

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-SIXTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 9 December 2009**

**(Extract from book 16)**

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## **The Governor**

Professor DAVID de KRETZER, AC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

## **The ministry**

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

### Legislative Assembly committees

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

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

### Joint committees

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

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

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

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

**Electoral Matters Committee** — (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson. (*Council*): Ms Broad, Mr P. Davis 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 Kairouz, Mr Noonan, Mr Perera, Mrs Powell and Ms Wooldridge. (*Council*): Mr Finn and Mr Scheffer.

**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, Mr Foley and Mrs Victoria. (*Council*): Mrs Kronberg and Mr Scheffer.

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

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

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

**Rural and Regional Committee** — (*Assembly*): Mr Nardella 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 Burgess, Mr Carli, Mr Jasper and Mr Languiller. (*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, Ms Munt, Mr Nardella, Mr Seitz, Mr K. Smith, Dr Sykes, Mr Stensholt and Mr Thompson

**Leader of the Parliamentary Labor Party and Premier:**

The Hon. J. M. BRUMBY

**Deputy Leader of the Parliamentary Labor Party and Deputy Premier:**

The Hon. R. J. HULLS

**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 <sup>1</sup>	Williamstown	ALP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	Munt, Ms Janice Ruth	Mordialloc	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Napthine, Dr Denis Vincent	South-West Coast	LP
Cameron, Mr Robert Graham	Bendigo West	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Noonan, Wade Mathew <sup>5</sup>	Williamstown	ALP
Clark, Mr Robert William	Box Hill	LP	Northe, Mr Russell John	Morwell	Nats
Crisp, Mr Peter Laurence	Mildura	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Overington, Ms Karen Marie	Ballarat West	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pallas, Mr Timothy Hugh	Tarneit	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pandazopoulos, Mr John	Dandenong	ALP
Dixon, Mr Martin Francis	Nepean	LP	Perera, Mr Jude	Cranbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Eren, Mr John Hamdi	Lara	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Foley, Martin Peter <sup>2</sup>	Albert Park	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Ryan, Mr Peter Julian	Gippsland South	Nats
Graley, Ms Judith Ann	Narre Warren South	ALP	Scott, Mr Robin David	Preston	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Seitz, Mr George	Keilor	ALP
Haermeyer, Mr André <sup>3</sup>	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 <sup>6</sup>	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
Kairouz, Ms Marlene <sup>4</sup>	Kororoit	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Weller, Mr Paul	Rodney	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Wells, Mr Kimberley Arthur	Scoresby	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP
Lim, Mr Muy Hong	Clayton	ALP			

<sup>1</sup> Resigned 6 August 2007

<sup>2</sup> Elected 15 September 2007

<sup>3</sup> Resigned 2 June 2008

<sup>4</sup> Elected 28 June 2008

<sup>5</sup> Elected 15 September 2007

<sup>6</sup> Resigned 6 August 2007



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**Wednesday, 9 December 2009**

**The SPEAKER (Hon. Jenny Lindell) took the chair at 9.34 a.m. and read the prayer.**

**BUSINESS OF THE HOUSE****Notices of motion: removal**

**The SPEAKER** — Order! I advise the house that under standing order 144 notices of motion 78, 79, 154 to 156 and 249 to 255 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

**PETITIONS****Following petitions presented to house:****Bushfires: public land management**

To the Legislative Assembly of Victoria:

This petition from the people of Victoria draws to the attention of the house the devastating impact of the state government's public land and fire management practices. The petitioners therefore request that the Legislative Assembly calls on the state government to fully implement the recommendations of the Environment and Natural Resources Committee report into public land management, including providing the resources and direction to increase the levels of fuel reduction and ecological burning to 385 000 hectares per annum.

**By Mr INGRAM (Gippsland East) (71 signatures).**

**Police: Hastings**

To the Legislative Assembly of Victoria:

We the undersigned citizens of Victoria draw the attention of the house to moves to downgrade the 24-hour Hastings police station to a 16-hour station, closing at night between 11.00 p.m. and 7.00 a.m. daily.

We, the undersigned concerned citizens of Victoria, therefore request the Legislative Assembly of Victoria to request the state government to immediately return the Hastings police station to 24-hour status, in the interest of community safety.

**By Mr BURGESS (Hastings) (262 signatures).**

**Patient transport assistance scheme: rural access**

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the inequitable nature of the current level of reimbursement under the Victorian patient transport

assistance scheme (VPTAS) and points out to the house that many rural patients are disadvantaged under the current scheme.

The petitioners therefore request that the Legislative Assembly of Victoria:

- a. update and revise the VPTAS regulations from 100 kilometres to 50 kilometres one way to the most appropriate town centre with medical/dental specialist treatment, not just the nearest available town centre;
- b. increase the current 17-cent-per-kilometre reimbursement rate and accommodation reimbursement rate of \$35 plus GST to levels that are more reflective of the current travel and accommodation costs;
- c. allow for the calculation of kilometres travelled to be based on the safest, appropriate road route not just the shortest distance alternative.

**By Mr CRISP (Mildura) (20 signatures).**

**Rail: Mildura line**

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the reinstatement of the Mildura–Melbourne passenger train.

The petitioners register their request that the passenger service be suitable for the long-distance needs of the aged and disabled who need to travel for medical treatment, for whom travelling by coach or car is not a comfort option, and for whom flying is financially and logistically prohibitive.

The petitioners therefore request that the Legislative Assembly of Victoria reinstate the passenger train to service the needs of residents in the state's far north who are disadvantaged by distance.

**By Mr CRISP (Mildura) (49 signatures).**

**Insurance: fire services levy**

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the inequitable nature of the current fire services levy (FSL) on house, property and business insurance and points out to the house that everyone who benefits from fire services should contribute to its funding not just those who take out insurance whose premiums are effectively doubled by the FSL and associated taxes.

The petitioners therefore request that the Legislative Assembly of Victoria investigate and implement a fairer model of funding fire services as is the case in other states of Australia.

**By Mrs POWELL (Shepparton) (61 signatures).**

**Liquor: licences**

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the need to urgently reconsider the proposed

massive increases in liquor licence fees in view of the enormous adverse impact such across-the-board increases will have on many highly reputable liquor outlets, and most particularly those in country areas.

Such huge blanket increases in licence fees will impact on employment, community sponsorships, even business survival in some cases. Risk-based fees should actually address the problems which have arisen in 'hot spot' areas, distinguish activities increasing risk of antisocial behaviour, and be imposed selectively, to address those issues.

The petitioners therefore request that the Victorian government recognises the damage such across-the-board increases will cause, particularly in many country communities and review the legislation as a matter of urgency.

**By Mrs POWELL (Shepparton) (212 signatures).**

**Tabled.**

**Ordered that petition presented by honourable member for Gippsland East be considered next day on motion of Mr INGRAM (Gippsland East).**

**Ordered that petitions presented by honourable member for Mildura be considered next day on motion of Mr CRISP (Mildura).**

**Ordered that petition presented on 8 December by honourable member for Warrandyte be considered next day on motion of Mr R. SMITH (Warrandyte).**

**Ordered that petition presented by honourable member for Hastings be considered next day on motion of Mr BURGESS (Hastings).**

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

## AUDITOR-GENERAL

### Reports 2008–09

**Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission), by leave, presented government response.**

**Tabled.**

## LAW REFORM COMMITTEE

### Members of Parliament (Register of Interests) Act

**Mr CLARK (Box Hill) presented report, together with appendices, minority report, extract of proceedings and transcripts of evidence.**

**Tabled.**

**Ordered that report, appendices, minority report and extract of proceedings be printed.**

## RURAL AND REGIONAL COMMITTEE

### Regional centres of the future

**Mr NORTHE (Morwell) presented report, together with appendices, minority report and transcripts of evidence.**

**Tabled.**

**Ordered that report, appendices and minority report be printed.**

## DOCUMENTS

### Tabled by Clerk:

Auditor-General:

Making Public Transport More Accessible for People Who Face Mobility Challenges — Ordered to be printed

Portfolio Departments and Associated Entities: Results of the 2008–09 Audits — Ordered to be printed

Use of Development Contributions by Local Government — Ordered to be printed

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

Mornington Peninsula — C118

Yarra Ranges — C105.

## MEMBERS STATEMENTS

### Shop, Distributive and Allied Employees Association: centenary

**Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) —** It was a great honour to join former Prime Minister Bob Hawke, legendary former union leader Jim Maher and many former and current

members of Parliament last week to celebrate the centenary year of the shop assistants union and the launch of a book detailing its history.

Since 1908 the Shop, Distributive and Allied Employees Association (SDA) has provided strength, support and leadership to the many hundreds of thousands of members it has served, in that time pioneering many historic and crucial workplace changes. It was the first union to achieve equal pay for women during World War II, to demand and achieve superannuation as a mandatory award condition and to appoint a women's officer to promote equality for female workers. But one of the union's greatest victories was one of its most recent — helping to defeat the former Howard government's WorkChoices legislation.

WorkChoices hit young workers, women and those on low incomes the hardest — the very people the SDA represents. The SDA was relentless in its opposition to the draconian legislation, and many commentators have since noted that opposition to WorkChoices by SDA members was crucial to the Howard government's fall.

With more than 215 000 members nationally, the SDA continues to grow from strength to strength. Congratulations to all the officials, shop stewards, delegates and members of this great union, which has contributed and achieved so much for working families in the last century and will continue to do so in the next.

I conclude with a quote from current Victorian branch secretary Michael Donovan, who said:

A hundred years ago shop assistants were working more than 65 hours across a six-day week. There was no annual leave, long service or sick leave, penalty rates, tea breaks, public holidays or unfair dismissal laws. All the things we regard as fair and reasonable today had to be won by the SDA.

Congratulations.

### **Water: savings**

**Ms ASHER** (Brighton) — As members of Parliament would know, there is a water crisis in Victoria and we have been on restricted water supply for years. The ALP, surprisingly, took action on 26 November this year — and what did it do? It launched a website informing Victorians how to cut back on their water use. I will inform the house about one of the most out of touch suggestions I have ever heard on how to save water.

On its new website there is a statement from a young woman called Aneka Ludovica, and her suggestion on how to save water is as follows:

I eat out all the time so I never wash up.

She goes on to say how she uses that water in the shower. I am forced to ask, can you believe this? This is a government website suggesting to Victorians who are going to pay massive increases in water bills that one way to save water is to eat out every night so you do not have to wash your dishes.

I have never seen anything so out of touch. Does this government actually know what the average income for Victorians is? Does this government actually know how difficult it is for many Victorians to eat out as a special treat, let alone every night? I suggest the water minister should get out more from his East Melbourne home, get out more from his office and talk to real people who actually struggle to save water.

### **Federal Leader of the Opposition**

**Ms MORAND** (Minister for Women's Affairs) — I feel like I have entered a horrible and cruel time machine, or perhaps I have entered an episode of the *Twilight Zone*. Having Tony Abbott as leader of the federal opposition is like turning back the clock on Australian politics and turning back time on social progress and progressive and forward-looking political philosophy.

Consider some of his past and current actions. In 2005 when Tony Abbott was Minister for Health and Ageing he attempted to block women's access to safe medical terminations using his position as health minister. Four female senators from four different parties joined forces to co-sponsor the Therapeutic Goods Amendment (Repeal of Ministerial Responsibility for Approval of RU486) Bill 2005, creating history in the Australian Parliament. Those senators were Claire Moore, Lyn Allison, Judith Troeth and Fiona Nash, and they were successful in their efforts to remove the health minister's veto over the drug. Tony Abbott at the time rightly described it as a no-confidence vote in the minister. He was right. The Parliament made sure that Tony Abbott's religious views did not impinge on women's rights.

The time machine was back in working order yesterday when Mr Abbott brought back his cronies: Philip Ruddock, Kevin Andrews and Bronwyn Bishop. If anyone has seen the cartoon from today's *Herald Sun* today, they will know why I nominate it for the best cartoon of the year.

As has been pointed out by many commentators this morning, the federal shadow cabinet has only 2 out of 22 women. It is not surprising when Tony Abbott's

views of women were so clearly demonstrated in calling his — —

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

### **Water: irrigators**

**Mrs POWELL** (Shepparton) — I continue to receive letters and phone calls from irrigators in my electorate who have to pay for water they do not receive. Mr Arnold Gough wrote to me expressing his anger at the Brumby government. He received a water bill from Goulburn-Murray Water for \$2530.70 for his full water allocation, even though Goulburn-Murray Water will not be able to deliver anywhere near his full allocation for 2009–10. Mr Gough suggests that payment for the water delivered would be a far more honest, fair and equitable way to charge farmers.

The Congupna branch of the Country Women's Association has written to me advising it moved a motion at a recent general meeting to put forward a resolution to the CWA state conference in May 2010. The resolution reads:

That the Country Women's Association of Victoria Inc. urges the Victorian state government to ensure that all irrigators of Victoria pay only for water received and not for the full allocation of the water right, which they have not received.

No other person would be expected to pay for something they did not receive, and yet irrigators in the Goulburn system continue to be ripped off.

The Brumby government cannot be trusted. It said it would not take water from north of the Great Dividing Range. It said this water would only come from savings, and now it is charging its irrigators for water it will not deliver to them. This government must stop treating our farmers with contempt and start supporting them to ensure that they remain viable and continue to provide quality, affordable food to Victoria and the world.

### **Wind farms: health effects**

**Mr HELPER** (Minister for Agriculture) — I express dismay at yet another deceptive protest by the anti-wind farm protest franchise Landscape Guardians, particularly on this occasion the Western Plains branch. On Friday, 27 November, an advertisement appeared in the *Pyrenees Advocate* headed 'Wind turbine syndrome also known as Waubra disease'. This advertisement has had a strong community reaction in the Waubra area as there are very many people proud of the Acciona Energy wind farm and certainly they do not want to be

stigmatised as living in a region after which a medical syndrome is named.

As it turns out, this medical syndrome is based on a self-published book by Dr Nina Pierpont. Dr Pierpont claims that low-frequency noise from wind turbines has a range of health effects including nausea, headache, vertigo and irritability. The alleged effects are listed in the advertisement.

A basic bit of research reveals that this book has no scientific rigour at all. It is based on a survey of 10 families — or a total of 38 people, with no control group — which I suspect were selected to support the theory of the author. It was reviewed — using that term very loosely — by a four-person editorial board consisting of Dr Pierpont; her husband, Calvin Luther Martin; and two other members. Dr Pierpont's husband is also the book's editor.

Despite personally being an advocate for renewable wind energy, I absolutely support the right of anybody to argue for a different position and to use lawful protest to make their point.

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

### **Schools: languages other than English**

**Mr KOTSIRAS** (Bulleen) — Australians' linguistic diversity and ability to speak many languages is one of our strengths that we should be utilising and exploiting; however, under this inept Labor government the number of primary schools offering a language program at each year decreased by about 23 per cent between 2001 and 2007, and the number of students studying a language other than English declined by a massive 80.7 per cent in that period. Today the numbers are worse.

What a disgrace, but what do you expect from a lazy and narrow-minded Labor government? Victorians who want to speak another language should be assisted to continue with their learning to develop their language skills. All Victorians need to be provided with the opportunity to learn another language or improve their second language skills. We must provide people with a valuable resource to foster an understanding of different cultures. By learning another language you learn different perspectives and your mind opens to different ways of looking at things.

### **Bocce: parliamentary challenge**

**Mr KOTSIRAS** — On another matter, last Sunday, together with the member for Warrandyte, Donna

Petrovich, a member for Northern Victoria Region in the Council, and Richard Dalla-Riva, a member for Eastern Metropolitan Region in the Council, I participated in the world-renowned bocce championship between the Labor Party and the Liberals. After a good start the Labor team fell apart, losing to a more focused, talented and superior Liberal team. I wish to take this opportunity to thank Carlo Carli for his contribution and assistance with the competition over the years and wish him well in his retirement.

### **Marysville Central: opening**

**Mr HARDMAN** (Seymour) — I rise to congratulate the Marysville and Triangle community, whose idea it was to convert the former Marysville Car Museum, one of the few buildings left in Marysville after the fires, into a new shopping centre. Marysville Central, as it is now known, was identified by the Marysville and Triangle Development Group as a place where people could get together, go shopping and meet their various needs, and it is already a great success that has been welcomed by the community.

The centre was purchased for \$2.3 million with funds from the state and federal governments, and the project was managed excellently by the Victorian Bushfire Reconstruction and Recovery Authority and a local committee of management. The builder, who was at the site on Thursday last week, said to me that all the contractors who worked on the site worked together harmoniously and it was a pleasure to work there. I congratulate everybody involved, including the people at FoodWorks and those in the specialty shops. Marysville Central will be a fantastic place for visitors, but more importantly it will be a place where locals can feel part of a community and catch up.

### **Marysville swimming pool: reopening**

**Mr HARDMAN** — On another matter, on Saturday we also reopened the Marysville pool. I congratulate the Murrindindi shire for getting on with the job and repairing the damage done to the pool by the fires. The reopening of the pool was warmly welcomed by the community, because it is in time for the swimming season, it is a place for families to enjoy their leisure and a place for visitors to go and enjoy a lovely facility. The pool is solar heated, which means the swimming season will be extended. I congratulate everybody who has been involved in this rebuilding project.

### **Schools: Doncaster electorate**

**Ms WOOLDRIDGE** (Doncaster) — I rise to congratulate the schools in my electorate of Doncaster following the release of the Victorian government schools performance summary for 2009. Doncaster schools have all performed very well, with their students achieving high results in learning, engagement and wellbeing, and pathways and transitions. Doncaster parents have also recognised these achievements by recording a top satisfaction rating for all schools in the electorate. These impressive results reflect the dedication and expertise of teaching staff, who are delivering high-quality education to students, and also reflect the leadership from the schools' principals, who do not rest on their laurels. In particular I would like to recognise two schools — Beverley Hills Primary School and Doncaster Gardens Primary School — whose students are deemed to be performing exceptionally under the leadership of principals Mal Corr and Michele Beal.

However, I wish to place on record my disappointment that the Labor government has failed to match a promise by the coalition to retain future funding of Catholic schools at a level equivalent to 25 per cent of the cost of educating a child in a government school. The Brumby government's commitment is \$122 million less than the coalition's commitment of \$396 million over four years. In addition these schools have no funding certainty for the future. While performance data for Catholic schools is not yet available, these schools continue to work hard to achieve excellent results for their students. Catholic schools deserve to have an appropriate level of funding and confidence in future funding to ensure they can continue to deliver great educational outcomes for our community.

### **Balibo Five**

**Mr HUDSON** (Bentleigh) — In the December edition of *Tempo* magazine Gatot Purwanto, a former Kopassus officer and intelligence commander in East Timor, has admitted that the Balibo Five were executed and their bodies burnt to cover up the Indonesian invasion of East Timor in 1975. In the interview Colonel Purwanto is reported as having said:

If we let them live, they would tell everyone it was an Indonesian invasion ...

If they died and we abandoned them, there would be evidence they were shot in territory controlled by Indonesian guerillas. So the simple way was to eliminate everything. We just claimed not to know anything.

Colonel Purwanto confirms what has been known from reliable eyewitness accounts for many years: the Balibo Five were murdered and not killed in crossfire as consistently claimed by Indonesian authorities.

This confirms the findings of the New South Wales deputy state coroner, Dorelle Pinch, in November 2007 that the Balibo Five were not killed in the heat of battle or caught in crossfire. Instead they were deliberately killed to prevent them from revealing that Indonesian armed forces had participated in attacks on what was then Portuguese Timor. Colonel Purwanto's admissions come as the Australian Federal Police, in following up the deputy state coroner's recommendations, continue their investigation into whether there is sufficient evidence to charge those responsible in the Indonesian armed forces with committing war crimes.

It is now time for the Indonesian government to stop asserting that there is nothing to investigate, to cooperate with the Australian Federal Police and ensure that those responsible for the deaths of the Balibo Five are brought to justice. The relationship between Australia and Indonesia cannot exist on a mature footing unless there is a mutual respect for the human rights of citizens of both countries.

### **Gippsland: air force flying school**

**Mr INGRAM** (Gippsland East) — I rise today to give my full support to the Gippsland bid for the Royal Australian Air Force (RAAF) interim basic flying training school. I congratulate the Gippsland local government network and the Wellington shire on their efforts to get this project for our region. This is an incredibly important economic opportunity for Gippsland, not just for the Wellington shire but also for the entire Gippsland region. Gippsland has a number of clear advantages over Tamworth, the only other site in the current tendering process and the current training base.

Gippsland has clear airspace and a good climate for flying training. It has strong local support for this project. There is a history of RAAF training bases going back to the Second World War, and the RAAF base has a history of very strong local community support. I call on the state government to do all it can to facilitate and support the bid, and I call on the opposition to fully back the interim basic flying training school for Gippsland. This would be an incredibly important project for Victoria, not just Gippsland. The economic activity that would be generated by winning the tender for this base would be not just in the interim but also for the longer term. The base would add great economic value to our state.

The three bidders in this tender have used Gippsland as their base. I call on the government to do all it can to back this project.

### **Lenny Pritchard**

**Ms GREEN** (Yan Yean) — Today I want to pay tribute to a fantastic young woman, Lenny Pritchard, who last week was named the Victorian certificate of education achiever of the year. I was delighted to nominate 18-year-old Lenny following her amazing courage in fighting the Black Saturday fires. I saw closely the work that she did as we were both deployed on the same Diamond Creek pumper during that terrible day.

In a media release of 4 December the Minister for Education described Lenny as:

... a true leader, and both her school and the wider community have benefited enormously from her dedicated work.

Not just on that day but for many years she has turned out as a member of the Diamond Creek Country Fire Authority (CFA) brigade. The minister goes on to say:

In addition to her CFA duties, Lenny, 18, also organised a visit by the Red Cross Blood Bank Service to her school —

Plenty Valley Christian School —

and is a member of Prison Fellowship Australia which assists prisoners, ex-offenders and their families.

Lenny, who hopes to study nursing/midwifery and undertake aid work overseas, received a ThinkPad notebook computer from Lenovo Australia as part of her award.

This is a very prestigious award, and her parents, Bill and Mieke, and all members of the Diamond Creek brigade are enormously proud of her achievements. Lenny has had a great family base, support and upbringing, but I think it is very much the support that she has received from Diamond Creek CFA brigade members that has helped her development and her contribution. It is a great tribute to her, and she is a fitting winner of the VCE achiever's award. I wish her well in her studies and future life.

