is perhaps no better accountability mechanism on government than an upper house that is likely to heavily scrutinise the actions and legislative program of the government of the day.

These were fine words when they were written, but the government obviously does not like them when it comes to practice. The request of the Legislative Council should be agreed to.

Mr ANDREWS (Minister for Gaming) — I rise to join the debate on this important motion, to speak in support of the motion moved by the Attorney-General and against the amendment moved by the member for Malvern.

At the outset let us be very clear about this: the Legislative Council select committee is nothing more than a political witch-hunt — an exercise that has everything to do with politics and absolutely nothing to do with probity. That is clear. It is clearly evidenced by the way in which that body conducts itself. In looking at the particular request that has been made of a number of members of this place today, and at the various requests that have been made regarding the production of important documents, it is important that we look at the way in which the select committee has conducted itself in recent times.

Importantly, now that we have an interim report, which was tabled yesterday — and I particularly refer to page 57 and surrounding pages — we now have a clear understanding of the way in which the committee has worked and the various decisions it has made. If you look at the decisions and subsequent events very soon after those decisions were made, you will find it is very illustrative of the way in which that body has conducted itself. That in turn has a direct bearing upon whether documents ought to be handed to it and upon this house's consideration of whether permission should be given for various members to attend the committee's hearings.

I quote from page 57, paragraph 4:

> On 1 March 2007, the committee resolved to give priority to clauses 1(a) and (b) of its terms of reference … to thereby enable the delivery of an interim report regarding those matters …

The very next day, 2 March, an article appeared in the *Age* entitled 'Lotteries up first in gambling probe'. That article says, among other things:

> A meeting of the upper house select committee yesterday passed a motion by National Party MP Damian Drum that two aspects of the tender process be the initial focus.

These are not public meetings of this rank witch-hunt — they are in-camera meetings — but the very next day after a decision was made as to the priorities in the order of business of that body we read about it in the *Age*. That is very illustrative of the way in which that witch-hunt conducts itself.

However, it gets better. I quote from paragraph 8 of page 57 of the report:

> On 13 March 2007 the committee resolved to summons documents from a number of individuals, government agencies and private organisations, seeking documents that relate to the public lotteries licence process and gaming licence processes.

Very interestingly, just a few hours later, on 14 March, we opened up the *Herald Sun* to read another article headed 'Kingpins ordered to pokies probe'. I quote:

> A *Who's Who* of political figures and gambling industry kingpins will be ordered to appear before the parliamentary inquiry into pokies and lotteries licences —

and here is the important bit —

> the *Herald Sun* has learned.
>
> Members of the upper house inquiry yesterday voted to issue subpoenas from next week.

Here we have a situation where this committee meets and makes decisions about what its business will be, who ought to be called before it and what documents it ought send for, and we read about it the very next day. This is shameful and is proof positive that this is nothing more than a rank political witch-hunt. In the context of that appalling behaviour it is important to turn to page 9 of the interim report, specifically to paragraphs 20 and 21. We have very clearly established that this committee leaks like a sieve. I will paraphrase these paragraphs.

Paragraph 20 says parties have produced a number of documents but are refusing to provide certain documents relating to their respective participation in the lotteries licence process on the grounds of commercial in confidence and lottery licence confidentiality. Paragraph 21 says parties were served subsequent summonses seeking documents relating to their respective participation in the public lotteries licensing process, including their registration of interest and applications. They have declined to produce documents pursuant to the second summons. Not one summons but two summonses for the actual bids in the middle of an as-yet-incomplete tender process have been sought by a rank witch-hunt that on leaking has more form than Phar Lap.

The committee leaks like a sieve one day and is then calling for the parties central to this process and the government to hand over the very bid documentation that is still being considered by government pursuant to its responsibilities and my responsibilities under the Gambling Regulation Act. This is a disgrace, and there is no better example that this is a rank political witch-hunt than the fact that, firstly, it leaks like a sieve, and secondly, in the next breath it is calling for documents that are not peripheral to the process but are central to the process while the process is ongoing. There is no better evidence that this is a disgraceful and transparent witch-hunt, one that has nothing to do with probity and everything to do with politics.

As I have made abundantly clear on any number of occasions in this house and in other forums, the public lotteries licensing process is conducted, as is the broader gambling licence process, under a probity plan and with probity auditors. In relation to lotteries the probity auditor appointed under the probity plan, Pitcher Partners, has signed off on the work of the steering committee that has oversight of this process. So the auditor has signed off on the probity of this process not once, not twice, not three times but four times.

Mr O'Brien interjected.

Mr ANDREWS — The member for Malvern interjects. It is not unusual that he should interject because he believes he ought to be the arbiter of the probity and integrity of this process, and if not him then it should be his mates in the other place, Mr Rich-Phillips and others. So the notion that there is uncertainty as to the probity of this process is nonsense. The probity auditor, the appropriate arbiter of the probity and integrity of this process, has provided those four sign-offs and remains absolutely satisfied as to strict adherence to the probity plan and the probity and integrity of this process.

Those opposite are not interested in reviewing the process. There are interested only in running the process or destroying the process. That is what motivates them. This is a politically motivated witch-hunt, a sham, a disgrace, a joke, and one we will have nothing to do with.

Honourable members interjecting.

The ACTING SPEAKER (Ms Munt) — Order! The level of interjection across the table is too high and constant.

Mr ANDREWS — Let me make a couple of points abundantly clear in the couple of minutes that are left to me. Firstly, no document will be handed to that political witch-hunt that could in any way undermine the integrity of the ongoing public lotteries licensing process. I want to make it absolutely clear — no document!

The second point I want to make is that as the minister effectively responsible for administering this process I am not going to accede to the invitation to breach the provisions of the Gambling Regulation Act, an act I effectively administer. I am not going to assist those opposite in chasing headlines and in their broader mission to destroy and undermine the integrity of this process. I will not be involved in that disgraceful witch-hunt. It is apparent to any fair-minded person that it is a witch-hunt that leaks like a sieve and that the committee is not interested in the probity of these processes but the politics of them. It is absolutely about destroying the integrity of this process. Those opposite

ought to be ashamed of how their colleagues have conducted themselves in the other place.

As I have said consistently, whether it be through the probity auditor, Ron Merkel, and his independent panel, or the ongoing work pursuant to the probity plan, this government, and I as the Minister for Gaming, will deliver an outcome in relation to the public lotteries licensing process and the broader gambling licensing process. Make no mistake about this, we will deliver an outcome that has probity, that has integrity and that represents best value for Victorian taxpayers. Pursuant to that aim I will not involve myself or those who report to me in this witch-hunt in the other place.

Mr K. SMITH (Bass) — Is it not amazing that the Minister for Gaming has actually stood up in this place to try to defend the indefensible? Today before us we have a motion from Mr Hulls which just does not make sense. This government thinks it is clean and thinks there is no corruption. Why would government members not want to go before the committee to prove the point that they are clean and not corrupt? This government got elected on the basis of being open, transparent and accountable. I can say to the Minister for Gaming that this government is corrupt. It is corrupt to the core, to the highest level. It is corrupt to the extent that it is there, and it will do anything to try to protect its position and protect its Labor mates. There is no doubt about that.

The motion of the Attorney-General is meant to stop a proper upper house inquiry into the accusations of corrupt practices by the Bracks government. It is corruption. It is deep corruption that has been generated by David White and some of these people at Tattersall's. The Minister for Gaming might smile, but maybe we know a little bit more than he does. Maybe his colleagues did not confide in him about what they were doing, but we know about this corruption. We know where it goes. We know it is at the very top of this government. The government simply wants to protect its mates from the proper scrutiny that is warranted by the people of Victoria.

David White's success fee was supposed to be $1.5 million for getting this through, but what happened? Dick McIlwain stepped in, gave him the flick and he never got his success fee. I bet he is really sorry about that. But it goes to prove that there was money in it involving David White, involving Tattersall's and involving the corrupt system. This involved the Premier and David White sitting down over a bottle of wine at Lorne and making decisions away from everybody else and then going on to Tattersall's where the Premier arrived in the underground car park. The Premier arrived in the underground car park. He went up in the lift and got off at the seventh floor, where he went into the boardroom and discussed what he was going to do. We have already heard about the dates. We know that that happened. The Premier stood up and tried to mislead the house by saying he had never had any discussions, yet we know that discussions were held.

We have an upper house committee that has been properly constituted, and it is being looked after by senior executives of the Parliament, who are the executive officers of that committee. Senior independent clerks have sought this information. They are independent; they are not Liberals, not Labor members, not Nationals, not Greens and not Independents. They are independent clerks of this Parliament who have gone and sought legal advice from a senior counsel who has also been used by the ALP. That senior counsel said the government should produce this documentation, yet we have seen the Attorney-General come into this house and say that government members are not going to comply with the request that has come through from the upper house. I can say that this government has set a very high benchmark for itself, but it has failed and fallen at just about every turn.

We know that the 1999 election policy put out by the opposition leader at the time, now Premier Bracks, said that the Labor Party was going to make a lot of changes here in Victoria. Labor members were going to stop the public use of inappropriate political advertising and promotion. What a joke! They have indulged themselves in it so much that it is a disgrace. They were going to stop credit card abuse. They now put their bills through overseas business set-ups that have been put in place. The Attorney-General had the cheek to stand up here today and try to deny the right of the members of another house of this Parliament to seek information, and it is wrong for the government to be trying to do that.

The government also said that it would reduce the number of highly priced consultancies. Ask Bill Shannon about that. He is doing all right for himself by putting all the money he gets back into the Labor Party through Progressive Business. The Labor Party was going to restore the independence of the public service. You only have to read the letter in the report put out by the select committee to see that there is no independence in the public service. The Attorney-General wrote a letter advising the committee not to bother asking for any papers or documents or for public servants to appear before the committee, because the Labor Party is not going to let them do it. So much

for the independence of the public service that the Premier said he was going to restore. You have to be joking!

The Attorney-General stood up today and said the government cannot release any commercial-in-confidence information under freedom of information. The government introduced changes to the Freedom of Information Act to make it harder for people on this side of the house to receive information under FOI. It also introduced a code of conduct for MPs. We should have a look at some of the abuses of the system by members of Parliament through their conduct in and outside this house. We have had the involvement of the deputy chairman of the committee with Cr Conroy and their corrupt practices down in Frankston. What a disgrace! We have also had Theo Theophanous, a member for Northern Metropolitan Region in the other house, doing cleaning deals with some of his mates. The Premier denied even knowing them, but then we found photographs of the Premier and his mate, Mr Stamas, standing in front of a house. He was someone the Premier said he did not know. We know this is going to the highest level.

We have had the member for Derrimut and his deals in writing out letters for criminals, crooks and drug dealers. We have had the member for Dandenong standing up and lying to the house. He had to stand up on a personal explanation and apologise to the house. The member for Clayton was there talking about branch stacking — —

Mr Lupton — What about the commies?

Mr K. SMITH — You are all commies; it does not matter. The truth of the matter is that there is a motion before the house which the Attorney-General has moved because he does not want anybody who has been named to actually appear before the select committee, and he is not prepared to allow any documents to come forward. We have had the Minister for Gaming saying that he will not allow those documents to come forward. The house has to vote on this motion, and that may be the way the house will go, because at this stage the numbers are there, but the press will pick up on this. It will understand that this government is trying to hide the corruption that goes right to the very highest level.

We also have the amendment that has been put forward by the member for Malvern, which I think is the right one. The amendment says that these people should appear before the committee. It says that they should be prepared to stand up and be counted, answer questions and bring forward documents that will clear the air. If they were as clean as they say they are, they would do it and do it willingly. But no, they do not want to have to appear before the committee because there may be questions asked that will be embarrassing and we will find that there is corruption at the highest level of this government.

Power corrupts, and gaming is money and money corrupts. We know that this government is into corruption right up to its neck. We know that the previous Labor government was. We know that Labor members do not understand what it is to tell the truth before a parliamentary committee. We know that they do not understand what it means to stand up in this house and tell the truth. They cannot defend the indefensible. They are trying to, but they cannot. The truth of the matter will come out in the end — the truth of what this government is into, the truth of what this government's mates are into and the truth of what is in it for the Labor Party. Labor will do anything to try and stay in government and allow corruption in this state to continue to flourish — and it flourishes under Labor. It is a disgrace, and this inquiry would find out what there is to find out.

Mr LUPTON (Prahran) — I must say it is a very interesting time to rise and make a contribution to this debate following the member for Bass. If nothing else, the comments made in this chamber this afternoon by the member for Bass give the lie to this entire sham of a political process that has been set up by and prosecuted by the Liberal Party, The Nationals and the Greens in the Legislative Council, with the active concurrence of their associates in this chamber.

The member for Bass has made it quite clear that, in the view of the opposition, matters of guilt and innocence have already been decided. Opposition members have made up their minds; things are already proven. The member for Bass's own words show that the process that has been going on in relation to this whole inquiry is nothing but a political sham and an absolute disgrace. If we consider the remarks of the member for Bass and others, such as the Leader of The Nationals, who have already spoken in this debate this afternoon, and if we then look at the constitutional standing orders that relate to the way in which these sorts of processes should be dealt with, we see that the position taken by the government, which I support in this debate, is in fact the appropriate and correct course to be following.

It is quite clear on any view of it that the Legislative Council cannot compel members of the Legislative Assembly to attend and give evidence at a select committee. There is no doubt about that, and that has been conceded by members of the opposition in debate

today. But the argument seems to go a bit further than that. What the opposition seems to be saying is that while the Legislative Council cannot compel a member of the Legislative Assembly to attend and give evidence before a select committee, under the rules adopted by the Liberals and The Nationals in this debate they could effectively be compelled to attend.

They are effectively, in the words of the Leader of The Nationals, not entitled to refuse. You can say that is not compulsion, but one way or another, if they are not entitled to refuse, there is a form of constructive compulsion being engaged in by the opposition. It is putting some kind of gloss on the rule that it is up to the house itself to make this determination by saying that the house does not really have a choice and that what it must effectively do is accede to the request that has been made by the Legislative Council. That is clearly incorrect, it is improper and it is not consistent with constitutional law or parliamentary practice and procedure, and this house should not follow it.

The basis upon which these sorts of arguments have historically been made is set out in the well-known reference sources — Erskine May's *Parliamentary Practice* and also the *House of Representatives Practice* — and our own standing orders follow those particular authorities. Our standing orders and the practices and procedures of this Legislative Assembly are, as has been said, based upon the powers and privileges of the House of Commons as they existed in 1855. They were in effect also the same sorts of powers and privileges that were given to the federal House of Representatives when it was established in 1901.

The fifth edition of *House of Representatives Practice* makes it clear at page 658 that 'one house of the Parliament may not inquire into or adjudge the conduct of a member of the other house'. A number of particular case studies are set out relating to requests of the type we are considering here today, and I have picked one as a fairly standard kind of precedent. In 1993 the Senate requested the House of Representatives to require the attendance of the Treasurer before a Senate select committee. The request was considered by the house but rejected on the basis that it was an inappropriate interference with the way in which the House of Representatives was entitled to conduct its proceedings.

The precedents that have already been mentioned by a number of speakers, including the Leader of the House, in relation to our own Legislative Assembly going back to the time of the Bolte government also provide ample evidence that it is not appropriate in circumstances of the kind we are dealing with here for the Legislative Assembly to agree to such a request. The precedents that are referred to in Erskine May's *Parliamentary Practice* only go to bolster these arguments. The 23rd edition of *May* makes it clear on pages 722 and 723 that members and officers of the House of Commons and others may give evidence to select committees but cannot be compelled to do so.

It really then comes down to whether or not in certain circumstances it may be appropriate for the house to agree to such a request. Clearly there are circumstances where, because of the nature of the inquiry that is taking place, it may be appropriate that genuine consideration be given to a request of this sort. There are often circumstances where the procedural and practice committees established by a Parliament have a proper and genuine basis for parliamentary inquiry. Where committees are set up appropriately and properly they may well benefit from members of the other chamber being able to add their views to their deliberations on procedure.

Simply because one is a member of one house and a committee is established by another house should not automatically mean that one should be automatically and forever excluded from any kind of participation in that parliamentary committee. But it is a very different thing when, based on clear and unequivocal evidence not only from the opposition today but also from other sources, it is apparent that the political process that has been set up by the Legislative Council is nothing more than a political sham. It would be a complete and utter abrogation of the rights of this Legislative Assembly for it to accede to the request of the Legislative Council that we are dealing with today.

It is nothing more than a political sham and a farce. If we were to accede to this request in these circumstances, then we would be effectively putting a gloss on the standing orders and the precedents that have come down from the House of Commons and the House of Representatives and on the precedents of this chamber itself by making any request by the Legislative Council or a select committee of the Legislative Council for the attendance of a member of this chamber before it a compulsion upon that member to appear. That simply cannot be an appropriate way for members of this chamber to be dealt with, and it would be inappropriate for members of this chamber to accede to that kind of request. It would mean that we would have nothing to say about any request that was put to any minister or member of this chamber to attend to give evidence before a select committee, no matter what the circumstances or the political design behind it.

So for a number of reasons that go to the heart of the way this chamber needs to protect its interests, its rights and its procedures, the motion moved by the Attorney-General should be supported by every member of this house who understands the importance of protecting the procedures and the privileges of this legislative chamber. It is of vital importance to our parliamentary democracy that we continue to make sure that we protect the procedures and entitlements of this house. That is the reason the Attorney-General's motion should be supported, and I commend it to the house.

Mr WELLS (Scoresby) — I rise to join the debate to oppose the Attorney-General's motion regarding the Legislative Council's Select Committee on Gaming Licensing and to support the amendment to the motion proposed by the member for Malvern. I will start off by saying that I had difficulty understanding what the Attorney-General was trying to argue in this house. I am wondering whether the shadow Minister for Police and Emergency Services or the member for Bass might be able to assist me in explaining what he was trying to develop as part of his argument, because it was illogical. First he started talking about an expert letter, which we later found was actually written by him — and I am not sure how he can deem himself to be an expert.

Then he went on to say that, if the ministers from the Labor government were to appear before the Legislative Council's select committee, it would undermine business confidence in Victoria. That is what he said — that it would undermine business confidence in Victoria. I am wondering on what simple piece of logic he was basing that claim. You would think that businesses in Victoria would want an understanding and a commitment from the government that every single tender process was going to be open, transparent and based on merit. But that is not what is happening here. How can the Attorney-General come in here and say, 'If we appear before this committee, it will undermine business confidence in Victoria'? It simply does not make any sense.

We would expect that when a government put out a tender it would be free of any sort of corruption and would not be influenced by any Labor Party mates and that the government would ensure that there were no secret meetings that would favour one tenderer over another.

I think that they are valid questions that need to be answered one way or the other. You cannot have a tender process which can be corrupted. If you have a tender system in place that is open to any sort of corruption or can be tainted by some secret meeting or favouritism towards one tender over another, then business will lose confidence and will be reluctant to deal with the government. The reason why the Legislative Council has set up this committee is that it was not convinced that the tender process was open and transparent. We need to ensure that business in this state has confidence dealing with the government. So I say that the Attorney-General has got it terribly wrong. In not fronting the Council committee the government is itself undermining the tender process and business confidence in the state.

The second point that was made by the Attorney-General was that there had been leaks from the committee to the *Herald Sun*, and that is one of the reasons government members should not front the committee. I question who the leaks were coming from. There is this immediate conclusion that it must be someone from the opposition, but I suggest that if there is one way to white-ant a committee it would have to come from the government. The Attorney-General was not able to add any evidence or support his argument that there had been leaks in relation to the committee; he was suggesting that it was someone from the Liberal Party or The Nationals and that for that reason the government is not going to attend. It is, again, illogical.

I remember when the former Minister for Gaming attended a Public Accounts and Estimates Committee and we quizzed him about this gaming review committee that the government had set up. The announcement was about six months prior to the Public Accounts and Estimates Committee meeting. I remember asking the minister, 'When are the people on the committee going to be announced?' and he said they had already been announced. I asked when these people who were selected to be part of the committee had been announced, and he said, 'Oh, recently'. So I said, 'Please give me a definition of what recently means'. We found out that they were appointed on the morning that the Public Accounts and Estimates Committee had its hearings.

The government is not fair dinkum about having a hearing. It does not want to have a hearing into this. Even before the election, when government members wanted to set up this committee to just gloss over the election, it was flawed. They were not committed. The only reason why they put up a few names was that the minister was facing the Public Accounts and Estimates Committee.

I remember the member for Bass made this point: in 1999 the Bracks government was elected on a platform that it would be open and transparent and that there was

going to be a new era. That is what it said. It would have to be the most dishonest government this state has ever seen. The FOI system is a sham; it is freedom from information, it is not freedom of information. On questions without notice — jeepers, creepers! — have we ever got a straight answer from a minister in the seven years of the Labor government? Never ever do we get a straight answer. We get fobbed off. We have had the Jim Reeves affair, we have had broken election promises and we have had lies for seven years. No-one will ever forget the lies they told about the Scoresby freeway. We found out later that there were documents to show that this government and this Premier knew that they were going to bring in tolls prior to the election. We had the Treasurer saying that all their election promises were fully funded and there would not be 1 cent of extra debt, and now we find there will be $15.3 billion of debt by 2010–11.