### **Cole family**

**Mr MULDER** (Polwarth) — In 1839 the forebears of the Cole family departed England and arrived in Geelong. After asking around as to where they could buy sheep and land, they were directed out to the north-west. They walked over Mount Leura towards Glenormiston and settled where Wooriwyrite now stands. The Coles then sold that property for a gun and

a pair of working bullocks. The gun remains in the family. They later settled at Bookar.

On Saturday, 12 December, this pioneering Victorian family will celebrate 170 years of continuous ownership of and farming on their Bookar property, West Cloven Hills, in south-west Victoria. The current landowner at West Cloven Hills is Nicholas Thornton Cole, the sixth Cole to farm the property. The family also boasts an illustrious ancestor in Nicholas's great-great-grandfather, Sir Graham Berry, who was the 11th Premier of Victoria and has been described as one of the most radical and colourful figures in the politics of colonial Victoria. Sir Graham Berry became Premier three times — in 1875, 1877 and 1880.

The family has gone through the many ups and downs that beset all farming families. Whilst some things have changed at West Cloven Hills, some remain the same. The acreage has been reduced but the family still runs sheep, which are shorn in the original 1851 shearing shed. The family still lives in the same house which was built around 1843. The Cole family is to be congratulated on their persistence and longevity as one of Victoria's most enduring pioneering families.

### Rainbow Riders

**Mr TREZISE** (Geelong) — Recently I had the pleasure of visiting a great Geelong-based organisation, Rainbow Riders, located at Connewarre, just out of Geelong. For the information of members, Rainbow Riders was established in 2001 to assist young people who are disadvantaged socially, physically, emotionally, psychologically or financially. Rainbow Riders provides a real and practical opportunity for young people to develop life skills by working with horses and by participating in associated farm-based work and other related activities.

Rainbow Riders has a dedicated and professional team of youth workers who provide leadership, mentoring, support and friendship to young people participating in the program.

**Ms Duncan** interjected.

**Mr TREZISE** — They do. I take this opportunity to congratulate board members Chris Cooper, Gill Goodman, Lyndie Freestone, Dee Clancy, Robin Turner, Kym Anderson, Sheryl Horton and Peter McMullin, together with staff members Ross Clancy, Megan Pobjoy, Carly Romeyn, Kade Clancy and last but not least, marketing guru Deb Hallmark.

Rainbow Riders is a great organisation which is doing great work. I look forward to providing future support

to the organisation in its work of providing assistance to young disadvantaged people.

### North–south pipeline: memorandum of understanding

**Mr WELLER** (Rodney) — I rise today to voice my concern over a very disturbing situation in which the Brumby government is treating innocent Victorians like convicted criminals. It has been revealed that northern Victorians who have been protesting about the state government's controversial north–south pipeline have become the subject of police files, which the government has handed over to private contractors. Apparently, under an agreement with the state government, police files about the activities of those who protested against the pipeline, the Wonthaggi desalination plant, the Melbourne grand prix and other events have been made available to project developers.

This is an appalling breach of privacy, and it has horrified ordinary country Victorians in my electorate who had been exercising their democratic right to protest against Labor government policies and projects. It is bad enough that these innocent people find themselves in police files in the first place, but to then have those files handed to private enterprise is simply unacceptable. I support calls from my coalition colleagues for this case to be made the subject of a detailed inquiry by the Ombudsman and the Victorian Privacy Commissioner. The Premier and his government cannot be trusted to protect the privacy of law-abiding country Victorians.

### Frances Penington Award

**Mr LANGUILLER** (Derrimut) — On Thursday, 3 December I had the pleasure of attending the 2009 Penington award event at Parliament House. I look forward to it every year as it demonstrates the wonderful work that many of our public housing tenants do.

The Penington award has been presented each year since 1998 to public or community-managed housing tenants who have made an outstanding voluntary contribution to the local community. The award recognises the contribution made to public housing by Frances Penington, who was the first female commissioner of the then Victorian Housing Commission.

Nineteen nominations were received for the 2009 award. Each of these nominees was presented with a certificate by the Minister for Housing on the day. A panel comprising the member for Mordialloc; Dianne

Embry, the chief executive of Volunteering Victoria, and Paul Sharry from the Office of Housing judged the entries.

This year two nominations were jointly judged as the winner of the Penington award. The Curtain Connections group was recognised for its excellent work in providing window coverings for families in need in the Corio and Norlane areas. This group has supplied over 200 new tenants with curtains in the local area. It also delivered 250 kilograms of curtains to the bushfire relief warehouse in Clayton, and visited the town of Marysville.

The other winner of the award was Kenneth Carr, who is acknowledged for his fantastic work as a full-time volunteer for Mallee Family Care. Kenneth has worked tirelessly to create opportunities for the region's youth.

Four of the nominees each received a certificate of special commendation for their exceptional volunteer work in a range of fields, including disability services, tenant advocacy and community renewal. As the member for Mordialloc commented on the day, the job of choosing the winners was extremely difficult, as all of the nominees are outstanding role models and leaders in their communities. Victoria is the only state that celebrates Housing Week.

### Government: performance

**Mr MORRIS** (Mornington) — As it is the last sitting week of the year this is an appropriate time to reflect on events and the progress, or perhaps lack of progress, of the state. The year opened with the annual statement of government intentions, headlined by the Premier as 'a year of action and delivery'. Yesterday, 11 months on, the Leader of the House gave notice of a motion to read and discharge the order of the day relating to the annual statement of government intentions from the notice paper. Yesterday also saw a flurry of activity to introduce bills promised for much earlier in the year but which will now not be debated until 2010 at the earliest.

We have not heard the promised ministerial statement on mental health or the promised statement on early childhood development. We have not seen the promised green economy, job action plan or blueprint for regional growth. There has been a lot of discussion but no progress on a new Council of Australian Governments agreement on health funding. The promised international educational strategy has turned into a damage control strategy. The promised future energy strategy? No, that is still in development as well.

No wonder the statement of government intentions is to be removed from the notice paper.

What do we have instead? Fire danger signs that direct you to a website instead of providing information, a 70 per cent increase in assaults since the government took office, secret police files handed to private firm, AquaSure, and a child protection system at the point of collapse, to say nothing of the public transport system, soaring state debt, 40 000 more Victorians unemployed than in November last year — on it goes. There is indeed much to be done.

### Frankston electorate: government initiatives

**Dr HARKNESS** (Frankston) — The Brumby government continues to invest heavily in and around Frankston, and I am pleased to be able to stand up for Frankston as a member of a government which continues to build a better Frankston.

Most recently \$5.152 million of road safety improvements at the intersection of Baxter-Tooradin, Fultons and Hawkins roads at Baxter have been completed. Congratulations to the Minister for Roads and Ports and to Rod Baker and Bertrand Chan Tin from VicRoads for delivering a project which will provide important safety benefits for our local community.

The Peninsula Link construction is getting closer, with the first project information sign unveiled. Planning work for the project is finished. We have started purchasing the remaining land needed to build the freeway, called for expressions of interest from the private sector to build Peninsula Link and are close to announcing the winning project company.

The Kananook Creek Boulevard project, funded with \$8 million from the state government, is nearing completion and spans for a new bridge crossing the creek are now in place.

The Frankston East Tennis Club will soon have three resurfaced all-weather synthetic surface courts thanks to a \$60 000 Brumby government funding boost.

Traffic delays along Moorooduc Highway have dropped by around 25 per cent following the introduction of a new \$2.1 million P-turn at the Moorooduc Highway-Cranbourne Road intersection.

A new volunteer service is making it easier for Frankston residents to get more involved in their community. It has been officially opened and was made possible with a state contribution of \$175 000.

In the last month or so new state-of-the-art facilities at McClelland College have been officially opened and are being used, providing teachers, students, staff and the community with a fantastic education facility.

Frankston continues to be a great place to live, work and raise a family, thanks in no small part to the huge investment in Frankston by the Brumby Labor government.

### Susan Rowe

**Mr BURGESS** (Hastings) — I wish to pay tribute to a much-loved member of my local community, Susan Rowe of Somerville. Susan was a valued and dedicated local who sadly passed away in October from bone cancer. Susan was a longstanding member of the Hastings-Western Port Historical Society, undertaking the role of secretary for many years. Susan was the editor of *Hastings Memories — A Collection of Reminiscences* and was the driving force behind the idea of publishing five volumes of *Hastings — People and Places*. *Hastings — People and Places Volume III*, launched in October of this year, was fittingly dedicated to Susan. Susan will be dearly missed by the society and the local community as she encouraged people to appreciate the importance of preserving our history for the benefit of all.

I particularly pay tribute to Susan on behalf of her family, friends and special friend Barry Fay.

### Balnarring Primary School: Bimblemeer sustainability centre

**Mr BURGESS** — I would like to congratulate the parents, teachers, children and community of the Balnarring Primary School on the opening of its fantastic sustainability area, Bimblemeer. Last Friday, 4 December, Mrs Jan de Kretser, wife of the Governor of Victoria, officially opened the Bimblemeer sustainability centre.

Being employed just one day a week, but working eight, Heather Goddard, with the strong support of principal Rhonda Stevens, led a hardworking team of people focused on delivering something very special for both present and future students of Balnarring Primary School as well as the broader community.

The BEAT Kids — the Balnarring Environmental Action Team — again did a sensational job. Incredibly Balnarring Primary School also won this year's ResourceSmart School of the Year Award. Everyone who participated in bringing this wonderful project to fruition is to be congratulated, because in the true spirit

of the term sustainability Bimblemeer will continue to give to all who experience it.

Through this excellent work Balnarring Primary School has been able to achieve 5-star status and a 20 per cent increase in indigenous species on site, a 10 per cent reduction in energy usage, a 75 per cent reduction in water usage, and a 50 per cent reduction in waste to landfill.

I have also been approached by many residents — —

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

### Newham Mechanics Institute hall

**Ms DUNCAN** (Macedon) — Last Friday I had the pleasure of representing the Minister for Rural and Regional Development at the opening of the revamped and refurbished Newham Mechanics Institute hall at Newham. Believe me, the whole town was present.

The hall has been a meeting place for the Newham community since 1903, so has considerable heritage value. The refurbished hall will continue to be the central meeting place for the town, including the Landcare group and the gardening club, and a euchre card group has been playing there for more than 80 years. It was also the location of the inaugural meeting of the Farmers Union in 1914, later to become the National Party.

The Newham hall conservation and renovation project was funded with the assistance of \$250 000 from the Small Towns Development Fund — and what a great fund that is; \$126 000 from the Macedon Ranges Shire Council; and \$30 000 raised by the local community. Changes to the hall include the refurbishment of the main hall and the installation of a new kitchen, public toilets and energy-efficient features such as rainwater harvesting and solar power.

The hall displays the honour rolls of soldiers from both world wars and provides a pictorial record of the Newham district's proud history. I hope photos of Friday's event will be included in the history of the town. I would like to congratulate Ian Miller, president of the institute, and his team, including Sally Starbeck, for all their work in bringing this project to fruition.

### Joan Connell

**Mr LANGDON** (Ivanhoe) — I would like to congratulate Joan Connell on her forthcoming 85th birthday, on 29 December. Joan has been a member of the Olympic Village Combined Pensioners Association

for 22 years and secretary of the association for all but two years of her time as a member. Joan is a very caring and loyal member who is loved and well respected by all the club members. She is always willing to help anyone in need.

### John Masters

**Mr LANGDON** — I also congratulate John Masters on his 90th birthday, which is due on Monday, 14 December. John has been a resident of Ivanhoe since 1946. He has lived at the same address on Oriel Road for the last 63 years, where he and his wife raised three children. He worked at the Heidelberg Repatriation Hospital for over 30 years. John has also been involved with St Bernadette's Church and the pelargonium society, of which he is a life member.

### Charlie and Sylvia Greenwood

**Mr LANGDON** — It gives me great pleasure to acknowledge the 65th wedding anniversary of Charlie and Sylvia Greenwood. Charlie and Sylvia met in 1939 when Charlie worked at the Vienna Inn on Russell Street. Charlie joined the Royal Australian Air Force and was posted to Papua New Guinea. He returned on leave in 1944, and the couple got married on 16 December, 10 days after he arrived home. After their honeymoon, Charlie returned to Papua New Guinea. Charlie and Sylvia have four children, two boys and two girls, nine grandchildren, and now a great grandchild and more to come. I congratulate both Charlie and Sylvia on this tremendous milestone and wish them continued long health and happiness.

### State Emergency Service: Eltham unit

**Mr HERBERT** (Eltham) — I would like to congratulate the Eltham branch of the State Emergency Service on finally vacating the sweltering tin shed that has been their home for many years. The move into the original red brick Eltham bowling club is a great step forward for this tremendous community asset. The Eltham SES does a great job in our community; it is one of the most active emergency services in the state. In fact, on 26 November it received the third-highest number of calls in Victoria. For many years it has been looking for a permanent home, and whilst the original Eltham bowling club may not be that, it is a great step forward.

## GRIEVANCES

**The DEPUTY SPEAKER** — Order! The question is:

That grievances be noted.

### Minister for Police and Emergency Services: performance

**Mr RYAN** (Leader of The Nationals) — I grieve today on behalf of all Victorians. I do so in the context of the demonstrable incompetence of the Minister for Police and Emergency Services. Victorian police are the best in the nation. I have great admiration for those who wear the blue. It is a difficult job being a police officer in the state of Victoria and indeed in any state within our nation, and particularly so in the world in which we now live. I enormously admire the men and women who wear the uniform of Victoria Police and who do such a magnificent job in protecting us all.

I note in passing that over the past couple of years the Police Association Victoria has adopted the coalition policy in relation to the need for an independent, broadbased anticorruption commission in Victoria. This probably leaves the Victorian government as about the only organisation of any standing in the state that does not agree with this proposed course.

The lack of support provided to our police by the minister and the government of which he is a part is a threat to the capacity of Victoria Police to continue to do its job. The evidence is compelling, despite the rhetoric which is so often trotted out by the government. In the last 10 years we have had a government which has had the use of about \$300 billion in its combined budgets. Despite that, the actual allocation of funding in relation to policing in the state of Victoria is lamentable. The expenditure per head on policing services in Victoria is significantly below that of the other states in Australia. It is the lowest in the Australian nation. That is an appalling state of affairs. Into the bargain, the increase in police funding over the last five years is the lowest of any state in Australia, apart from New South Wales — and I might say that when it comes to the stage where we are using New South Wales as any sort of a benchmark, it is a particularly sorry state of affairs.

Over the past nine years we have seen a 14 per cent increase in crimes against the person in the state of Victoria. We live in an age where crime, and particularly violence in our streets, is all too often recognised as just part of our daily life. The Labor government in Victoria has overseen all of this, and for that it should be absolutely ashamed.

Into the bargain we have had ongoing reports about police-related matters in relation to which the minister has been distinguished by his absence. Recently a report prepared by the Ombudsman about the business information technology services unit of Victoria Police

was tabled. This facility has been the subject of three external reviews, five internal audits and two criminal investigations — totalling 10 inquiries of different sorts — since August 2006. And yet when this report outlining a litany of problems arising from the operation of this particular unit was tabled in Parliament recently the Minister for Police and Emergency Services remained silent as to the issues in question.

That report mentions a \$27 million contract which had been written on a piece of paper some months after the person responsible for it had departed his employment with the unit. It contains reports of a \$39 million blow-out in the budget of \$191 million applicable to the business information technology services unit. Again the minister remained silent with regard to all of this. The report raises such issues as \$81 000 having been paid over five years for what turned out to be the rental of an empty cupboard. Again the minister remained silent in relation to this and other issues. It is a lamentable performance on his behalf.

Victorians are entitled to know the answers to the following questions: what does the minister think about these issues? What action has the minister taken in relation to them? Who has been called to account by the minister with regard to these various deficiencies? What instructions has the minister given to his department to remedy these problems? Did the minister demand timely reports from the department with regard to these issues? Has cabinet received a briefing with regard to the matters set out in the Ombudsman's report? Are Victorians going to receive an explanation from the minister with regard to these various matters?

In addition to all of that, we have the ongoing debacle in relation to DNA testing. We had the Russell Gesah case, to which I referred in question time yesterday. We had the situation where the director of public prosecutions, Jeremy Rapke, QC, has recently requested that the last five years of cases that have been dependent upon low-level DNA testing be examined to ensure that we have not had the situation of someone having been convicted of a crime in circumstances where the evidence was not appropriate. We have had reports of firearms that had been seized and stored at the forensic laboratories at Macleod being sold by an employee within the department. We have had ammunition supposedly stored in that same area which has been stolen and sold. We have had stories of drugs that were supposed to have been initially stored and then destroyed actually being sold. In all of this the minister has remained silent.

In the last few days we have had the case of Farah Jama, who was convicted on the basis of flawed DNA evidence of a crime which probably never even happened. And again the minister and the Premier have had little to say in relation to this issue. In all of these matters Victorians are entitled to know what the police minister intends to do.

On top of it all we have the matters to do with forensic staffing, and that in turn is a sorry tale. Forensic staffing and the government's failure to meet growing demand is the main area of weakness for the government, with sustained evidence of underresourcing. The opposition has been talking about this since 2003. Forensic staffing has been the subject of ongoing debate. In 2006 the Department of Justice identified a cut of 31.2 forensic officers from Victoria Police in a submission to the Public Accounts and Estimates Committee (PAEC). In 2006 Labor went to the election with a promise of 25 extra forensic officers by 2010. Of course, without going into the detail here, this government is famous for breaking promises, so the fact that this one was broken should not come as any surprise. The 25 Labor additions will merely replace the officers brought in by Victoria Police to make up for the staff cuts identified by the Department of Justice in 2006. The end result has been an increase of only six in forensic staff between 2005 and 2009. That appears in the evidence given by the Department of Justice contained in the PAEC reports.

While all this has been happening issues of capacity have assumed enormous proportions. In August 2002 Victoria Police's forensic DNA test capacity was 300 per week, which equates to 15 600 tests being conducted in 2002. The Minister for Police and Emergency Services predicts that demand for DNA testing will increase to 45 000 tests in 2010. That is taken from the PAEC budget estimates hearing evidence of 11 May 2007. That means there will be a 188 per cent increase in demand for DNA tests over the eight-year period to which I have referred. In that time the number of forensic officers will have been increased from 133 in 2002 to 181 in 2010. Therefore a 188 per cent increase in demand for DNA test forensic services has been met with a 36 per cent increase in forensic officers. This is absolutely unacceptable. These are matters which the minister needs to explain to the people of Victoria.

Into the bargain we have the ongoing saga with regard to police files. We have seen more of that play out in the course of the past couple of days. There has emerged into the public arena by accident rather than design a memorandum of understanding (MOU) for the Victorian desalination project. This agreement was

signed on 28 August 2009 by a representative of Victoria Police; Peter Harris, on behalf of the Department of Sustainability and Environment; and a representative of AquaSure, the international consortium that has been awarded the contract for the construction of the desalination plant. Within the document there are references to the fact that Melbourne Water has delegated certain rights and entitlements to both DSE and AquaSure. The document relates to what is termed 'protest action'.

The agreement has many interesting components. I quote from the definitions provisions of the agreement, which state:

Law enforcement data means any information obtained, received or held by VicPol —

Victoria Police —

- (a) for the purposes of one or more of its, or any other law enforcement agency's, law enforcement functions or activities; or
- (b) for the enforcement of laws relating to the confiscation of proceeds of crime; or
- (c) in connection with the conduct of proceedings commenced, or about to be commenced, in any court or tribunal; or
- (d) for the purposes of its community policing functions.

By any standards this is a very wide definition of what is said to be law enforcement data.

In paragraph 8 of the same memorandum of understanding there is reference to data security. I quote subparagraph (a):

VicPol will release law enforcement data —

which I have just defined —

to the secretary and project co —

or company, which is AquaSure —

under this MOU. The release of law enforcement data is subject to the standards and protocols for law enforcement data security established under the Commissioner for Law Enforcement Data Security Act 2005 (Vic.).

Subparagraph (b) says:

Law enforcement data may take the form of any text, images, audio and video, may be stored on computing devices, in hard copy, or on other storage media, and includes (but is not limited to) data related to individuals, aggregated data, written reports and correspondence, memoranda, police diaries, official notebooks, running sheets and other data repositories.

Again by any standards this is a very broad definition.

Many issues arise in relation to this. Yesterday when he was asked a question by the Leader of the Opposition the minister had this to say about the operation of the agreement:

... that is, that the privacy laws and the Police Regulation Act apply and they do not —

and I emphasise 'do not' —

override any memorandum of understanding.

A little later he said:

As I was saying, the Information Privacy Act and the Police Regulation Act do not —

and I again emphasise 'do not' —

override a memorandum of understanding.

A little later he went on to say:

Memorandums of understanding have to operate within the law — within the privacy laws and within the Police Regulation Act.

Where precisely that leaves us I do not know, and I suspect the minister himself does not know. What I do know is that Victorians are entitled to know precisely what is contemplated by the terms of this agreement. In that regard various questions arise which the minister must answer. How did that agreement come about? Who approached whom to have the agreement established? Who prepared the agreement? Which ministers within the cabinet knew of this agreement? Did the Premier know about this agreement? Which ministers approved this agreement? What precisely is being provided between the parties? What precisely is being discussed between the parties? Will the government now tell any of those people whose information has been provided between the parties precisely what has been revealed? How do the privacy laws of the state of Victoria apply to this memorandum of understanding? The ministerial confusion in this is replete, and the matter must be clarified.

The other issue that has arisen in the last couple of days is whether there are other memorandums of understanding applicable to projects of this ilk or indeed to any projects at all. Is there a memorandum of this nature with regard to the pipeline project? The Minister for Water seems to think there is. The Minister for Police and Emergency Services does not seem to know. One of the assistant commissioners of police is sure that there is an agreement there — at least, eventually he became sure — but he is not satisfied as to the content. What is happening with regard to these critical issues?

I understand from reports in the media this morning that the privacy commissioner, the Office of Police Integrity and the commissioner for law enforcement data security are all now engaged in an investigation of what precisely is happening with regard to this memorandum of understanding. We will all long remember the efforts of former Minister for Police and Emergency Services, André Haermeyer, and the issues surrounding the LEAP — law enforcement assistance program — files. The question is whether we will have a mark 2 with regard to this sort of conduct.

Victorians are entitled to answers to these basic questions. Victorians deserve better from their police minister, and they deserve much better from the government of the day. This is the secret state, and increasingly so, despite all the rhetoric. People are entitled to have their privacy protected. They are entitled to have a police minister who stands up for them and for their privacy. They deserve to have a minister who is on the case and on top of his portfolio. They deserve to be kept informed about these important issues.

I again call on the minister to make a ministerial statement to this Parliament to explain himself and the matters to which I have referred. He is distinguished by his silence in all of this. He is not on top of his game; his efforts are a disgrace.

### **Industrial relations: federal opposition policy**

**Ms THOMSON** (Footscray) — I rise to grieve for working families in Victoria given the new conservatism that has well and truly taken over the Liberal Party. I quote from Shakespeare's *Romeo and Juliet*:

What's in a name? That which we call a rose  
By any other name would smell as sweet;

This week we have seen the new federal Leader of the Opposition, Tony Abbott, say he will not refer to the name WorkChoices. What is in a name? By any other name WorkChoices stinks. That is the situation we find ourselves in now. The new federal Leader of the Opposition has not just taken a curve to the right, he has taken a gigantic leap into the abyss of industrial relations law and wants to take us back to WorkChoices. No, he is not saying the word WorkChoices, but that is where he is taking us, and we all know it. He has not put anything on record to indicate that he did not support WorkChoices, that he did not see that there were mistakes in the WorkChoices legislation at the time. In fact he still heralds WorkChoices and says the only reason the public did not support WorkChoices and the federal

Liberal Party at the last election was the fear campaign. There cannot be a campaign where there is no substance.

Time and again we heard cases of abuse of individuals who had come up against a system that was not there to look after the individual at all; it was there to look after employers, and we all knew it. I think this new Liberal Party would make Sir Robert Menzies turn in his grave. This is not what liberalism is all about. This was not what he saw his party as being when it was founded. It is not what he would have liked to have seen as the future of the Liberal Party. In fact he believed in a balanced industrial relations system and saw a role for the trade unions. He addressed the public in relation to individual rights and the need to protect and look after society. He prepared a paper on the role of government and the role of the private sector. This is what he had to say:

In general terms the economic responsibilities of the state should be regarded as fourfold:

First, to assist in preventing the periodic recurrence of large-scale unemployment;

Second, to secure to all responsible citizens (through social legislation) at least a decent and reasonable minimum of economic security and material wellbeing ...

There is no way known that anyone could believe WorkChoices secured that, certainly not in the preferred form of the former Prime Minister when it first entered the Parliament, and it was only amended because of the discrepancies shown and the way people were absolutely exploited under that preferred model. Menzies went on:

Third, to impose a framework of law which will give the utmost encouragement to the enterprise, resourcefulness and efficiency of individuals and groups, and which will lead to the greatest possible output of the goods and services which the community needs;

Fourth, to conserve, in the long-range interests of the community, those natural resources fundamental to the life and future prosperity of the nation.

I am not going to talk about climate change, but I have to say Sir Robert Menzies would not have been a climate change sceptic.

He went on to talk about the need for trade unions, the balance between employer and labour and the need to have collective bargaining arrangements. Never once did he question the role and responsibility of trade unions or that of the arbitration and conciliation tribunal. He believed there was a need for a balance, and he understood that the collective of employees would best be served by trade unions. No-one wants

extremism, but we do want to see trade unions, employers and society in general working together to better this economy and better our lifestyles. If you look back in history, you see that the truth is that has occurred through trade unions working together with employers. You only have to go back to the Hawke and Keating federal governments and the accord, which was struck during a time of high unemployment with the active support of trade unions and employers to work on ensuring that our economy developed to meet its future needs and was, during a time of recession, working to ensure that it was not making unreasonable demands on the system to see that it worked.

If you have a look at changes to some of the great manufacturing industries — say, the automotive industry — you see that the work that was done with the Vehicle Builders Workers Union and with employers to make improvements by agreement worked far better than any industrial dispute that did not involve talking through the issues and understanding them. The unions are not a big bogey. In fact engaging with them brings better results for the economy, better results for the individual and a far fairer system. It means that those who are less able to look after themselves benefit from collective bargaining — no doubt about it.

Let us have a look at where the Liberal Party is today in its making of a time warp. I was listening to the member for Mount Waverley's 90-second statement. She was talking about a time warp or a leap back in time, or whatever it is, in response to the new shadow cabinet. But it is worse than that; it is like living in a parallel universe — we have not so much gone back in time in the sense of conservatism, because we have redefined conservatism. Conservatism usually means wanting to keep things the same and not change the structures fundamentally. But this is not what we are seeing in the new Liberal and National parties arrangements. If you have a look at the new federal opposition frontbench, you will find they are the new radical conservatives. They want change all right — they want change that limits the power and capacity of the individual, contrary to what liberalism really is, to come up against a Goliath and be treated fairly. That is what they are trying to do.

Let us have a look at some of the views of members of this place in relation to WorkChoices. There is no difference between their views and those of members of the federal opposition in Canberra — and the two predecessors to Abbott were small-l liberals. We are seeing a move in a totally different direction. As a matter of fact I think former Prime Minister John Howard is going to end up looking like a small-l liberal

by the time Tony Abbott has finished with the federal Liberal Party. That is how far Tony Abbott is going to take us.

Let us have a look at what the Victorian Leader of the Opposition had to say on WorkChoices in this house on 10 August 2006 when we were talking about industrial relations. He said:

WorkChoices offers Victorians the capacity to control their working relationships.

We know that was not the case. We know that over 1200 complaints were lodged with the workplace rights advocate in Victoria. We know that there were failings in that legislation and there were repeated amendments to it because of its inherent unfairness. There were 1700 pages of legislation that people had to trawl through; not even the industrial relations experts could cope with 1700 pages of legislation. What were you meant to do if you were a small business owner?

Let us have a look at what small business really thought of WorkChoices. If you have a look at comments made in this chamber by members opposite about small business's view of WorkChoices you would think there was not a small business owner in Victoria who did not want to kiss the feet of John Howard and his cronies over WorkChoices, but they did not. In fact, an article in the *Age* of Tuesday, 1 August 2006, says:

According to an MYOB survey, two out of five small businesses believe the politically contentious WorkChoices law is unfair to many employees. Furthermore, only 9 per cent plan to use the law to change the way they approach employment, pay and conditions.

Only 12 per cent of small business respondents to the survey believed WorkChoices would lead to increased productivity, and only 5 per cent said they 'strongly agree' that it would make them more likely to hire new employees.

The article went on to say that another survey:

... commissioned by Leadership Management Australia, found that 23 per cent of business leaders and 22 per cent of senior managers conceded their staff were likely to be worse off as a result of the industrial relations changes.

Here is the truth. The truth is that this was a piece of legislation that was far too complex, that did not really help small business and that actively took away the ability for the individual employee to have a say about their conditions, unless of course they were in an area of incredibly high demand, were highly educated and highly articulate. But if you were a woman on a low wage, if you were young or if you were from a non-English-speaking background then heaven help you because there is no way that you would win in those negotiations, there is no way that your rights

would be protected and there is no way that you would be treated fairly under that industrial relations legislation.

As we look at what people said about WorkChoices in this place, let us see what the member for Polwarth had to say:

I believe the WorkChoices legislation is groundbreaking. The legislation is going to make workplaces and homes work well.

The legislation will make sure that an employer can accommodate anybody who walks through the front door and says, 'I need a working environment, work situation, working conditions and working hours that meet the expectations of my home life and social life and ensure that I can turn up at a time which suits me'.

That was on 10 August 2006, and every indication since then and every survey has shown that workers were working longer for less pay under WorkChoices and that it was a farce.

**Mr Mulder** interjected.

**Ms THOMSON** — That the member should interject and still say that WorkChoices was a success just goes to demonstrate that the Liberals have learnt nothing. It was not just a public relations campaign that delivered the 2007 election result for the federal Labor government, it was the fact that every single individual working person in this state and in this country understood that WorkChoices left them with no choices — absolutely none.

The member for Gippsland South had this to say:

... employers are trying to grow their business, and for that purpose they recognise that they have to have employees who are going to be able to do what is asked of them in the workplace.

That is fine. Do what is asked of them? Maybe. But to do everything that is asked of them if they are not being properly remunerated for it or if the conditions are unsafe — is that fair, is that reasonable? No, it is not. The figures for the number of unfair dismissals through the time of WorkChoices show that they were through the roof.

There needs to be a balance in relation to unfair dismissal. There needs to be a situation where an employee can say, 'That is an unreasonable ask. That is not an appropriate ask', and the employee should know that behind them will be the weight of the law and a trade union to back them up if they need to be backed up and supported.

If the Liberals and The Nationals had their way, they would do away with trade unions altogether. They think they are evil. I have a newflash for you: the Labor Party does not believe employers are evil. We think they are an important part of an economy. They help drive jobs, they help create wealth and we think they are terrific, but we want to have someone there when the employer is doing the wrong thing.

### **Public transport: myki ticketing system**

**Mr MULDER** (Polwarth) — I rise today to grieve about the government's over-hyped, over-budget, over-the-top myki dumb card. Myki dumb card is how it is being referred to out in the community as we speak here today. The so-called smartcard of public transport here in Victoria has become the Brumby government dumb card. You would never see a more poorly prioritised budget spend than this project, which has blown out time and again, and as I stand here today still does not work. It is a \$1.4 billion-plus white elephant that is nearly three years late and is yet to be seen working on the streets of Melbourne. The government is awaiting the Christmas rush not in order to roll it out but to slide it out under the door. The Premier and the ministers responsible will up and bolt and run at 100 miles an hour when they let this white elephant loose on Melbourne. It has been an utter disaster from day one.

The Premier of Victoria himself, as the then Treasurer, signed off on this blight on the public transport system. The Premier himself, as Treasurer, wrote the cheque. He agreed to fund the myki smartcard. The Premier himself prioritised this dog of a project over and above new rolling stock and vitally needed rail upgrades. This project has the Premier's fingerprints all over it.

Members will never see the Premier anywhere near anything to do with myki. One would normally expect from this government when it was attempting to roll out around the regions a project of more than \$1.4 billion that there would be a cluster of ministers, the Premier, a media pack and the local backbenchers, all sniffing around, hanging on the Premier's shoulder trying to get their faces in front of the camera, but no-one in the government is prepared to put their reputation on the line for or their face anywhere near this project. In fact if members look they will find that the Transport Ticketing Authority has had to go back to someone whom I believe is one of John Cain's former staff members to provide protection for the government in trying to put a positive spin on this dog of a project.

It must be remembered when one considers the Melbourne metropolitan rail network that the

government time and again tries to point the finger at the former operator, Connex. The Premier said from day one of the new operator, Metro Trains Melbourne, taking over that we would see improvements. Day one has passed, and it was an utter disaster. The problems that exist out there today are not the doing of the private operators. The problems are completely the responsibility of the government.

When one considers this spend of more than \$1.4 billion of taxpayers money on a plastic card that no-one wants, it is very important to understand the issues over which this project took priority. It took priority over Metrol, Melbourne's train control centre, the upgrade of which was cancelled by the Labor government because in 2002 it believed the system was adequate. However, the system was not adequate.

The system was identified for upgrade by the former Liberal coalition government. A tender was put out and a contract was awarded, but a former Labor transport minister cancelled that arrangement and projects like myki got priority over an upgrade of Metrol. The more than \$1.4 billion myki dumb card got priority over cleaning out drains around the tracks, cleaning the mud out of the ballast so that the sleepers would not rot on the rail network and replacing rotten timber sleepers with concrete sleepers. Those areas are where money should have been spent in making sure we got a reliable public transport network. But no, the community did not ask for but got a \$1.4 billion so-called smartcard that is now being referred to as one of the dumbest possible initiatives that any government could undertake.

The Brumby government's more than \$1.4 billion dumb card got priority over replacing ageing rail infrastructure that this government believed could still function after 300 years even though engineers told it that rails needed to be replaced after 75 years. It got priority over replacing our old and worn out signalling systems. It got priority over replacing points and crossings that the government had been replacing to the tune of about 8 per year when it was recommended that they needed to be replaced by over 22 per year, yet time and again on the metropolitan network we have points and signals failing and overhead power failing. The system is in an absolute state of decay from top to bottom, and out there today as we speak we have got the myki smartcard, or the 'dumb card' as it is referred to, being promoted by this government as being the be-all and end-all to improve the public transport network around the state of Victoria.

The Brumby government gave priority to the smartcard over new rolling stock, both trains and trams, that is

vitaly needed on the rail and tram networks. We consistently hear of breaches of load limits on the rail network and of people being jammed into trams because there are not enough trams on the network. New tram and train rolling stock got left behind and the government decided to invest in the myki smartcard. Air conditioning on the Comeng trains and the A-class, Z1, Z2 and Z3-class trams is not up to scratch. Is the air conditioning going to be upgraded? No, the money went down the throat of the new ticketing system that no-one out there in the community asked for in the first place.

In fact the government still has not placed an order for the 50 new trams, cut from 100, even though the tram system is chronically overcrowded and the new operator has indicated it will be cutting services to some outlying areas. The new ticketing system is going to be there, but the tram services are going to be cut because there is not enough rolling stock. The myki dumb card still does not work effectively and has still not been activated in Melbourne. It required a brand-new spin doctor to stand between the minister and the public, chewing up taxpayers dollars at a rate of knots. The spin doctor is needed so that the Minister for Public Transport does not have to go through making another explanation. We all remember the great television footage of the minister trying to get the myki card reader to work, and the whole thing fell apart in front of the minister. That symbolised what this government's approach to public transport has been and how it has prioritised its spending.

Last week I took up an offer from the *Geelong Advertiser* to travel on the 4.55 p.m. service from Southern Cross station to Marshall station. As Geelong members will know, that service is the one that broke down on Wednesday, 25 November. There were 350 commuters trapped in a clapped-out train for 3 hours with one toilet to share. But they will soon have myki smartcards, and they will be grateful for that, travelling on these clapped-out, run-down old trains! The following day, Thursday, 26 November, an article appeared in the *Geelong Advertiser* in relation to this government-owned service — the V/Line service wholly and solely owned and operated by the Victorian Labor government — which states:

Passenger Adam Pearce said: 'They locked us in and wouldn't let us out.'

...

Finally at 8.10 p.m. a replacement engine began towing the train. Weary and angry commuters eventually arrived in Geelong about 8.50 p.m., almost 4 hours after their journey began.

That was 4 hours to get from Melbourne to Geelong. What an utter disgrace in this day and age. The article continues:

‘It was the train from hell and there was a lot of misinformation’, said passenger Gavin Whyte.

‘They kept telling us there was another locomotive coming and it would be here in a minute, yet they left us there for more than 2 hours and 40 minutes as we sat there and watched the other trains go past’.

That is how the people of Geelong are being treated while this government spends money on projects such as the myki smartcard.

I quote also a well-known local member of Parliament in the Geelong area attacking the Minister for Public Transport and his own government. An article in the *Geelong Advertiser* states:

Geelong MP Ian Trezise weighed in on the fiasco yesterday, labelling the breakdown ‘a deplorable situation that simply cannot be allowed to happen again’.

At least the member for Geelong has a bit of ticker and is prepared to put the stick into his own government, prepared to take the argument up to the minister and prepared to label his own government, his own party, as completely incompetent — and so he should.

The minister has been offered the opportunity by the Geelong community to climb on board the 4.45 p.m. V/Line service. A spokesman for the Minister for Public Transport claimed a jam-packed schedule as the reason for turning down the invitation, but we know the minister has a history of ducking and diving whenever there is a problem with the public transport network.

In January this year when we had the deplorable situation where the metropolitan network went into meltdown, in an article by Susie O’Brien in the *Herald Sun* of 20 January she wrote:

So you can imagine my surprise when I saw Minister Kosky outside the upmarket EQ bar at Southgate at 4.45 p.m. last Thursday.

There she was sitting — her back to Flinders Street station — chatting, smiling and sipping a glass of white wine. Meanwhile, 100 metres or so across the river, thousands of commuters were entering the moving hell that is getting home on Victoria’s public transport system.

As I said all along, the minister does not have the empathy. Any minister who tells her own party members to direct their complaints away from her to the operators of the public transport network, and any minister who says that Melburnians are too focused on

punctuality simply does not have the empathy to carry out the task and to discharge the duties of a minister of government.

At least I had the guts, as I say, to turn up and travel on that service. I say to ministers: do it. You might cop a bit of flak, but at least people will respect you if you are prepared to turn up and understand what their concerns are.

I copped a bit of flak and I did not mind taking it on the chin, but I can tell you that what copped more flak than anything else was the myki smartcard system. People travelling in those old trains were absolutely disgusted knowing \$1.4 billion of taxpayers money was going down the drain. The carriages these commuters were travelling in were more than 50 years old. They were rusted; they had been used on the *Spirit of Progress*, which ceased running between Melbourne and Sydney in 1986. We groaned and wobbled our way all the way into Geelong in these clapped-out, run-down old trains. At the same time, as I said, \$1.4 billion-plus of taxpayers money is being pushed down the throat of the myki ticketing system.

I quote from another article in the *Herald Sun* which states:

Grand promises made about the myki public transport ticket system were overcooked, Premier John Brumby has admitted.

‘We were probably overoptimistic, I think, in the time frames’, Mr Brumby said yesterday.

‘We were given time frames that were overly optimistic. We are not able to achieve those’.

In relation to the time frames, there are provisions within the contract for the government to fine the company delivering this project \$50 000 a day for late delivery of the project. As we understand it, at this point in time none of those fines has been levied against the operator, and none of those fines has been collected by the Victorian public. This system continues to fumble and bumble its way towards Christmas. As I say, we understand there is every chance that it is going to be turned on during and around Christmas time.

It does not work in regional Victoria. I had discussions with bus operators in regional Victoria a couple of weeks ago to get an idea of what is happening. Fourteen school buses pulled up at a particular school. This is what happened: the students go to climb onto the first one, try to use the myki smartcard, the screen freezes in front of the driver, the reader does not work and the driver says, ‘Climb on board’. With each bus in line after that exactly the same thing happens. The driver gets the passengers on, gets the bus out of the way

because they simply cannot stand there waiting around trying to get a system to work that obviously is malfunctioning. This is happening right across regional Victoria. As we speak, the ticketing system does not work in regional Victoria. How on earth can the government possibly let this system loose on Melbourne? It has been spending nearly \$50 million a year on operational charges up to this point in time — \$50 million operating something that does not work. This is an absolute and utter disgrace. I grieve for this system. I grieve for the people of Victoria.

### Housing: opposition policy

**Mr LANGUILLER** (Derrimut) — I would like to grieve for the people of Victoria who are faced with an opposition that has no housing policy and no commitment to assisting vulnerable Victorians to find safe, affordable and appropriate accommodation. Today I will submit to the house that there is consistency in the political conduct and the lack of policy of the opposition which will demonstrate my assertion and my grievance today.

Since the 2006 Victorian election the Liberal Party and The Nationals have released 60 press releases on housing. Not one outlines a single policy. We can only assume, based on the public comments made by the various Liberal and Nationals MPs, that under a Liberal government there would be increased suffering for Victorians as a result of the reduction in the standard of public housing. The people of Victoria are suffering as a result of 11 years of the Howard government when more than \$1 billion was cut from the commonwealth-state housing agreement.

What is the Labor government doing to help restore the situation and to help the state recover from this chronic underinvestment in housing portfolio? Since 2007 the Labor government has committed \$510 million to new public and social housing. Since 1999 the total number of social housing dwellings acquired stands at 14 368. There is now more social housing in Victoria than ever before.

Since 1999 the Labor government has also completed 2548 major upgrades, including 3277 during the 2008–09 financial year. However, we recognise that there are still a large number of people waiting for public housing, and we need to build upon this record of investment.

As members will be aware, Victoria has secured \$1.167 billion in funding for the construction of more than 4500 new dwellings. This work has already started, with construction under way on 483 dwellings

and contracts in place for 558. In addition the Australian government provided Victoria with \$99 million for repairs and maintenance. A number of public and social housing properties have already been completed, and many more are currently being upgraded. This investment in maintenance is being spent as we speak to bring old stock back to life and to improve the comfort and livability of public and social housing.

Importantly the government has committed \$17 million in the Nation Building and Jobs Plan to upgrade government-funded rooming houses. Improving the supply of good quality rooming house accommodation is vital in light of the rooming house task force standards report — I commend our colleagues who worked so well on that — and the Coroner's report.

The stimulus package for social housing is providing a much-needed boost to the construction industry. It will create more than 3000 jobs by the end of the year. All in all it is clear that although there is a great need for affordable housing across the state the Labor government is making great progress in building new homes, creating new jobs and helping those in most need.

By way of contrast I ask what the Liberal Party has done since the elections in 2006. At the 2006 election the only election commitment made by the Liberals was to spend \$11 million — I repeat, \$11 million — over four years on crisis accommodation and not-for-profit housing associations, with only \$5 million allocated to building new long-term rental accommodation for low-income Victorians.

I will give some individual examples of how the Liberals are consistent in their lack of policy. The examples demonstrate how the opposition, at both state and federal levels, is not committed to looking after the most vulnerable and needy in our community. The federal opposition's housing spokesman, Scott Morrison, said that social housing measures provided little by way of economic stimulus. The *Australian Financial Review* of Thursday, 12 March, quotes him. It states:

'It's effectively a social agenda dressed up as an economic stimulus', he said. 'It will never happen in time'.

Mr Morrison is also quoted in the *Bendigo Advertiser* of 28 August as saying:

Social housing is not a very good choice for economic stimulus.

In the *Australian* of 28 August he is quoted as saying:

The coalition has argued since day one that Labor's debt-fuelled plan to build and have under way 20 000 public housing dwellings by December 31 next year was unachievable.

Under 11 years of the Howard government, funding for the commonwealth-state housing agreement was reduced by \$1 billion, which could have delivered more than 5000 units of public housing.

In addition the Liberal Party headquarters and staff have been exposed and quoted in the *Age* as saying that:

... public housing is for lazy layabouts that don't work and are a drain on the rest of us.

And further:

Hasn't she —

they were referring to the Deputy Leader of the Opposition in the Council, Wendy Lovell —

heard about your plan to abolish public housing?

And further it states that public housing is:

... housing for what it has become fashionable to call disaffected ... the disadvantaged, the differently motivated.

In other words:

What we used to call lazy people.

That is what people in the headquarters of the Liberal Party said to the *Age* as reported on 12 May 2008.

In order to further demonstrate the Liberals' consistency on the issue of public and social housing, there are members in this place and in this Parliament who have again and again gone on one or another track in order to obstruct the development of public housing or affordable housing.