The upper house was elected through the democratic process. The Premier and the ALP put in their process, saying that the reforms to the upper house:

> … will have the effect of virtually ensuring that no government will ever again enjoy a majority in the upper house. It is a rare event when a government is prepared to put democratic principle ahead of narrow political self-interest.

This is the killer:

> There is perhaps no greater accountability mechanism on government than an upper house that is likely to heavily scrutinise the actions and legislative program of the government of the day.

The ALP document talks about accountability mechanisms. If they really believed in it, they would be supporting the Legislative Council committee and would be fronting it. However, they say one thing but then do the exact opposite.

Let us talk about the upper house. The government should be supporting the democratic process. A committee was set up democratically to investigate something that the upper house had concerns about. The government should be supporting it. When decisions are made by that democratically elected upper house committee, again it should be supporting that. But we never see that.

I have particular concerns about the process. I want to know what influence the government, particularly the Treasurer and the former Minister for Gaming, had in demanding that Tattersall's reorganise the way it does business. In the *Herald Sun* article of 22 November 2006, in the run-up to the election, they said:

> Furthermore, it became apparent that if we did not follow this course of action, Tattersall's would be at a disadvantage in any future tendering processes or extension of our licences.

That is very clear. So there was government influence over the way this tender was being followed through. The question that needs to be asked is: what political influence in the tendering process took place? What influence did David White have over the executive government? Did we have a clean, transparent and open process? We want to know what influence the ALP, separate from the government, had over it, because if we do not have a process which is clean, open and transparent, then, as the Attorney-General said — although he had it around the wrong way — business confidence in Victoria will suffer because you cannot do business with a government in that way.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak on this motion before the house because the motion reinforces the fundamental principle at the heart of our Westminster democracy, which is a simple proposition that the opposition does not appear to understand — that is, that the Legislative Council has absolutely no right to subpoena or compel any member of the Legislative Assembly to appear before the Select Committee on Gaming Licensing. It has no right to require any member of the Legislative Assembly to produce any documents before that inquiry. That is crystal clear.

In fact I do not think even members of the opposition would argue that in relation to the system of parliamentary democracy we have inherited, that that is at dispute here, that in fact the two houses of Parliament are completely independent of each other. They have their own powers, rights and immunities, and those powers, those rights and those immunities are enshrined in the state constitution under section 19(1). That is fine. Everyone understands that. However, the opposition comes in here and says, 'This isn't about compulsion. This isn't about being required to attend. Why won't members or ministers of the Assembly simply go up to the inquiry, answer all their questions, clear up all the questions that we have got to answer, and there won't be any issues; there won't be any problems. Everything will be resolved'.

Can you imagine what a ridiculous precedent the opposition would be setting? The opposition is suggesting that in future whenever it decides it is going to set up a select inquiry to delve into whatever matter it wants, ministers of the Crown should go up to the upper house and answer any questions the opposition would like to ask them — that is, not be accountable principally to this house but be accountable to the Legislative Council.

What would be the consequences of doing that? Contrary to what the member for Box Hill claimed when he said it would uphold the fine traditions of our Westminster system of Parliamentary democracy, it would actually turn it on its head. Can the opposition name any instance where any Premier, any minister, any Prime Minister, any minister of the Crown in any jurisdiction in Australia has appeared before an upper house inquiry to answer questions put before it by an inquiry?

An honourable member interjected.

Mr HUDSON — The Public Accounts and Estimates Committee is a joint committee of the Parliament, not an upper house inquiry. Secondly, what would it achieve? It would result in members of the upper house delving into a tender process that is not complete and is still on foot. It would result in the upper house completely derailing the gambling licence review process. They would just trample over every aspect of the process. Just imagine if the government said, 'Okay, we will have a completely open, no commercial-in-confidence gambling licence review process in terms of the tenders. There will be no confidentiality, there will be no submissions made commercial in confidence by the proponents to the licensing review'.

What would the opposition be saying then in relation to the confidence that the community could expect, that businesses submitting tenders in that process could expect from that process? Does the opposition believe for one moment that the licence review process would have probity if it were completely open in that way with no confidentiality attached to it at all? Does the opposition think somehow that they should run the licence review process? That is what they seem to be suggesting here.

They seem to be suggesting that the only people who can run the licence review process are them, that all they need to do is summon all the parties before the upper house, ask them questions, open it all up and they will run the process. They seem to be suggesting they can do that better than the two steering committees that have been established with two independent separate probity auditors, two separate independent legal advisers and the Victorian Commission for Gambling Regulation attached to each of those steering committees.

Does the opposition think it can run a process that has probity, that is better than the process that has been now ticked off not once, not twice, not three times but four times by Pitcher Partners? Do they think, for example, that Pitcher Partners would put at risk their own integrity by signing off on a process they thought was shonky? Of course they would not. And they have signed off on the process because the process has probity. It would not have probity if it were up before the upper house committee.

Opposition members come in here and puff up their chests about being defenders of the Westminster tradition of parliamentary democracy, but when it gets down to it, they want to trample all over that tradition. That is what you want to do: you want to trample all over it.

The ACTING SPEAKER (Mr Languiller) — Order! Through the Chair!

Mr HUDSON — The opposition wants to tear up the lotteries process. It wants to tear up the state constitution which provides for the separation of powers and privileges of the Assembly and the Council. They even want to tear up the Gambling Regulation Act 2003, which both houses of Parliament passed and which provides for confidentiality provisions for certain documents in relation to the tender process for gambling regulation.

Members of the opposition come in here and bay like a bunch of hyenas. They have not produced one piece of evidence, but they hope that if they go on baying like hyenas the community somehow will think there is a carcass that needs to be looked at. There is no carcass, because after meeting for nearly five months the committee has not outlined a single line of inquiry that shows it is on to anything other than its own sense of self-importance. In five months it has not produced one shred of evidence that would justify the establishment of this trumped-up committee. It has not one scintilla of evidence. The Department of Justice has produced 18 000 pages of documents for this committee, but the committee has not come up with one line of inquiry that would justify the existence of its interim report — not one!

This committee is a three-ring circus of Liberals, Nationals and Greens. They are all up there, looking at me and performing on the high trapeze. They are doing somersaults and trying to attract public attention, but there is one thing that this committee cannot do: it cannot land. It cannot land a single punch. It has not produced a single piece of evidence in its interim report that demonstrates that there is any problem at all with the probity of this process.

The opposition is being completely irresponsible. After five months the interim report does not give one piece

of evidence that there is any problem at all with the probity of the tendering process. The opposition is being completely irresponsible. What it is doing is trampling all over the tendering process, and it is doing that in such a way that it can only derail and completely bring to an end the tendering process that is under way. It is a process that has been signed off by Pitcher Partners on four separate occasions, and that has probity and integrity. The only thing that does not have integrity in this is the Select Committee on Gaming Licensing — none whatsoever!

Mr INGRAM (Gippsland East) — This is the second debate on this sort of motion that I have participated in in this Parliament. The previous speaker challenged members of this place to name one occasion on which this sort of situation had occurred. I have done some research on this motion, and there have not been a lot of debates of this sort where requests have been made for ministers to attend select committees in the upper house, but on three occasions in the history of the Parliament of Victoria requests have been made and were granted and ministers have appeared before select committees.

They go back a few years. On one occasion leave was requested for a member to attend a select committee of the Legislative Council to inquire into the management of the Board of Land and Works. Leave was given for the member to attend. That was during the session of 1858–59. In the session of 1882–83 leave was also requested for a member, if he thought fit, to attend a select committee of the Legislative Council to inquire into the Railways Construction Bill. That was also approved. There was also an inquiry into the Legal Profession Practice Bill, where a member was requested to appear before a select committee. He declared that he was willing to go and he appeared before the committee. So there have been a number of such occasions.

Honourable members interjecting.

Mr INGRAM — I should not take up interjections, but that happened in 1884. With most of these requests — there were a couple in a similar time frame — leave was refused. There was the one that we had in the 1999–2002 session requesting the Premier, the Deputy Premier and the Treasurer to attend a select committee of the Legislative Council. There have been a number of such requests, but there has been fairly limited debate on this subject. If you go back and look at the motions before the house — there is one by the Attorney-General and one by the member for Malvern — I would argue that even the motion put forward by the Attorney-General goes further than it should.

Basically the request has been made by the Legislative Council for members to attend, and its members have not done anything wrong by making that request. It is their right. Ultimately members of this house can decide whether we accept that request and give them permission, but it is still up to the individual member or minister to decide whether they attend, and I suppose that is my comment on the other motion that has put forward by the member for Malvern. If you look at the history of such requests, this request should probably include the words 'if they think fit', and I would be moving that amendment later.

There are some interesting things in the interim report of the Select Committee on Gaming Licensing. I would argue that members of the committee have probably overstepped the mark by subpoenaing ministers. It is very clear through *May* and other parliamentary practices that that is not necessarily the appropriate behaviour of a parliamentary committee. But it is very clear in *May* that select committees can request witnesses. They have the power to send for persons, and that power is basically unqualified. *May* states:

> Members of the house, including ministers, may not be formally summoned to attend as witnesses before select committees. When the attendance of a member as a witness is required before a select committee, the chairman sends to him a written request for his attendance.

Ultimately the minister can respond to that. There are some interesting comments within the select committee report about the proposals. We do need to ensure that there is real scrutiny of what goes on. The upper house does have the power to set up select committees, and I would argue that it was within the power of the committee to request those documents and scrutinise the tendering of those gaming licences.

I would also indicate that I will be supporting the amendment put forward to this motion, with the proviso that it includes the words 'if they see fit'. The people of Victoria can then decide whether the ministers should attend, but ultimately it is up to the ministers to decide whether they wish to do that. They would then be under scrutiny as to whether the public thinks this is an okay way to behave. Ultimately the Parliament and the committee system are ways in which ministers of the Crown can be scrutinised. Another way is through parliamentary debate and through questioning at question time and other times when the Parliament is in operation.

It appears to me that we have removed much of the real scrutiny of government over the years. Historically I think the chamber was a much more robust debating place. Often nowadays, because of the nature of the media, we are trying to get everything in 15-second sound bites, which is not necessarily good for accountability and democracy. With those words I indicate that I will be supporting the amendment put forward. I think that ultimately this place is made stronger when governments are held accountable, and one of those ways is through parliamentary select committees. I support the motion.

Mr PANDAZOPOULOS (Dandenong) — It certainly is a waste of the time of this house to have to consider demands placed on it by the Legislative Council. References have been made by the member for Malvern to comments that I was purported to have made to the *Herald Sun* after speaking to a journalist. I would not say that the whole story was completely accurate, but nonetheless I did indicate at the time that, if it was a fair inquiry that did not undermine the licensing process — because it is halfway through it — then I would give it some serious thought.

I understand that there was some discussion and debate, and that offers were made, involving a different level of participation by government if the Legislative Council did not actually set itself up as a witch-hunt inquiry. I am the chair of a parliamentary committee, but the member for Malvern is totally wrong, as he knows, in his comments about why I am chairing that committee. I believe members of that committee would agree that I have played a very important honest-broker role in supporting all members of the committee and all their views.

I know that this is a political game; that is certainly my judgement, and it is why I am not participating in the upper house inquiry. Every chance was given to the new Legislative Council to conform to the rules that historically the Victorian Parliament and other jurisdictions have had regarding the way in which parliamentary committees are set up.

I am chairman of a parliamentary committee which operates in a very different way to the way the steering committee has set itself up. That was a major issue weighing on my mind when I decided not to participate. Not only do we have responsibilities around transparency, we also have a responsibility to not undermine independent processes. Because of the nature of the set-up of this mickey mouse witch-hunt inquiry and because it has denied itself the opportunity to set itself up properly, it is no surprise that there is not the level of participation that it wants to operate under. The reality is that this government should be congratulated for the gaming reforms it has provided.

The member for Malvern highlighted that Tattersall's was under pressure to change its corporate structure — but it was under pressure only from the *Herald Sun*. Roughly around the time that the member referred to, the *Herald Sun* was saying that companies were being gifted when they received a licence. Those businesses need to be transparent; they should not be secret societies. That was obviously weighing on the mind of those at Tattersall's. Opposition members can sit there and say that governments create pressure on businesses to change their structures by saying, 'Get a licence', but it is totally wrong and a total furphy. This government is about transparency of the industry and open contracts.

The reality is that the way this inquiry is operating confirms what we have all known from the start: it is a mickey mouse witch-hunt inquiry. The opposition simply wants to undermine the bidding process. All opposition members know deep down that nothing wrong has happened, but it is obviously very common for all oppositions to say, 'Government is corrupt; it is inefficient; and it does things for its mates'. This is a normal trick of oppositions. This inquiry is a theatrical event.

The opposition says there is something wrong; it creates an environment as though there is something wrong; and then it sets up an inquiry into the issue — that is exactly what this issue is all about. It is about theatrics, and that is why there should not be the sort of participation that the upper house is asking from us. If it were a bona fide, fair dinkum inquiry, there would be a different result. I think the opposition might have received a different result in terms of my level of participation. As the former gaming minister I will not be party to the undermining of a process — —

Mr K. Smith interjected.

Mr PANDAZOPOULOS — The member for Bass is telling me — —

The ACTING SPEAKER (Mr Languiller) — Order! The member for Bass and the member for Dandenong! The member for Dandenong is experienced enough and robust enough to sustain interjections; however, equally the Chair is entitled to listen to the debate. I ask members of the opposition to cooperate; in particular, the member for Bass should cooperate as he was heard in silence**.**

Mr PANDAZOPOULOS — The member for Bass has known me for a long time. I know that his public

comments about me are not necessarily his personal comments. The reality is that as individuals, we have a certain responsibility in this Parliament. As members of Parliament we have an added responsibility if we are ministers. It is in the broad public interest not to undermine independent processes. The reality is that the opposition, with some of its supporters in the upper house, is trying to undermine that process.

The only thing we have when we leave this place is our integrity. It is easy for opposition members and members of other parties to sit there willy-nilly, then go into cowards castle and accuse people of all sorts of things that are not true, but we all know that the only thing you have as a decision-maker, particularly as a minister, when you leave this job is your integrity. Everything you do is about that: it is about the public interest, and it is about your own integrity. Why would you want to give any gifts to anyone in this job when it undermines your integrity? It is obviously why you do not do it. That is why I will not participate in this Mickey Mouse inquiry.

In the future people will see that the processes which we have put in place and which I put in place as gaming minister are entirely appropriate. The issues which are coming out in the public arena, particularly in the gaming industry, are because of a whinge about the changing environment that has come from some in the gaming industry. But what we have introduced is open competitive markets. That environment is different to what the gaming industry has experienced in the past.

If you want licences, you have to bid against others in a transparent way and not in the way it was done in the past. This is what some people in the industry are griping about; and this is what is feeding some of this process. It is a sham inquiry.

Mr R. SMITH (Warrandyte) — 'This strong and powerful executive that the state government has established also requires strong and vigorous scrutiny': so said the member for Williamstown in his inaugural speech in 1994. How that man would shake his head in sorrow now, if he stood in front of the Premier today, knowing that those sentiments and ideals have been thrown out the window.

This morning I listened to debate on a matter of public importance; I listened to government members desperately trying to convince the rest of the house of the government's openness and accountability. But when the opportunity comes for the government to live those ideals, what do we see? The Premier and government members are left wanting. They do not want to be open; and they do not want to be accountable.

At the last election Victorians voted out Labor's majority in the other place so there would be more scrutiny in this Parliament. That this government is obstructing that scrutiny clearly shows the contempt that this government has for Victorians. During the election campaign, the Premier established a review panel on the run. He did this because there was a lack of confidence in the gaming licensing process. As of the last hearing date of the Public Accounts and Estimates Committee estimates inquiry, that panel had not even met once. It had not employed any staff, it had not had a budget set and it had not had any meetings whatsoever. What we have now is a select committee from the upper house that is made up of four of the five parties represented in this Parliament.

The four parties have extremely varied ideals, but the one thing that the four parties do have in common is the desire to have the government be open and accountable. Instead of hiding behind words, processes and precedents, which I am hearing about from the opposite side, government members should just stand up in front of the committee and prove to the people on this side of the house that this is indeed a witch-hunt or that they have been found guilty before they have been tried. I would be desperate, if I were in your shoes, for the opportunity to prove — —

The ACTING SPEAKER (Mr Languiller) — Order! The member will address his remarks through the Chair.

Mr R. SMITH — I would be desperate to get up and prove my case and show the people of Victoria that there was no impropriety in the gaming licensing process. I urge the Premier and his ministers to get out from behind the shredder and prove to the people of Victoria that there has been no impropriety.

Mr HAERMEYER (Kororoit) — The motion before the house has been made necessary because of the resolution from the Red Morgue. The member for Malvern has moved an amendment to the Attorney-General's motion. The request from the upper house is really nothing but a political put-up job by the Liberal Party and its coalition partners, the Greens and The Nationals. The member for Malvern has proposed an amendment that the Premier and the ministers not be entitled to refuse to appear before the committee. What a joke! There is a separation between the upper house and the lower house. I remind members that the lower house is indeed the house that is regarded as the people's house. The upper house is the one that was the

house of the so-called landed gentry. That is why there has always been that separation, and the houses do have very different roles.

The Attorney-General and the member for Prahran have already made a very powerful case as to why the Legislative Council does not have the power to compel lower house members to appear before it. If it did have that power we would not be debating this motion in the first place. This is a motion attempting to create that environment when the power does not exist. I have to say that if you have to have a confidential licence review process you do not do it through a stacked, political upper house committee. To run this inquiry in the middle of an independent licence review process is something that is not only totally improper, it is corrupt.

We are in the middle of a licence review process. That process requires some confidentiality. To ensure the accountability of the process there is an independent probity auditor, Pitcher Partners. If members opposite do not have confidence in the auditor's integrity, they should get up here and say so. But what they want to do, in the middle of that process, is to open it up to an upper house political star chamber. That is what it is all about.

Can you imagine, Acting Speaker, Jeff Kennett or any of his lower house ministers subjecting themselves to a summons from the upper house, let alone an upper house controlled by the opposition parties! We could not even get Jeff Kennett to appear once in seven years before the Public Accounts and Estimates Committee. Will the Leader of the Opposition get up here and undertake that if he were ever to find himself in government he and his ministers would reply to any summons that was delivered from the upper house at any time? I bet he will not give that assurance.

What we have here is a very stacked and very political process. What these people are coming in here with is about politics; it is not about probity. They already know what they think they will find. We heard it from the member for Bass. He told us what has taken place. He already knows. He was sitting there at the table; he knows what conversations took place between the Premier and David White. So why do opposition members need to ask questions if they know the answers? They have already decided what they are going to find. The member for Bass came in here and told us.

We have a committee that is stacked with political adversaries of the government that has already made up its mind what the situation is and what it is going to find. It has already made up its mind about what the outcome of its deliberations will be. Yet it wants government ministers to go out there, appear before it and subject themselves to some highly political questions in the middle of an independent process. I suggest that is an absolute farce. Why bother having a committee if you have already decided that? This is purely politics and nothing else.

Earlier the member for Scoresby suggested — I have lost my notes on that — —

Mr Wells — Must have been right then!

The ACTING SPEAKER (Ms Green) — Order! The member for Scoresby is out of his place.

Mr HAERMEYER — I have to say that it is just an absolute farce to suggest that members of this house ought to be compelled to appear before a hearing of the upper house. The power does not exist. As I say, if there were any question about that we would not even be having to debate this motion. This is about a shameful, stacked political process. That is all it is about. If members opposite had some legitimate concerns about it they would at least allow the process to be completed and then start making some inquiries about it. To do it in the middle of a process opens up the danger that that process may become polluted, and it should not be happening.

I have to say that for members of the Liberal Party and The Nationals to come in here and talk about integrity in gaming tenders, when they were the people who gave a casino monopoly to the former Premier's two best mates — —

Honourable members interjecting.

Mr HAERMEYER — Where was the upper house inquiry then?

Mr K. Smith interjected.

Mr HAERMEYER — You were in the upper house. Where was the inquiry?

The ACTING SPEAKER (Ms Green) — Order! The member for Bass — —

Mr K. Smith — What?

The ACTING SPEAKER (Ms Green) — The member is quite loud enough.

Mr HAERMEYER — The member for Bass was in the upper house. Where was the inquiry?

Mr K. Smith interjected.

The ACTING SPEAKER (Ms Green) — Order! The Chair would like to hear the debate. The member for Bass was heard before. I ask him to be quiet.

Mr HAERMEYER — The previous government refused inquiries into anything and everything, including things that absolutely stunk like the way the casino tender process was handled — and it did not answer a single question. What we have here is a proper process. Maybe the opposition has a pea in the pod that it wants to promote. But this amendment to the Attorney-General's motion is an absolute sham, and the house ought to reject it.

Mr INGRAM (Gippsland East) (*By leave*) — I move the following amendment to the member for Malvern's amendment:

> That the words 'if they think fit' be inserted after the words 'terms of reference'.

Mr BAILLIEU (Leader of the Opposition) — There is one thing we have clear in this debate — that is, that the Premier, the Treasurer, the Minister for Roads and Ports, and the member for Dandenong and former Minister for Gaming do not wish to appear before the select committee of the upper house. What is happening here in this debate is that a request has been made by the upper house for the Legislative Assembly to free those members of their obligation not to appear — in other words, for those members to exercise subsequently their choice as to whether they do appear.

This is not the first time we have had such a debate. Indeed in 2002 I led the opposition's response to a very similar request regarding the Legislative Council inquiry into the Urban and Regional Land Corporation, the managing director and his appointment. We had a debate at that time about a request for ministers to appear, and from my recollection it was the Premier, the Treasurer and the Deputy Premier who were invited. The response from the government, in short, was the same — they would not appear. Government members voted down the opportunity for the Assembly to free them to make that choice.

There is some irony in this, because we are here debating a motion put by the Attorney-General — and an amendment put by the member for Malvern, and an amendment to that put by the member for Gippsland East, which we will support — but in 2002 when the request came from the upper house, who led the argument against? It was the Attorney-General once again.

The arguments the Attorney-General put then were quite different. I listened carefully to his arguments today, and I will go through them in a moment. However, at the time of that upper house inquiry — which again was supported in the public arena and in the media, and evidence was subsequently brought that was very clear and very damning — the Attorney-General described it as a 'sham' and a 'star chamber'. They are words we are hearing similarly now, but that was from the debate on 20 March 2002. Not only that, but the Attorney-General sought to impugn the upper house, saying that 'the entire upper house is an absolute blight on democracy in this state'. That was his argument. He said it was an 'unrepresentative upper house'. He said — and guess where you have heard this before — —

Mr Hulls — It sounds like me!

Mr BAILLIEU — Indeed, Attorney-General, it was, and your shame knows no bounds, because you described the upper house then as — guess what? — a 'mickey mouse witch-hunt'. How many times today have we heard that phrase? A simplistic dot-point paper has also been circulated amongst government members to assist them in resisting this request.

As part of the Attorney-General's argument at the time he described the upper house in further pejorative terms as a 'retirement village for village idiots'. He had absolutely no respect whatsoever for the upper house. He said further:

> The Premier should not, and nor should the Deputy Premier or the Treasurer, involve themselves in what is an abuse of process by the upper house in what is no more than a kangaroo court.

I listened to the member for Kororoit before describe the upper house as the red morgue, showing no respect for the other chamber and no respect whatsoever for an upper house which is now of the government's own making. The Council has processes and a current representation that are of the government's own making. The Attorney-General's arguments at the time ran to his saying that this would be a waste of the Premier's, the Treasurer's and the Deputy Premier's time. There was virtually no substance to his arguments.

Now he has a problem, because the government has changed the upper house according to a design of its own making. The arguments this time are entirely different. We have heard the Attorney-General argue that information was leaked from this committee and that somehow this compromised the committee. We do not know whether the information was leaked. I listened to the Attorney-General read out from a *Herald Sun* article — —

Mr Haermeyer — How did it get into the *Herald Sun*? Osmosis?

Mr BAILLIEU — If there is a Labor member for osmosis, I imagine you're probably it. But nothing gets through you very quickly, does it? It's a living desalination plant out there: reverse osmosis!

The ACTING SPEAKER (Ms Green) — Order! The Leader of the Opposition will make his contribution through the Chair.

Mr BAILLIEU — The Attorney-General implied the leak came somehow from the opposition. It was an extraordinary proposition and an extraordinary conclusion to draw, because if there are leakers in this place, they are on the government benches. From the proposition the Attorney-General put you can only conclude that government members can nobble any committee inquiry by leaking deliberately any material from a committee meeting. The information to which the Attorney-General referred is the most basic information that anybody who paid any attention to these matters would have concluded on their own account, yet it constitutes the principal reason why the Attorney-General said we should not be supporting this motion.

Interestingly the Attorney-General went on to say that the upper house committee was seeking to coerce members. Not so! This is not a request from the select committee; it is a request from the Council. It is not about coercion; it is a request. It is not from the Liberal Party; it is from a select committee of the upper house which has representatives of the Liberal Party, The Nationals, the Greens and the Democratic Labor Party. It is supported by the media, it is consistent with legal advice, it is supported in its arrangement by the clerks and its request was not even contested in the upper house when the motion was passed, because there was no division.

The Attorney-General has also suggested that this is a demand. It is not a demand; it is a request. He has also suggested that it is unprecedented. We have heard already that it is not unprecedented; this is perfectly straightforward behaviour that is based on precedent. We have heard from the Attorney-General that New South Wales examples are irrelevant; that in turn is nonsense. We have heard from him and others that business confidence would be undermined by this process. Let us just remind ourselves that one of the bidders threatened to sue the government because of a failure of probity in the process. Indeed it was the Premier himself who said that probity was an issue, and under pressure he saw fit in an election period to call his own inquiry. The arguments from 2002 are gone. We have heard the 'witch-hunt' phrase so many times, and we know the Premier set up his own inquiry to try to smooth this over.

Ultimately the Assembly is now deciding whether members, ministers and indeed the Premier can exercise the choice to appear — and we do not argue with that — or whether they will hide behind the shield of this house. They do not want to exercise their choice. I was interested to hear the member for Dandenong, the former Minister for Gaming, say, 'That is why I will not be participating'. In other words, he said he was exercising his choice — but at the moment he does not have a choice. If you want to exercise your choice, you will vote for the member of Malvern's amendment. Government members are hiding behind a shield. This is a classic example of Steve's secret state plodding on. Here we have a very clear demonstration of everything that is wrong with this government and everything that brings the people of this state to the conclusion that the government has a lot to hide and a lot to be concerned about.

I urge members to support the amendment moved by the member for Malvern. I also urge the people of Victoria to look very carefully at what is happening here, because as one of the contributors to the debate said earlier, this is about power and it is about money. This is what drives this Labor government.

Mr HULLS (Attorney-General) — I will sum up very briefly. I agree with the Leader of the Opposition in urging Victorians to look carefully at what is happening here, but it has to be viewed in the entire context of what has occurred with this gaming inquiry over the last few months.

We know that at the outset subpoenas were issued in relation to the requirement for documents to be delivered. We know that upper house committee members, particularly the Greens and the conservatives, knew full well that in doing so they were going against the appropriate conventions and powers, but they decided to do it anyway. Why? Purely for publicity purposes. That is the only reason they decided to act ultra vires. Now we are expected to think, 'Hang on, they are now bona fide, and all they are doing is making a request of members of this chamber to appear before the other place'. That is nonsense. The fact is that the conduct exhibited by members of the opposition parties, particularly in the other place, is totally inappropriate. The fact that they are now making a request that the Premier and other members of this place appear before the committee has to be viewed in

the light of what has gone on over the last few months in relation to this inquiry.

This whole thing is a farce. It is a publicity stunt, and the Leader of the Opposition knows it. If he were to show any leadership whatsoever he would remind his members in the other place of the conventions that have been followed since 1855 regarding the relationship between this place and the other place. I can tell the Leader of the Opposition that we on this side of the house will not allow the conventions that govern the way democracy works in this place to be overturned for the purely political purposes of those opposite. Not only that — —

Mr O'Brien interjected.

The ACTING SPEAKER (Ms Green) — Order! The member for Malvern is interjecting out of his place, and I ask him to desist.

Mr HULLS — We on this side of the house understand what it means to ensure business confidence in the state.

Mr Wells interjected.

The ACTING SPEAKER (Ms Green) — The member for Scoresby is interjecting out of his place, and I ask him to desist.

Mr HULLS — We know what it means to attract investment from overseas. We also know what it means to conduct a proper tender process — and we absolutely know what that means. I do not want to spend the next 12 minutes reminding the house about the sins that were committed under the former government when it came to tender processes.

Ms Wooldridge interjected.

The ACTING SPEAKER (Ms Green) — The member for Doncaster is interjecting out of her place, and I ask her to desist.

Mr HULLS — I do not want to go through all that, because 12 minutes will not be enough. Nor do I want to waste the time of this house reminding members of the absolute rorts that went on in relation to members of the former government using their public office for private gain. I do not want to waste the time of the house on the issue of government credit cards being used to buy cushions and jewellery for the families of various members. I do not want to waste the time of the house reading the headings on old newspaper clippings like 'Wife's jewels bought on police minister's credit card' or 'Pillow fight over fresh card rort claims'. I do not want to waste the time of the house on admissions made by Premier Kennett that credit cards had been misused — —

Mr Wells interjected.

The SPEAKER — Order! The member for Scoresby!

Mr HULLS — I think the member for Hawthorn was probably the president of the party at the time.

I do not want to waste the time of the house, but I find it astounding that members opposite come in here and say we are not being transparent, open and honest with the people of Victoria. That is exactly what we are being! We have changed the whole system that allowed for rorts to occur under the previous government. But what we are not prepared to do is throw out some of the basic tenets of democracy in this state and the precedents that have been set by allowing another chamber to believe it has power over this chamber. We are not prepared to do that. That is why as a government and I as Attorney-General have indeed been transparent.

As I said, I have written to the chair of the committee and advised him on what the legal situation is in relation to privilege, cabinet documents, secrecy provisions and the like. I have made it quite clear that we understand the powers of the upper house. We understand that the upper house has the power, obviously, to set up committees, call witnesses and call for documents and the like. However, its powers are not unlimited, and we make it quite clear that we will not allow those precedents to be overridden. So the crocodile tears being displayed by those opposite have to be seen for what they are — that is, simply hypocritical crocodile tears. That is the reality; they know the precedents.

The motion I moved is absolutely appropriate. The Leader of the Opposition should take the time to read the letter that has been written to the chair of the upper house committee, in which I advised on and set out the legal situation, as I was asked to do, particularly on matters he raised in relation to Bret Walker, SC. I advised him that we have advice in relation to Mr Walker's advice and that Mr Walker was basing his advice on the New South Wales precedents.

Honourable members interjecting.

Mr HULLS — It never ceases to amaze me: the longer I am in this place, the more inane the interjections become

The fact is that I have written to the chair of the upper house committee. I would advise the Leader of the Opposition to get hold of that letter, read it and educate himself about the precedents, about privilege and about limits on the powers of the upper house. Once he has read that, I suggest he show the guts to come into this house and apologise for his inane contribution to this debate.

The motion I have moved is absolutely appropriate. I hope it will be supported by all members of this house, and I hope some decent members opposite will have the guts to stand up for democracy in this place and support my motion. I hope the Leader of the Opposition will have the guts not only to support my motion but to reprimand the noddies opposite who do not support what is a very important motion. If it is not supported, the defeat of my motion would set a precedent for how democracy operates in this state. This is a very important motion, and I urge all members to support it.

The ACTING SPEAKER (Ms Green) — Order! The Attorney-General has moved a motion to have the house refuse consent to ministers and a member appearing before a Council select committee. The member for Malvern has moved an amendment to that motion, proposing to omit all the words after 'house' with a view to inserting in their place the words which have been circulated and are in the hands of members. Further, the member for Gippsland East has proposed an amendment to the amendment — namely, to insert the words 'if they think fit' after the words 'terms of reference'.

House divided on Mr Ingram's amendment:

Ayes, 33

Asher, Ms
Baillieu, Mr
Blackwood, Mr
Burgess, Mr
Clark, Mr
Crisp, Mr
Delahunty, Mr
Dixon, Mr
Fyffe, Mrs
Hodgett, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Morris, Mr
Mulder, Mr
Napthine, Dr
Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryan, Mr
Shardey, Mrs
Smith, Mr K.
Smith, Mr R.
Sykes, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms

Noes, 51

Andrews, Mr
Barker, Ms
Batchelor, Mr
Beattie, Ms
Bracks, Mr
Brooks, Mr
Brumby, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Duncan, Ms
Eren, Mr
Graley, Ms
Green, Ms
Haermeyer, Mr
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Langdon, Mr
Languiller, Mr
Lim, Mr
Lobato, Ms
Lupton, Mr
Maddigan, Mrs
Marshall, Ms
Merlino, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Pallas, Mr
Pandazopoulos, Mr
Perera, Mr
Pike, Ms
Richardson, Ms
Robinson, Mr
Scott, Mr
Seitz, Mr
Stensholt, Mr
Thomson, Ms
Thwaites, Mr
Trezise, Mr
Wynne, Mr

Mr Ingram's amendment defeated.

House divided on omission (members in favour vote no):

Ayes, 52

Allan, Ms
Andrews, Mr
Barker, Ms
Batchelor, Mr
Beattie, Ms
Bracks, Mr
Brooks, Mr
Brumby, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Duncan, Ms
Eren, Mr
Graley, Ms
Green, Ms
Haermeyer, Mr
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Langdon, Mr
Languiller, Mr
Lim, Mr
Lobato, Ms
Lupton, Mr
Maddigan, Mrs
Marshall, Ms
Merlino, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Pallas, Mr
Pandazopoulos, Mr
Perera, Mr
Pike, Ms
Richardson, Ms
Robinson, Mr
Scott, Mr
Seitz, Mr
Stensholt, Mr
Thomson, Ms
Thwaites, Mr
Trezise, Mr
Wynne, Mr

Noes, 33

Asher, Ms
Baillieu, Mr
Blackwood, Mr
Burgess, Mr
Clark, Mr
Crisp, Mr
Delahunty, Mr
Dixon, Mr
Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryan, Mr
Shardey, Mrs
Smith, Mr K.
Smith, Mr R.
Sykes, Dr

Fyffe, Mrs
Hodgett, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Morris, Mr
Mulder, Mr
Napthine, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms

Amendment defeated.

House divided on motion:

Ayes, 52

Allan, Ms
Andrews, Mr
Barker, Ms
Batchelor, Mr
Beattie, Ms
Bracks, Mr
Brooks, Mr
Brumby, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Duncan, Ms
Eren, Mr
Graley, Ms
Green, Ms
Haermeyer, Mr
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Langdon, Mr
Languiller, Mr
Lim, Mr
Lobato, Ms
Lupton, Mr
Maddigan, Mrs
Marshall, Ms
Merlino, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Pallas, Mr
Pandazopoulos, Mr
Perera, Mr
Pike, Ms
Richardson, Ms
Robinson, Mr
Scott, Mr
Seitz, Mr
Stensholt, Mr
Thomson, Ms
Thwaites, Mr
Trezise, Mr
Wynne, Mr

Noes, 33

Asher, Ms
Baillieu, Mr
Blackwood, Mr
Burgess, Mr
Clark, Mr
Crisp, Mr
Delahunty, Mr
Dixon, Mr
Fyffe, Mrs
Hodgett, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Morris, Mr
Mulder, Mr
Napthine, Dr
Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryan, Mr
Shardey, Mrs
Smith, Mr K.
Smith, Mr R.
Sykes, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms

Motion agreed to.

The SPEAKER — Order! The question is that a message be sent to the Legislative Council informing it of the decision.

House divided on question:

Ayes, 52

Allan, Ms
Andrews, Mr
Barker, Ms
Batchelor, Mr
Beattie, Ms
Bracks, Mr
Brooks, Mr
Brumby, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Duncan, Ms
Eren, Mr
Graley, Ms
Green, Ms
Haermeyer, Mr
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Langdon, Mr
Languiller, Mr
Lim, Mr
Lobato, Ms
Lupton, Mr
Maddigan, Mrs
Marshall, Ms
Merlino, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Pallas, Mr
Pandazopoulos, Mr
Perera, Mr
Pike, Ms
Richardson, Ms
Robinson, Mr
Scott, Mr
Seitz, Mr
Stensholt, Mr
Thomson, Ms
Thwaites, Mr
Trezise, Mr
Wynne, Mr

Noes, 32

Asher, Ms
Baillieu, Mr
Blackwood, Mr
Burgess, Mr
Clark, Mr
Crisp, Mr
Delahunty, Mr
Dixon, Mr
Fyffe, Mrs
Hodgett, Mr
Ingram, Mr
Jasper, Mr
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Morris, Mr
Mulder, Mr
Napthine, Dr
Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryan, Mr
Shardey, Mrs
Smith, Mr K.
Smith, Mr R.
Sykes, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms

Question agreed to.

Ordered to be returned to Council with message intimating decision of house.

GRAIN HANDLING AND STORAGE AMENDMENT BILL

Statement of compatibility

Mr HELPER (Minister for Agriculture) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Grain Handling and Storage Act Amendment Bill 2007.

In my opinion, the Grain Handling and Storage Act Amendment Bill 2007, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill amends the Grain Handling and Storage Act 1995 ('the act') to:

reduce the regulation of the grains handling and storage sector by the Essential Services Commission ('the commission') to a light-handed access regime; and

extend access regulation to the port of Melbourne by way of this new access regime.

Human rights issues

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

Conclusion

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

JOE HELPER, MP
Minister for Agriculture

Second reading

Mr HELPER (Minister for Agriculture) — I move:

That this bill be now read a second time.

The Essential Services Commission was required by the Grain Handling and Storage Act 1995 to review the regulatory arrangements for the handling and storage of grain for export by 30 June 2006.

The review concluded that, given the significant degree of change in the grains industry at this time, some form of limited regulation of this sector was still warranted in the short term.

The commission recommended that rather than the current licence regime, where the cost of activities undertaken by the commission in regulating grain-handling facilities are recovered through licence fees, the commission should adopt more of a monitoring role. In this role, the commission would require each of the terminals to prepare an access undertaking that would contain the principles upon which access is to be provided, including a binding dispute resolution process. The commission would only intervene if this undertaking was not adhered to.

The commission also found in its review that the GrainCorp facilities at Portland and Geelong are no longer the dominant grain handlers in Victoria. Instead, a relatively balanced duopoly has developed between these facilities and those operated by the Australian Bulk Alliance at the port of Melbourne. The commission therefore recommended that there be no discrimination in the regulatory treatment of grain handling and storage services in Victoria. As a result, regulation should also be extended to the grain-handling facilities at the port of Melbourne in the form of this new light-handed access regime.

The bill implements the key recommendations of the commission's final report. Specifically, it will:

reduce regulation of the grains-handling and storage sector to a light-handed access regime, where undertakings will become the basis for access to the facilities; and

extend access regulation to the port of Melbourne, which will remove regulatory discrimination between the terminals.

In its review, the commission also proposed that once these undertakings had been prepared and accepted, government should abolish licence fees for export grain-handling facilities, as they would no longer be necessary. Exemption from these fees will be sought when the undertakings are completed and approved by the commission.

Overall, this new access regime is consistent with the government's objective of reducing the regulatory burden on industry.

I commend the bill to the house.

Debate adjourned on motion of Dr NAPTHINE (South-West Coast).

Debate adjourned until Wednesday, 1 August.

ACCIDENT COMPENSATION AMENDMENT BILL

Consideration in detail

Debate resumed from 17 July; further discussion of clause 1.

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — When we concluded last night I was responding to some specific questions that had been raised by the Leader of The Nationals in relation to the methodology or the formula that is used to calculate an actuarial assessment essentially for a self-insurer returning to the WorkCover scheme. Overnight I have been able to obtain some further information for members in relation to that.

I can say that in relation to self-insurers returning to WorkCover, the process that is contained within the existing legislation under section 151(3) is supported by a methodology which is applied to calculate the present and future claims costs set out in professional standard PS300, 'Actuarial reports and advice on general insurance technical liabilities', and that takes account of relevant data which is provided by the self-insurer and which includes the general business characteristics. It also includes, obviously, claims experience, including rate of report and settlement; inflation, discount rates and expenses, which go to the issue that the Leader of The Nationals had raised in relation to the cash value of payments made for liabilities arising at different points in time; uncertainty and risk margins; and reporting requirements.

I have a copy of the professional standard here, and I am happy to make it available to the house and to members. With the indulgence of the house, I table that now.

Mr CLARK (Box Hill) — I express my appreciation to the minister for the additional information he obtained overnight and has now provided to the house. I have just one further matter which he may be able to clarify at this point. It relates to the fact that the bill and the existing act have what I have previously described as parallel provisions in part V and part VIA.

On the one hand, part V deals with self-insurers generally, including provisions relating to what happens if self-insurers either move to Comcare or move back to become premium-paying employers under the WorkCover regime. On the other hand, part VIA has provisions dealing specifically with what it describes as non-WorkCover employers, who are those employers who move to Comcare. Both those sets of provisions have requirements as to the calculation of the amount of outstanding liabilities on the part of the employer who ceases to be a self-insurer or the employer who becomes a non-WorkCover employer. In one set of provisions it refers to determination of liability in the terms we discussed yesterday; in the second set it talks about calculation of the value of tail liabilities.

Section 168 provides for a payment to be made by a non-WorkCover employer in similar terms to the way section 151 does, as amended by the bill, and I would be grateful if the minister could shed light on how these two sets of provisions interact and how an employer who ceases being a self-insurer and becomes a non-WorkCover employer goes about complying with both sets of requirements.