For example, Bernie Finn, MLC, a member for Western Metropolitan Region — in my area — used the adjournment debate on 21 August 2008 to call for the two towers of public housing in Williamstown, which is represented by the very able member for Williamstown, to be sold off to property developers who would then convert the towers into a multimillion-dollar precinct with potential buyers falling over themselves to get hold of a unit.

The member for Ferntree Gully used the adjournment debate of 15 September to condemn the Brumby government's plan to construct social housing on the site of the disused Ferntree Gully Primary School and

collected a petition of 826 signatures calling for the development to be postponed. Knox council subsequently voted unanimously to support the project and recommended that the planning minister grant a permit under his powers to fast-track Nation Building projects.

The member for Doncaster used the adjournment debate of 15 September to state:

I call on the Minister for Housing to postpone the commencement of the social and affordable housing development on Tram Road, Doncaster ...

This development was granted a permit by the Manningham City Council in May 2009 and will be funded through the Nation Building program.

Andrea Coote, MLC, a member for Southern Metropolitan Region in the Council, repeatedly misled the community by stating that a social housing development at 999 Nepean Highway, Moorabbin, had been granted a planning permit by the Minister for Planning. The allegation was that the permit had been granted by bypassing the community. The fact is that the project was granted a permit by the local council by a vote of seven to two under the normal planning processes.

Despite this, Mrs Coote repeated her mistruth in a question without notice to the Minister for Planning on 13 October in which she asked:

Why did the minister not consult with the local residents before he allowed the proposal for the high-density social housing development at 999 Nepean Highway, Moorabbin, to proceed?

Mrs Coote also attacked the proposed development during the adjournment debate on 1 September when she described it as 'second-rate' housing.

Bruce Billson, MHR, the federal member for Dunkley, repeatedly claimed in media releases, comment to local journalists and indeed statements on his website that the Brumby government planned on building 400 new public housing units with 'many earmarked for large, multistorey facilities in the central activities district'. These claims were baseless. Mr Billson later acknowledged that he based his claims on incorrect information provided to him. This misinformation led to the distribution of a flyer of a nature which is rejected by every member in this house, and we have talked about that matter in the past.

These examples show that although the Liberal Party loves to talk the talk by professing that it has a commitment to public housing and social housing and

claiming that its members will be able to do better than the Labor government, it is not to be believed. Consistently, again and again, not only does the Liberal Party not put forward policies but Liberal Party members in both houses of this Parliament consistently use the Parliament to object to and obstruct or attempt to obstruct developments of social housing which would see very needy families in our community housed adequately and properly, as we should be able to do in our wealthy society.

What becomes clear when you examine the actions of members of the opposition is that their commitment is not really there. It is clear their words are empty. The opposition really is an opposition with no heart. It is clear from the deafening silence we heard from the Leader of the Opposition on these matters that he is a man who is just not there when it comes to answering questions. He has not spoken on this matter and has not made any genuine or serious commitment to address these important matters of housing for our communities.

This heartlessness comes as no surprise, nor is it a change in the attitude consistently displayed by the Liberal Party and The Nationals when it comes to social housing. We have put to this house today that we have two types of political parties in Victoria. One is serious, fair dinkum and willing to address the needs of all Victorians and to govern for all Victorians, a government that is committed to growing the economy for a purpose — that is, to be able to look after everybody.

At all times and at every election since 1999 we have said that we would grow the economy and that we would grow it for all Victorians. It would not matter where one lived or what one's postcode was, the reality is that under the Labor government all Victorians as much as possible and wherever possible were to be looked after. That is the Labor way. That is the way we have done business in Victoria, and that is why I am very confident that under the leadership of the Premier the government will be returned to power, and rightly so.

Importantly, the member for Footscray spoke earlier about the partnerships which allow us to grow the economy and to deliver social and affordable housing. That partnership is one where the government, employers, unions and the communities work together to try to find that middle ground which allows every Victorian and every Australian to be properly looked after, as we can do and as we should do.

On the other hand, the Liberal Party likes to talk but makes absolutely no commitments. Let us not forget — and this is the fact of the matter — that under the Howard federal government more than \$1 billion was slashed from the commonwealth-state housing agreement — an incredible funding cut of \$1 billion which could have delivered more than 5000 units of public housing over what deserves to be remembered as a lost decade when it comes to social housing. Let me assure members that if they walk around Victoria, they will find that Victorians remember what happened under the Howard government and they remember what happens under the Brumby government. When I accompany the Minister for Housing to any electorate around Victoria, it is plain to see that he is seen as a champion of social and affordable housing and as a champion, as is this government, of social justice.

### **Desalination plant: memorandum of understanding**

**Mr K. SMITH** (Bass) — Today I grieve for the mums and dads, boys and girls, teachers, students, businessmen and women, the retired, the unemployed and community representatives who stood up in the rain and the sun, on the beaches and in the parks, who appeared at public meetings and at rallies, who marched down the streets of Wonthaggi and gathered on the steps of Parliament House to voice their disapproval of the Brumby government's decision to build a desalination plant on the pristine coastline of Williamsons Beach at Kilcunda. They did not, at any stage, do this in a disrespectful way. It was always peaceful and it was always respectful. I grieve for them because of this government's actions.

Today the people — just ordinary members of the local community — have had their privacy invaded: their secret police files will be given to AquaSure, the multinational consortium that is building the desalination plant. These people are not terrorists; they are not anarchists; they have not broken any laws except in caring about their community and being prepared to stand up and protest at the heavy-handed actions of the Premier and Minister for Water, who have completely overridden the concerns of the community.

The Premier has shown that he cannot be trusted. The government failed to act for eight years to address the water crisis facing Victoria until it was forced to, in panic, as the water levels in our dams dropped. It was then that the north-south pipeline, which is a disaster in itself, and the desalination plan were announced. These announcements did not come after community consultation but after a decision of a panicking Premier,

who was then the Treasurer, and the then Minister for Water, Environment and Climate Change. The decision to release all of the secret police files was made two months ago in a deal struck by the state government through the Department of Sustainability and Environment, Victoria Police and AquaSure.

One must question the government's reasons for giving a private consortium the right to such law enforcement data which may be in the form of any text, images, audio or video which may be stored on computer devices, in hard copy or another storage media and includes, but is not limited to, data related to individuals, aggregated data, written reports and correspondence, memoranda, police diaries, official notebooks, running sheets and other data repositories. This type of action is more likely to be found in a communist country such as the previous Soviet Union under Vladimir Putin's secret police. But no, this happened here in Australia, in our Victoria.

The government spokeswoman said the release of this material was designed to 'protect the public and worker safety and assist police in being able to plan their resources'. Again, this is a group of people from the community who have done nothing more than use what I thought was our right to protest peacefully against this government's lack of public consultation. I know most of these people. I have attended their rallies; I have marched in the rain and in the sun with these people. I have addressed their rallies, as have many other community leaders, because I believe their concerns are right. Now these people, and probably me, are seen as being potential threats to projects and as potential terrorists who may interfere with the Brumby government's plans to build the desalination plant or the pipeline or power installations.

The memorandum of understanding that was signed is an outrageous breach of privacy and is an affront to the democratic right of all Victorians to be able to protest. The Brumby government not only betrayed the trust of its citizens but has also shown that their rights can be ignored when it best suits the government. The grave concern that I have is the fact that Victoria Police can be manipulated so easily. But I have witnessed the performance of the Minister of Police and Emergency Services in this house over the past couple of years and that performance shows that this minister is bereft of any conscience or responsibility for the actions of Victoria Police. Yet he has a driver and a big white car. He gets a substantial ministerial salary; he is happy to take the perks of office but walks away from taking any responsibility for the actions of his department that he is paid to look after. The minister should be sacked for this alone.

What has occurred in this disgraceful episode in Victoria's democratic history will have a devastating effect on the tens if not hundreds of thousands of people who feel moved to object to this government's actions, no matter what they may be. They can be photographed, videoed and have secret police files kept on them. They may sign a petition or send a protest card to the Premier but whatever their action they now know that these files with their private information in them can be passed to private companies and used in ways that can be detrimental to them.

The people who protested against the building of the desalination plant cannot possibly be seen as threatening or dangerous. The fact that this government sees them in this light is a sign that it has become arrogant and self-righteous and believes it can do no wrong. Let me assure the Premier, the Minister for Water and the Minister for Police and Emergency Services that they have overstepped the mark this time in a big way. This morning we read in the *Age* that the Office of Police Integrity is now looking into this matter. The privacy commissioner has expressed concerns at the possible breach of the Information Privacy Act, and the Equal Opportunity and Human Rights Commission is also to be involved. Surely this must be ringing some warning bells for the minister or the Chief Commissioner of Police that it was a major breach of people's trust to release these private records to a private consortium and its associated entities.

Watershed Victoria, a local body which could be said to be an antidesalination protest group and which has some 300 members and thousands of supporters around the Bass Coast area and in Melbourne, is the group that is now being targeted in this matter. The group is made up of normal, law-abiding citizens who do not believe the government cares about the local environment and do not believe the government gave other water-saving actions proper consideration. Now these people feel they are being constantly watched and their movements recorded. Things such as who their friends are, where they go, where they shop, what their kids do, who their kids are and what school their kids go to — all the normal activities of the families — are being watched and recorded.

This house should not forget an earlier group, the Your Water Your Say action group, which was the predecessor to Watershed and which still has the threat of legal costs hanging over its collective head from a previous court case where it took the government to court in regard to environmental concerns. The Minister for Water is holding that over its head. The release of the private data and secret police files is not the only thing this group has been threatened with by this

government or by the water minister. The fact that this group is again being targeted and threatened by this government is a major scandal and should not be tolerated by the people of Victoria. The government has again shown it cannot be trusted. This is a blatant breach of trust which will never be forgotten by the people of Victoria, not just those in the Wonthaggi area.

We cannot ignore the fact that this may not be the first time information has been released to a private consortium. We must ask the Premier how many other times has this happened and what other community groups have had their private details given to a non-government private consortium and to its entities. We have been able to establish from this whole disgraceful episode that the Chief Commissioner of Police and his department can be and have been manipulated by this government. The Minister for Police and Emergency Services is a blithering non-event who does not know what is happening in his ministry and is prepared to wipe his hands of any responsibility for the actions of Victoria Police.

We have a Minister for Water who is a ruthless, small-minded little minister who will do anything, including allowing the disclosure of people's private information to private companies, to ensure that his projects go through and that he does not look bad. The truth of the matter is that he looks bad. He showed to the people in Wonthaggi when he visited there on a couple of occasions that he has no regard for those people, that he does not care about them or about what they think, and that he is not interested in listening to what they have to say. He just wants to push on with this issue and make sure the desalination plant goes ahead.

We must remember we have been put into this position by the government because of its total neglect of water and planning regarding water. Particularly in the first 8 years of its 10 years in office the government totally ignored the water crisis in Victoria. It could have planned further and better than it did. The Premier, who has never been elected as Premier and who never will be because of his actions in relation to the desalination project and north-south pipeline, will be remembered as the Premier who was prepared to sell out Victorian's rights to express their concerns and our democratic rights as Victorians and Australians to express our views and opinions. I cannot believe what the government has done in this matter. It has been prepared to release private information about people who have stood out in the rain to protest about the desalination plant. People have been prepared to stand on the steps of Parliament in Melbourne and ask the

government to do something apart from building the desalination plant.

The government had plenty of options for ensuring that Melbourne's water supplies did not go down to the critical level of 25 per cent as happened a few months ago, when people's lives were threatened and their livelihoods were threatened. They were not able to water their plants, flush their toilets normally or able to have a shower for a little more than 3 or 4 minutes. They are now told by the government that it has a plan that no more than 155 litres of water will be used per person per day. One has to be concerned that this government, which has been in office now for 10 years, was not prepared to plan properly and to have a water supply for Melbourne put in place in such a way that people were not going to be under some sort of threat.

All we now hear from this government is talk about dams. In the past it has said, 'We are not going to have dams. It is not right that we should have dams'. Those statements sort of echo earlier ones when it said, 'We are not going to have a desalination plant. This is a stupid idea. We should not go ahead and have a desalination plant'. The government subsequently forced a desalination plant on the people of Bass Coast without any consultation whatsoever with local government, local members and the community there. There was no consultation whatsoever carried out until the morning cabinet made a decision. People associated with the desalination project knocked on the doors of farmers in the Bass Coast area that morning, even before the local council had been told and even before the media had been told, and were told their farms were going to be taken over by the government for the desalination plant, yet the government had ridiculed the Liberal Party when it suggested in its election policy that it was a good idea to look at desalination.

The Liberal Party said it was going to put in a plant. We were up-front about it; we talked about it. This government criticised us because of the suggestion we put forward. Now it is criticising us because at one stage we talked about putting in a dam. What is going to be its next action? Is the government going to walk away from its responsibilities? Is it going to put all of its trust in having a desalination plant that will work? We know of the past performance of some companies that have put in desalination plants in other states. In some cases they did not work properly and had to be closed down. They were not able to provide the water that was needed for the people.

This government has reached a stage where people have lost their trust in it. This breach of trust has happened because of the handing over of documents to

a private consortium. Details of people's private actions, their names, their addresses, and photographs and videos of them have been handed over. Normal people who are standing up and saying in a peaceful and respectful way that what the government is doing is not right are now going to be hassled. They are now going to be put into a position where they have to defend themselves unnecessarily because of the actions of the minister, because of the actions of the Premier and because of the actions of this government in general.

This is a really good turning point as far as people are concerned, because they can see just what sort of a government we have in Victoria — and in the next 12 months they will have the opportunity to kick it out.

### Opposition: performance

**Ms RICHARDSON** (Northcote) — Today I grieve for the people of Victoria, who rightly expect and deserve a hardworking and credible opposition. Every government is in part strengthened by strong opposition, but unfortunately here in Victoria we have a lazy and divided opposition and, through their very best efforts, its members shred their own credibility with every utterance they make. They have become masterful at saying one thing to one audience and the exact opposite to another. The country and city divide is one that they consistently try to manipulate to their own ends.

There were two most recent examples of this. With the river red gum legislation we saw The Nationals promote their usual ideological position — which is to oppose any attempt to preserve Victoria's natural heritage. Meanwhile, the Liberals opposed the legislation on the basis that somehow it was not environmentally strong enough, so there was one message to country Victoria and another message to metro Melbourne. When it came to their position on the forests in East Gippsland, prior to the last state election The Nationals argued that not a single tree would be preserved if they were in government. Then in the last sitting week in this house they voted with the government on legislation which showed they were obviously seeking to expand the national parks in East Gippsland. There was again an inconsistent message there.

But their outstanding contradiction came via their position on the north-south pipeline. The Nationals were similarly divided, and the situation blew up spectacularly in their faces. It created headlines like 'Backflip over pipeline' and 'Libs go to water on

pipeline plan' in the *Herald Sun*; and the following appeared in the *Weekly Times*:

The Victorian opposition has backflipped on its ... stance against taking water from the north-south pipeline.

All this behaviour strikes at the very heart of the opposition's credibility in the eyes of voters. In my view there is one area that you simply cannot afford to get wrong, yet consistently the opposition does precisely that, and its credibility suffers as a consequence. It is in the area of economic management that I believe the opposition is seriously deficient.

We all know that the Leader of the Opposition was not given any serious portfolio responsibilities when he was here under the previous Liberal leader. Hence his economic credentials have never been established. What has he done? Let us remember: he has been here as Leader of the Opposition for 1311 days — that is 1311 days he has had to establish his economic credentials. What has he done? He has handed, holus-bolus, the responsibility for the Liberal Party's position on the economy to the member for Scoresby. I would bet he still rues the day he made the decision to do that.

The task before the member for Scoresby on behalf of the Liberals is clear: to try to establish the Liberal Party as a credible alternative to the Labor Party to manage Victoria's economy. Yet according to an article in the *Age* of 7 August, clearly standing in his way is the Premier, whose:

... political authority and reputation is built on an impressive performance as Treasurer under Premier Steve Bracks — and his success with Bracks in restoring Labor's credibility on the economy after the unhappy end to the Cain/Kirner years.

The record the Premier has is indeed impressive. Victoria has enjoyed a AAA credit rating for 10 years under Labor; it had that rating for only three months under the previous Liberal governments — 10 years with us and three months with the Liberals.

What did the member for Scoresby do when taking charge of this debate? Let us look at his response to the last state budget. He said, as reported in *Hansard*:

... this is a bad news budget for Victoria.

He consistently referred to the budget as a 'house of cards budget'. He further said:

The economic indicators contained in the budget are optimistic in the extreme.

How wrong can you be? We have seen upward revisions of our forecasts made in May. For example,

our gross state product has been revised up — to 1.5 per cent for 2009–10 and to 2.5 per cent in 2010–11. Our unemployment forecasts have similarly been revised down over the forward estimates — to 6.5 per cent in 2009–10. The forecasts also indicate that we will be able to pay down on our borrowings sooner than was forecast in May.

All the key indicators reveal that our budget strategy in May was the right strategy for Victoria. Our \$11.5 billion investment in essential infrastructure and our commitment to protect jobs and to create over 35 jobs has placed Victoria ahead of all other economies in Australia in weathering the global financial crisis.

In contrast, the Liberals have made wildly inaccurate statements in their response to the budget and have been floundering ever since to come up with a credible alternative to our economic strategy. While they flounder they not only damage their credibility in the eyes of voters but they also risk our economic prosperity. All of us on this side of the house have seen the importance of confidence in the economy. It drives investment, and of course investment creates jobs. But opposition members seem intent on destroying that confidence by consistently talking down the economy and releasing bogus figures wherever they can — in short, doing all they can to bring the worst effects of the global financial crisis down on the heads of Victorians.

Let us look at some of the most basic errors that have been made by this lazy and incompetent opposition, remembering that these errors have been made at a time when we all need to do our very best to deliver for Victorian families options to weather the storm in this global financial crisis. On 2 September this year the member for Scoresby issued a media release that was full of factual inaccuracies and had out of date information peppered throughout it. The media release states that the state government's forecast economic growth rate is 3 per cent for this financial year. The fact of the matter is that the 2009–10 state budget forecast growth of 0.5 per cent in 2008–09 and 0.25 per cent in 2009–10. The media release also states that the state government has failed to deliver manufacturing and freight and logistics policies.

However, the state government had in fact delivered the industry and manufacturing statement *Building Our Industries for the Future* in October last year. It includes industry plans for manufacturing, tourism, information and communications technology, international education, aviation and financial services. The state government also delivered Freight Futures, a

plan for our freight and logistics industry, in December last year.

Victorians would be very concerned if they relied on the member for Scoresby's media release for accurate assessments of the Victorian economy. They would be even more concerned that he lacked sufficient attention to detail to distribute the correct media release. It is clear that he issued the exact press release at the same time last year and that he had failed to update any of the data that was contained in the later release. It was disappointing that on the day the national accounts, the economic scorecard of the nation, were delivered, neither the Leader of the Opposition nor the member for Scoresby asked a single question in Parliament about the state of the Victorian economy. It is clear to me that the Leader of the Opposition does not have his heart in the job and is not prepared to do any of the hard work that is required to secure Victorian jobs and protect the economy in what is a very tough global environment.

Clearly the member for Scoresby wanted to dabble and get us into more trouble. It was very bad for us last year when, as part of a grubby political stunt, he claimed political interference in an investment decision made by the Victorian Funds Management Corporation to one of Victoria's biggest banking institutions, Members Equity. The member for Scoresby almost caused a run on the bank in a move that outraged the financial sector. He misled the public twice by implying that the bank was on the brink of collapse. As a consequence Members Equity chief Anthony Wamsteker said that the comments were 'political gamesmanship' with the potential to damage an independent company.

Former Reserve Bank governor Bernie Fraser, who has been chairman of Members Equity since 2001, attacked the comments of the member for Scoresby as being 'ill-informed' and 'suspiciously malicious' with:

the potential to do great harm to the customers and shareholders of Members Equity Bank ...

But the opposition does not seem willing to stop there. Every single good news story, every major investment in our state that creates jobs for Victorians and every increase in consumer and business confidence is undermined by the opposition. According to its own website the opposition has no plans whatsoever to create a single job anywhere in the state, except to expand the government payroll. Of course Victorians well remember what the opposition did to police numbers when it was in government — it slashed them by 800; to the number of nurses, which it slashed by 3500; and teachers and school staff numbers, which it slashed by 9000. It is with a great deal of difficulty that

I, or indeed any Victorian, can believe any statements the opposition makes about improving services — its credibility on this is just so terribly low.

What is the coalition's plan to manage the economy? It seems to me that the problem facing us is that when you try to get a handle on what opposition members regard as the way forward you find they have a tendency to commit to a kind of fuzzy economics. They embrace a view that somehow the magic pudding is the way forward. Their grand plan, which they lay out at times, is to cut taxes and increase spending. That is it in a nutshell. The problem is it simply cannot be done. Perhaps it can be done in a children's story, but in the real world where we all live it simply cannot be done.

Remembering that Labor has cut over \$5.5 billion worth of taxes since 1999, including \$1.4 billion worth of taxes and business taxes in the last budget — the biggest tax cut package in a decade — if you want to argue, as the opposition does, that you need to cut taxes further, you must detail what services you will cut to deliver on that promise. Instead, what the opposition argues is that not only will it cut taxes but it will somehow maintain services, increase infrastructure spending and reduce borrowings. How can this be done? The truth is it cannot be done. Opposition members know it, and importantly Victorians know it, and as a consequence, the opposition's economic credibility is shot.

Victoria's economic foundations are strong, and we have weathered the global financial crisis better than any other economy in Australia because Labor has managed Victoria's economy particularly well. You do not have to take my word for it; let us have a look at what Access Economics has said about Victoria, which obviously reflects on Labor's management of the economy. Under the headline 'Saved by our "Die Hard" economy', the *Herald Sun* reports that Access Economics director Chris Richardson said:

... that Victoria's prospects are improving.

Mr Richardson said Victoria had done well during 'the boom and bust'.

He compared Victoria to Bruce Willis' character in the *Die Hard* films because it had kept going without much help from the commodity boom and while its manufacturers were under pressure.

And while not unscathed, Victoria has survived the GFC.

'Bloodied but unbowed by the end of each *Die Hard* movie, Bruce Willis survives despite taking big beatings and having to put up with family members who never actually help much ...

'We think of Victoria whenever we see Bruce'.