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — The member for Box Hill has reasonably accurately outlined the different sections, or the different parts, as they relate to non-WorkCover employers in part VIA and self-insurers in part V. Having familiarised myself with the clauses in each instance, I can assure the house that they are not fundamentally inconsistent with each other. In fact both contemplate an assessment being made by actuaries appointed by the WorkCover authority, and in both instances the methodology that is to be used is the one I have supplied to the house. I see the different parts as operating consistently with one another and not creating any uncertainty for employers in that they essentially outline the same process.

Clause agreed to; clauses 2 to 7 agreed to.

Bill agreed to without amendment.

Third reading

Read third time.

SUPERANNUATION LEGISLATION AMENDMENT (CONTRIBUTION SPLITTING AND OTHER MATTERS) BILL

Second reading

Debate resumed from 23 May; motion of Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission).

Mr WELLS (Scoresby) — I rise to lead the debate for the opposition on the Superannuation Legislation Amendment (Contribution Splitting and Other Matters)

Bill 2007. The main provisions of this bill allow for the appointment of a panel of three deputy directors to act in place of appointed directors of the Emergency Services Superannuation Scheme (ESSS) when the principal directors are unavailable. This replaces the current mechanism of a deputy director being appointed by Governor in Council for each principal director.

Secondly, it provides the ESSS directors with discretion to pay a benefit to a fund member's personal representative, generally the executor, in preference to a dependant in the event of a member's death. Thirdly, consistent with commonwealth legislation it allows contribution splitting by ESSPLAN accumulated fund members with their spouse and respective contributions since 1 July 2006. It expands the rollover and transfer options for ESSPLAN members and it removes the new restriction on making fund contributions while on unpaid leave. With the exception of the provision for a panel of deputy directors, the changes mirror the current practice at the commonwealth level and provide greater choice for beneficiaries. The bill is supported by the ESSS board.

Why are the amendments being made? We have been advised that the changes result from the ESSS board's endorsed recommendations for refining and clarifying current provisions to improve the operations and fairness of ESSPLAN in line with overall changes within the superannuation industry. There are four main objectives of this bill. It provides that the splitting of contribution payments between spouses applies only to accumulation fund members of the ESSS, not defined scheme members. Secondly, the bill creates a pool of three deputy directors of the ESSS. Thirdly, it clarifies payment of benefits upon death of scheme members and clarifies tax status of salary sacrifice contributions. Fourthly, it provides a wider choice of rollover transfer options when leaving the ESSS.

Clause 3 aligns the definition of 'superannuation system' with the commonwealth definitions and allows recognition of a wider range of eligible rollover products — for example, it recognises deferred annuities for roll over. Clauses 4 and 5 create a pool of three deputy directors of the ESSS to act for any one of six directors when they are unavailable. Currently there is a deputy director appointed for each director. The amendment is a common-sense measure because it will be easier to manage with a small pool. Deputies get remunerated only if called upon.

Clause 6, and the ESSS board wanted this position clarified, will insert a note regarding salary sacrificing contributions. The different contribution rate of tax is 15 per cent, and the non-salary sacrifice contributions are grossed up. Clause 7 concerns previously restricted continuing contributions into the ESSS when on extended unpaid leave. This limitation has been removed in line with the commonwealth removing similar provisions in 2004. Clause 8 allows the splitting of contributions between spouses in the accumulation section of ESSPLAN.

Clauses 9 and 10 expand the range of rollover products that can be utilised when transferring out of ESSPLAN. Basically any product recognised under the commonwealth legislation will be recognised as being within the superannuation system, as opposed to the previous provisions which restricted rollover options to another complying superannuation fund.

Clause 11 mirrors commonwealth legislation. Because of the provisions contained in the commonwealth's Superannuation Industry (Supervision) Regulations 1994 clause 11 of the bill inserts new section 21IA into the Emergency Services Superannuation Act 1986 to provide for contribution splitting in the accumulation scheme of the ESSS — that is, ESSPLAN. This will apply to contributions made on or after 1 July 2006. The spouse's account can be elsewhere within the superannuation system. The amount transferred, rolled over or allotted cannot exceed the maximum splittable amount allowable in one financial year, and the application to split contributions can be for the current or previous financial year.

Clauses 12, 13, 14 and 15 repeat provisions for other instances in the act that I have mentioned. Clause 16 provides an explicit power for the ESSS board to pay benefits accrued upon the death of a scheme member to an appropriate person or the estate of a deceased if there is no personal representative. It usually applies to residual benefits where no probate on the estate applies. The current payment can be made only to a personal representative or a dependant, or it can be paid to an estate. The current responsibility of the board having to determine who is a dependant or having to decide on the validity of an ex-wife or ex-husband's claim is transferred to the estate for it to resolve.

Clauses 17 to 24 replicate provisions in other Victorian superannuation acts other than ESSPLAN. Clause 25 allows beneficiaries in the State Employees Retirement Benefits Act 1979 who are turning 65 and who have elected to transfer to the State Superannuation Fund or the Transport Superannuation Fund to convert up to 50 per cent of their lump sum benefit to a pension. Clause 25 also provides for more flexibility to beneficiaries, of which there are approximately 2000. This scheme was closed in 1988; its contributors were mainly employees such as school cleaners. Advice by

Treasury is that the cost of the change is less than $500 000 over the life of that scheme. Clause 26 removes a redundant provision.

What is contribution splitting? I went to the Australian Taxation Office for its definition of 'superannuation contribution splitting'. Its advice was that 'superannuation contribution splitting' means you can split certain superannuation contributions made during a financial year to your spouse's superannuation account. It is a way for your spouse to accumulate their own superannuation benefit even if they have a low income or they are not working. Splitting your superannuation contribution will give you and your spouse more choices on how to prepare for your retirement.

Superannuation contribution splitting is a voluntary service that may be offered by your superannuation fund. The receiving spouse must either be married legally to the applicant or live with the applicant on a genuine domestic basis as their husband or wife. The maximum amount that can be split for any financial year is 85 per cent of tax contributions on 100 per cent of untaxed contributions.

Do all superannuation funds offer contribution splitting? No, superannuation contribution splitting is a voluntary measure. Superannuation funds can decide whether they will offer a contribution splitting option.

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

Mr WELLS — The Liberal Party is supporting this bill. I should have mentioned initially that we are grateful for the minister for the briefings we had. They were of unlimited time and were very good briefings.

To recap, the bill has four main objectives. Firstly, it provides for the splitting of contribution payments between spouses but applies only to accumulation fund members of the Emergency Services Superannuation Scheme, not defined scheme members; secondly, it creates a pool of three deputy directors of the ESSS; thirdly, it clarifies the payments of benefits upon death of scheme members and clarifies the tax status of salary sacrifice distributions; and fourthly, it provides a wider choice of rollover transfer options when members leave the ESSS.

We can thank the federal government for superannuation splitting. I will quote briefly from the consultation paper headed *Splitting of Superannuation Contributions between Couples*. In the foreword Senator Helen Coonan said:

> The government — this is the federal government —
>
> reaffirmed in the 2002–03 budget its election commitment to introduce contributions splitting as it did for all of its 2001 election superannuation commitments. The government's superannuation reforms will increase self-reliance in retirement by allowing more people to contribute to superannuation, making superannuation more attractive as a savings vehicle and by improving the safety of superannuation.

She went on to say:

> Contributions splitting is a key element of the government's superannuation reforms. It will assist families to maximise the benefits available in superannuation and provide an avenue for spouses to share their superannuation benefits. This is particularly important for families with one spouse working in the house or receiving a low income.
>
> Specifically, contributions splitting will assist spouses that stay home to care for a family to accumulate their own superannuation. This measure is expected to benefit women in particular.

The Taxation Law Amendment (Superannuation Contributions Splitting) Bill 2003 was introduced into the House of Representatives on 11 September 2003. Peter Costello, the federal Treasurer, put out a release on 9 May 2006 entitled 'A plan to simplify and streamline superannuation'. In part it says:

> Under the government's plan, Australians aged 60 and over who have already paid tax on their superannuation contributions and earnings would not pay tax on their superannuation benefits from 1 July 2007. The removal of benefits tax would sweep away the complexities retirees face when taking their benefits. As superannuation benefits would no longer be assessable income there would be an incentive to continue to work while drawing down on superannuation as people would pay less tax on their work income.

An article appeared in the *Age* of 13 June 2007 which states:

> Despite compulsory super, most Australians are still destined for the pension, a report finds.

That is why it is so important that people take into consideration their superannuation requirements. In part the article states:

> Treasurer Peter Costello claims that the government has introduced a range of changes to help boost savings. These include making super payouts for people aged over 60 tax free from 1 July this year, and boosting the super co-contribution scheme for low to middle earners, under which the government contributes up to $1.50 for every extra dollar put into super from after-tax payments.
>
> …
>
> Diana Warren, research officer with the Melbourne Institute of Applied Economic and Social Research, said women saved less than men partly because of time spent out of the labour force. 'They take time off to have kids, and a woman's

> average income is less than a man's, so they add less to savings than men'.

We are keen to follow through the ESSS and the effect that it has on existing superannuation. I note that on 25 May 2005 we spoke about the ESSS and about a campaign that was being run by emergency services workers in which members of Parliament received letters entitled 'Hands off our super!'. Part of the letter is worth reading into *Hansard*. It states:

> The ESSS was established in 1987 in recognition of the work performed by police, firefighters and ambulance officers. The scheme recognises the dangerous and stressful nature of our work —

that is, police and firefighters —

> and the contribution of emergency service workers to the community.

We said at the outset that the Liberal Party will be supporting this piece of legislation, and we wish it a speedy passage.

Dr SYKES (Benalla) — I rise to speak on behalf of The Nationals on the Superannuation Legislation Amendment (Contribution Splitting and Other Matters) Bill. I would like to start by thanking the ministerial and departmental staff for their briefing on the bill. It certainly gave me an insight into the issues that are being addressed. I would like to approach this bill by talking about three aspects: firstly, to whom the bill applies; secondly, the context in which superannuation fits — that is, that it is part of an overall package — with some comments on previous amendments to the underlying bill; and thirdly, comments on some issues in the bill and the responses from those I have consulted.

First of all, I want to look at who the Emergency Services Superannuation Act applies to. One of the groups involved is the police. Police officers are a much-appreciated section of our community. They are often much maligned, but those of us who have been watching the television advertisements of recent times that are being run by the Police Association would appreciate the very difficult situations that police officers find themselves confronted with, unfortunately on an all-too-regular basis. Policing is physically dangerous and emotionally demanding. It can be a very tough work environment as a result of both physical risk and emotional stress. The work can involve confrontation with people affected by drugs and alcohol or confrontation with outright criminals, or having to convey to a family the sad news that a family member has been killed in a traffic accident.

On the other hand, there are aspects of policing which I think they find very rewarding. Many country coppers really appreciate being the community cop, the cop on the beat and the cop who interacts with the people — and it is unfortunate that the police in schools program was curtailed by the government. They also appreciate building relationships with country communities and developing mutual trust, respect and understanding so that problems are nipped in the bud. These police work with people on such things as CrimeStoppers and Neighbourhood Watch to protect our community.

Members of the police are beneficiaries of the Emergency Services Superannuation Scheme. There are also the career firefighters of the Country Fire Authority and the Metropolitan Fire Brigade. I believe there are around 1200 salaried CFA members and 1900 salaried MFB members. I recall the contributions of those people under very stressful conditions. There were the 2003 mega-fires, which were supposedly once in a lifetime fire experiences, but they were repeated in 2006 and 2007. The importance of experienced people being cool in the face of adversity, being cool under pressure, being cool when faced with the heat and being cool when walls of fire were heading for community after community was highlighted. I have to take my hat off not only to the volunteer firefighters but also to the career firefighters. Some career firefighters are volunteer firefighters in their spare time. The boys who were Wangaratta career firefighters during the 9 to 5 shift — —

Honourable members interjecting.

Dr SYKES — I reckon they are boys, but they are good lads. It is a colloquial term. In the bush we refer to our good friends as the fellas and the boys — —

The ACTING SPEAKER (Mr Seitz) — Order! The interjections are disorderly, and the honourable member should disregard them.

Dr SYKES — It is good to have friendly participation from government members, because they recognise the role of volunteers who, as I have said, are often career firefighters during their salaried time but volunteers in their off time. That is an absolute credit to them because it shows that they are committed to the cause. I had the opportunity to be involved in the regional management of firefighting. Career firefighters like Garry Cook, Greg Patterson, Alan Davis and Dianne Simpson were people who gave their best. They are some of the people that are the beneficiaries of the Emergency Services Superannuation Scheme.

The ambos, both the metropolitan and rural ambos, are also placed under very stressful circumstances. In country Victoria they are frustrated by not being able to have the response times that people expect in the city. Because of the tyranny of distance in country Victoria and the staffing issues which make it impossible to provide 24/7 services in many country communities, country ambos are under enormous pressure. I recall interacting with the Benalla ambos who were pushing for an increase in staffing time and service time there. To see the stress on their faces and their eyes hanging out because of the time on-call and backup experiences they were dealing with showed that they deserve to be well treated at the job at the time, but also when they retire and go to greener pastures.

On that note I acknowledge and congratulate Garry Cook who has been appointed as the new manager of the Hume region of Rural Ambulance Victoria. Cookie comes from the CFA; he is highly regarded in the area. I have no doubt he will do an excellent job in that new situation. Other beneficiaries of the superannuation scheme include career firefighters from the Department of Sustainability and Environment and formerly the Department of Primary Industries.

Superannuation is part of a package which includes salary and work conditions. I will again use the police as an example. Some debate is going on at the moment about an enterprise bargaining agreement. Without getting into the politics of this matter too much, one issue concerns a salary component. Victorian police are adamant that they are worse off than interstate colleagues, but there are also issues in relation to work conditions, staff numbers, the number of police on the beat compared to the number on the books, and the undertaking of a review which has been committed to but which has not been delivered.

Police officers have mentioned to me that they miss being involved in positive community policing such as the police in schools program and just being out on the beat interacting with the community. I should say that The Nationals' position in relation to the police issue is that if a deal has been done, then there is a responsibility of both parties to honour their commitment.

I should also compliment the government, including the current Minister for Police and Emergency Services and his predecessors, for the improvement in the working conditions of a number of police in my area. We have had a number of new police stations at Glenrowan, Violet Town, Hotham, Murchison — it is one of the more recent ones — and, prior to that, Woods Point. I know that the coppers are very grateful for their good accommodation. In the case of the upgrading of residential accommodation, their families are also grateful.

I will just put this as a plug to the Minister for Police and Emergency Services who is at the table: I have talked to the local coppers, and they would dearly love an upgrade or replacement of the Benalla station which has been in a terrible condition for over 30 years. The Euroa station is less than satisfactory. When talking to the police in Mansfield while I was participating in community radio on Mansfield Community Radio there seemed to be some concern about the cop shop and the accommodation at Mount Buller, which is one of the great places to live, work and raise a family and enjoy the beauty of north-east Victoria. Seeing as the Minister for Police and Emergency Services and I are on favourable terms this evening, I ask him to put on his list of priorities the upgrades of police stations and accommodation at Benalla, Euroa and Mount Buller.

I will look at the context of this legislation. I have found from researching this bill and from talking about this issue in 2005 that there was considerable disquiet when amendments were proposed to the original act. Primarily there was an issue regarding what appeared to be a lack of consultation with those who were going to be impacted by legislation. There was also an underlying issue of distrust of the government. It is after dinner so I will not give the government an absolute belting; I will save that until tomorrow when we talk about water again. But let me just say that the issues about the distrust of the government were resolved and the legislation that went through was accepted by those who were going to be affected by the changes to superannuation legislation.

I will now consider the bill that is before the house, just in case members were wondering when I was going to get there. The member for Scoresby has outlined the aspects of the bill in some detail. I would like to summarise those and indicate that the bill is amending the Emergency Services Superannuation Act and related legislation. I shall refer to the key aspects of the bill. It will enable the splitting of personal and employer contributions between members and their spouses. Again, the member for Scoresby highlighted the benefits of that to employees. It is commendable that this is being introduced. It means that, at no cost to the government, employees and their families will gain substantial benefits in the long term.

Another aspect of the bill is the establishment of a pool of three general deputies to deputise for any of the six board members. Currently each board member has a specific deputy. That is a common-sense change. Again

I think the legislators are to be commended for implementing that change, because the requirement for deputies is not frequent and this just makes it simpler.

The bill also clarifies the interpretation of the entitlements accrued by salary sacrifice. It clarifies the powers of the board in relation to death benefits, including providing for payments to a member's estate or a third party. It also ensures that former State Employees Retirement Benefits Scheme members maintain their right to convert 50 per cent of their lump sums to pensions when they become exempt officers, which is again, as I understand it, in the interests of employees. Also importantly, it gives members a wider choice of superannuation products into which they can transfer their existing entitlements, and I think that is very important.

I have had the experience in recent times of looking at superannuation products for a friend of mine, and clearly, as the term goes, oils ain't oils and superannuation funds ain't superannuation funds. There are differences. Some of them have very expensive ongoing management charges, so it is very important that an employee can look at the options that are available and make a choice which they feel comfortable with in terms of risk and in terms of the growth of their investment in the superannuation scheme. I commend the government for introducing that amendment. The bill also removes the limits on the period for which members can contribute whilst on leave without pay, and that is in line with commonwealth legislative changes.

Those are the key points of the legislation. In preparing for my presentation this evening I consulted with the Country Fire Authority, the United Firefighters Union, Rural Ambulance Victoria staff and the police. The people I spoke to are comfortable with the changes. They believe this is in the best interests of the employees.

I spoke with Brett Baulman, who is the national executive officer of the United Firefighters Union. He said he was comfortable that this bill was going to achieve good things for his members and was very supportive. We have established working relationships with them, and we will continue to work together to protect communities, particularly country communities, in cases of fire throughout Victoria. Rural Ambulance Victoria was comfortable with the changes from their members points of view. The police officers — that is, both grassroots officers and regional management — believe this legislation will be in the interests of their members, so that is good.

With those remarks I indicate that The Nationals will not be opposing this legislation. We believe it is heading in the right direction. I hope that what it seeks to tidy up and the benefits it aims to deliver are achieved and that we will not need to come back and do some finetuning of the legislation in the future.

Mr DONNELLAN (Narre Warren North) — It is an honour to speak on the Superannuation Legislation Amendment (Contribution Splitting and Other Matters) Bill 2007. The majority of the bill deals with superannuation contribution splitting. It provides a contribution facility for Emergency Services super plan (ESSPLAN) members in line with the commonwealth government's legislation. The principal amendment in the bill provides for the splitting of personal and employer superannuation contributions between members of the ESSPLAN and their spouses, at the request of the members. This is consistent with the commonwealth government's contribution splitting provisions, which took effect on 1 January 2006.

Members of ESSPLAN will be able to split personal and employer contributions with their spouses in respect of contributions made since 1 July 2006. Members may split contributions to an account held by their spouses within ESSPLAN or to a different fund within the superannuation system. This will enable spouses to share superannuation benefits and improve the taxation position of many couples.

We welcome the support of the opposition for the bill. But if we look at what was said when the Superannuation Guarantee Administration Act was introduced into the federal Parliament in 1992, we find that there was a whole lot of kerfuffle from the opposition at the time. There was definitely a desire to ensure that this was not introduced into Australia. Considering that we have the fourth largest funds management industry in the world, it has actually proved to be a winner. That is why it is interesting to go back and have a look at some of the comments made at the time. Mr David Connolly, the member for Bradfield in the federal Parliament, said:

> The Superannuation Guarantee (administration) Bill 1992 and related legislation introduces a new system of compulsory superannuation into Australia.

That is pretty much stating the facts. He continued:

> It is precisely because of the word 'compulsion' that the opposition's amendment calls on the house to withdraw this legislation … it is clear that there are no economic, financial or social justifications for the government's proposals which, if implemented, would cause even higher unemployment, reduce real wages, add to inflation and do nothing to provide genuine retirement income for the majority of Australians.

That is quite hysterical when you actually look at what we have provided through the superannuation guarantee levy. Let us look at what Mr Fergus McArthur, the federal member for Corangamite, said:

> The honourable member for Oxley (Mr Les Scott) is starting to believe the government's propaganda in relation to superannuation … the government's proposition will not provide real superannuation for retirement.

I think probably the most interesting comment came from Mr Wilson Tuckey, the federal member for O'Connor, who said:

> I have had a long history in the racing industry, and one of my more favourite statements is that I have never been able to work out which is the worst type of jockey — the stupid or the dishonest. I have to say of this superannuation guarantee legislation that both terms fit; it is both stupid and dishonest. It is dishonest because it has been presented to the Australian people as being beneficial to their long-term future as taxpayers and beneficial to their long-term future as contributors, as they will be, through lost wages to this scheme. So it is dishonest. It is stupid because it has not been properly researched, and it has not considered the benefits that it might deliver to Australians.

Obviously the opposition at the time, now the federal government, has embraced superannuation, which is a blessing to say the least. I note that some of the policies that have been introduced into superannuation legislation are quite minuscule, like the low-income earners contribution, where, if you earn $29 000 or below, the federal government will match some contributions of $1000. That is pretty ridiculous, because most people at that level of income actually do not have real savings, so I really do not know to whom that applies.