Similarly, a recent poll of voters was reported in the *Age* of 22 November, which said that of those polled:

On the economy, 39 per cent of respondents believed the government had done a good or very good job, and just 15 per cent said it had done a poor job.

The poll —

it goes on to say —

suggests Labor is now trusted to run the economy, and Mr Brumby's performance, both as Treasurer and Premier since 1999, has buried the 'Guilty Party' tag that swept Jeff Kennett to victory in 1992.

But of course arriving at this point and weathering this storm, as we have done, has not happened by accident, as members opposite would like us to believe. It has happened through Labor's careful and considered management of the economy.

While it is tempting to simply blame the Leader of the Opposition and in particular the member for Scoresby for the opposition's lack of economic credibility, let us remember that day in, day out members opposite come into this place and argue for increases in expenditure in their electorates while issuing press releases in their local media saying that we need to do more to cut taxes and we need to go further than Labor has gone. How well I remember, too, the Liberal Party and The Nationals arguing in this place against Labor's initiative to stop a tax rort that saw companies avoid millions of dollars in stamp duty — stamp duty that every other Victorian pays. Labor moved to stop that particular tax rort and the Liberals argued against it. On the one hand, according to members opposite we need to cut taxes, but on the other hand when an opportunity comes by to stop a tax rort, they squib it. I think it is important we make it very clear that the Liberal Party's economic credibility is in tatters, and there is little it can do to restore it.

### Racing: jumps events

**Dr NAPHTHINE** (South-West Coast) — I grieve for the future of country racing and jumps racing in Victoria. I grieve for the hundreds of jumps jockeys, trainers, stable hands and others who will lose their jobs — the jobs they love — because of the 2011 ban on jumps racing in Victoria.

I grieve for the community of Warrnambool, which will lose the heart and soul of its famous three-day May Racing Carnival when in 2011, unless we get a change of government it will not be able to run the time-honoured, magnificent Grand Annual Steeplechase, the Galleywood Hurdle and the Brierly Steeplechase. This carnival is worth at least \$20 million

a year to the Warrnambool community, providing jobs in tourism, accommodation and the food industry. It is a magnificent carnival.

I grieve for other communities that will be adversely affected by this jumps racing ban, including Casterton, where we have the famous live hedge steeplechase; Coleraine, the home of the Great Western Steeplechase, which can be traced back to Adam Lindsay Gordon; Mornington, with the Great Southern Steeplechase; Hamilton; the Yarra Valley; Moe; Pakenham; Moonee Valley; and Sandown, which is the home of the Australian Hurdle and Australian Steeplechase and more recently the Grand National Steeplechase.

The question that has to be asked is what roles have the government and the Minister for Racing played in this decision to ban jumps racing? In a press release dated 27 November the Minister for Racing said he accepted the decision to cease jumps racing, and he said it was a decision made by Racing Victoria Ltd. But I am advised that the Minister for Racing met with Michael Duffy, chair of Racing Victoria, and Rob Hines, chief executive officer of Racing Victoria, before the decision was made, and threatened to abolish Racing Victoria and replace it with a racing commission covering all three codes unless RVL banned jumps racing. The minister threatened Racing Victoria with abolition unless it banned jumps racing.

Indeed the minister has form in this regard. I refer to an article in the Warrnambool *Standard* of 11 May 2009, which states under the subheading ‘Minister “urged jumps race suspension”’:

Victoria’s racing minister Rob Hulls is being urged to reveal if he had ‘closed door’ discussions with Racing Victoria Ltd before the organisation temporarily banned jumps racing.

It says further:

... Australian Jumps Racing Association president Rodney Rae said the minister was meddling with RVL decisions.

‘I don’t think there is any doubt that Rob Hulls has had contact with both Rob Hines and Michael Duffy’, Mr Rae said. ‘He has exerted inappropriate political threats and intimidation’.

A spokesman for Minister Hulls at the time said, as reported in the same article:

There is no substance to the allegations.

Guess what? An article in the Warrnambool *Standard* of 16 May said:

Victoria’s racing minister ... had a private telephone discussion with Racing Victoria ... officials moments before the organisation suspended jumps racing.

The Minister for Racing would have us believe they discussed the weather and anything but the future of jumps racing. Now we have it on good authority from independent sources that the minister actually — —

**Mr Hulls** — On a point of order, Acting Speaker, the shadow Minister for Racing has made deliberately false allegations in this house, and indeed he has cited — —

**Dr NAPHTHINE** — Do you want to make a statement?

**The ACTING SPEAKER (Ms Green)** — Order! The member for South-West Coast will be silent while the minister makes his point of order — and I will make a ruling, not the member for South-West Coast.

**Mr Hulls** — Indeed the member has cited that he has proof — independent information — in relation to the blatantly false lies he has told to this place, Acting Speaker, and I ask you to ask him to table that information now or desist from the false, absolutely and utterly misleading fabrications that he is presenting to this house, which he knows to be false.

**The ACTING SPEAKER (Ms Green)** — Order! The minister has asked the member for South-West Coast to table information.

**Dr NAPHTHINE** — But I haven’t quoted anything.

**The ACTING SPEAKER (Ms Green)** — Order! The member is not quoting from a document?

**Dr NAPHTHINE** — I am not quoting from a document, and he hasn’t said I was quoting from a document. There is no point of order.

**The ACTING SPEAKER (Ms Green)** — Order! Was the minister saying he had taken offence at the remarks?

**Mr Hulls** — What I am saying is that the shadow minister has deliberately come into this place and told blatant lies to this house, based on what he says is independent information. I am asking him to table that independent information. If he is not prepared to do so, it proves absolutely that he is telling lies to this house.

**The ACTING SPEAKER (Ms Green)** — Order! I do not uphold the point of order.

**Dr NAPHTHINE** — There is no point of order, because the Minister for Racing is trying to obfuscate his role in threatening Racing Victoria with abolition if it continued to support jumps racing. And he is now running out of the house! The minister’s fingerprints

are all over this decision to ban jumps racing. He threatened Racing Victoria: he threatened to abolish it and replace it with a racing commission unless it banned jumps racing. I have been told by independent sources that that took place, and the minister ought to come back in here and explain himself.

The main argument against jumps racing is based on the level of fatalities. But what Racing Victoria has failed to take account of is the significant reduction in fatalities in the second half of this year. I refer to an article from the *Herald Sun* of 2 December which states:

Racing Victoria's data to support its decision to end jumps racing did not accurately portray the measures taken last season to improve horse safety.

Australian Jumping Racing Association president Rodney Rae said the fatality rate in jumps racing had been 2.34 per cent between 1 March and 7 May but had dropped to 0.87 per cent from 24 May to the end of the season on 10 October.

He said the figures represented 'clear, undeniable proof' that RVL changes had led to fewer deaths.

RVL introduced strand starts, stricter qualifying conditions and jockey education programs among other changes.

What we have is a significant reduction in fatalities because of the changes made. Indeed in the UK the rate of fatalities in jumps racing is even lower at 0.4 per cent. In the USA it is lower again, and it is also lower in Japan and New Zealand. This proves without a doubt that there is more that can and should be done in Victoria to make jumps racing safer for jockeys and horses, and those changes ought to be implemented rather than putting a blanket ban on jumps racing.

I refer to an article by Peter Griffiths in the Warrnambool *Standard* of 2 December 2009. It states:

A redesigned, safer hurdle is what is needed. When hit by a horse the current frame does not move, bend, buckle or break — the horse does.

It further states:

In 2005 a review panel recommended natural hedges for steeplechases be implemented where possible in Victoria. Since then, not one hedge has been grown.

Peter Griffiths is a former jumps jockey and Victorian jumps racing manager.

Clearly there is more that can be done to improve jumps race safety for jockeys and horses. It has happened overseas, and we need to do it here in Victoria. The things we need to do include slowing the horses down, introducing slower tracks, having no running rails so they run more point to point, and

having the horses genuinely jump the jumps. That will make racing much safer. That is the direction Racing Victoria and the government should go, and that is what I urge this government to do so that we can continue to get the benefits of jumps racing with a significant reduction in falls and fatalities. I urge the government and the industry to rethink the jumps racing strategy.

I believe we should look at having Country Racing Victoria run jumps racing in rural and regional Victoria, particularly in western Victoria where we can have great events in Warrnambool, Casterton, Coleraine and Hamilton. We could still have events in other parts of Victoria such as Moe, the Yarra Valley, Pakenham and Mornington.

Jumps racing is important to Victoria. It provides hundreds of jobs and enormous economic benefit, and it also expands the opportunities for racing across Victoria so that we do not have an overconcentration on the Spring Racing Carnival as the only component of Victorian racing. We have the autumn carnival, the spring carnival and then jumps racing in the winter. The success of Oakbank in South Australia and the Warrnambool carnival in May are examples of how jumps racing can be used to attract media attention, bring people to the track and involve more punters in racing.

We need to take firmer action to improve the safety and performance of jumps racing but certainly to continue jumps racing. That is a position the coalition will put strongly in the lead-up to the next election.

Tragically this government and this minister have a track record of attacking country racing. In January 2008, 28 country race meetings were removed under this minister's stewardship. In December 2008 another 38 country race meetings were taken away from country tracks. Nine country training centres were defunded at a cost to jobs and opportunities in country Victoria. A further 10 country training centres were denied access to any new capital funding. This again hurt country Victoria and country racing. If we go back further, in 2005 the government-appointed board of Harness Racing Victoria closed seven harness racing tracks across country Victoria. This year the government-appointed Greyhound Racing Victoria closed the Wangaratta greyhound racing track. This government and this minister have a poor record when it comes to looking after country Victoria.

Indeed there are ongoing threats to picnic race meetings in country Victoria. Some of these are fantastic meetings, such as the Tambo Valley at Swifts Creek, the Omeo and District Racing Club at the Hinnomunjie

course and the Buchan race club at Canni Creek. But they received a confidential letter from Racing Victoria in May this year which sets out the rules under which they are to operate in the future. It says:

As a result of further consultation with picnic clubs the following conditions will be applied as a minimum requirement for picnic clubs during the term:

Liquidity — current liquid assets of more than \$20 000.

Community support

1. The clubs' feature event race day generates admission revenue over \$10 000 in any one of the last three years ...

These will be an enormous impost on many of these smaller country picnic clubs. Indeed one could argue, given that they are community-based clubs that put on great community events, why should they sit around with \$20 000 or more in their bank accounts when they could be giving it to the local bush nursing centre, local kindergarten, local schools and helping the local community? I believe this is another attack on country racing under this government.

In the final few minutes I have to speak I want to cover the issue of where I believe the greatest threat to country racing in Victoria is coming from, and that is the threat to the future funding of racing. The vast bulk of funding for the great Victorian racing industry comes from Tabcorp. The biggest threat to the future funding will happen as we lead up to 2012. The funding stream — this has already been announced by this government — from Tabcorp gaming machines, which currently generate about \$100 million a year for the racing industry, will be removed.

Ernst and Young calculates that over the next 12 years — 2012 to 2024 — this will cost the racing industry \$1.6 billion, but the government is only promising \$1 billion in compensation for taking away this funding stream. There is a \$600 million black hole in recurrent funding for racing in Victoria under this Labor government. Ernst and Young also says that the government needs to put in \$64.3 million of capital for country racing and other racing in Victoria over the next four years, but the government has only promised \$45 million — a \$19 million black hole in terms of capital. So there is a \$600 million black hole for recurrent funding and a \$19 million black hole for capital funding. Is it any wonder the racing industry is worried about the so-called promise that it will be in a no less favourable situation under these changes?

I refer to an article in the *Sunday Herald Sun* of 6 December, which says:

Victorian racing hardly will be enthused the sale of TOTE Tasmania has fallen over, given no bid met the government's requirements.

The failure to entice a buyer for a business that in the past year has grown 50 per cent to record an after-tax profit of \$6.5 million does not bode well for the bidding for Victoria's new wagering licence.

...

Victoria's racing depends on the income from the licence-holder. Although racing minister Rob Hulls has guaranteed the industry will not be worse off under the new deal that takes away racing's share of poker machine money, many are becoming nervous.

Racing has lost its share of poker machine money, and there has been inadequate compensation. Now there is also the retendering of the so-called exclusive offcourse parimutuel licence, currently held by Tabcorp, which provides \$220 million a year for the Victorian racing industries. There are real problems. TOTE Tasmania, as the article I quoted said, did not get a bidder — did not get any interest — because of competition from corporate bookmakers undermining the exclusivity of the licence.

I will use my last 43 seconds to say this highlights the imperative need for the future of racing in Victoria and Australia for a national approach to ensure that all participants in gambling on racing — corporate bookmakers, betting exchanges and totalisators — contribute a fair and reasonable funding stream to the racing industries by which they profit through betting. What we need is for the Minister for Racing to protect the future of racing in Victoria, in particular country racing, by making sure we have a national approach to get a fair funding stream back to racing.

### **Climate change: carbon pollution reduction scheme**

**Mr CRUTCHFIELD** (South Barwon) — I rise to join the grievance debate. In particular I grieve about the federal Liberal Party opposition's lurch to the right, particularly in respect of climate change and nuclear power.

On 25 November in this house a motion was debated and supported by the Liberal Party and the government. To help members' recollection, I recite the motion. It states:

That this house accepts the overwhelming scientific consensus that human activity is causing global warming and urges effective action to reduce greenhouse gas emissions and mitigate the effects of climate change and specifically this house calls for:

- (1) the federal Senate to pass the carbon pollution reduction scheme (CPRS) as soon as possible;

- (2) the international leaders gathering in Copenhagen to prepare an effective, binding international agreement to reduce greenhouse gas emissions;
- (3) a combined effort by Australian governments, communities and businesses to successfully implement the CPRS and make a smooth transition to a low-carbon future.

That motion was passed. I acknowledge that during that debate the Leader of the Opposition made a statement, from which I quote:

Hence the motion before the house invites it in effect to support the principle of the passage of an ETS or CPRS at some time in the very near future. And that we do, as we have done in the past.

It is encouraging that as recently as 25 November the Leader of the Opposition confirmed that he supported an emission trading scheme (ETS) at a federal level; however, we on this side of the house have some concerns about recent history in respect of the Liberal Party at the federal level and its significant changes of heart — changes of policy position — on climate change and nuclear power.

We are at a time in our history when political leaders from all levels of government — local, state and national — around the globe are confronting the biggest issue of our time: climate change. The overwhelming consensus — despite some very loud noises from a minority of people — of world leaders, our communities in Victoria and indeed our communities Australia wide is that climate change is here, is happening, is human induced, importantly, and that we must be proactive in reversing its negative effects.

The Brumby state government, along with our federal colleagues under the leadership of the Prime Minister, understand the concerns our communities increasingly have about climate change. As a state government we led this proactive response a long time before the federal Labor government was elected. The previous Prime Minister, John Howard, was a significant climate change denier who embraced a number of individuals around him — certainly there has been some recent press coverage about Senator Nick Minchin and his views on climate change, which I will discuss later. At a state level we have been at the forefront. We have led Australia in responding to climate change. That has occurred over the years, a long time before the federal parties — prior to the election of the new federal Leader of the Opposition — supported an ETS at a federal level.

We have embraced measures like the Victorian renewable energy target, the energy technology innovation strategy and energy efficiency targets to

encourage renewable energy and broaden our energy mix. We are overly reliant on brown coal — that is well documented and beyond debate — and we are looking to broaden our energy mix. That encompasses wind energy; wave energy in the south-west; solar, which we looked at in the north with Solar Systems; and geothermal energy — and I was down in my patch for an announcement today regarding the potential for a geothermal plant in Geelong, near Anglesea, which I will expand on a bit later.

We are tackling climate change head on. We are particularly supportive of low-emission technologies. Yet the Liberal Party is hell-bent on sending climate change policy back into the Dark Ages. It switches on climate change, depending on which of the federal Liberal Party members is in front of the microphone. It has certainly been entertaining in recent times. Take the last fortnight, for example: we had a federal Liberal Party prepared to support the proactive Rudd federal government's position to establish an ETS (emission trading scheme), but within days of the vote on this vital employment security deal as well as environmentally responsible deal the knifing occurred in the Liberal Party, and that has been well documented. By the time the legislation got to the Senate we had the Liberal Party tearing itself apart, led by none other than the new federal Leader of the Opposition, the Honourable Tony Abbott. He has certainly taken the Liberal Party's climate change policy back to the Dark Ages.

The division within the Liberal Party over climate change has continued on a daily basis, even in recent days. You have only to read the papers to see that. I will quote from the *Geelong Advertiser* of yesterday, Tuesday, 8 December. The article is by a well-known individual and appears on page 17. It states:

So I am sure he won't complain if I tell a few home truths about the farce that the coalition's policy, or lack of policy, on climate change has descended into.

First, let's get it straight. You cannot cut emissions without a cost. To replace dirty coal-fired power stations with cleaner gas-fired ones, or renewables like wind let alone nuclear power or even coal-fired power with carbon capture and storage is all going to cost money.

...

Somebody has to pay.

So any suggestion that you can dramatically cut emissions without any cost is, to use a favourite term of Mr Abbott, 'bull ...

There are four other letters, which I will not read in this house. The article continues:

The whole argument for an emission trading scheme as opposed to cutting emissions via a carbon tax or simply by regulation is that it is cheaper — in other words, electricity prices will rise by less to achieve the same level of emission reductions.

The author goes on to suggest that that is just not true. The article states:

It is not possible to criticise the new coalition policy on climate change because it does not exist. Mr Abbott apparently knows what he is against, but not what he is for.

Second, as we are being blunt, the fact is that Tony and the people who put him in his job do not want to do anything about climate change. They do not believe in human-caused global warming. As Tony observed on one occasion, 'climate change is crap', or if you consider his mentor, Senator Minchin, the world is not warming, it's cooling —

that is illuminating —

and the climate change issue is part of a vast left-wing conspiracy to deindustrialise the world.

Those quotes, particularly that last one, come from Malcolm Turnbull, the former federal Leader of the Opposition. There are some stark reminders in that and in Senator Minchin's comments, which have been echoed by a member for Western Metropolitan Region in another place, Bernie Finn, who has talked long and hard about scepticism. He is a well-known climate change sceptic. He has also used terms like 'left-wing Greenie conspiracies to de-industrialise the world'. We have those nay-sayers, those deniers, who talk about 'the reds under the bed' and 'the leftie conspiracies' here in this chamber. We will find that a significant number of those individuals will join the member in another place, Bernie Finn, with those views.

Malcolm Turnbull went on to talk about the support for the ETS. He said:

Remember Nick Minchin's defence of the Howard government's ETS was that the government was panicked by the polls and therefore didn't really mean it.

He is suggesting that the Howard government put forward an ETS in 2007 but did not really mean it — it was poll driven, it did not have its heart in it and it thought it was electorally appealing — and it certainly was not about concrete efforts to battle climate change.

I certainly hope that is not being played out in this place among state opposition members. The Leader of the Opposition is on the record as supporting an ETS. He believes that is the way to go as a market mechanism for adding incentives for both coal-fired power stations

to convert to more renewable energy and also for the renewable energy sector to invest in technology. That is the concern that I have — that the state opposition will replicate its view of the federal opposition and change its opinion. If you look at the Liberal Party's website under 'Victorian coalition policies' — of which there are only six — you will not find a heading entitled 'Climate change'; there is not a heading, not a discussion and not a policy about climate change.

While the Leader of the Opposition has mouthed the right words, particularly in an environment where he believed he had support from his federal colleagues, I would be pressing the Leader of the Opposition to show some consistency in regard to combating climate change and also some policy endeavours.

I am proud to be part of a government that looks at renewable energy opportunities. The new federal Leader of the Opposition, Tony Abbott, and his extreme supporters have flagged the hoary old chestnut of nuclear power. I saw Ziggy Switkowski on ABC television. His report in 2006 looked at nuclear power. Importantly, he said that if we are going to embrace nuclear power and renewable energy resources, they would only be able to compete with coal under a system which recognises the cost of greenhouse gas emissions — a position that the federal Liberal Party has opposed under its third leader in two years. While Dr Switkowski supports nuclear power — and this state government does not; certainly my councils, both the Greater Geelong City Council and the Surf Coast Shire Council, do not support a nuclear option — he says that if you are going to have a debate about nuclear power, you need a market-based mechanism such as an ETS or a CPRS (carbon pollution reduction scheme).

I certainly urge the state Liberal Party to use what influence it may have on the conservative forces of the new federal Leader of the Opposition. My understanding is that the ETS will be reintroduced in February, and certainly a change of heart by the federal Liberal Party would be welcome. I certainly encourage the leader of the state Liberal Party to publicly call on the federal opposition leader to change his view.

In respect of nuclear power Dr Switkowski went on to argue on Australian TV three days ago that the 25 nuclear reactors he has suggested are appropriate for the eastern seaboard and would be most suited to our coal generating areas. You, Acting Speaker, should be particularly concerned, because the coal generating areas in Victoria are in the Latrobe Valley. The member for Morwell should also be particularly concerned about the proposal for nuclear power generators in areas where we currently have coal-producing power

stations. Of particular concern to me is that I have one in my patch; I have one in Anglesea. There is a brown coal-fired power station that Alcoa owns in Anglesea. You cannot raise a debate about nuclear power unless you have an understanding that all bets are open. Areas like Anglesea and the Latrobe Valley are top of the pops in relation to where we put nuclear power stations.

It is a bit like the debate about dams: the opposition supports dams, but it will not say where they should be. A candidate running against me is arguing there should be dams in the Otways, and then we have the local federal Liberal member — he is supposedly on the same side — saying no, there should not be dams in the Otways. You cannot raise an issue about dams unless you are going to specifically say that all bets are open and you can have a dam wherever.

In respect of nuclear power and my particular patch, the local federal member has been clear that nuclear power is not an option for Australia. The current Victorian government has made it very clear that nuclear power is not an option. I am certainly saying it is not an option, because if we go down that path Anglesea is one of the favoured sites for a nuclear power station. We do not want it — I do not want it and my community does not want it.

**Question agreed to.**

## STATEMENTS ON REPORTS

### **Public Accounts and Estimates Committee: new directions in accountability — Victoria's public finance practices and legislation**

**Mr WELLS** (Scoresby) — I wish to speak on the Public Accounts and Estimates Committee report entitled *New Directions in Accountability — Inquiry into Victoria's Public Finance Practices and Legislation*, which was tabled in June 2009, and also to refer to the government's response, which was tabled on 4 December and is entitled *Government Response to the Recommendations of Public Accounts and Estimates Committee's 85th Report to the Parliament: New Directions in Accountability — Inquiry into Victoria's Public Finance Practices and Legislation*.

In June 2008 the Public Accounts and Estimates Committee gave notice to the Parliament that it was going to inquire into Victoria's public finance practices and legislation. Victoria, as it says in the report, is a leader in public financial reporting. The genesis of that was the Kennett-Stockdale-Roger Hallam era. They promised major reforms running into the 1992 election,

and after winning that election they set up a very strong financial framework, one which included accrual accounting. More significantly, in 1994 the Financial Management Act and the Audit Act were brought into this place.

In the report the Public Accounts and Estimates Committee brought down in June 2009 the committee wanted to focus on a number of issues, namely:

Budget framework;

Time frame for budget scrutiny;

Appropriation framework;

Accountability framework — both financial and performance reporting;

Entities subject to the framework; and

Other matters relating to the new legislative framework.

As I mentioned, on 4 December the government responded to the committee's 44 recommendations. According to the government's response to the report, it has accepted 18 of the 44 recommendations, 19 have been accepted in principle and the balance are not to be legislated or there are other comments. The main focus of the report of the Public Accounts and Estimates Committee was that the budget papers should be focused on outcomes rather than outputs. By that I mean there needs to be a focus on whether the taxpayer is receiving value for money when it comes to government goods and services. The main recommendations, as I see them, are:

Recommendation 1: Budgeted resources should be linked in the budget papers to the relevant individual outcomes the government aims to achieve and ultimately its strategic priorities and policy service objectives.

Recommendation 1 has been accepted by the government.

Recommendation 2: The performance indicators and targets outlined in the budget papers relating to the government desired outcomes and outputs should:

- a) focus on effectiveness and efficiency, which include the concept of value add and equity; and
- b) take into account the new performance and assessment framework developed by COAG.

That is, the Council of Australian Governments. This recommendation has been accepted in principle, and I will come back to that in a moment. The other recommendation of the committee which I want to refer to is in regard to PPPs (public-private partnerships). It states:

Recommendation 6: To facilitate more timely disclosure of budget information, the budget papers should disclose not only the asset investment initiatives for the budget year but also information relating to ongoing capital asset construction projects and PPP arrangements for the budget (general government) sector. Such disclosure should include not only projected data for the budget year and three forward years, but for the life of the construction project/PPP arrangement.

For example, we are looking at projects such as EastLink and the desalination plant. This is an important point — if you are going to be responsible for a project and the private sector has entered into a PPP, then Parliament and the people should have a better understanding of the total cost over the length of that project. If it is a 30-year project, or a 32 or 33-year project, then Parliament must have a better understanding than just the costs associated over the forward estimates, as is the case at the moment, for three or four years. My understanding is that the second-reading speech for a bill relating to these matters will be presented either today or tomorrow, so I will be looking with great interest to the detail of that bill.

### **Outer Suburban/Interface Services and Development Committee: impact of state government decision to change urban growth boundary**

**Ms GREEN (Yan Yean)** — I am pleased to rise to speak on the report of the Outer Suburban/Interface Services and Development Committee's inquiry into the impact of the state government's decision to change the urban growth boundary. I am a member of this committee, along with several members in this place — the members for Keilor, Melton, Kilsyth and Bass — and some members from the other place who I will talk about later.

I want to thank the staff — Sean Coley, Natalie-Mai Holmes and Keir Delaney — for their diligence and hard work in working on this inquiry report while concurrently working on our inquiry into the future of agriculture, horticulture and viticulture in the outer suburbs. In particular I want to commend Keir Delaney, who showed commitment above and beyond the call of duty as his wife delivered a healthy baby boy during the inquiry. Despite the sleepless nights that come with new parenthood, Keir soldiered on.

I want to speak of the impact on my community of the issues raised in this report. Melbourne is a very livable city, and our Victorian economy has weathered the global financial crisis very well, which is why people are settling in Victoria and in Melbourne in particular and choosing to stay here and raise their families in

record numbers. I am pleased to see that house and land packages in Melbourne are still \$100 000 to \$250 000 cheaper than their Sydney equivalents. But in order to keep housing affordable the industry and many others have called for an increase in the land supply, so that we can keep up with the demand but also keep those house prices low. I firmly believe that this should be through both urban consolidation and a sensible and well-informed movement of the urban growth boundary.

As the committee heard, in new communities it is very important to deliver infrastructure early. I declare an interest at this point because I live in the new community of Doreen. The government's growth areas infrastructure contribution is a way to deliver this. There was early concern, from some people in my community in particular, about the timing for the introduction of this charge. I am pleased to see that responsibility for the charge has now changed from the property owner to the purchaser.

I am concerned about some submissions and presentations to the committee that seemed to dress up environmental concerns to cover up some unpleasant racist views that I thought had died along with the Australians Against Further Immigration party and the political forays of Pauline Hanson. I have great respect for true environmentalists but I have no time for people who try to dress up their racist concerns with sham views about the environment.

I have been criticised by another member of the committee, a member for Western Metropolitan Region in another place, Ms Hartland, for being quite strident in my criticism of presentations by Julianne Bell. I do not believe Julianne Bell has ever visited the outer suburbs to see the quality of life we have there. Ms Bell erroneously said that there were no fire services in the outer suburbs, and so gravely insulted every volunteer and career firefighter who put their lives on the line. I will not resile from criticising people who make uninformed comments in their submissions to committee inquiries and I will defend the hardworking firefighters in the outer suburbs who did a fantastic job saving lives and property. Ms Bell is like some other uninformed commentators in the *Age* who have said that the outer suburbs are not great places to live and that we just sleep, but that is not the case. New schools in my community have won environmental awards and we have got great new parks.

I was very disappointed that the Liberal Party members of this committee, along with the Greens member, Ms Hartland, produced a minority report and do not support infrastructure expansion in my community. I

support the growth areas infrastructure contribution. It will deliver needed heavy infrastructure such as the \$650 million rail line expansion to South Morang, which has capacity for extension to Mernda in the future, and also much-needed public transport expansion to North Epping. I support the imposition of this new charge to fund infrastructure and the change to the urban growth boundary, because we have a great lifestyle and there are jobs in the outer suburbs. I condemn the Liberal Party and the Greens for their opposition to this initiative.

### **Rural and Regional Committee: regional centres of the future**

**Mr NORTHE** (Morwell) — I rise to speak on the Rural and Regional Committee's inquiry into regional centres of the future. I had the privilege of tabling the final report in this house this morning. I congratulate all members for their contribution and commitment to this extensive inquiry, and whilst it was disappointing to have to table a minority report with this document, that is the democratic right of the committee members.

I commend a member from Northern Victoria Region in the other place, Damian Drum, for chairing the committee; committee secretariat staff members Lilian Topic and Jason Ngam for their extensive contribution for the duration, and other staff members Patrick O'Brien, Veronica Pavlović and Eleanor Howe for their contributions.

Most importantly, I acknowledge and commend those businesses, organisations and individuals who tendered submissions and gave evidence during the course of this inquiry. The committee heard from in excess of 170 witnesses throughout the inquiry and conducted 13 public hearings across the state. There were three workshops with regional development experts. We received 64 written submissions and there were over 750 pages of transcript of evidence. All this gives members some sense of the workload for not only the members of Parliament but also the staff who assisted the committee.

This inquiry was conducted with the knowledge that Victoria's population will grow to approximately 7 million people in the next 40 years. As a significant portion of the population will settle in Melbourne and its suburbs, the challenge for the committee was to try to make recommendations to the government to encourage greater growth and investment in regional areas and also to some degree to assist the pendulum swing to ensure that the population growth and shift will occur in regional centres of Victoria.

As we know, there are significant issues due to the rapid population growth of Melbourne. Certainly there are increasing pressures on, for example, road and rail, health and education services and especially on energy and water supplies. The committee believes regional Victoria is well placed to embrace a population shift and that the government can influence population settlement trends. This is reflected in the 24 recommendations the committee has put forward to the government.

Key recommendation 1 states:

The committee recommends that the state government establish a regional development Commission for each region of Victoria. These commissions should be established as statutory authorities with annual budgets to implement strategic projects and provide services to their region.

These commissions would have roles in areas such as advocacy, advice, watchdog and implementation of major projects. Across all our public hearings and in many of the submissions related to some of the challenges faced by regional communities in delivering major projects within their regions, these aspects came to the fore on countless occasions. We believe key recommendation 1 is a very important recommendation and will assist not only to deliver major projects into regional areas to assist with population shifts and growth, but will also assist many businesses in regions with respect to employment and other such matters.

Key recommendation 2 talks about developing an opportunity audit for regions. It is very important to do this in order to determine gaps that may exist in certain regions, and government can then identify where investment could be made in specific regions, whether it be in infrastructure, business or land use, to plan a way forward to encourage greater investment in regional areas. It is one of the challenges to make sure that we understand and identify where the gaps are in order to make a difference in terms of population shifts and ensure that we reduce some of the challenges that have been confronted in the metropolitan areas of Melbourne.

Regional Victoria is extremely well placed to deal with this. However, it is the committee's belief that an extensive plan needs to be developed to ensure that this can occur into the future. This would give confidence not only to the regions themselves but, I believe, to many businesses which operate out of these regions. It is not just about attracting businesses to the regions; it is about helping to grow and develop existing businesses in these regions and providing them with opportunities to move forward. I trust that the government will take seriously the 24 recommendations.

### Scrutiny of Acts and Regulations Committee: Equal Opportunity Act

**Ms BEATTIE** (Yuroke) — I wish to make a few comments on the Scrutiny of Acts and Regulations Committee's report into exceptions and exemptions to the Equal Opportunity Act 1995. That report was tabled just last month — and what a report that it is! I have to congratulate the committee. It is not self-congratulatory at all, because I am not on this committee, although I was on the Scrutiny of Acts and Regulations Committee from 1999 to 2002.

I understand this committee had some 1800 submissions to work through. I might say at the outset that I congratulate the members of the committee. I particularly pay tribute to the chairperson, the honourable member for Brunswick, for the work he has put in. I also acknowledge the work of deputy chair, the member from Murray Valley, and the other members of the committee.

I would just like to go through a few of the recommendations that I think are really relevant. The first recommendation states:

The committee recommends that the act be amended to provide that an objective of the act is to ensure protection from discrimination to the greatest extent possible consistent with the rights in the Charter of Human Rights and Responsibilities Act 2006.

That is very important. It is really important that we also pay due attention to our international rights and responsibilities.

Recommendation 2 states:

The committee recommends that the act should require that the exceptions and exemptions in the act be reviewed at least every 10 years to determine whether they should be retained, amended or repealed.

As many members here would note, time moves on and society moves on. Recommending a look at the act every 10 years is a really sensible option.

I particularly like recommendation 15, which states:

The committee recommends that section 27 should be amended to allow for trainee wages related to the level of experience or training of a person without reference to their age.

I certainly know when I worked in the union movement there would be plenty of employers who said, 'Right, you're 18 now; you will get senior wages. Off you go'. It had nothing to do with the level of your work performance or what you had achieved or your value to the organisation. You were 18 and your wage went up

and off you went. I am particularly pleased that reform of this provision has been recommended.

Recommendation 31 states:

The committee recommends that the definition of 'guide dog' be amended so as to expand the ambit of the exception beyond the current prescribed impairments of vision, hearing or mobility.

We have recently seen some airlines receiving very bad publicity for their attitudes to allowing mobility animals to board their planes, so this amendment would enshrine that change in legislation.

Recommendation 45 is a very good recommendation. It states:

The committee recommends that section 73 should be amended to treat discrimination in superannuation on the basis of age in the same way as discrimination on the basis of sex, marital status, or impairment is treated, by applying the test in the Age Discrimination Act 2004 (cth).

Unfortunately there was a minority report. While I am not opposed to minority reports per se, this minority report really adds nothing. I am quite in favour of minority reports when they add something to the report, but this adds nothing. It was purely for political purposes. I do not think it enhances the final report.

The committee also made recommendations about private clubs. Many members of the house will know that I belong to various dog clubs. I am sure if somebody arrived at the dog club with cats, they would not be very welcome. Some of the recommendations in regard to private clubs are very sensible. They provide a working document for a way forward. They do not allow discrimination, but they do allow private clubs.

### Rural and Regional Committee: rural and regional tourism

**Mrs FYFFE** (Evelyn) — I want to make a few comments on the final report of the Rural and Regional Committee's inquiry into rural and regional tourism, dated July 2008. At the moment we are recovering from the disastrous bushfires and now we are facing another summer. I want to refer particularly to chapter 9, which is headed 'Responding to disasters and environmental threats', and the recommendations and points that were made.

Recommendation 24 talks about the provision of funds in drought-affected areas and the provision of funds for public relations and marketing campaigns to ensure the return of visitors to bushfire, flood and drought-affected areas. I must say both the federal and state governments did respond right across Victoria. On 17 March it was

announced that \$70 000 was going to be spent on a campaign to encourage business conferences to return to the Yarra Valley and Dandenong Ranges, Gippsland, the high country, Daylesford and the Macedon Ranges. On 9 April it was announced that \$200 000 of state and federal funding was being provided for a 10-day grape grazing festival, which was very warmly appreciated, because grape grazing had had to be cancelled and rescheduled during the fires. On 29 May \$300 000 was announced for immediate marketing and events funding for Gippsland, which was also warmly received and fairly well regarded. On 29 August there was a media release that was not clear. I think it was the third announcement of funds already promised and money allocated and spent. Then we had another announcement on 15 December, which again referred to the \$2.2 million going to the Yarra Valley and Dandenong Ranges.

I am raising this matter because I have been asked by tourism operators where these funds have gone. A huge amount of money has been spent on marketing — or has been promised or allocated to it — but questions are being asked about whether it was spent and, if so, where.

I turn to the Rural and Regional Committee's report on its inquiry into rural and regional tourism of July 2008. Recommendation 24 on page 162 is about developing and implementing a communication plan for dealing with bushfires, which is very relevant. Even though the report was written in 2008, it is relevant to what is happening today. A lot of questions were asked about how communication will be passed around these areas and how tourist operators will handle the management not only of their visitors but of their staff. What needs to be looked at is management, risk management and planning, which is a very big issue. How do you manage risk and plan when the ground is changing at all times? We will have days of very high fire danger. What will be the onus on employers to their staff under the occupational health and safety regime? What provisions will they have to make for that?

There is also the issue of how the information is going to be sent out. On Black Saturday none of the emergency services knew what was happening around the valley. Yering Station had a wedding with 130 guests, and Chateau Yering, just next door, was also hosting a wedding with approximately 120 guests — I stand to be corrected; the numbers could have been the other way around — so there were 250 people, plus all the staff in those adjacent buildings, and none of the emergency services were aware that those people were in those places. Somehow we need to plan so that we have advance risk management and

planning as to how people will be evacuated and where they will go if certain situations occur.

Without knowing that we would have such a disaster as we had on Black Saturday, the Rural and Regional Committee's report on its inquiry into rural and regional tourism touches on many of the issues that are arising now.

On page 165 of the report paragraph 9.45 states:

... Firstly, it was noted that the occurrence of adverse natural events in some regional areas is in many ways inevitable.

The report suggested developing the relevant infrastructure and skills to ensure that local businesses are prepared before events occur. This is one of the issues we will face on red alert days when we have large numbers of tourists and visitors in these areas right across Victoria. We need to plan what is going to happen. If we expect businesses not to open on those days, then consideration needs to be given to business losses.

I commend everyone who worked on this report, because they were very far-sighted, although they would not have realised what we would be looking at now with all the changes and the onus being placed on operators and insurance companies with regard to how they are going to fulfil their requirements.

### **Drugs and Crime Prevention Committee: strategies to prevent high-volume offending and recidivism by young people**

**Mrs MADDIGAN** (Essendon) — I would like to make some comments relating to the Drugs and Crime Prevention Committee's report on its inquiry into strategies to prevent high-volume offending and recidivism by young people, particularly relating to the recommendations that were made in chapter 13, 'Setting the research agenda: the call for data, evaluation and evidence based research'. It would be a truism to say that for people who are determining programs to work with young and vulnerable people, it is made much easier to get the right programs if they have very strong evidence in terms of evidence-based research.

A number of people who appeared before the committee identified some areas where they thought there was a significant lack of research, although overall I think it would be fair to say that not a lot of research has been done about young people, and what research is done often does not involve young people themselves. Often there has been no opportunity for

young people to be involved in significant research projects that might assist with their future.

During the evidence we heard from Professor Julian Bondy and Dr Marg Liddell from RMIT University, who stated that much more research needs to be undertaken to track the progression of young people through the criminal justice system. They also believe that whilst statistical data is important, equally relevant is qualitative data, particularly when it is drawn from the experiences of young offenders themselves and especially that pertaining to the lives of young women. The number of young women in the justice system is of increasing concern.

In his evidence Mr Bernie Geary, whom we all know, stressed the importance of research being locally based. More research needs to be done locally on the link between identified risk factors and youth offending, and there needs to be a better evidence base from which to develop appropriate programs. The Centre for Adolescent Health believes further and better research is essential to document the levels of mental illness amongst young people in the community and how such illness may affect people engaging in crime or antisocial behaviour.

There is a real need for research in that area. Many of the people who appeared before the committee gave anecdotal evidence which supports the view that many people who end up in the juvenile justice system have either a mental illness or impaired intellectual capacity, yet very little solid evidence has been provided through any research network to support that or to develop it into a reasonable thesis. That is one area where a lack of research has become very obvious.

I briefly mentioned young women. Recently concerns have been raised about the growing number of young women in the criminal justice system, particularly young women involved in antisocial and sometimes quite violent behaviour. I am sure members in this place have all read articles in newspapers that highlight incidents in which people have been attacked by quite young women, which is perhaps not common in the history of our criminal system. Once again there seems to be a significant lack of research in this area.

There is a tendency for people to say — and we have all said it at some stage — that people who tend to end up in the juvenile justice system may have come from a difficult background and may have lacked parental support, but on the other hand there are many people who have those same disadvantages and who never go anywhere near the criminal justice system. It is an oversimplification to pick on what might be very

obvious factors and difficulties that young people have had. We need to concentrate very strongly on developing our research data — research which can be used in an effective way to ensure that the structures and the policies we put in place through government departments and non-government organisations are the sorts of policies that best meet the needs of young people in Victoria.

A number of recommendations relating to chapter 13, several of which relate to research, would be very useful in providing a much sounder basis for keeping young people out of the juvenile justice system.

**The ACTING SPEAKER (Mr Ingram)** — Order! The time for making statements on parliamentary committee reports has expired.

## BUSINESS OF THE HOUSE

### Orders of the day

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

That the following order of the day, government business, be read and discharged: Annual statement of government intentions 2009 — responses to the statement — resumption of debate.

I am moving this motion to enable the notice paper for this calendar year to acknowledge the reality that in two more parliamentary sitting days we will be undertaking the process of the 2010 statement of government intentions, which will provide an opportunity for people on both sides of this chamber to provide a contemporary commentary on what the government's intentions might be.

This year, as we did at the end of last year, we propose to remove the statement of government intentions from the notice paper. I suspect the pattern that will be followed in future years will be that the statement of government intentions will be provided at the beginning of the calendar year, that intense debate will follow immediately but that the item will be kept on the notice paper during the course of the year in case the Parliament wants to come back to it.

Members would well remember that during the year bushfires raged around Victoria and we spent a lot of time dealing with our response to the bushfires when we would normally have been talking about the annual statement of government intentions. One would hope that will not be the case in future years, as it is difficult to contemplate that.

We expect there will probably be more time available for debate in 2010 than there was in 2009. But notwithstanding that, there have been numerous occasions when the opposition, had it wanted to, could have facilitated the discussion of the statement of government intentions during the course of the last calendar year. That would have been achieved by a trade-off between extending the debate on the government business program and going back to the statement of government intentions. In fact the member for Lowan raised this as a prospect on many occasions but did not subsequently deliver upon it.

At the end of the day this is a procedural motion that tidies up the business paper, gets us ready for the next calendar year and enables us to go forward over the next two parliamentary days so that we will be in a position to deal with the next statement of government intentions. So I have moved the motion before the house.

**Mr McINTOSH (Kew)** — The opposition will not oppose this motion for the reason that we are in the last sitting week of this year and any opportunity to talk about what may be coming up in the next calendar year will be exhausted as of tomorrow. Certainly the government business program as set on Monday will move into the next calendar year, where we will no doubt get another all-singing, all-dancing statement from the Premier.

At this stage of the calendar year I think it would be appropriate if the Premier were to come into the chamber and explain to the house why the government has not met all or some of the commitments it made earlier in relation to a number of different portfolios. Given the fact that we are in the last sitting week and there is no opportunity for any further business to come before the house, it would be appropriate for the Premier to explain why his government has failed to meet its earlier commitments.

As we have said, the opposition has always remained sceptical about the statement of government intentions, seeing it as merely an opportunity for the Premier to stand up and steal a bit more of the limelight and get the spin doctors working overtime to tell a story which may or may not come to fruition in that calendar year, and there are a number of examples I can give from this year's statement.

In the environment portfolio we were told that we were going to get a climate change bill and a climate change white paper. We recently had a debate, but we have had no bill and no white paper.

In relation to mental health and early childhood development, both critical areas for Victorians who are living with a disability, we were promised ministerial statements. They failed to materialise, to the significant regret of those in this place and in Victoria.

In the community services portfolio we were told we were going to get a regulation in relation to the portability of long service leave legislation. That has not been forthcoming. So people working in the community services area do not have that, despite the government's promises.

In relation to consumer affairs we were promised significant reforms to the Introduction Agents Act and the Travel Agents Act, none of which came to fruition. Again this is a demonstration of how this government is more about spin and hyperbole than about action. As I said, I would prefer it if the Premier came into this chamber to explain to the house and to the people of Victoria what went horribly wrong with this much-lauded statement of intentions from the beginning of the year, which the government has been unable to complete.

**Dr SYKES (Benalla)** — I rise to speak on this motion and express my disappointment at being denied the opportunity to make a contribution to the debate on the government's statement of government intentions. I acknowledge that it is late in the year, but the point about having a debate at this time is that it would provide an opportunity to compare the claimed intentions of the government against its achievements. As the previous speaker said, it would expose many examples of spin over substance.