At the end of the day what we have done with superannuation is created a magnificent retirement scheme that is amongst the best in the world. Ours is the fourth largest funds management industry in the world. We have incredible skills in this industry. I look forward to seeing more of those skills being exported overseas in the future. It is interesting to note how the tone has changed over the years now that we actually have the support of the conservative parties for superannuation, which is very welcome. I commend the bill to the house.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to speak on the Superannuation Legislation Amendment (Contribution Splitting and Other Matters) Bill 2007. The principal purpose of this bill is to provide for the introduction of contribution splitting in the accumulation section of the Emergency Services Superannuation Scheme, known as ESSPLAN, as well as for a range of other matters of a miscellaneous and technical nature with respect to superannuation.

As was put by the member for Scoresby, we will not be opposing this bill for the simple reason that we believe it is important legislation. It builds upon the hard work that has been done by the Howard federal government with respect to the development of contribution splitting. This bill does a number of things, which include allowing for the appointment of a panel of three deputy directors to act in place of the appointed directors of the Emergency Services Superannuation Scheme when the principal directors are unavailable.

It also provides for the Emergency Services Superannuation Scheme directors at their discretion to pay a benefit to a member's personal representative or general executor in the event of a member's death in preference to a dependant, where necessary. It is also consistent with federal legislation in the sense that it allows for spousal contribution splitting by ESSPLAN accumulation fund members with respect to contributions made since 1 July 2006. It expands the rollover and transfer options for ESSPLAN members and also removes the restrictions on making fund contributions while on unpaid leave.

Our emergency services do a fantastic job for not only the people of my electorate — and I pay tribute to those emergency service workers in the Ferntree Gully, Rowville and Boronia Country Fire Authority branches — but more importantly across Victoria. Just this year we have had bushfires, floods and other natural disasters and have seen the hard work our emergency services personnel have done. I am sure that all members would commend the work of our emergency services members.

The act principally will amend the Emergency Services Superannuation Act 1986. It is important to encourage people to contribute to and invest in superannuation. As the member for Scoresby has pointed out, there will certainly be greater reliance in coming years on people obtaining pensions. With an ageing population, and the taxation revenue base diminishing, it is imperative that other means be sought to provide for people in their retirement. Obviously superannuation will help to fill that void.

However, more importantly this bill will encourage the provision of superannuation contributions for spouses of employees who are not necessarily earning the same income as their spouse or who for a range of reasons may not be in employment at a given time. We on this side of the house support that. As the member for Scoresby has pointed out, that is a provision that has

been established by the federal government, and we are pleased to see that the state government is taking up that option.

Every effort must be made to encourage people to contribute to superannuation. I was also pleased to see that the bill deals with removal of restrictions on making fund contributions while somebody is on unpaid leave. For a range of reasons people will opt to take time off from work, be it on a temporary or long-term basis, and it is important that for the purpose of this scheme, covered employees will still be able to make the necessary contributions to their fund despite the fact that they may be on unpaid leave. That is important.

The federal government should be commended on the work it has done in terms of superannuation, not only with respect to contribution splitting but also in relation to the recent announcement regarding individuals over 60 years of age being able to draw from their superannuation fund without paying tax. One only had to watch news reports to see that superannuation funds prior to the end of the last financial year were having to hire additional staff to cope with the influx of millions of dollars of contributions from people wishing to use this new form of investing their income without the requirement to pay tax on it. I am sure this government would be commending the work the Howard government has done in that area. I am pleased to see that members opposite support that.

As has been said, the Liberal Party will be supporting this bill. We think it is important to expand the scope of contribution splitting amongst a range of superannuation funds. We are pleased to see that the government has acted accordingly with respect to this fund, and I assume and would hope that the government is taking the necessary action to introduce this provision as well with respect to other funds. I commend the bill to the house.

Ms BEATTIE (Yuroke) — It gives me great pleasure to talk on this superannuation legislation amendment bill. The member for Ferntree Gully talked about some of the recent changes that have been made to superannuation. As to people moving their millions of dollars into superannuation, I can absolutely say I know of not one of my constituents who has moved $1 million into their superannuation fund. They only wish they could have! Certainly none of my friends is in the fortunate position of being able to do that or even to sell a holiday house to be able to put $1 million into superannuation.

The fact is that until recently superannuation was not available to many people in the community. Until recent times not many superannuation schemes even catered for women. It is certain that in the future males will have quite large superannuation amounts but the size of females' superannuation funds will be sadly lacking, so it is good that contributions can now be split to this extent.

I know other members want to talk about the bill, but I want to echo a couple of concerns that were present in the minister's second-reading speech, in which he talked about members of ESSPLAN being able to split personal and employer contributions with their spouse. I will quote from the second-reading speech:

> Most regrettably, the Victorian government is prevented from extending the opportunity of contribution splitting to same-sex couples.
>
> This is due to the relevant commonwealth legislation which, for the purposes of contribution splitting, narrowly restricts the definition of 'spouse' to heterosexual couples who live together on a genuine domestic basis.

In this the federal government is not only passing judgement on relationships but, when it talks about a 'genuine domestic basis', is almost spying into people's bedrooms.

The Scrutiny of Acts and Regulations Committee also had grave concerns about the infringement of human rights. The committee observed that:

> Every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

Clearly the Scrutiny of Acts and Regulations Committee had concerns. I quote from the minister's response:

> At the outset, I would like to emphasise that the government strongly believes —

this is the Victorian government —

> that superannuation contribution splitting should be available to persons in same-sex relationships. Regrettably, constraints imposed by the relevant commonwealth superannuation law prevent the Victorian government from extending this facility to same-sex couples in the ESSPLAN …

I am very pleased to further quote from the minister's response:

> To this end, I have written to the federal Treasurer urging the commonwealth government to consider amending its definition of 'spouse' to include same-sex couples and to make other legislative amendments necessary to permit contribution splitting for same-sex couples —

and the minister attached a copy of that letter.

I commend the Scrutiny of Acts and Regulations Committee on its fine work. I agree with what the minister has written. This is good amending legislation, but it would be even better if we could extend contribution splitting to same-sex couples, who should be equal in all ways before the law. I think it is dreadful that some people have been together for 20 or 30 years but may not have any superannuation passed on to them. I urge the federal Treasurer to see the good sense in treating same-sex couples equally, without prying into people's bedrooms to see its genuine domestic basis. With those few words I commend the bill to the house.

Mr HODGETT (Kilsyth) — I rise to add to the debate on the Superannuation Legislation Amendment (Contribution Splitting and Other Matters) Bill 2007. I support the bill based on its main provisions.

The bill allows for the appointment of a panel of three deputy directors to act in place of the appointed directors of the Emergency Services Superannuation Scheme (ESSS) when the principal directors are unavailable. This replaces the current mechanism of a deputy director being appointed by the Governor in Council for each principal director. The bill provides the ESSS with the discretion to pay a benefit to a fund member's personal representative — generally the executor — in the event of the member's death, in preference to a dependant.

The bill is consistent with commonwealth legislation in that it allows for contribution splitting between the ESSPLAN accumulation fund's members and their spouses in respect of contributions since 1 July 2006. It expands the rollover and transfer options for ESSPLAN members, and it removes the restrictions on making fund contributions while on unpaid leave. I will speak a little more on some of those provisions shortly. We all know from the minister's second-reading speech that the primary purpose of this bill is to provide for superannuation contribution splitting in the ESSPLAN, which is the accumulation plan that sits within the Emergency Services Superannuation Scheme.

The bill also deals with a range of other miscellaneous superannuation issues. The principal amendment in the bill provides for the splitting of personal and employer superannuation contributions between a member of the ESSPLAN and their spouse at the request of the member. This is consistent with the commonwealth government's contribution-splitting legislation, which took effect from 1 January 2006. Members of ESSPLAN will be able to split their personal and employer contributions with their spouses in respect of contributions made since 1 July 2006. Members may split contributions in an account held by their spouse, either within ESSPLAN or with a different fund within the superannuation system. This will enable spouses to share superannuation benefits and can improve the taxation position of some couples.

The bill also amends the Emergency Services Superannuation Act 1986 to provide for the establishment of a pool of three deputy board members who will be able to act for any of the six ministerially nominated board members. Under the existing arrangement I understand that deputies are assigned to specific board members. A pool of deputies will provide greater flexibility and the increased utilisation of appointees and will result in fewer deputies having to be appointed. That is a sensible initiative. We were informed at the briefing that that situation would probably occur only two to three times a year, so it makes sense to put it into the bill.

A number of other administrative or technical amendments are addressed in the bill, and I will comment on two of them. Firstly, the bill amends some existing provisions regarding death benefits. The amendments will clarify the existing powers of the ESSS board in relation to the payment of death benefits, which will provide for fairer outcomes, expedite payments and reduce the administration burden on the ESSS. The amendments will also provide for payments to a member's estate or such third parties as the board considers appropriate in circumstances where there is no dependant or nominee and no executor or administrator has been appointed.

Further, the board will have the discretion to pay a portion of the death benefit to the dependant commensurate with the level of dependency and to pay the balance to the member's estate. Under current legislation, benefits are paid or can be paid to a dependant. We often discover they are paid to a spouse or an ex-spouse when the couple might have been separated or divorced for some 10 or 20 years. This change gives discretion for payment to go to a nominated beneficiary. This is an important and sensible change.

Secondly and finally, the bill removes limits on the period during which members can contribute while on leave without pay, in line with commonwealth legislation changes. This is a good thing. Superannuation contributors should be entitled to make contributions whilst on unpaid leave, if they are in a position to do so. That should be their choice. They should not be discriminated against. As our very

competent federal Treasurer keeps telling us, superannuation is very important. People go on unpaid leave for a host of reasons, and if they are in a position to make payments whilst on leave without pay, that should be their choice. Again, this provision is a sensible addition to the legislation. In closing, I support the bill and commend it to the house.

Mr SCOTT (Preston) — I rise to support the bill. It is a pleasure to speak on the Superannuation Legislation Amendment (Contribution Splitting and Other Matters) Bill. I welcome the support of all parties in the house. It is a sensible piece of legislation which deserves support. As others have noted, the primary purpose of the bill is to allow superannuation contribution splitting in ESSPLAN, the accumulation plan within the Emergency Services Superannuation Scheme. The bill also has a number of technical amendments relating to the scheme, but the aspect I would like to comment on was mentioned by the member for Yuroke.

One negative, and it is something which leaves a sour taste in the mouth, is the limitations the commonwealth law applies to this bill, which prevent it from applying to same-sex couples. The Bracks government believes, and I as a member of Parliament believe, that in terms of taxation, superannuation and welfare, same-sex couples should enjoy the rights of heterosexual Victorian couples and there should not be discrimination. While in one sense it is not a matter that we in this Parliament can directly deal with, I too would urge the federal government, or hopefully an incoming Labor government, to make the necessary legislative changes to remove that discrimination and allow all Victorians who work in emergency services and who are in loving relationships to enjoy the benefits of this legislation. I think that would be a deserved change of which this government would be proud.

I understand that debate is winding up, so I will keep my contribution brief. I commend the government and other parties in the house for supporting this bill, which I think provides useful, sensible and necessary changes to the Emergency Services Superannuation Scheme. I commend the bill to the house.

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — I start by thanking honourable members for their contributions to the debate on the Superannuation Legislation Amendment (Contribution Splitting and Other Matters) Bill. While it is a relatively technical piece of legislation it does enact a series of not insignificant changes to superannuation arrangements in Victoria. For that we appreciate the support of other parties and other members in this chamber. I want to thank particularly the members for Scoresby, Benalla, Narre Warren North, Ferntree Gully, Yuroke, Kilsyth and Preston for the constructive way they have participated in the debate.

I want to re-emphasise that one element that has been a feature of most members' contributions, certainly on the government side, in relation to this legislation is the regrettable situation in relation to same-sex couples. Obviously we are constrained in what we can do with legislation in Victoria. We are constrained by the commitments we have given under a heads of government agreement that we reached with the commonwealth back in 1996. It is an agreement to keep our superannuation arrangements across the state government scheme consistent across Australia with the arrangements for the commonwealth scheme.

All other jurisdictions have had to deal with this same issue and have eventually had to follow the same path that Victoria has — that is, not to extend these arrangements to same-sex couples. We would have liked to have done so in Victoria. We have made it very clear in the second-reading speech that should the commonwealth amend its legislation to recognise same-sex couples for the purposes of contribution splitting, we would do so immediately.

We call on the commonwealth to do so and as members are aware, I have written to the federal Treasurer as recently as 22 May to reinforce the strong view of the Victorian government that this change should occur. We have articulated some of these concerns in the context of the compatibility statement that was tabled at the time of the second-reading speech. I respectfully take on board the views that the Scrutiny of Acts and Regulations Committee has expressed in relation to that, but I would again note that the government is totally constrained in what it can do in this area.

It would have put us in a totally unacceptable position had we acted in any other way, but we reiterate it at every instance and call on the federal government to amend its legislation to give the states the freedom we need to provide the same sort of legal recognition which is given to other domestic partners in other situations and which we believe ought to be extended to same-sex couples in this situation.

Again I thank members for their contributions on this bill, and I wish it a speedy passage through Parliament. Finally I wish to thank two staff members at the Department of Treasury and Finance, Robert Holcombe and Katherine Terry, who have done a huge amount of work in briefing opposition members and working

through many of the complex issues around the statement of compatibility. We appreciate the professionalism they have shown in relation to this bill.

Motion agreed to.

Read second time.

Third reading

Read third time.

ENERGY LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 20 June; motion of Mr BATCHELOR (Minister for Energy and Resources).

Mr CLARK (Box Hill) — The Energy Legislation Amendment Bill has two main purposes. The first is to amend the Electricity Industry Act 2000 to require medium and large electricity retailers to purchase electricity generated by small renewable energy generators at prices that are fair and reasonable in accordance with the specifications of the bill. The second purpose is to redraft the powers under the Gas Industry Act 2001 to make gas market and system operation rules.

The first of these measures is what I might describe as a 'typical Labor measure'. The government has thought, 'Gee, this is a you-beaut idea. We are going to amend the rules to make sure that the people who set up small, micro, renewable generation arrangements get a better price out of the retailers. That is going to be really popular and will stimulate small-scale renewable energy devices, and it is going to go down very well with the electorate and earn us a lot of kudos'. But in typical Labor fashion, having had that rush of enthusiasm, Labor members have failed to think through the details and the consequences of that policy decision, and the bill that they have brought before the house raises a large number of questions that have not been answered and to which the opposition will be seeking answers during the course of the debate.

Certainly on this side of the house we support the sensible deployment of small-scale solar and other generation facilities. At the commonwealth level the Howard government is providing an $8000 incentive for people to deploy solar roof systems. That is an incentive to generate that sort of facility and to focus the public's mind on the benefits and attractions of investing in renewable energy. We can certainly appreciate the motivation for this measure, but, as I said, the problem is that it is one thing to have this bright idea, it is another thing to effectively implement it. What has become pretty apparent to us is that this has not been properly thought through by the government. There are a lot of issues that remain to be resolved.

That is consistent with the state Labor Party's overall approach to energy and greenhouse issues. It is big on talk and short on effective action. I suppose there is no lesser demonstration of that than the way the Bracks government and other state and territory Labor governments have handled the issue of emissions trading policies. The government is certainly big on the talk, and it is certainly very easy to call for other people to do something about it, but when it comes to the government taking action itself it has comprehensively failed.

In January 2004 the state and territory governments issued a declaration saying that in the absence of national leadership on greenhouse policy they had agreed to establish a working group to develop a multijurisdictional emissions trading scheme driven by the state and territory governments. In January 2004 it was going to be a state and territory government-driven multijurisdictional emissions trading scheme — in other words, the state and territory governments were going to take on the task. So they set up this working group, which was required by its terms of reference to report to ministers by December 2004. But come December 2004 all the working group had done was produce a progress report.

In March 2005 the state and territory first ministers declared that further work was to be done, which was to be reported to the first ministers in the second half of 2005 and that a discussion paper would be issued later in 2005. In fact we did not get a discussion paper issued until August 2006, and that paper outlined a possible national emissions trading scheme (NETS), which is the state and territory governments model insofar as it has been able to be developed. However, the day that discussion paper was issued we had the premiers of Queensland and Western Australia refusing to commit their states to the implementation of an emissions trading scheme. Premier Beattie said at the time that he refused to support projects which sounded good but deliver — if members will pardon the expression he used — bugger all.

The Premier of Western Australia, Mr Carpenter, said that he would not commit Western Australia to any form of national greenhouse gas emissions trading until

there was more evidence that Western Australian interests would not be adversely affected. So for all of the carry-on by the states and territories about how dynamic they were and how they were going to act to fix the greenhouse problem, they were stymied by two of their own ranks. Ever since then they have resorted to the subterfuge of threatening that they would at some time in the future before 2010 introduce an emissions trading scheme if the commonwealth refused to act. As is so often the case, we get the huff and puff from the Labor Party, but when it comes to actually doing something effective to solve a problem you need the other side of politics to attend to that. That is what the Howard government is now proceeding to do, given the failure of the states and territories to be able to get their act together.

Now we come to this bill, which, again, has the sorts of attractions in principle that I have outlined. We now need to assess how well it is being implemented in practice. I want to express the opposition's appreciation to the many parties that have provided feedback to it on this bill from varying perspectives. I will refer to some of the points that have been put to us by various parties, but only with attribution where attribution has been authorised.

It became clear to us, based on the feedback that we have received, that there have been a considerable number of major participants in the energy industry whose first knowledge of this bill was the approach that was made to them by the opposition. We certainly got that feedback from one of the gas distributors in Victoria, which told us that it had not been made aware of the proposed changes to the Gas Industry Act and that it was difficult for it to comment when no consultation had taken place and when it did not know the reasons behind the changes in relation to VENCorp that were most relevant to it. It indicated it could not support a change to the legislation without further information.

Another respondent to us made the point that there are no criteria or objectives proposed which would guide the Essential Services Commission in making a determination under the legislation. It argued that that should be a policy matter and not at the discretion of the regulator. It made the point that a conflict arises in that the small generator may believe that a fair and reasonable price must be determined with respect to its cost of investment, which may be very high, while an end customer considers the benefit of objectives, such as the national energy market objective, which would suggest that a fair and reasonable price should be determined based on the economically efficient cost of supplying power in the national electricity market and having regard to achieving jurisdictional policy obligations such as renewable energy targets. In relation to the gas industry amendments the same respondent questioned the logic and appropriateness of the market system operation rules including the power to confer functions on VENCorp when it was the principal driver of those rules.

Another respondent said to us that, as another small-scale addition to the complex web of state-based greenhouse initiatives, the benefits and efficiency of the policy compared to a comprehensive national emissions trading scheme or other national greenhouse policy measures were questionable. The respondent also pointed out that the bill appeared to involve the Essential Services Commission (ESC), which was designed to wind up its main energy-related activities under the new national energy reforms, being given a new lease of life, and that it has been placed in the role of market intervention and of setting a range of fair and reasonable prices between buyers and sellers of energy in the national market.

On the other hand we received a response supporting the direction of the bill and arguing that the bill is a good first step but that it needs to be followed up with either a regulated tariff above the consumption tariff or a pricing principle defining a fair and reasonable feed-in tariff as being higher than the typical consumption tariff. That respondent argued that such a tariff would apply at least to households, perhaps to microgeneration of less than 5 kilowatts. A parallel was drawn with the price of accredited green energy, and it was suggested that perhaps that justified a higher price as being fair and reasonable. That respondent also raised with us the question of the grounds on which the ESC could determine whether a tariff was fair and reasonable, and suggested that having a specific mandate to consider environmental impacts in its facilitating objectives, if they are retained post the impending review, would assist it to consider the wider benefits of incentivising small-scale microgeneration in such a determination.

Last, but certainly not least, we received a comprehensive response from the Energy Users Association of Australia, which was happy to have its views attributed to it. It put to us that the EUAA has been concerned that over the past few years there has been a plethora of greenhouse, renewable and energy efficiency schemes emerging, many being state specific, inconsistent and imposing layers of costs and regulatory burden on business. It cited, for example, that in renewable energy there is the mandatory renewable energy target, the Victorian renewable energy target and the recently announced New South

Wales renewable target, and that South Australia and Western Australia have also announced renewable energy targets.

The EUAA argued that renewable energy sources are high cost and that it has significant reservations as to their value, particularly the value of wind generation. It said that the small-scale generation encouraged by this legislation, particularly photovoltaic generation, may help reduce the severity of the peaks, but that it is imperative that the prices paid be economically efficient and not another form of hidden subsidy to renewables that is passed through to end users. It made the point that the means of deriving a fair and reasonable price is not an easy question.

The EUAA argued that perhaps the most correct way would be the half-hour bidding price less the costs incurred by the retailer, taking into account the hedged position of that retailer. Again, the EUAA said that the issue of identifying the appropriate costs is not an easy issue — for example, do you short-run or long-run marginal costs, and what are the costs associated with catering for such a variable input? Overall the EUAA said that it was concerned this would be seen to be too complicated and that a price would be selected that ignored the cost side.