One example in the statement of government intentions is in relation to the A Fairer Victoria strategy and the mantra of this government about making Victoria a great place to live, work and raise a family. It forgets the other few words — 'except if you live in country Victoria'. There is a widening gap of social disadvantage between country and city, and some of that is a consequence of natural phenomena such as drought — it has been 10 tough years — and three megafires. It is also the nature of the government's response, which has often been late, confused and inappropriate. But this widening gap of social disadvantage that the government is meant to be addressing in its *A Fairer Victoria* statement is also a consequence of government actions such as the north-south pipeline, which I have touched on on more than one occasion in this Parliament, and the failure of the government still to present its business case to underpin its claimed water savings.

We have also had the unfairness of the government's massive hike in liquor licensing fees, which has seen many small country businesses and not-for-profit clubs being asked to contribute to increased liquor licence fees even though their clients are not the cause of the violence. It is primarily a Melbourne central business district-based problem, although some other regional centres have been involved.

In terms of having a fairer Victoria, what worse example could we have of the abuse of that notion than the release of police files to international companies involved in the construction of the desalination plant and the north-south pipeline?

If we talk about government inaction, we have a situation where this Brumby government that talks about education being its no. 1 priority has failed to stand up on behalf of young Victorian country people to fight against Julia Gillard's ill-conceived toughening up on the access of country young people to the independent youth allowance. This is in spite of overwhelming evidence that country young people have a much lower uptake of tertiary education compared with their city counterparts and that cost — the extra \$15 000 to \$20 000 per student per year — is a major reason for that. Again the government's statement of intentions to deliver a fairer Victoria is not matched by its actions when it has failed to observe and respond to evidence provided to independent committees and failed to stand up in relation to the youth allowance. There are many other examples of where this government has failed to deliver.

Whilst acknowledging that the coalition is not opposing the motion because of the lateness in the year, I say to the government it is a great disappointment for many of us on this side of the house that we have not had the opportunity to speak on this matter, because given the opportunity we would have raised numerous concerns about the gap between stated intentions and actual delivery. We would have highlighted many more times that the Brumby government is about spin over substance and that its mantra about making Victoria a great place to live, work and raise a family fails to include country Victorians.

I will finish by referring to some words from the Brumby government. If it is going to deliver on A Fairer Victoria, then it should pick up on and implement its own words — that there is more to be done. I say to the Brumby government that there is a lot more to be done if it is to live up to its mantra of making Victoria a great place to live, work and raise a family. Victoria would be a much fairer place if the Brumby government plugged the pipe.

**Motion agreed to.**

**Sitting suspended 1.00 p.m. until 2.04 p.m.**

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### North-south pipeline: memorandum of understanding

**Mr RYAN** (Leader of The Nationals) — My question is to the Minister for Police and Emergency Services. Given that the minister has had 24 hours to be briefed, will he now confirm that, as claimed by the Minister for Water, a memorandum of understanding does in fact exist between Victoria Police and the north-south pipeline contractors, and if so, will he now release that memorandum and explain to the people of Victoria why it has not previously been made public?

**Mr CAMERON** (Minister for Police and Emergency Services) — Speaker, you will certainly understand there is a clear separation of powers between Victoria Police, the Minister for Police and Emergency Services and the state government. Members on the other side go, 'Whoop, whoop, whoop', but who says that? It was a Liberal Party election commitment. Speaker, you have got to understand the difference. There are police operational matters, and the police, as part of the operational matters, will make decisions as to what arrangements they will make for others. On Monday the Minister for Water said there was a memorandum — —

**Mr Ryan** — On a point of order, Speaker, the minister is debating the question. I ask you to have him respond to the question I have asked him.

**The SPEAKER** — Order! I believe the minister was initially debating the question, but he was about to address his comments to the question.

**Mr CAMERON** — As the Minister for Water said on Monday, there is a memorandum. That memorandum is with Victoria Police. That is not something that I was sought to sign, to approve or anything like that. That is a police matter, and it is a matter for Victoria Police as to what it does with that document.

**Questions interrupted.**

**ABSENCE OF MINISTER**

**The SPEAKER** — Order! Before calling the member for Burwood, I apologise to the house: I forgot to notify the house of the absence of the Minister for Mental Health, who is also Minister for Senior Victorians and Minister for Community Services, who is away today. The Minister for Health will be responsible for answering questions concerning the mental health and senior Victorians portfolios, and the Minister for Local Government will be responsible for answering questions concerning the community services portfolio.

**QUESTIONS WITHOUT NOTICE**

**Questions resumed.**

**Box Hill Hospital: redevelopment**

**Mr STENSHOLT** (Burwood) — My question is to the Premier. I refer to the government’s commitment to build a better health system, and I ask: can the Premier outline to the house how the redevelopment of Box Hill Hospital will deliver world-class health services for working families in our eastern suburbs?

**Mr BRUMBY** (Premier) — I thank the member for Burwood for his question. Can I just say about the member for Burwood what a wonderful advocate he has been for the Box Hill Hospital. He has been a wonderful advocate, and he has got results. He has worked in partnership with the member for Mitcham, the member for Forest Hill and the Minister for Health, and today at the Box Hill Hospital we announced the biggest redevelopment of any suburban hospital in the state’s history — the biggest ever. It has taken a Labor government to deliver this.

Today, with the Minister for Health, we announced a redevelopment worth \$407.5 million for the Box Hill Hospital. Members know about this hospital. It has been providing care to the people of that region for 50 years. It was put under enormous pressure in the 1990s, but I will come to that in a moment. With the exception of that horrible decade, it has been providing — —

**An honourable member** interjected.

**Mr BRUMBY** — Well it was, because of budget cuts. This hospital has been a wonderful hospital and a wonderful asset for the people of that region.

Today, as I have said, I was there with the minister and three local members. There were a couple of hundred of

the wonderful hospital staff there as well, who were just elated by this announcement. We did have a couple of members of Parliament there who were whingeing and whining and knocking this announcement, but there you go — some people hate good news.

The development that we announced — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the Premier to pause for one moment. I ask the Minister for Health not to interject in that manner, but I also seek some cooperation from the member for Bass.

**Mr BRUMBY** — What this redevelopment will do is, in physical terms, double the size of the hospital. It will mean — —

**Mr K. Smith** interjected.

**The SPEAKER** — Order! I ask for the cooperation of the member for Bass to allow question time to continue with him as a quiet participant.

**Mr BRUMBY** — It will deliver a new, larger emergency department with 19 extra cubicles, a new intensive care unit, additional inpatient wards, six new operating theatres and four refurbished theatres. On top of all that, the redevelopment will deliver more than 100 extra beds, enabling about 7000 additional patients to be treated. In addition to all that, there will be two new endoscopy laboratories and a major upgrade to the hospital’s critical care services, with a new cardiology ward, coronary care unit and catheter laboratories.

As important as all that is in terms of improvements to the hospital and to the health services that can be delivered, the other aspect of this project, which I stressed this morning at the announcement, is that this will generate something like 2500 construction jobs, which will be so important for providing all those opportunities throughout the eastern suburbs.

This investment that I announced today with the Minister for Health builds on what has been an extremely strong record of investment in Eastern Health. We have invested \$46 million in Box Hill Hospital to date for a new renal dialysis service — and we saw that today; we saw some of the patients there today getting wonderful service — a new office and research space, essential infrastructure works and 600 car parking spaces. In addition we have put in \$56 million to redevelop and expand the Maroondah Hospital, including the upgrade of the emergency department; \$30 million for the new Wantirna health facility at Knox; \$15 million to build the new Yarra

Ranges Health facility in Lilydale, which will provide community-based health services; and \$23.7 million for the Angliss Hospital redevelopment.

All of this contrasts very markedly with the closure of the Burwood hospital in 1996, the downgrading of the Angliss — —

*Honourable members interjecting.*

**Mr BRUMBY** — I said today when speaking to all the staff and professionals, who were elated by this announcement — as I said, there were two people out there today who were knocking and whingeing and whining, but apart from those — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier!

**Mr BRUMBY** — Speaker, I said today to all the staff who were there how much we valued the wonderful work which is undertaken by our health workers in our state. There are a lot of debates about health here and overseas, but the fact is the Australian health system is up there with some of the very best health systems anywhere in the world, and the best performing system within Australia is the Victorian system. It is the best system because of the quality of the staff, the commitment of the staff and the hard work of the staff, and I want to thank them for that and to say that we have been backing that with significant additional budget funding, including funding for capital works.

I will conclude on this point: we have already, as I have said, put \$46 million into the first-stage development. Between 1992 and 1999 there was \$5 million spent; we have spent nearly 10 times that amount already.

*Honourable members interjecting.*

**Mr BRUMBY** — By the time this redevelopment is completed — —

**An honourable member** interjected.

**Mr BRUMBY** — Five million — and by the time this redevelopment is completed, we will have invested — —

*Honourable members interjecting.*

**Mr BRUMBY** — Well, they are the facts. We will have invested almost 100 times the investment made by the failed former Kennett government.

**The SPEAKER** — Order! I ask the Premier to hold on for one moment. I ask for some cooperation from the member for Scoresby to allow question time to continue in an orderly manner.

*Honourable members interjecting.*

**The SPEAKER** — Order! I have asked for some cooperation from the member for Caulfield and the member for Bass, and I ask them again.

**Mr BRUMBY** — Speaker, it was a great announcement today. It builds on the rebuilding of the system that is occurring across the state. I remember the opening of the Berwick hospital, the first new suburban hospital in 25 years, and the quarter of a billion-plus that was invested into the magnificent new Austin Hospital, and now there is this one — the biggest single investment ever made in a suburban hospital in our state. It is a great investment. I thank the member for Burwood for his strength on it. I thank the member for Mitcham, the member for Forest Hill and the Minister for Health for the leadership they have shown in delivering this commitment.

### **Desalination plant: memorandum of understanding**

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services. I refer to the continuing police file scandal and further to the comments of Deputy Commissioner Kieran Walshe on Melbourne radio this morning that, and I quote, ‘there are other MOUs in place ... that I’m aware of’. I ask: given that it was the government which released the MOU (memorandum of understanding) for the desalination plant, will the minister now release all of these ‘other MOUs’ signed by Victoria Police? And if not, why not?

**Mr CAMERON** (Minister for Police and Emergency Services) — I am very pleased that the Leader of the Opposition referred to the comments made by Deputy Commissioner Kieran Walshe on radio this morning. Deputy Commissioner Walshe was referring to the memorandum of understanding which the opposition has tried to make some point about in recent days. I will tell you what he had to say in relation to the memorandum of understanding. Let us be clear about what Deputy Commissioner Kieran Walshe said. He said:

... Victoria Police has not, will not and cannot provide any details of any individual to AquaSure or to any other entity. We’re not permitted to do so under the privacy act, and we don’t intend to do that. There is no intention whatsoever to

provide video images or individuals' names and addresses et cetera to AquaSure or to anybody else.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask government members to come to order.

**Mr Baillieu** — On a point of order, Speaker, the minister is debating the question. It was a straightforward question about whether he will release the memorandums of understanding. On Monday Kieran Walshe said he was unaware of the MOU relating to the desalination plant.

**The SPEAKER** — Order! My recollection of the question as asked by the Leader of the Opposition is that it quoted from an interview with Deputy Commissioner Kieran Walshe this morning. I believe that is the same interview the minister is quoting from now. There is clearly no point of order.

**Mr CAMERON** — This allegation, this commentary, that individual police files can be released under memorandums of understanding is totally wrong. I rang Deputy Commissioner Kieran Walshe this morning, and I congratulated him on being named police officer of the year on 3AW, and I will tell you what he said. He confirmed to me that under memorandums of understanding this sort of information cannot be handed over. He made it clear to me, totally unrelated to a memorandum of understanding, that at times police deal with organisations, and if information has to be provided because of an imminent threat — —

**Mr Baillieu** — I repeat my point of order, Speaker: the minister is debating the question. He was asked whether the government will release these memorandums of understanding. If, as he says, there is nothing to hide, then he should release the documents.

**Mr Batchelor** — On the point of order, Speaker, the Minister for Police and Emergency Services was explaining the exact circumstances around the release of the document. The point of order taken by the Leader of the Opposition was just a stunt to gain media attention and to provide television footage for tonight.

*Honourable members interjecting.*

**The SPEAKER** — Order! Government members will come to order.

**Mr Languiller** interjected.

**The SPEAKER** — Order! The member for Derrimut is warned. I ask the Leader of the Opposition

for some cooperation in the smooth running of question time. I do not uphold the point of order.

**Mr CAMERON** — As I was saying, when information has to be given to protect the public, police will make that decision. They will make operational decisions, but those decisions are unrelated to memorandums of understanding. We certainly have some difficulties here when it comes to understanding the delineation between the government and the police. What we have here is a call by the opposition that somehow or another the government should go — —

*Honourable members interjecting.*

**Mr CAMERON** — Here we go! Somehow the government is meant to go and say to police, 'You are to provide all your own information around operational matters'. That is a matter for police.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask for some cooperation from the members for Kew and Malvern. I suggest to the member for Warrandyte that if he has a question to ask, he stand in his place at the appropriate time and he will be given the call.

### **Box Hill Hospital: redevelopment**

**Ms MARSHALL** (Forest Hill) — My question is to the Minister for Health. I refer to the government's commitment to build a better health system, and I ask: can the minister outline to the house how the government's announcement of the next step in the redevelopment of Box Hill Hospital builds on investments at Eastern Health for families in Melbourne's east?

**Mr ANDREWS** (Minister for Health) — I thank the member for Forest Hill for her question. I was proud today to be able to visit the Box Hill Hospital with my honourable friends the members for Mitcham, Burwood and Forest Hill and the Premier to announce not just an upgrade but the biggest capital works project in health in the suburbs in this state's history. The government has invested \$407.5 million to take the next step in making sure that the quality of the facilities at Box Hill undoubtedly and unquestionably matches the quality of care provided by the dedicated staff at that health service. This is a proud day.

As the Premier has outlined, this new project will not just increase the size of the hospital, it will double it. It will provide more than 32 000 additional square metres of space and an investment in all the areas that are so important in providing modern and efficient health care

to a growing part of Melbourne and also an ageing part of Melbourne. We are providing 113 additional beds, new coronary care support, an additional cardiac catheterisation laboratory, a brand-new emergency department with 19 additional treatment spaces and a subacute facility with 30 subacute beds, bringing subacute care facilities to the Box Hill campus for the first time. It has never had that model of care before.

There will be additional theatres, with six new theatres and four upgraded theatres — an increase of four theatres on what is currently on site. That will mean we can properly split emergency surgery from elective surgery. It is not just about new and bigger buildings, it is about new and efficient models of care to drive improved outcomes for patients and families in Melbourne's east. Who might be delivering this investment? It is this government. This government is investing in the health infrastructure that is so important for families right across our great state.

I am asked about how this investment builds on investments at Box Hill and in Eastern Health. I am proud to say the government has contributed across Eastern Health the best part of \$200 million in capital projects. That was before the \$407.5 million the Premier and I announced this morning. We have also provided a record amount of funding to Eastern Health.

**An honourable member** — Record!

**Mr ANDREWS** — One hundred and fifty per cent additional recurrent funding, which makes it possible to recruit 1200 extra nurses at Eastern Health. That is nothing to be sneered at and nothing to laugh at. It is the Labor way. It is about investing and giving our dedicated clinicians the resources they need to meet the challenges of today and the future.

This investment builds on a record of investment by this government and an unwavering commitment to families in the east. It sets up Eastern Health to meet the challenges it faces today and to provide even better care as we go forward. It could not contrast more starkly with the record of others — —

*Honourable members interjecting.*

**Mr ANDREWS** — And there are alternative approaches.

**The SPEAKER** — Order! I ask the minister to confine his answer to government business.

**Mr ANDREWS** — Speaker, as I have said, the business of this government is investing in record terms at Eastern Health and at Box Hill Hospital. We will not

close the Burwood hospital. We will not put Angliss Hospital on a hit list. We will not put the Maroondah Hospital on a hit list. We will not spend \$5 million in seven years while we plan to build a for-profit private hospital in Knox. That was the game: run down the public infrastructure and build a for-profit hospital in Knox, and haven't those for-profit hospitals built by the Kennett government done so well!

This is a shining example of our government's commitment to families in the east and to the health care they need. There is only one group opposed to this project, and it is those in the policy-free zone opposite.

### **Desalination plant: memorandum of understanding**

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. I refer to the continuing police files scandal and the fact that the standards for Victoria Police law enforcement data security require the maintenance and publication of a register of approved third parties with access to police files, and I ask: given that the register was made public in 2007 and again in 2008, will the Premier explain why no such register has been made public in 2009?

**Mr BRUMBY** (Premier) — I will seek the — —

**Mr Wells** — It was an operational decision, was it?

*Honourable members interjecting.*

**The SPEAKER** — Order! I suggest to the opposition that the Premier be heard in silence.

**Mr BRUMBY** — I will seek an explanation as to the matter raised by the Leader of the Opposition and advise him as soon as I have that information. But can I make the more general point, as the Minister for Police and Emergency Services has already made very clear today, that there is no information from any database which is provided to any third-party group, full stop.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the members for Kew, South-West Coast and Scoresby to cease interjecting in that manner.

**Mr BRUMBY** — I will just repeat the quote from the deputy commissioner, Kieran Walshe, on radio this morning:

Victoria Police has not, will not and cannot provide any details of any individual to AquaSure or to any other entity, we're not permitted to do so under the privacy act, and we don't intend to do that.

It could not be clearer. The quote continues:

There is no intention whatsoever to provide video images or individuals' names and addresses et cetera to AquaSure or to anybody else.

It could not be clearer.

As I made clear to the media yesterday in relation to the privacy act and the Police Regulation Act, there are strict requirements under that legislation, and anything which Victoria Police does by way of an MOU (memorandum of understanding) or any other matter has to be consistent with that legislation. I do not believe the Victoria Police could be any clearer about that matter. They have made it absolutely clear today that any MOU is consistent with the laws under which they operate. As to the original question from the Leader of the Opposition in relation to —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask for some cooperation from government members.

**Mr BRUMBY** — As I said in relation to the specific matter raised by the Leader of the Opposition, I will seek information about that and provide it to him as soon as I have it.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Bass and the Minister for Health can feel free to leave question time at any time they choose. One more conversation across the chamber and they will leave at my choosing.

### **Schools: building program**

**Mr SCOTT** (Preston) — My question is for the Minister for Education. I refer to the government's commitment to building better schools in partnership with the commonwealth, and I ask: can the minister outline how the Brumby Labor government is delivering on that commitment and whether she is aware of any threats that would affect the rollout of 21st century facilities in our schools?

**Ms PIKE** (Minister for Education) — I thank the member for Preston for his question. As everyone is aware, education is the no. 1 priority of the Brumby government. I must say that members on this side of the house and I are constantly engaging with our schools, visiting and seeing the transformation of our schools under the Brumby government's Victorian Schools Plan and the Rudd government's \$2.5 billion investment into government schools under the

economic stimulus package. It has been terrific to see the collaboration between our two governments as we are making the right investments here in Victoria and we are engaged in dealing with the outcomes of the global financial crisis.

It is irrefutable that we are investing in a better education system for the future, and it is the biggest school rebuilding program in the history of this state. It is happening at a time that is absolutely critical for jobs and for the community. I must say that schools have really stepped up to this challenge. They are very excited and positive about the new buildings they are getting. People can find more testimonials from schools on the education department's website.

If you go to the Gisborne Primary School page, for example, you will be able to read the following comments of Leanne Cotter, a teacher at the school, who said:

... the government has invested not only the time and the effort but the money to ensure that our education system is constantly improving ...

Or you could read the comments of the site foreman on that development, who said there was lots of new work and:

On this job to date there's been 50 employees that have been inducted and walked through and actually worked on the site.

Matt Philips, an apprentice working at the Gisborne Primary School development site, said how fantastic it is that the project is keeping 'apprentices still going in the workforce'.

In Orbost we heard similar stories. The foreman on the development said, 'We're using local trades wherever we can'. Another worker there said of his area, 'We've got five of these schools'. We heard from Paul of BPR, Bairnsdale Plumbing Resources, who stated, 'Country kids get some money spent on them, and yeah, it's got to help. And I think the kids will be happy'. You can go on, Speaker, and read more about these fantastic experiences, as I said, on the website.

However, it is concerning that this amazing program could be under threat. When you hear of people talking about taking \$20 billion out of the stimulus package, with the biggest —

*Honourable members interjecting.*

**The SPEAKER** — Order! Opposition members will not shout down the minister. I warn the member for Nepean.

**Ms PIKE** — When people are talking about taking \$20 billion out of the stimulus package, with \$15 billion being targeted to be taken out of the school rebuilding program nationally, you would have to be very concerned. We want to know who will be the first member who will step up and sacrifice their school rebuilding program on the altar of federal opposition leader Tony Abbott's ideology.

**Dr Napthine** — On a point of order, Speaker, the minister is now debating the issue. I ask you to bring her back to government business and to answering the question.

**The SPEAKER** — Order! I uphold the point of order.

**Ms PIKE** — We are rebuilding Box Hill North Primary School for \$2 million, Donburn Primary School in the electorate of Doncaster for \$2.5 million and Hastings Primary School for \$2 million. I wonder whether these schools would like to hear that their projects are under threat. I wonder whether their members would like to go to those schools and say that if a coalition government were elected in Canberra, they would not get their new buildings.

### **Timber industry: East Gippsland**

**Mr INGRAM** (Gippsland East) — My question without notice is to the Minister for Agriculture. As the Parliament has passed the Parks and Crown Land Legislation Amendment (East Gippsland) Bill 2009, which has removed thousands of hectares of the best timber resource from the East Gippsland timber industry, I ask: why has the government not delivered the timber to offset this lost resource, as recommended by the industry transition task force (ITT), and failed to implement the other commitments made to the timber industry before passing this legislation?

**Mr HELPER** (Minister for Agriculture) — I thank the member for Gippsland East for his question. The Brumby government is absolutely committed to having a viable and sustainable timber industry in this state. The Brumby government is also absolutely committed to meeting the election commitments it made in the 2006 election campaign to finalise the reserve system in East Gippsland. The legislation the member for Gippsland East referred to clearly finalised the reserve system in Gippsland East.

I now come to answering the question of how we will meet the commitment to do so without the loss of jobs in the timber industry. It has been estimated that approximately 130 000 cubic metres of timber

resources is required to meet that no-job-loss commitment. The joint sustainable harvest level project has identified that, even after the creation of over 45 000 hectares of new parks in the reserve system, 136 000 cubic metres of sawlogs will be available to the industry on an average basis, so clearly we have the ability to meet the resource needs of the timber industry.