It is clear that the respondents who have contacted the opposition have raised a range of very serious concerns and diverse points of view on the legislation. We have distilled out of the points they and others have raised with us a number of issues which need to be addressed during the course of the debate and which I hope will be addressed by other government speakers and in particular by the minister in closing the debate.

I suppose at the head of the list is the question of how the regime created by this bill is seen to be fitting with a national emissions trading scheme, because there is in fact a broad degree of agreement between the NETS model produced on behalf of the state and territory governments on the one hand and the proposals produced by the Prime Minister's emissions trading task group on the other hand. Their agreement is on the fact that there should be technology-neutral and broad-based measures.

I refer to page 41 of the report of the prime ministerial task group on emissions trading, which states:

> Given the magnitude of the abatement task facing Australia, it will be critical to rely on broader based measures that are driven by the market. They should be neutral in terms of technology and fuel. This will allow Australia to achieve abatement at the least cost. There would also be considerable benefit from rationalising the current mix of policies.

In similar terms, at page 11 of the state and territory government's national emissions trading task force discussion paper, the following point was made:

> One of the great strengths of an emissions trading scheme is that it is technology neutral — that is, it does not select preferred technologies. It allows the market to seek out the lowest cost ways of achieving any particular emissions cap. It does not rely on omniscient governments directing investments and abatement activities through more traditional 'command and control' regulation or through industry or technology-specific subsidies.

I should make the point that the Prime Minister's task group made the following additional observation:

> Well-designed and targeted technology policies, which complement the market signal, will also be necessary to bring on the technologies necessary to make significant reductions in greenhouse gases over the longer term.

The Prime Minister's task group was very specific here in talking about technology policies rather than policies that affect the market structure and operation.

There is a question that arises as to how the scheme created by this bill will fit with the national emissions trading regime and what the government's intention is. Is it intended to phase out the mechanisms in this bill as an emissions trading scheme is introduced, or is it intended by the government to continue this and its other specific state-based schemes notwithstanding the introduction of a national emissions trading scheme?

Mr Batchelor — Have you got a view? What would you do?

Mr CLARK — Our view is similar to that expressed by the prime ministerial task group and by the national emissions trading task force: that the ideal way of achieving an outcome is to have a technology-neutral policy. I will be very interested to hear what the minister has to say on that subject.

Mr Batchelor interjected.

The ACTING SPEAKER (Mr Jasper) — Order! The Leader of the House will get his opportunity.

Mr Batchelor — I am interested in his views.

The ACTING SPEAKER (Mr Jasper) — Order! The member will give those views if the Leader of the House allows him to give them without interjection.

Mr CLARK — In similar vein the government needs to explain what its intentions are in relation to the move to national regulation. Does it intend that the ESC will continue to determine fair and reasonable prices under the legislation, notwithstanding the moves to

national regulation? As I understand it — again, I look forward to the minister's remarks — the Bracks government supports the move to national regulation.

There is also the issue as to whether or not this is going to involve a cross-subsidy from other consumers to those who have small-scale renewable generation facilities — in other words, will the price of electricity for consumers rise in order to drive the mechanisms established under this bill? It hardly needs me to say that the general principle should be that direct government incentives, such as the commonwealth government's incentive, are to be preferred to cross-subsidies. Again, I look forward to the minister declaring whether or not it is intended that this bill will involve a cross-subsidy between other consumers and the operators of small-generation facilities.

That in turn leads on to the issue of pricing. The bill is very open-ended in that respect. It talks about fair and reasonable pricing, but the bill sets no criteria as to what constitutes fair and reasonable pricing. As has been pointed out by many who have contacted the opposition, this is a policy question that should be determined by the Parliament under the guidance of the policy views of this place rather than of the ESC.

Mr Helper interjected.

Mr CLARK — The Minister for Agriculture interjects and suggests this is a price-setting bill.

Mr Helper — That is what you want.

Mr CLARK — And he suggests that we want a price-setting bill. What we want is some explanation of how the bill is intended to operate. It is a price-setting bill by either means. Let the Minister for Agriculture not protest about that. The very essence of this bill is to create a mechanism whereby if the industry does not set prices, then the ESC — or the minister on the recommendation of the ESC, to be more specific — will set those prices.

The bill will apply to retailers with more than 5000 customers, which we understand is 7 of the 15 licensed retailers in Victoria. The bill will require them to publish terms and conditions on which they are willing to buy power from small-scale renewable generators, which are generators with a capacity of less than 100 kilowatts, and the bill is extending the current feed-in provisions which apply to wind generators to also cover hydro, biomass and solar generators, such as rooftop photovoltaic generators. Then, as I said, if the minister considers that the retailer's terms and conditions are not fair and reasonable, the minister can send them off to the Essential Services Commission. If the ESC agrees that the prices are not fair and reasonable, it can recommend to the minister other terms and conditions that are fair and reasonable, and the minister can declare that those recommended terms and conditions will apply to the retailer.

So this is certainly a price-setting piece of legislation, which is exactly why the opposition is concerned that there is a full understanding of what it is all about in the marketplace and in this chamber. And there are a wide range of views as to what is a fair and reasonable price. It is not just a technical issue of assessment and measurement of issues of fact against known criteria. The question is: what are the criteria going to be? My understanding from the briefing provided to the opposition by the department is that the departmental view is that by and large a fair and reasonable price to be paid by retailers for the purchase of small-scale generation by them is a price that is more or less equal to the price that they charge for the supply of electricity to the facility concerned, so that if you were a householder with photovoltaic cells on your roof, you would be credited for the power you feed into the grid for a price approximately equal to the price you are charged when you are supplied power by the retailer. On the face of it that sounds a reasonable proposition, but the retailers argue — it seems to me with some merit — that that view does not take into account the fact that the retail price includes not just the price of energy but also the cost of transmission and the cost of distribution.

Mr Batchelor interjected.

Mr CLARK — The minister says it includes the cost of generation investment as well. So there is a whole range of criteria. Are the retailers going to be expected to pay more to buy power from a small-scale generation facility than to buy power from other sources — what is the marginal cost to a retailer of sourcing power from another source? — so that it is on a cost-neutral basis? You might look at it from the point of view of the person with the generation facility and say a fair and reasonable price is based on what it has cost them to put in their generation facility. Given that solar panels are quite expensive, that could be a very high price that is well above the prevailing market price for electricity.

As I have mentioned, some people believe that is exactly what should be happening — that the buy-in price should be equated not with the marginal cost of energy but with the price of green energy, or higher, in order to provide incentives for people to have rooftop solar facilities and other facilities. So there are these fundamental policy criteria that need to be thrashed out

here and not just shoved off to the Essential Services Commission, and we certainly hope the minister will shed some light on these matters during the course of this debate.

The point should also be made that a large part of the difficulty in determining pricing is a consequence of the government's tardiness in authorising the deployment of smart meters, or interval meters, because, as many honourable members will know, a smart meter can measure the consumption, or generation, of electricity, at different times of the day, and if properly designed can therefore facilitate the charging for electricity, or the purchase of electricity, at different prices at different times of day, possibly even prices that are linked to the market price. So that if you had smart meters deployed, it would in principle be possible to pay a householder who was feeding power into the grid at the peak on a hot summer's afternoon a price related to the market price of electricity, which could be up to 10 000 — —

Mr Batchelor — The spot price.

Mr CLARK — Which could be related to the spot price, as the minister says, which could be many thousands of dollars.

Mr Batchelor interjected.

Mr CLARK — Exactly. It could be up to $10 000, and that would be an enormous incentive to people to be feeding power into the grid at that time of day. It could be a fair price if that was the prevailing spot price in the market. But in the absence of interval meters, that sort of pricing is not possible, and the expectation is that whatever price is set by the Essential Services Commission is going to be based on some sort of average price which cannot give those incentive effects that would be so desirable.

We have had the Bracks government boasting about the deployment of interval meters for a long time. Indeed, I can recall at the time of the change of government that interval meters were something that were well advanced and due to be deployed in the not-too-distant future, yet it went into a black hole upon the change of government from which it did not emerge until around 2004.

I refer in particular to a media release of the previous minister, dated 16 July 2004 and entitled 'More power to consumers with interval meter rollout':

> Victorians will soon have access to new interval smart meter technology that will allow them to save money on their electricity bills and help protect the environment, the Minister for Energy Industries and Resources, Theo Theophanous, announced today.

That was 16 July 2004. We are now at 18 July 2007 — three years and two days later — and we still have consumers in Victoria not having access to interval meters. If those interval meters had been available, we could have had a lot better pricing for small scale generators than is possible at present.

It seems to us that the strongest justification for a measure such as is included in this bill is if there is a lack of competition for the purchase of power from small-scale generating facilities. We understand that about 80 per cent of the market in Victoria involves two retailers, but any of the 15 are entitled to enter the market if they wish. In other contexts the minister has been boasting that we have a highly competitive electricity industry in Victoria, so I will be interested in the minister's views. Is he saying the government's view is that there is a lack of competition in the purchase of power from small-scale generation?

Mr Batchelor interjected.

Mr CLARK — The minister says 'market power'. We may be using different language to describe the same concept. I will be very interested to hear whether the minister is saying we need to intervene in this particular segment of the market because the market is not operating effectively.

Finally, concerns have been raised with us about this legislation on the issue of red tape and bureaucratic regulation; that was obvious from some of the references I made earlier to comments the opposition had received. One party to whom we spoke said that as far as the electricity industry was concerned, Victoria is the red tape capital of Australia, and they drew very unfavourable comparisons between the Queensland code, which has been newly introduced, and the Victorian code, which is roughly four times thicker. They made the point that layer upon layer of regulation is impeding the effectiveness of competition, impeding the competitiveness of the prices that are available to consumers, and deterring new entrants to the market.

Quite apart from the additional regulation being introduced by this bill, the government needs to address the overall level of red tape. Of course the electricity industry is just a microcosm of the red tape of the Bracks government across the board, which the Treasurer's much-vaunted red tape reduction policy is making no inroads into whatsoever.

I conclude by referring to the second major aspect of the bill — namely, redrafting the powers to make gas market and system operation rules. Those provisions, we are told, are intended to clarify the items that can be

included in the rules and anticipate problems that may emerge rather than be reacting to problems that have already emerged.

I think that the experience overnight and this morning shows that regulation of the gas industry is a very important issue indeed. VENCorp, the Essential Services Commission and the state government have important roles in ensuring that there is security of supply and that the increasingly heavy-handed regulation of the industry and the move by the ESC away from the CPI-minus-type regulation, which was the original policy objective, to far more of a cost-plus, very inquisitorial-type regulation as exists at present is not undermining the security of supply and proper investment in the network.

The opposition is not opposing this bill, but it believes there are many questions that need to be resolved during the course of the debate.

Mr CRISP (Mildura) — I rise on behalf of The Nationals to contribute to debate on the Energy Legislation Amendment Bill. At this stage The Nationals do not oppose this bill. Certainly its purpose is to legislate to require electricity retailers to purchase power for small-scale renewable generators at a fair price. A consultation has been held with Origin Energy, TRUenergy and some small and enthusiastic generators in my electorate by the names of Jim Bussau and Peter Israel.

Certainly the key to this in my consideration will be fair and reasonable criteria, and during this speech I will refer to some documents from the Essential Services Commission (ESC), the approval of distribution loss factors, some Powercor tariffs, documents from Alternate Technologies Australia, the design of a feed-in tariff for Victoria and selected demand curves — and they are available to anyone who wants them.

Our renewable sources are wind, solar, hydro, biomass and others, and small-scale generators in country Victoria have some potential for this. We have solar and sunshine to spare in country Victoria, and photovoltaics offer the most potential for co-generation. The commonwealth rebate of $8000 for panels has certainly attracted growing interest in photovoltaics, and facilities are being installed in country Victoria. The interest of country people is there for three reasons: being greener than the average citizen, protecting against future price rises for energy and being independent. Certainly at the moment with the commonwealth rebate, the repayment period as a business investment is around 20 years. We need to encourage more independent co-generation, and the business deal needs to be better.

Therefore the purchase of co-generated surpluses at a fair and reasonable price improves the business case. The features of our electricity system that influence a fair and reasonable price are premiums for green power. Consumer prices are about 15 to 16 cents a kilowatt hour in our homes; green power, which is the choice of the consumer, comes at a premium of around 6 cents or more. A fair and reasonable purchase price should recognise that co-generation is providing green power. That green power will be on-sold by the retailer at a premium.

Distribution losses, long line losses and, from the Essential Services Commission, which has had a look at this, electrical losses are incurred as power is transported along distribution wires. Losses increase with the length invariant in proportion to the amount of power being transported. Average losses can vary from year to year due to the cycles in the network utilisation, network configuration and the shape of the load profile. Local retailers are responsible for paying for distribution losses, and, due to the vast diversity of customers connected to the electricity networks, it is not practical to measure accurately and to calculate the distribution losses caused by each individual customer. Therefore the ESC is determined to use an average; for the country areas, which are further away, that is around 7 per cent.

Local co-generation saves distribution losses, and a fair and reasonable price should recognise this saving. Time-of-day generation and demand varies in Victoria from around 5000 megawatt hours to around 8200 megawatt hours in a day. This is worked out with baseload, intermediate load and peak load. Our baseload essentially comes out of our coal-fired stations, our intermediate load comes from hydro, gas and interstate, and our peak load comes from much the same sources — hydro, gas and interstate, and some renewable energies like wind — and certainly costs a great deal. Photovoltaic energy can provide power in that peak demand period. The implications, as we all know, of not meeting peak power are blackouts, brownouts and some very angry commuters on some very hot days in Melbourne. Therefore the market can command premiums from retailers for photovoltaic power at peak periods.

A fair and reasonable price for co-generators needs to involve a component for time-of-day generation. In order to achieve time-of-day generation we need smart meters to be rolled out. At present the people who are involved in this tell me that their meters mostly run

backwards and they receive credits on their system, which often they reuse later. However, a new generation of meters is available. My sources tell me that the price is between $200 and $250, although one retailer is offering meter upgrades for $500. If we are going to have a fair and reasonable purchase arrangement for our renewable generators, then there must be a fair and reasonable cost for installing that metering.

The next area we need to consider is that electricity demand for Victoria is predicted to grow by 35 per cent over the next 20 years, and to meet this demand there will need to be an increase of around 2000 megawatts in base capacity and 1000 megawatts in peak capacity. To put this in context, Victoria's biggest power station, Loy Yang A, has a net capacity of around 2000 megawatts and produces about a third of Victoria's electricity. There is also a concern that the very low cost of coal generation is an inhibiting factor on the development of a new clean-coal generation facility in Victoria, so other technologies will be needed to make up the gap while the national network builds up to the stage of being able to warrant and afford a new station.

It is a challenge that I believe we can meet. The problem is that the major investment required for a baseload station is again beyond Victoria. In technical terms, solar power could be integrated into the current system to provide baseload as well as peak-load supplies, but we still need to consider the incentives required for people to take part. Retailers cannot be expected to contribute this component in the payments they make for co-generated power. The saving from delaying baseload stations is the Victorian government's responsibility. Providing small rebates is a proven method to compensate for that. A water tank rebate is something that we have used to augment the supply of water for urban areas. Using that as a basis we could well join the commonwealth in providing rebates for photovoltaic and other co-generation methods to further make it a better business deal for country Victoria to take up to meet the challenge of providing some power.

Certainly we are not talking about large amounts of power, unfortunately, because most of these facilities are designed to meet home needs, and the surplus that is returned to the grid is actually very small. This then leads us to another difficulty. Although the power that has been generated and used at home represents a saving, who pays for that saving? It is something that I do not have an answer to, but it will need to be addressed at some stage if we want significant self-generation by consumers.

My colleague Peter Hall, a member for Eastern Victoria Region in the other place, has written to the minister expressing our concerns about the criteria that we use for determining what is a fair and reasonable price, and the minister has responded to my colleague's letter. The minister has informed us that he is currently developing the criteria in consultation with energy retailers, and as requested this will occur prior to the commencement of the act in January 2008. I certainly thank the minister for his prompt response on that issue.

The justice of this legislation really hinges on what is fair and reasonable. The Nationals feel that much pain could be avoided, given that many of the small co-generators deal with a few very strong retailers, by specifying the criteria for what is fair and reasonable in a just way so that there is balance in the power market. The Nationals are not opposing this legislation. Energy is an area of particular personal interest for me, and I wish Victorian co-generators a just deal for their future surplus power.

Mr HARDMAN (Seymour) — I rise to contribute to the debate on the Energy Legislation Amendment Bill 2007. The main purpose of the amendments made by the bill is to promote the generation of electricity from small renewable energy sources by amending the Electricity Act 2000 by strengthening the provision of the feed-in tariffs paid to small wind generators and extending those to other forms of renewable generation, including hydro, biomass and solar.

This legislation is the first stage of the state government's commitment to tackling climate change by legislating to require electricity retailers to purchase power from small-scale generators at a fair price. Obviously that is the basis of what we are talking about tonight. The bill will allow the minister to refer to the Essential Services Commission the prices, terms and conditions that are offered to renewable energy producers generating up to 100 kilowatt hours to assess whether these terms, conditions and prices are fair. That can only generate support from everybody, and it sounds like all the parties in the Parliament are supporting that.

I find a bit interesting some of the praise given to the federal coalition government's fairly feeble attempts to tackle climate change, because it has had to be dragged kicking and screaming to the table. The federal government is attempting to appease the electorate over its scepticism and its ignoring of climate change and its impacts on Australia. Trying to peg back votes in a federal election year is a typical tactic of the Prime Minister. But we know the tactic is not working,

because the people have looked at it and said, 'You are not really serious, and we know that'.

The Bracks government has been working very hard at increasing the amount of renewable energy used in Victoria, and that is why as a state government we have committed to buying 10 per cent of the power used by the government from green power sources. As well as that, we have a target of 10 per cent renewable energy usage by 2016.

Victorians have taken on the challenges of reducing greenhouse gas emissions, and they have shown that by their actions. You can hear people talking all the time about how they are reducing their own greenhouse emissions. They may be doing so by buying a hydrogen-powered car or having a solar hot water service. Some people are moving to solar hot water, and we know that some people power their houses entirely with solar power and do not use any electricity from the grid because they are committed to ensuring that the energy footprint they leave on the world is as small as possible.

One of the government's other major initiatives is the Victorian renewable energy target. That is about encouraging the development of renewable energy technologies in Victoria, so we are seeing wind farms developing and a whole new industry being established in Victoria. I believe that about 450 jobs have been created in Portland in the wind industry, which is pretty amazing, and I am sure that is a great boost to that regional Victorian community. That is a very important investment by the Bracks government. Also in northern Victoria we have funded a new solar power station in conjunction with the commonwealth government, and that is also a great initiative. When you weigh all these issues up, you can see that this legislation is another step in actually creating an opportunity for those people who want to take on more responsibility for the footprint they leave and for their own greenhouse gases.

We are doing some other things. There is a suite of initiatives including clean coal. We have been working on the national emissions trading scheme, and we are encouraging more energy-efficient practices and appliances in households. We are also supporting renewables. There are 5-star standards for new houses, and we require either a water tank or a solar hot water system to be installed. We also have a $5 million pilot program to install solar panels on 500 school and community buildings, as was announced in the budget. We are also offering a $6 million grant to research the next generation of cheaper non-silicone solar cells. It is great to see the government getting involved in projects like that which will have wonderful community benefits. I support this bill and wish it a speedy passage.

Ms ASHER (Brighton) — I also wish to make a small contribution to debate on the Energy Legislation Amendment Bill. I will reiterate the Liberal Party's position: we will not be opposing this bill although we have a number of issues that we wish to raise in relation to it.

I cannot resist the opportunity to comment on yet another broad and sweeping statement in the second-reading speech of this bill, which is so typical of this government. It reads:

> The Bracks government is committed to tackling climate change —

I am sure it is —

> and to establishing practical measures to achieve reductions in greenhouse gas emissions.

That is almost the opening line of the second-reading speech of this bill. But when you read through the bill itself, you realise how small scale this is. If the government is intent on making a sweeping statement that this bill, of itself, will tackle reductions in greenhouse gas emissions — and I am sure the government is not — then obviously this is yet another sweeping statement in a second-reading speech, which does not actually reflect the bill before the house.

This bill is very simple. It requires electricity retailers, which are defined as those retailers with more than 5000 customers, to purchase power from small-scale renewable generators, which are defined as generators with a capacity of less than 100 kilowatts, at what the government calls fair and reasonable prices. That is clearly outlined in the purpose of the legislation. It is the main thrust of the bill. There are also some other purposes in relation to spent provisions, statute law reform and so on.

However, I will just concentrate on the main purpose of the bill. The Essential Services Commission (ESC) and the minister have associated requirements. The bill requires licensees to publish prices, terms and conditions. Unless the minister refers these things to the Essential Services Commission to assess whether they are fair and reasonable, they will stand. The ESC, if it obtains a referral, has two options: in the first instance, it can determine whether a price is fair and reasonable and embark on a process of what is called ratification; and in the case where the ESC determines that a price is not fair and reasonable, it can recommend prices, terms and conditions that it believes are fair and reasonable.

As I mentioned earlier, obviously the minister has the power to refer these prices, terms and conditions to the Essential Services Commission. Prices and conditions are then required to be published in the *Government Gazette*. Licensees must publish this on their website for the information of the community. I will turn to a couple of definitions in the bill. One of them is the definition of 'small renewable energy generation facility', which can be:

(a) a wind energy generation facility;

(b) a solar energy generation facility;

(c) a hydro generation facility;

(d) a biomass energy generation facility;

(e) a facility or class of facility specified for the purposes of this definition under subsection (2);

The government under this bill has sensibly — —

An honourable member interjected.

Ms ASHER — Yes, it is actually. Clearly because of the changes in technology in this area and the like, the government has sensibly allowed the Governor in Council to:

> … specify a facility or class of facility that generates electricity in any way (other than through the utilisation of energy created from the combustion of fossil fuel or materials or waste products derived from fossil fuels) as a small renewable energy generation facility.

The government has allowed itself considerable room to move, as it should, given the amount of technological movement in this area.

On the face of it, this bill is not unreasonable, but we have a couple of matters that we wish to raise. The member for Box Hill has raised these matters with a great degree of attention to detail. The Liberal Party supports renewable energy although there have been a number of scurrilous attempts by the Labor Party to misrepresent the Liberal Party's position on this issue.

It is vital that the Labor Party understands that the location of wind farms, for example, is very important. We have not supported the location of wind farms on the coast unless there is community support for them. The Labor Party has sought to misrepresent our position regarding renewable energy. We have always supported renewable energy.

Mr Andrews interjected.

Ms ASHER — Minister, there is a lot of hot air here coming right across the table! We have always supported renewable energy.

Dr Napthine interjected.

The ACTING SPEAKER (Mr Jasper) — Order! The Deputy Leader of the Opposition needs no assistance from the member for South-West Coast.

Ms ASHER — The member for South-West Coast has been vocal in his support of renewable energy at certain sites.

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member will address the Chair.

Ms ASHER — We have made this very clear. We have also clearly articulated a position in relation to the government's mandated targets on renewable energy. What we have said is that we support a reduction in greenhouse gas emissions, but the problem with the Labor Party's position is that it wishes, as always, to mandate the method. It wants to say 'X per cent renewable energy by whatever year', and it keeps changing the year. We have said that the aim to reduce greenhouse gas emissions is laudable, and we support that, but the problem is that the ALP wants to mandate the method by which the reduction in greenhouse gases should be achieved. We have always said there needs to be flexibility.

I note also in the context of this debate, and other speakers have referred to this, that the federal government provides a subsidy for household solar electricity installations. That is a desirable policy and one that the federal government will always be encouraged to continue.

I want to make a comment in relation to the price control by the ESC that is mooted in this bill. I understand the department has a view on the definition of a 'fair and reasonable price'. Basically the department's view as relayed to me is that a fair and reasonable price should be the same price as a price to sell to that home. However, as the member for Box Hill has already articulated, that does not take into account a range of additional costs.

Our point is that if this becomes the ESC's view, it will result in a cross-subsidy to small generators by other consumers. We make the point that the ALP seems very content with the level of cross-subsidy to other consumers. For example, its current policy has a subsidy — —

Mr Batchelor interjected.

Ms ASHER — At least that subsidy is open and transparent, unlike yours. But the ALP's policy on renewable energy actually has inherent in it the subsidy by consumers of wind farm developers. We on this side of the house are simply saying: it is fine if there is going to be a subsidy by way of support from the taxpayer that is up front, transparent and probably even desirable under the current circumstances, but the sort of pricing mechanism discussed in this bill has a level of cross-subsidy that I thought we had moved away from 20 years ago in terms of the economic debate in this country.

I also wish to conclude by reiterating the very important point made by the member for Box Hill. Quite frankly the government should speed up its implementation of the smart meter program. The emissions trading scheme mooted by the Howard government will have more of a market component than the sorts of policies envisaged or enacted by this government, and if the Victorian government could actually speed up that program in relation to smart meters, we would get a much better outcome than the sort of proposal in this legislation.

As I said, on this side of the house the Liberal Party will not or does not oppose this particular measure, but we think there are a whole range of concerns and problems, not only with this bill but also in a number of other energy policies that the Labor Party has introduced over previous years.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak in support of the Energy Legislation Amendment Bill, because it reflects the commitment of the Bracks government to tackling climate change by achieving reductions in greenhouse gas emissions. It shows that this government is serious about reducing greenhouse gas emissions and promoting a renewable energy sector. It comes on top of a number of initiatives the government has introduced to promote renewable energy, such as the Victorian renewable energy target (VRET), which is going to — —

Dr Napthine — You sure are clearing the gallery out.

Mr HUDSON — They are all members of the Liberal Party, so it is not surprising they are leaving.

That will increase Victoria's electricity consumption from renewable sources by 10 per cent by 2016. Since the government announced the VRET scheme, over 1000 megawatts of wind projects valued at almost $2 billion have been confirmed, as well as a $230 million hydroelectricity peaking plant and a $420 million solar power station in Mildura. The fact of the matter is that whatever the opposition says here tonight, it is not committed to renewable energy and a renewable energy target. As a consequence of that policy it places at risk every possible renewable energy project mooted for Victoria.

We only have to go to David Holland, the managing director of Solar Systems — I note in passing that we had the member for Mildura speaking earlier today — who said in the *Age* of 26 October 2006:

> The Victorian renewable energy target scheme was central to our decision to invest $420 million in building the world's largest solar power station in Victoria. If the scheme is scrapped Solar Systems may be forced to set up interstate.

I notice the member for South-West Coast is at the table. Stephen Garner, the general manager of Keppel Prince, a Portland wind tower manufacturer, wrote to his 450 employees, opposing the Liberal Party's policy to abolish the Victorian renewable energy target scheme. In that letter he said:

> Make no mistake about it — if the Liberal Party wins the election on 25 November — —

Dr Napthine interjected.

The ACTING SPEAKER (Mr Jasper) — Order! The member for South-West Coast will get the call after the member for Bentleigh concludes his remarks. I hope he will listen to the member for Bentleigh. The member for Bentleigh, without interruption.

Mr HUDSON — I thought he would be interested to hear what one of the biggest wind power manufacturers in his electorate was saying. Mr Garner said:

> Make no mistake about it — if the Liberal Party wins the election on 25 November, it will effectively kill the wind industry in this town.

This year, on 23 May, we had a major debate in this place on a motion moved by the Premier, calling for an effective national emissions trading scheme, but the Liberal Party voted against it. It opposed the idea of mandatory targets. The member for Brighton has just indicated again that the opposition is opposed to mandatory targets. It opposed a long-term cap that would have reduced emissions by 60 per cent by 2050 compared with 2000 levels.

The reasons why the Liberal Party does this are simple. The reason why it opposes renewable energy targets and our commitment to reduce emissions by 60 per cent is as clear as crystal. The Liberal Party and the Howard government have been captured by a cabal of

Australia's largest carbon polluters. That is what has happened. It is not me saying that. That is what Guy Pearse, a former adviser in the Howard government to a former environment minister, Robert Hill, is saying in his book *High and Dry — John Howard, Climate Change and the Selling of Australia's Future*.

In his article in the *Age* of 30 June 2007, Pearse detailed the millions of dollars poured into Liberal Party coffers by our largest greenhouse polluters such as Santos, Western Mining Corporation, Rio Tinto, BHP Billiton, Woodside and Chevron/Caltex. He goes on to say:

> It is not hard to conclude that our biggest polluters have successfully embedded their interests in all the main sources of greenhouse policy advice to government —

he is talking about the Howard government —

> and convinced the Howard government that their interests and those of the nation are identical. The 'carbon capture' has been achieved by polluters spending big money on two things: denying the science and delaying action. It is spent on the right lobbyists, on helping to finance the party, funding neo-liberal think-tanks, commissioning work from government research institutions, part-funding government initiatives, and on cultivating sympathetic media.

It is little wonder that the Liberals are sceptical about climate change. It is little wonder that the member for Brighton is opposed to renewable energy targets. It is little wonder that the Liberal Party would prefer to support dirty nuclear compared to clean renewables. It is little wonder that the Liberal Party does not support an effective emissions trading scheme, and it is little wonder that they come in here tonight, as they do, and say — —

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member should refer his comments to the legislation before the house.

Mr HUDSON — Acting Speaker, I am talking about the fact that the Liberal Party opposes renewable energy and refuses to support targets. The reason for that is that the Liberal Party has been captured by polluters. This bill provides for a fair and reasonable price for feed-in tariffs for small renewable energy generators; that is what the bill does. Opposition members come in here and say, 'We support the bill; of course we support the bill', but then they raise all these questions they have concerns about, such as 'What is a fair price?'. A fair price will be determined, if not by the retailers — if retailers do not offer a fair price — then by the independent arbitrator. It will be determined by the Essential Services Commission. This is critical to promoting a renewable energy sector.

I will turn for a moment to the example of Germany. Over the last 15 years, and in particular over the last 7 years, Germany's regulation of feed-in tariffs — ensuring a fair price for renewable-source energy coming into the grid — has resulted in the quantity of electricity fed into the grid from renewable sources more than doubling since the year 2000. It also resulted in a sevenfold increase in installed solar photovoltaic capacity — to a level of 794 megawatts — by the end of 2004. That is what Germany has been able to achieve by promoting fair feed-in tariffs.

This is a great bill, because it regulates for the feed-in tariff. It allows the minister to indicate that where he is concerned that a fair feed-in price has not been offered it can be referred to the Essential Services Commission, which will have the power to determine what is a fair price if the existing price is not fair. The opposition asks, 'How will we know what is a fair price?'. The Essential Services Commission has the capacity and the expertise to determine such matters as it does many other matters.

This bill demonstrates yet again that this government is committed to promoting alternative renewable energy sources, it is committed to promoting the generation of power from small wind generators and it is committed to setting targets for renewable energy, unlike the opposition. The member for Brighton has confirmed again tonight that the opposition will not support any targets. The opposition does not support the Victorian renewable energy target scheme. Without that you cannot promote or expand a renewable energy sector. The opposition is devoid of policy on how it would do that now and in the future. I commend the bill to the house.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Energy Legislation Amendment Bill. The explanatory memorandum says that the act will promote the generation of electricity from small renewable energy sources and particularly refers to renewable energy generation from hydro, biomass and solar, and that is detailed in a new division 5A of part 2 of the Electricity Industry Act. I express real concern that this bill fails to include geothermal energy and wave energy. This again shows the neglect by the Bracks Labor government of the opportunities to pursue these forms of renewable energy, which could significantly reduce greenhouse gases and add to our electricity generation capacity.

I highlight that from 1983 until very recently, Portland has had a viable geothermal energy system. Portland's water supply comes from a deep bore in the Dilwyn aquifer 1.4 kilometres underground. The water comes

out under pressure at 90 litres per second and at 57 to 60 degrees Celsius. Until recently this supplied hot water energy, or geothermal energy, to the aquatic centre, the shire offices, the civic centre, the hospital, the Richmond Henty hotel-motel complex, the library, the CEMA arts centre, the State Emergency Service headquarters, the Forthrop community centre and the Maritime Discovery Centre.

However, this magnificent geothermal energy system, the only one in Victoria, has been shut down through the neglect of the Bracks Labor government. It shows its lack of commitment to renewable energies and its lack of commitment to geothermal energy. It is an absolute disgrace that that geothermal system has had to be replaced by an expensive system that uses natural gas to do what was done by geothermal energy. It was being operated through Wannon Water, which is wholly owned by the state government of Victoria.

In early 2006 Sinclair Knight Merz, in its published study of geothermal resources in Victoria in collaboration with Melbourne University and on behalf of Sustainable Energy Authority Victoria, said that the Portland geothermal scheme was 'a flagship for alternative energy use in Victoria' with a 'huge potential for expanding and further using the geothermal resources in Portland'. A study and consultancy by Sinclair Knight Merz in November 2005 said that, if a new bore were constructed with a 50-year life span at a cost of $1.4 million, it would provide annual savings to the Portland community of $300 000 with an annualised cost of only $28 000, which is significantly less than a $300 000 a year saving.

There is no doubt that geothermal energy has a viable future in Portland, yet this government has shut it down and has not even included geothermal energy in this legislation. It has also not included wave energy in this legislation, when there have been tests on wave energy, again in Portland Bay. This government is not committed to genuinely looking at opportunities for renewable energy and alternative energy in the state of Victoria.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! The question is:

That the house do now adjourn.

Foster care: support

Mr THOMPSON (Sandringham) — I wish to raise a matter for the attention of the Minister for Community Services in the other place. A constituent with a family of her own has taken on as a foster parent the care of a 14-year-old boy who spent his formative years with a mother who suffers from a mental illness. It has not been an easy transition, and a number of antisocial and disruptive behaviours remain. However, the foster mother has been encouraged by the involvement of the young boy in a number of sporting and social activities.

There have been ongoing problems with regard to his behaviour at school, and in early June the school asked the foster mother to remove him. He has been at home for over five weeks. Continuous contact has been made with the foster care agency, which is shortly removing its services from the area; with the school, which has not had the resources to redress the behaviours exhibited by the boy; and with the Department of Human Services, which has the responsibility to ensure that the appropriate educational services are provided but which has been slow to facilitate and organise such educational opportunities. Initially the child's former school was prepared to take him back for two and a half days a week, although it stated that the school could not control him. Following a meeting this week, that has been increased to five days. My knowledge and insight is that the school has an outstanding group of committed and experienced teachers.

This particular story raises a number of issues, which include the monitoring of children in at-risk situations from an early age, reporting and intervening on behalf of primary school children who are identified as having antisocial and at-risk behaviours, the provision of strategies to deal with these problems, the provision of alternate programs to equip like students of secondary school age with life skills, and importantly offering greater support for foster parents. Already we have in this state a shortage of families volunteering to become foster parents. Those who volunteer need maximum support and encouragement. This foster family parent has done an outstanding job in a number of different community activities and has done her very best to provide support to a young person who needs assistance on a range of levels.

The action I seek in relation to this case is for the minister and/or his staff to hold a meeting to discuss the issue, so that in the future a young student who is at a vulnerable age does not have to spend five weeks on his own at home, and so that every person in this state can

have appropriate life experiences, both through foster care and through the education system.

Kinglake Football Club: funding

Mr HARDMAN (Seymour) — I raise a matter for the Minister for Sport, Recreation and Youth Affairs. The action I request is that the minister assist the Kinglake Football Club with funding through the country football and netball program to improve the safety and amenity of their facilities. I am pleased to see that the minister is here tonight to hear about these issues.

Like all country football and netball clubs, the Kinglake Football Club is a very important hub in its community. It provides opportunities for social connection to people who live in that very spread-out community. Many of those people travel out of the community for work — except for today, when apparently most of the area was snowed in. Once the students get to secondary school age, they travel to secondary colleges in surrounding towns and suburbs in the north of Melbourne. As a result, sporting clubs like the Kinglake Football Club are very important to the community. They help provide that connection in after-school hours and on weekends. The club certainly provides a sense of community for Kinglake residents.

Last year the state government, in conjunction with the Shire of Murrindindi, the Scout group and the community funded the completion of the clubrooms, which are also used by the Scouts. That was appreciated by the footy club, which had been struggling for some time to complete those rooms and make them nicer places for people to use.

Kinglake is a pretty cold place a lot of the time. It is quite a wet area; it has a high rainfall. Today it had quite a bit of snow, as members may have heard on radio 3LO this morning. Spectators at the footy need to be able to sit in a place that is safer and more comfortable, so the club wants to erect a veranda at the club and build terracing on a steep slope that runs from the front of the club down to the oval. I believe the footy club and the shire will be contributing to this both in kind and cash, but they need the state government to assist with the dollars that are needed to carry out all of that work.

I commend the project to the minister and ask if he could find his way to assist the club through the country football and netball program — a great program that I am glad to see he is continuing. If the minister could fund this project as soon as possible, I am sure the Kinglake Football Club would be very appreciative.

Cycling: code of conduct

Mrs POWELL (Shepparton) — I would like to raise a matter with the Minister for Sport, Recreation and Youth Affairs, and I am pleased to see that the minister is at the table. The matter I wish to raise is about a cycling code of behaviour and education program that was proposed by the Shepparton cycling safety committee.

The action I seek is for the minister to provide funding for the printing of combined codes of behaviour and ID cards as well as five cycle safety display panels. My understanding is that this would cost about $2000. I wrote to the minister on 18 May this year and also spoke personally to him about funding this project. So far my office has not received a response, so I look forward to a response from the minister following this adjournment debate.

This wonderful initiative came out of a public meeting in Shepparton on 10 May. The meeting was organised by a bicycle enthusiast, Robert McLean, as a result of community interest in responsible road use following the tragic death of Shepparton's rising cycling star Scott Peoples, who was killed in December 2006 when he was struck by a vehicle near Merton. Scott was cycling by himself, and he had no identification on him, so there was some difficulty in identifying him.

About 110 people attended the community cycling safety meeting in Shepparton to discuss the attitudes to cyclists and responsible road use. The guest speakers were Scott Peoples's father, Shane; the elite cyclist Leigh Egan; the general manager of the Amy Gillett Foundation, Melinda Jacobson; Detective Senior Sergeant Des Wright from the police station; and Robert McLean, who was the organiser. Melinda Jacobson congratulated the organisers. She said the forum was the first of its kind that she had attended, and that Shepparton was at the leading of edge of cycling and motorist education.

The Shepparton cycling safety committee has established a code of behaviour for Goulburn Valley cyclists and wants to distribute this information on cards to cyclists in the Goulburn Valley and put display panels in Shepparton's three cycle stores. It also wants to have it available at public events so that we can raise awareness of road rules and bicycle awareness. This could be beneficial to the rest of the Victorian cyclists, and we can look at the Hell Ride on Beach Road where they are now using a helicopter to monitor riders' behaviour.

Cycling has increased as a recreation and as a sport. The Tour de France which is taking place at the moment is a point at issue, in which we still have two Australians riding. My understanding is that Cadel Evans is placed fourth at the moment, so we are looking forward to him getting first place and putting Australia on the map.

It has been two months since I contacted the minister, and the safety and bicycle committee are keen to receive a response. These code of conduct and ID wallets could be distributed to bike riders Victoria wide, and I urge the minister to respond quickly and to fund this safety imitative which could save lives on Victorian roads.

Ascot Vale Sports and Fitness Centre: redevelopment

Mrs MADDIGAN (Essendon) — I have a matter that I would like to raise with the Minister for Sport, Recreation and Youth Affairs.

Mr Kotsiras — He is here.

Mrs MADDIGAN — Thank you, I am aware of that. He is sitting at the table.

Mr Kotsiras interjected.

Mrs MADDIGAN — Yes, I know that, thank you. I appreciate the assistance of the member for Greece, who is sitting on the opposition side of the table, but as I have been at home for the last two weeks I know full well where the Minister for Sport, Recreation and Youth Affairs is sitting. But I thank him very much anyway.

Returning to the subject at hand, I would like to raise a matter for the Minister for Sport, Recreation and Youth Affairs who is sitting at the table next to the member for Ivanhoe, as the member for Bulleen so clearly pointed out. I want to raise with him the matter of the Ascot Vale Sports and Fitness Centre, which is a major redevelopment being undertaken by Moonee Valley council at the moment. There is significant financial input — I think it is about $12 million — and the state government has been a very generous contributor to the redevelopment of this site. I would like the minister to make time available to come and inspect the site and to talk to some of the people there about the way it might be used in the future as an important regional sports development. In fact if he is available I know the Moonee Valley council would be very pleased if he would open the redevelopment.

This is an interesting leisure centre which used to be called the Ascot Vale Leisure Centre. It was established by Essendon council in the 1980s to provide gym facilities that the local residents could afford, particularly those in Ascot Vale, because as members would recall at that stage gyms were springing up all over the place but in most cases the cost of using them was extremely high. At the time Essendon council saw this as a possibility for a council-run gym that would allow the residents who were not that affluent to have similar facilities. The new development will have a cafe and reception area, and I would like to invite the member for Seymour to come along one day to use some of the facilities. We would be delighted to see him down there. The member for Bulleen similarly would be very welcome if he would like to come along as well. It also includes new aquatic education and warm water therapy pools.

An honourable member interjected.

Mrs MADDIGAN — I will be around for the opening, and I will be happy to welcome any other members of Parliament who would like to come if they have the time. It will also have some excellent new child-care facilities, thus making it very available to women and young mothers in the area. It will have a new wellness centre, new fitness program rooms, new family change rooms and change village. Importantly, it will have improved access for people with disabilities, and there are some strong physiotherapy programs for people down there. I extend an invitation to the minister.

St Andrews estate, Rye: pole fires

Mr DIXON (Nepean) — I wish to raise a matter with the Minister for Energy and Resources regarding a recent spate of pole fires at the St Andrews estate in Rye. I ask the minister to direct the emergency services commissioner to investigate quickly why these fires are occurring and to ensure they do not happen again this summer. The St Andrews estate is situated on the Bass Strait coastline between Gunnamatta Beach and the Rye back beach. It is a very heavily treed area, but it is right on the ocean. The winds that come off the ocean are quite frequent and are very salt laden. There are a lot of houses in the area too. In fact the street nearest the coast you could call Millionaires Row: there are some huge homes there, and a whole range of holiday shacks as well. They are very popular, and the area is heavily populated, especially in summer.

There were two pole fires last summer, and as a result a number of scrub fires started. Without the quick work of the residents, these fires could have spread. United

Energy has been tackling the issue, but it seems to think the fires were caused by the condition of the insulators, whereas Alinta seems to think there is a different cause. Alinta seems to think it is in the equipment called the fuse main box. Whatever the cause might be, it is very important that it be isolated and rectified.

Local residents have real concerns about their safety and the safety of their homes given this recent spate of fires and the contradictory explanations of the possible causes of the fires. I wish to quote Marta Marot, the secretary of the St Andrew's Beach Preservation Society, whose letter says:

> More generally, the residents of St Andrews are extremely concerned about the appropriateness of the electrical infrastructure on this coastline, its ability to withstand the extreme coastal conditions and the frequency and standards to which it is maintained. The society now holds documentation supporting at least two ground fires and four other documented cases of powerline detachments in recent years. These are all extremely serious incidents with the potential for loss of human life and major property damage. On the basis of this data we believe that it is only a matter of time before there is a major incident in this area.

I agree. The local residents seek assurances that this is not going to happen again and that they and their homes will be safe this summer. If those assurances cannot be met with the existing infrastructure, then I think the undergrounding of the infrastructure needs to be seriously considered before this summer.

Rail: level crossing safety

Mr CARLI (Brunswick) — I wish to raise a matter for the Minister for Public Transport. The action I am seeking is that the minister undertake a wide-ranging education campaign to promote rail safety, particularly around level crossings. As honourable members would be aware, next week is National Rail Safety Week. While railways and rail transport in Australia are generally very safe, when there are accidents they are often very dramatic, as we all know. The intent of the wide-ranging campaign would be to raise awareness among people about doing the right things around level crossings.

An extraordinary number of people try to drive around the boom gates, try to beat the boom gates or try to beat the trains, so a raft of safety matters arises as an result of people trying to rush through level crossings. Level crossings are incredibly dangerous. Leading into National Rail Safety Week it is important to raise awareness of that.

This is supported generally, and it is supported by the industry. The secretary of the Australasian Railway Association, Brian Nye, has expressed support for such a campaign. The commonwealth government's Australian Transport Safety Bureau has also called on state and territory governments to run campaigns to improve behaviour around level crossings. It seems to me that there is a general awareness of the issue among the commonwealth, state and territory governments. Also there have been comments made by the Victorian coroner calling for a wide-ranging campaign.

It seems that everyone supports level crossing campaigns except the member for Polwarth. In the Ballarat *Courier* of 29 May 2007 and again on 3AW the member for Polwarth made the comment that basically we do not want talk on this matter and we do not want advertising. So he would rather not have any advertising of this important campaign.

The action I am calling for is that the Minister for Public Transport start a campaign to ensure that people stop at level crossings, that they do not go around boom gates and that they improve their behaviour so that we do not have the sorts of disastrous level crossing accidents we have seen over the last few years. I also call on the minister to disregard the member for Polwarth and his desire not to have an advertising campaign to protect the lives of Victorians and ensure that we have the best rail safety program and awareness in the country.

Disability services: funding

Mr KOTSIRAS (Bulleen) — I raise a matter for the attention of the Minister for Community Services. The action I ask for is that the minister provide funding to a constituent of mine for additional home care to enable her to stay and live in her own home. The constituent, a Miss Sue Micari, wrote a letter requesting assistance, and I wish to read part of that letter:

> I am a 50-year-old woman with multiple sclerosis. My daughter has recently purchased a house and will be moving out from my home …
>
> I am wheelchair bound and unable to weight bear. I require 24-hour at call for assistance if necessary.
>
> Ideally I would like to purchase a two-bedroom apartment on a retirement village which has a nurse or manager available 24 hours if needed.
>
> I have been in touch with retirement villages in and around Lower Templestowe but so far all have been not able to accommodate me as they say I am too young. I would need to be over 55 in some and over 60 in others.
>
> I am on a waiting list for a care package from Home First or Support and Choice. They provide funding for up to 34 hours per week. I am desperate for additional care, and this would enable me to stay in my own home or downsize to a unit. My case manager is lobbying for this, but as there are so few care

> packages available each year many people in my situation have to go into a nursing home with very old people, the bulk who have dementia.
>
> Could you please raise this urgent issue in Parliament. There needs to be more care packages made available each year and retirement-style complexes built for young people with disabilities.

I ask the minister to investigate whether the funding that is provided by the state government is enough, and if it is not enough to look at increasing that amount of money to ensure that people in this age group are catered for and are allowed to live in their own homes independently of others.

While I understand there is a limited amount of money going around, it is important that if we are to look after and cater for all Victorians we should investigate to see whether the current level of funding is enough or whether we have to provide more money to ensure that we provide the services they need. I hope the minister takes this on board and does not blame the federal government, as ministers normally do. I also hope that the member for Essendon, upon her return from overseas, speaks to the minister as well and supports my request for additional money for this constituent of mine.

It is very important that the blame game stops. It is not just about the federal government; it is a team effort. I think the federal government should work with the state government to ensure that the needs of people like Sue are met and that money is made available to enable her to live in her own home.

Monterey Reserve, Frankston North: lighting

Mr PERERA (Cranbourne) — I wish to raise a matter for the attention of the Minister for Energy and Resources. I call upon the minister to address the problem of defective public lighting around the Frankston Pines Soccer Club rooms at Monterey Reserve, Frankston North. Proudly boasting that it is one of the oldest sporting clubs in the region, the Frankston Pines Soccer Club consists of a proud senior team that currently tops the Victorian State League division one competition. Over 200 young people enjoy playing in the local junior ranks, and the club also boasts a women's squad as well as under-21 and under-18 squads. Representatives from the Frankston Pines Soccer Club are also taking part in the rollout of a $630 000 Bracks government-funded community renewal in Frankston North.

I take my hat off to the president, Errol Mustafa, board member Judith Heeps and junior representative Andree Armour, who are all gainfully putting their energy and enthusiasm into making this exciting project work for Frankston North residents. It is my understanding that the lighting surrounding the clubrooms is not in working order. It has been vandalised and has not been attended to. It is also my understanding that the lighting is supported by the mains power supply along Monterey Boulevard.

In view of security concerns and the inability to walk around the precinct during the evenings, the club believes the fixing of the lights should be attended to as a matter of urgency. This is why I call on the minister to do all in his power to get these lights in working order.

Roads: grey spot program

Mr WELLER (Rodney) — I wish to raise a matter for the attention of the Minister for Roads and Ports. It relates to the government's $15 million grey spot funding program. The action I seek from the minister is to extend the program beyond the 2008–09 financial year.

The grey spot funding program has great merit as it is designed to target intersections which do not meet traditional crash-based black spot criteria but where the potential for future crashes has been identified. The program is designed to recognise community concerns and prioritise improvements to potentially high-risk sites. Yesterday I was pleased to accompany the minister to an intersection on the Midland Highway in my electorate, which will receive a $422 000 upgrade as part of the grey spot program.

My concern relates to the fact that there are many intersections like this one in the Rodney electorate and right across the country which are in desperate need of safety upgrades and which would qualify for funding under the grey spot program if there were a bigger funding pool to draw from.

At this stage the government has committed $15 million to the program to be spent in 2007–08 and 2008–09, but unfortunately the buck stops there. In the Rodney electorate alone the communities have identified at least seven intersections for potential funding. They include the Northern Highway and Warrowitue Road intersection at Heathcote; the Murray Valley Highway and Leitchville Road intersection at Leitchville; the Warren Street and Murray Valley Highway intersection at Echuca; the Neilsons Road and Midland Highway intersection at Corop; the McEwan Road and Graham Road intersection at Kyabram; the Nanneella-Echuca Road and Kyabram-Echuca Road intersection at Nanneella; and the intersection of Nagambie Road and the Northern Highway at Heathcote.

Given that the first round of the government's $15 million grey spot program was announced yesterday and that none of those intersections was allocated funding, it is reasonable to assume that there will not be enough funding in the second round to address the safety concerns at all seven of those intersections let alone right across the state. That is why it is so critical that the minister extends the grey spot program beyond the 2008–09 financial year.

The figures are there for all to see; they indicate that a disproportionate number of people are killed each year on the country roads when compared to urban areas. Since 2000, when 182 people died on country roads, the average road toll in regional areas has risen to 189. During the same period the urban road toll has dropped considerably. It is a major concern, and the government must do all within its power to ensure the situation is addressed. We all know that if you fix country roads, you will save country lives.

Preschools: computers

Mr BROOKS (Bundoora) — I wish to raise a matter for the attention of the Minister for Children. The urgent and specific action that I seek is for the minister to fund computer and internet connections for all Victorian community-based, not-for-profit kindergartens into the future. Members would be aware that this government has increased funding for kindergartens and for kindergarten teachers.

Another great support has been ensuring community-based kindergartens have had free access to the internet and free computer equipment and printers. I know in the electorate of Bundoora this has had a huge impact for kindergartens, teachers, parent committees and ultimately for kids attending the kindergartens.

I remember visiting the Bundoora preschool with the previous member for Bundoora, who at that stage was the Minister for Children, to announce the rollout of the computer equipment and internet access program to that kindergarten. I remember speaking to the kindergarten staff and the committee members on that occasion about the improvement that this would make to the operation of their kinder.

For kindergartens like the Bundoora and Grace Park preschools in my electorate it has meant being able to provide modern equipment for teachers and administrative staff to do things like collating enrolment data, producing newsletters and communicating with other professionals. I would like to take this opportunity to recognise the work that kindergarten committees undertake in the community, sometimes under difficult circumstances. They provide a great environment for preschool education for children in the local community.

It is very important to help kindergartens with the tools they need to be able to do their job more easily and effectively. This government has provided previous funding which has ultimately meant better service for kids who attend kindergarten, both in Bundoora and right across the state, and it has been a great program for everyone involved. I am aware that funding had only been allocated until June this year. Given this, I call on the Minister for Children to continue to support this great program and to fund this program into the future.

Responses

Ms NEVILLE (Minister for Children) — The member for Bundoora has raised with me the very important issue of providing funding for IT equipment and internet connection for community-based kindergartens in his electorate. As the member pointed out, it is an interesting fact that the first children's IT project was announced in his electorate of Bundoora back in 2003.

I am sure all of us in this house would agree that kindergarten is a very important experience for Victorian children. We know now more than ever the importance of providing a quality kindergarten experience in the year before school. It actually helps kids develop socially, emotionally and in terms of their cognitive development. It ensures that they do well not only in school but also in community life into the future.

This government has taken on the challenge of supporting kindergartens and the early years more generally. In fact since coming to office in 1999 we have increased kindergarten funding by 138 per cent. The early years, including kindergarten, are front and centre of our agenda. But we know more can always be done to continue to support families and kindergartens in delivering quality programs. We know we need to continue to resource and support them to take some of the pressure of fundraising away from parent committees and ensure that they are able to get on with the things that they do best, which is caring for our kids.

That is why we took the decision back in 2003 to provide $5 million to 1300 kindergartens for computers, printers and internet connections, as well as ensuring a proper training program was in place for our kindergarten teachers and also for committee members. The program has contributed to the better connecting of

kindergartens and kindergarten teachers. It has meant there has been better information sharing between kindergartens and much easier access to resources particularly for professional development. It has also meant better administrative support with things like bookkeeping and preparation of program material.

In fact in a recent survey that my department undertook with kindergartens there was overwhelming support for this program, with 93 per cent of kindergarten teachers and committee members indicating how important and how successful this program has been. In short, better resources and support for kindergarten teachers and parent committees mean better kindergarten programs and better outcomes for our children. It really is an overwhelming success story in our kindergartens in Victoria. As the member for Bundoora has pointed out, funding for this project concluded at the end of this financial year.

I am very pleased today to inform the member for Bundoora that given the outcomes for this project, I have decided to extend the program for a further four years commencing immediately. I have allocated $4 million over four years to ensure that kinders like Grace Park and Bundoora preschools and the other almost 1300 kinders across the state can be provided with modern IT equipment and free access to the internet.

Mr BATCHELOR (Minister for Energy and Resources) — I will respond to the member for Nepean first and then to the member for Cranbourne.

The member for Nepean raised with me the incidence of pole fires that occurred at the St Andrews estate in his electorate down near the Rye and Gunnamatta beaches. This part of the Victorian coastline is a very beautiful but rugged and windswept part of the world and in those environments the electricity distribution companies need to take special care in relation to pole fires because of the incidence of salt build-up on the transformers and other parts of the electricity infrastructure.

In these circumstances it is not unknown for shorting to occur, and when the electrical infrastructure shorts, it can start pole fires. As the member explained, in the summer period this has led on to fires in the adjoining vegetation, and of course in the context of a windy environment in a dry and hot summer, fire is a very difficult ingredient for the relevant authorities to deal with.

The member for Nepean has indicated to me that there has been some conflicting advice from the various agencies and companies he has approached on this issue, and he has asked me to take up this matter with the Essential Services Commission. I would ask the member for Nepean to provide more detailed information, and I will be happy to take up this matter on behalf of him and his constituents. This is not a criticism of the member for Nepean, but we do need a bit more information. It could be that the appropriate authority is the Essential Services Commission, and that is likely to be the case, but depending on the circumstances it could be the responsibility of Energy Safe Victoria or of the distributor, which is likely to be United Energy in that part of the world. Without wanting to appear to be passing the buck, we need the precise information. Once we get that from the member for Nepean we will take up the matter on his behalf and follow it through, and I will undertake to get back to him.

The member for Cranbourne also raised with me a not unrelated issue, and that is the issue of defective public lighting specifically in the area surrounding the Frankston Pines soccer clubrooms in Frankston North. Frankston North is a part of the world that I know well because, as the member for Cranbourne pointed out, it is an area where we have initiated a community renewal program. I would expect that the Frankston Pines Soccer Club will be an integral part of that community renewal program. Given the importance of ensuring that community spaces are well lit, particularly areas like sporting grounds, there is a need to make sure that they are maintained to a standard that really does allow full participation by the local community in healthy activities like soccer, and that is clearly why the member for Cranbourne regards this as an important issue. It is an issue that I also regard with great importance.

The question of whose responsibility it is to repair and maintain public lighting is one that sometimes causes some confusion. In that context the initial reaction of a lot of people is to call the energy retailer, but in reality public lighting is generally — I say generally — owned and maintained by the electricity distributors. Parties such as local councils and VicRoads pay a fee to electricity distributors for the ongoing maintenance, operation and repair of public lighting infrastructure. Furthermore, public lighting must be operated and maintained in accordance with the Essential Services Commission's public lighting code. The details of this code can be found on the commission's website at www.esc.vic.gov.au. Those who want to know more generally what the conditions of the Essential Services Commission's public lighting code are and how they operate can look them up on the World Wide Web at that website.

It is interesting to note that in accordance with this code, electricity distribution businesses are obliged to repair any public light for which they are responsible within two working days of the fault being reported, or perhaps if there is an otherwise agreed period between the parties — those reporting and those responsible for it — they can agree to an alternative set of arrangements.

You will see from the code that where an electricity distributor does not repair the public light within those two business days of the reporting of the fault or the period otherwise agreed, then the electricity distributor must pay the first person who reported the fault a minimum of $10 if that person is the occupier of an immediately neighbouring residence or the proprietor of an immediately neighbouring business. There is a bit of an incentive both to report and repair. That is why we are encouraging people to understand the details of the Essential Services Commission code.

The ESC is also able to undertake detailed examinations of an electricity distributor's practices if it sees any substantial decline in either the quality or the reliability of service or evidence that such a decline may occur in the future when it compares the licensee's historical performance and its performance targets. In this instance the energy distributor is United Energy. That is the entity responsible for lighting in the Frankston Pines Soccer Club area. My suggestion to the local member is to contact United Energy to organise the repair.

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — The member for Seymour raised the issue of an application to the country football and netball program for a grant to the Kinglake Football Club. I can confirm that it is one of several projects that is currently under consideration for the latest round of the country football and netball program, a program that is one of the best demonstrations of the government's commitment to grassroots sport in rural and regional Victoria.

The member for Seymour certainly knows how crucial local football netball clubs are to regional communities as it was the committee he chaired and the parliamentary Rural and Regional Services and Development Committee inquiry into country football that was the catalyst for the development of the country football and netball program. I want to take this opportunity to congratulate the member for Seymour for the work he did as chair of that committee.

The inquiry found that while the relationship between football and netball was vital to the ongoing viability of country football, the sport's huge potential was being constrained by the often poor and inadequate state of some grounds and facilities. Included in several recommendations put forward by the member for Seymour's committee was that the state government establish a new multimillion-dollar grants scheme for the upgrade of football and netball facilities in rural and regional Victoria.

The report was tabled on 1 December 2004, and it did not take long for the government to respond. In fact, in just six months in partnership with the Australian Football League, the biggest regional football netball facility upgrade program in the state's history was announced. In the beginning it was $2 million from the Australian Football League and $2 million from the state government to assist country football and netball clubs facilities in particular areas of need including football, netball and umpire facilities, particularly the big issue of female change rooms; shared community, club and social facilities, which the member for Seymour raised in his contribution earlier; and multi-use facilities and lighting.

Subsequent to the initial announcement of $2 million from the AFL and $2 million from the government, we announced a further $6 million so this will be a $10 million program to improve facilities in rural and regional Victoria. The program has been and continues to be a resounding success by every measure. One hundred and fifty projects have been funded to date, and we are only halfway through the program. Right across the state you will find communities that have benefited. There are new netball courts for Stanhope, new netball courts for South Colac, upgraded lighting at Kangaroo Flat football ground and Mitiamo football ground, a new viewing shelter at Skipton netball courts, and the list goes on and on.

I encourage members on all sides of the house to have a look at the projects right across the state because the program is an outstanding demonstration of the government's commitment to rural and regional Victoria. It is an interesting contrast to the opposition's plans for country sporting facilities.

Mr Kotsiras interjected.

Mr MERLINO — The member for Bulleen would be well aware that the Liberal Party's policy From the Grassroots to the Grand Final talks about sporting grounds across country Victoria struggling to get up to scratch, and it describes the need for more funding to upgrade and expand country sporting facilities. But it is interesting to note what the solution and the commitment was. The commitment was just

$2.5 million per annum in country facilities funding. I can inform the house, to put that into perspective, in the next 12 months the Bracks government will be spending over $7 million on developing and upgrading sporting facilities in regional Victoria. On any calculation that is a massive difference.

I will be announcing the next round of the country football and netball program in the coming weeks and I can assure the member for Seymour that I will very much give due consideration to the merits of the Kinglake football and netball clubs' application.

The member for Essendon raised the forthcoming opening of the new multimillion-dollar aquatic facility at Ascot Vale. During the recent community cabinet, held in Moonee Valley, I had the pleasure of visiting the new centre, and while extensive renovations were still being undertaken it certainly made for an impressive facility. The Bracks Government contributed close to $2 million to the project, which will see the Ascot Vale Sports and Fitness Centre become one of the most modern state-of-the-art facilities Victoria has to offer.

Municipal pools play a vital role in the lives of Victorians, and one of the Bracks government's proudest achievements in the sport and recreation sector has been our record levels of investment targeted at modernising municipal pools across the state. Some $73 million has been spent on more than 170 projects since 1999, and the good news is that over the next four years we will be spending a further $46 million on pools across the state. So I would certainly be privileged to join the member for Essendon at the official opening of the state-of-the-art Ascot Vale Sports and Fitness Centre, and I very much look forward to attending many more pool openings right across the state.

The member for Shepparton raised the issue of improving cycling safety and a very innovative idea by the Shepparton cycling safety committee. It is an issue that I take seriously. First there was correspondence from the member for Shepparton and then a conversation that we had, and I have looked very closely into this matter and the idea. Road cycling, as we all know, can be quite a dangerous undertaking, whether that is from a cyclist's perspective and due to cyclists behaviour or due to being in the same environment as motor vehicles. The member for Shepparton raised the tragic death of Scott Peoples, and there have been other examples, such as the death of a pedestrian as part of the infamous Hell Ride activity. Even looking at the elite Tour de France over the last couple of days we have seen some massive tumbles from Michael Rogers and Stuart O'Grady and observed how close Stuart O'Grady came to becoming a quadriplegic or to killing himself. It is quite a dangerous activity.

The idea is to distribute cycling code of behaviour cards that every cyclist would carry and also to display panels in the community. I am very pleased to advise the member for Shepparton that I have approved funding for this project and I wish the Shepparton cycling safety committee well in rolling out the project. I look forward to examining its impact on cycling safety in Shepparton and surrounding areas.

The ACTING SPEAKER (Mr Nardella) — Order! The minister, to respond to the honourable members for Sandringham, Brunswick, Bulleen and Rodney.

Mr MERLINO — Acting Speaker, I will raise the matters raised by those members with the relevant ministers for their action.

The ACTING SPEAKER (Mr Nardella) — Order! The house is now adjourned.

House adjourned 10.48 p.m.