The member for Gippsland East mentioned the industry transition task force, or the ITT. I take this opportunity to thank the members of the ITT — Pete Steedman, Graham Gooding and Ian Kennedy — for the terrific work they have done. I acknowledge the loss that both the government and the community, and in particular the timber community, feel at the passing of Graham Gooding. What Graham did not know about the timber industry was not worth knowing. We certainly appreciate the support he has given to the industry and mourn his passing.

The ITT identified a number of special protection zones and other informal reserves in East Gippsland and suggested that, with a review of those informal reserves, the timber resources could be made available if the reserves were found not to be necessary for the original intent. I am informed that the Department of Sustainability and Environment will commence a review of special protection zones and the informal reserve system in early 2010. Through that we will meet the commitment to not only finalise the reserve system, as I said, but also ensure that there are no net job losses in the timber industry, and we will meet our commitment to have a viable and sustainable timber industry into the future.

**Mr K. Smith** interjected.

**The SPEAKER** — Order! The member for Bass can use the time available after question time to have a discussion with the member for Gippsland East.

### **Legislation: national harmonisation**

**Ms BARKER** (Oakleigh) — My question is for the Attorney-General. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Attorney-General inform the house how the Brumby Labor government is working with state and commonwealth governments to harmonise laws and advise what risks there are to this cooperative approach?

**Mr HULLS** (Attorney-General) — I thank the member for her question. Since the removal of the

Howard federal government in 2007 we have seen a new effort on the part of all states and territories and the commonwealth to work in a cooperative way on the harmonisation of laws in a whole range of areas. Attorneys-general are working hard to harmonise a range of state and federal laws, including the development of a national register of personal property security interests and a proposal to develop a national judiciary.

We are also leading the development of a national legal profession. This is appropriate because, as we know, we have an increasingly national economy, and in the legal profession it is important that we have cooperation and collaboration across state and territory boundaries. There are areas where harmonising laws makes good business sense, and it is certainly in the best interests of Victorians. This government will not shy away from making the tough decisions when it come to harmonisation, particularly of the legal profession.

That is why the Brumby government was the first government in Australia to create a new referral to ensure that the commonwealth Fair Work Act would apply in Victoria from 1 July 2009. It was supported by all stakeholders, I am pleased to say, and they include the Victorian Employers Chamber of Commerce and Industry and the Australian Industry Group. I can advise that the commonwealth's bill to enact the states' referrals was passed last week. That means that from 1 January 2010 we will have a unitary system of workplace relations incorporating New South Wales, Queensland, Victoria, Tasmania, South Australia and the territories. We think that is a good thing.

The unitary system will provide not only certainty for business but also protection for workers. As the representative in this place of the Minister for Industrial Relations, I certainly want to acknowledge the work of the IR minister and this significant milestone in the move towards a fair national system. It is a reflection of this government's balanced, cooperative and collaborative approach to workplace relations.

The national harmonisation of these laws sets out agreed fundamental workplace relations principles. These principles largely mirror the protections this government created to protect Victorian workers from the ravages of WorkChoices. I did not think I would have to utter that ugly word 'WorkChoices' in this place again because I thought it was — like the political careers of fanatics like Bishop, Ruddock, Andrews and Abetz in the federal Parliament — dead, but it is not!

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the Deputy Premier to confine his remarks to the question as asked.

**Mr HULLS** — Having harmonisation and uniformity in a whole range of areas is important, whether it be in the legal area or in the area of workplace relations. The cooperative reform train has certainly left the station, and thankfully there are enough people of goodwill on that train to ensure it reaches its destination.

I was asked about threats to harmonisation and cooperation. The fact that the zealots are back in charge of the federal opposition, with the support of the lazy opposition in Victoria, the lazy WorkChoices bankrupts sitting opposite — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Attorney-General!

**Mr HULLS** — Based on what has happened federally recently, we will have a potential disaster for Victorian families if the Liberal-Nationals coalition ever gets back into government federally or in Victoria.

**Mr Ryan** — On a point of order, Speaker, on the issue of fairness and equity in question time, we are always prepared to abide with respect by the determinations you make, but we cannot reasonably be expected to sit here and remain silent while commentary of this nature is thrown at us during question time by a government which is supposed to be discussing government business. I ask you with respect, Speaker, to address the Attorney-General by way of a warning that that form of conduct simply cannot be tolerated.

**The SPEAKER** — Order! The Attorney-General has concluded his answer.

### **Public transport: myki ticketing system**

**Mr MULDER** (Polwarth) — My question is to the Premier. Will the Premier give a commitment to attend the official launch of myki in Melbourne? And can he advise if fare evasion on Melbourne's trains, trams and buses will stay the same, rise or fall once it is introduced?

**Mr BRUMBY** (Premier) — I thank the member for Polwarth for his question. I am happy to advise him that myki is operating in Geelong, Seymour, Ballarat — —

**An honourable member** interjected.

**Mr BRUMBY** — No, I am not sure members do. It is also operating in Bendigo, Warragul and the Latrobe

Valley. More than 40 000 myki cards have been sold in these areas, and passengers have taken more than 2 million trips using the new system. Preparations are now under way for the Melbourne rollout, with some 17 000 pieces of equipment being installed across the train, tram and bus networks.

Almost 1000 people from government departments are part of a first-user testing group. They are currently using myki and providing what I understand is valuable feedback. For the benefit of the opposition parties, similar user testing was done for the Oyster card in London and for the Octopus card in Hong Kong. The rollout in Melbourne is expected to commence this year, as we have said throughout the year.

*Honourable members interjecting.*

**Mr BRUMBY** — Of course, you will not be.

**An honourable member** interjected.

**Mr BRUMBY** — Are you going to be there at the next election? I doubt it — all those people are saying you will not be. It is a good question.

**An honourable member** interjected.

**Mr BRUMBY** — You are?

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier has the call, but I will not allow him to ask questions of the opposition.

**Mr BRUMBY** — I will say generally for the benefit of the member for Polwarth, who seems to have a remarkably short memory about transport issues — —

**Mr Mulder** — On a point of order, Speaker, the Premier is clearly debating the question. The question related to whether or not he is going to attend the launch and what the impact on fare evasion will be. He has not answered the question.

**The SPEAKER** — Order! The opportunity to take a point of order is not an opportunity to repeat the question. The Premier, to address the question as asked.

**Mr BRUMBY** — What I can say is that every modern transport system needs a modern ticketing system to go with it. We did not have a modern transport system in 1999 when we won government, but we have invested huge amounts to lift the capacity of our transport system. Cabinet met on Friday in Ballarat, where the Minister for Public Transport and I

welcomed the 100th V/Locity train to come onto the system.

**The SPEAKER** — Order! I ask the Premier not to debate the question.

**Mr BRUMBY** — The investment in myki that has been made is consistent with the investment that we are making in the public transport system.

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the members for Polwarth, Kilsyth and Hastings. The Premier will be given an opportunity to conclude his answer in silence.

**Mr BRUMBY** — In concluding my answer the other point I make about the myki system is that, as I have pointed out on numerous occasions to the member for Polwarth, myki will always produce the lowest possible fare for consumers and passengers who use it. If you have a 2-hour fare at the moment, you are paying \$3.70; under myki you will pay \$2.94. If you are paying \$5.80; you will pay \$4.96. They are reductions in fares of around 20 per cent. This system will be good for the planning of the system, and it will be good for passengers right across the network.

**Mr Mulder** — On a point of order, Speaker, the Premier is clearly debating the question. He has come nowhere near close to answering the question: ‘Will the Premier attend the official launch?’.

**The SPEAKER** — Order! I have already reminded the member for Polwarth that a point of order does not give him the opportunity to repeat the question. The Premier has concluded his answer.

### **Energy: geothermal generation**

**Mr CRUTCHFIELD** (South Barwon) — My question is to the Minister for Energy and Resources. I refer to the government’s commitment to secure the energy needed for industry, businesses and families, and I ask: can the minister update the house on what the government is doing to bring low-emission energy online in Victoria?

**Mr Mulder** interjected.

**The SPEAKER** — Order! Before the minister starts his response, I ask the member for Polwarth for some cooperation.

**Mr BATCHELOR** (Minister for Energy and Resources) — In Victoria we acknowledge that climate change is real, that it is happening and that we need to take steps to address the important issues around it, and

that is what this government is doing. We are not waiting for the passage of the CPRS (carbon pollution reduction scheme), we are not waiting even for the considered deliberations at Copenhagen and we are not waiting for the Australian Parliament to understand the importance of passing an emission trading scheme. We are actually getting on with the job, getting Victoria ready and getting Victoria equipped to meet the climate change challenge.

Today the Minister for Environment and Climate Change, Gavin Jennings, and I announced a grant of \$25 million to see the development of a geothermal power station here in Victoria. There are two stages to this grant: firstly, there is a \$5 million component that will help the company Greenerth Energy to identify whether a geothermal resource exists. The company is proposing to undertake a drilling program about 11 kilometres north-west of Anglesea to see whether the inferred resource of large, hot saline aquifers deep below the earth's surface is suitable to power geothermal energy.

If that proof of concept is delivered by the drilling program, the company intends to develop a geothermal power station of 12 megawatt capacity to commercial scale using proven generation equipment, and if the resource is there, it will enable the resource to be tested in an operational sense at the commercial stage. If this demonstration project is successful, that will encourage the company to go on to expand the operations, because it believes this resource has the capacity to install up to 140 megawatts of geothermal energy in the south-west of Victoria.

This is very important because geothermal energy is clean, it is renewable, because of its location it is able to be connected to the grid and it is able to be used in a baseload fashion, unlike other renewable energy sources such as wind and solar power where there are problems because of their intermittent nature.

This is a huge step forward. This is a very important announcement for Victoria; it is a very important announcement for the south-west. I want to thank Greenerth Energy for taking the lead. We have called for tenders to undertake geothermal exploration and a variety of companies have put tenders forward. About 75 per cent of Victoria is now actively under examination to determine where and what geothermal resources exist.

This is a \$25 million grant that we are making available to bring on this energy. It will be the largest demonstration project for geothermal energy in Victoria. It will be able to be connected to the grid, and

if this comes forward it will provide a very promising development for the south-west.

Why? For two fundamental reasons: firstly, because the type of geology that exists and offers this potential around Anglesea is the same type of geology that is available through much of the south-west, and secondly, because the local communities and councils throughout the south-west are very supportive of renewable energy. Whether it is wind or whether it is geothermal, they are out there providing good, strong leadership, and we now have the construction of the gas-fired power station that will create far lower levels of emissions at Mortlake in the south-west.

What Victoria is doing is changing its energy mix. It is moving away from its dependence upon coal to cleaner renewable energy, and it is doing this in advance of the CPRS being passed. Unlike our opponents, who are keen to support nuclear power, we are supporting renewable energy.

**An honourable member** — Who?

**Mr BATCHELOR** — 'Who', the member asks. The mad monk wants to do it — you know who he is. The mad monk is going to lead you down the nuclear path, and you know that!

**The SPEAKER** — Order! The minister should come back to answering the question that was asked and should not debate the question.

**Mr BATCHELOR** — I was asked by interjection who was going to lead the Liberal Party down this path, and we know the answer to that.

**The SPEAKER** — Order! The minister knows that interjections are disorderly and he should ignore them. I suggest that the minister has been speaking for some time now and should conclude his answer.

**Mr BATCHELOR** — In conclusion, it is my role as energy minister, together with the Minister for Environment and Climate Change, to get Victoria ready to position our industry and our communities to make sure they are able to respond to the climate change challenge. We will do that, and we will not be diverted by those who do not believe it is a real issue.

**TRANSPORT LEGISLATION  
AMENDMENT (HOON BOATING AND  
OTHER AMENDMENTS) BILL**

*Council's amendments*

**Message from Council relating to following amendments considered:**

1. Clause 15, page 102, lines 1 and 2, omit paragraph (a).
2. Clause 15, page 102, line 3, omit "(b)" and insert "a)".
3. Clause 15, page 102, line 5, omit "(c)" and insert "(b)".
4. Clause 15, page 102, after line 24 insert —

**"230ZD Protection against self-incrimination**

- (1) It is a reasonable excuse for a natural person to refuse or fail to give information or do any other thing that the person is required to do by or under this Part, if the giving of the information or the doing of that other thing would tend to incriminate the person.
  - (2) Despite subsection (1), it is not a reasonable excuse for a natural person to refuse or fail to produce a document that the person is required to produce by or under this Part, if the production of the document would tend to incriminate the person."
5. Clause 15, page 102, lines 25 to 32, omit all words and expressions on these lines.
  6. Clause 15, page 103, lines 1 to 21, omit all words and expressions on these lines.
  7. Clause 15, page 103, line 22, omit "**230ZF**" and insert "**230ZE**".

**Mr PALLAS** (Minister for Roads and Ports) — I move:

That the amendments be agreed to.

**Mr MULDER** (Polwarth) — I acknowledge the members for Box Hill and Kew for their input in assisting with drafting the amendments that the government has agreed to accept. These amendments deal with the port service officers who were to be given coercive questioning powers; a matter that elicited quite some concern among opposition members.

In the briefings we were given these officers were referred to as the 'OHS people down at the port of Melbourne'. In other words, I think members would find there would be a very strong representation of union officials among them. To have a situation in which these officers would have coercive questioning powers — powers that I point out are not available to Victoria Police — is of some concern.

We note that in previous legislation these powers were given to Public Transport Safety Victoria in relation to its operation. That legislation dealt with the potential for very serious accidents involving trains and a potential for loss of life, and on that occasion the opposition agreed that those powers should be provided. In this situation the port service officers are dealing with issues such as work permits, fuel transfers, hazardous material and potential pollution issues. To provide these officers with this type of power raises the question as to what bill will come forward next and which other group of authorised officers the government will wish to provide with this type of power. Victorian police do not have these powers, so it is an extraordinary step to provide such powers to port service officers.

Recently I had the experience of dealing with authorised officers of Local Government Victoria in relation to a matter I have raised in this place about the appointment of the chief executive officer at the Colac Otway Shire Council. The local government inspectors interviewed me at Parliament House and took sworn evidence from me. At the commencement of that interview I was asked if I wanted to have a copy of the transcript of evidence, to which I replied that I did require a copy. On the disk it is clearly stated that I requested that transcript and that it would be forwarded to me within 10 days. Almost two months later we were still ringing Local Government Victoria requesting the transcript.

**The SPEAKER** — Order! I ask the member for Polwarth to come back to the amendments before the house.

**Mr MULDER** — In relation to the amendments before the house, Speaker, I am raising issues about the powers of authorised officers, the extension of those powers and my experience in terms of dealing with authorised officers. The matter I had to deal with has now been referred to the Ombudsman because of the refusal to release the transcript of my sworn evidence, which is completely and totally unacceptable.

When this legislation came before the house, I reflected on the way I had been dealt with by authorised officers and considered it to be totally unacceptable for a member of Parliament or someone who is prepared to give sworn evidence to be treated in that manner. I am not sure whether it was the officers themselves or Local Government Victoria, but the fact is that the transcript arrived at my office on the day that the report appeared in my local paper. My position was totally compromised. It concerned me to see the way that Local Government Victoria handled that matter, how

authorised officers handled that matter. When this legislation came before the house, having had that experience, I considered there was no way known coercive powers should be handed to officers who might be prepared to perform their duties in such a manner.

We thank the government for accepting our amendments. The members for Kew and Box Hill had a lot to do with their drafting. The amendments will now allow the legislation to proceed. I know the minister was keen to implement the hoon boating provisions because of the upcoming summer. He can go and shoot the advertisements now. Whether there will be a boat or a helicopter, or whether the minister is going to be out there pointing at a jet ski on Corio Bay or at the port of Melbourne, the minister can now shoot the advertisements. All I say is: for heaven's sake don't put on the budgie smugglers, whatever you do!

**Mr CRISP** (Mildura) — The Nationals in coalition supported these amendments when they were in this house, and we will support them again today. I would like to support what the member for Polwarth said, particularly about coercive powers. The principle of the amendment deals with the coercive powers provisions. These are extraordinary powers that are usually given to royal commissions, rail accident investigators and the like.

The Nationals harbour great concerns about the government's efforts to extend coercive powers into government departments. I do not think the community is ready for the precedent that this bill would have set by allowing authorised officers to have those coercive powers for what we might consider general use. For this reason, The Nationals will support these amendments.

**Mr McINTOSH** (Kew) — I join with the member for Polwarth and the member for Mildura in supporting these amendments. While they are opposition amendments, I understand the government has supported them and they have been incorporated into the legislation by virtue of the government's agreement.

Most importantly — and I put on record that luckily this issue was drawn to my attention by the member for Polwarth — the amendments deal with the issue of coercive questioning. If you look at the provision in the original bill, which is on page 102, you see it just says that it is not an excuse to fail to answer on the ground that someone may be incriminated. What is really insidious about the current provision in the bill which is being amended by amendments before the house is that a person does not even have the potential ability to

exclude those answers from a court proceeding that we have seen in other areas in the limited circumstance where coercive powers are provided.

Even in the Police Regulation Amendment Bill, which imported an existing coercive power — and I know the bill was defeated — and even in the circumstance of providing for extreme conditions of coercive questioning, those answers could not be used against that individual in a court of law. The most insidious aspect of this bill is that even the normal prohibition against self-incrimination that has existed in other bills we have seen introduce coercive powers does not appear in this legislation. It is a double whammy. Not only is there coercive questioning, which is a very dangerous thing — and we should only permit it in limited circumstances — but there is not even the guarantee that the answers will not be used in a court of law against the person who is providing them on the basis that those answers may provide a solution to a particular problem.

In previous legislation in this place we have surrendered the right against self-incrimination in very limited circumstances where there is an overwhelming public interest in ensuring that those coercive questionings are provided, together with a very powerful prohibition on those answers actually being used in a court of law at a later stage as grounds of incrimination. We have done it in relation to the Office of Police Integrity (OPI) legislation at a time when there was profound concern in the community about allegations of corrupt police and their links with gangland killings. We have certainly seen it implemented in the Police Regulation Act in the circumstances of a misconduct charge or a disciplinary offence. We have seen that again in limited circumstances because of profound concerns about allegations of corruption inside the Victoria Police.

We have seen the government try to do it in relation to coercive questioning — not in relation to allegations of misconduct in disciplinary matters but in relation to underperformance. That was a major sticking point between the opposition and the government. I know that bill has now been defeated, but it illustrates a very important point in relation to coercive questioning, which is that the government wanted to pursue the line that police officers should be coercively questioned in relation to underperformance.

What concerned the opposition was that here we had a government that was prepared to coercively examine police officers or workers in relation to underperformance — on matters such as dirty uniform or turning up late to work. Yes, the government had an

argument on why that should be allowed, but it certainly did not satisfy the opposition or the other parties in the other place.

Most importantly, the government is proposing to introduce coercive questioning, not by police officers but by authorised officers, in relation to port activity. A police officer investigating a murder or a rape does not have the ability to coercively question a suspect, but here we are allowing it in relation to port facilities. I understand why the government may want to move to that point, but even under the OPI legislation or the existing police regulation act there is a mechanism whereby that evidence can be used for a limited public purpose, which is to deal with corruption, but cannot be used against the individual who gives those answers. Accordingly, I support the member for Polwarth in his mechanism and for refusing to allow this bill to pass without this significant limitation.

I am very pleased that the government has accepted the amendment that was moved by the member for Polwarth. It has come down from the Legislative Council. I support the bill, and I support the amendments made by the member for Polwarth.

**Mr WYNNE** (Minister for Local Government) — I rise to lend my support to the minister and the negotiated settlement that has been reached in relation to the question of coercive powers that would attend to officers within the port precinct. In the interests of having this bill in place before the summer, I think it is important to acknowledge that the minister has accepted the amendment from the upper house to address the concerns that have been raised in that place. In doing so it is important that we acknowledge the vigour with which the minister has pursued this very important legislation.

In relation to the matter raised by the member for Polwarth, this is the first time that matter has been raised with me in relation to coercive power —

**Mr Mulder** — It is a very, very serious matter, I will tell you.

**Mr WYNNE** — It is the first time this matter has been raised with me — here in the house today — within the broader construct of what I now understand to be a referral to the Ombudsman. Whether I am in a position to address this matter directly with the member for Polwarth going forward, I will need to take some further advice on. If I am able to do so, having taken that advice, I will certainly engage with the member for Polwarth, as he would expect me to do.

The hoon boating legislation is crucial legislation. I speak in support of the amendment and the bill as a person who undertakes boating activities regularly with my sons on the bay. Anyone who fishes or recreates on the bay at any time throughout the year would know of the need for this legislation. It is proposed that in 2011 officers will have the power to impound boats and jet skis in the most extreme circumstances. The passing of this bill will be a timely reminder to those people who recreate on the bays — on Port Phillip Bay, Western Port or any of our open waters throughout Victoria — that whilst being on the water is a very pleasurable activity, it can also be extremely dangerous.

I had a conversation with the minister in the last couple of weeks during which the subject of some very experienced fishermen who drowned only a few weeks ago came up. Boating can be treacherous and dangerous, and inappropriate behaviour and activities by people on the bays is very dangerous. The passing of this legislation will send a clear message to people who go boating over the summer period that they have responsibilities not only to those who are on the craft with them but also other people who are enjoying activities on the water.

We want to ensure that summer is a fatality-free period. We all enjoy going out on the water and enjoying the beautiful facilities that have been provided through the support of this minister, particularly the upgraded ramp facilities on many of the public ramps. We now have first-class access for boating right around Port Phillip Bay and Western Port, but this is a timely reminder to people who go out on the water that boating is dangerous, that you have to behave in a responsible fashion and that if you do not, there will be serious repercussions. I commend the bill to the house.

**Mr PALLAS** (Minister for Roads and Ports) — In summing up, I would like to thank the members for Polwarth, Mildura, Kew and Richmond for their contributions, and in particular the member for Richmond, who gave a brilliant dissertation on the importance of this legislation.

On the issue of the amendments that have been made by the other place, I want to express my appreciation to the members for Polwarth, Kew and South-West Coast for their willingness to engage in a discussion with the government about the importance of this legislation. Overall it is critically important that the legislation pass. The suite of amendments before this Parliament that this Assembly considered and that have been considered by the Legislative Council effectively deal with the appointment powers of those officers within the port which will enable proper supervision and

enforcement of sensitive activities by the Port of Melbourne Corporation. The issue goes to what constitutes an appropriate balance of risk and control of risk, therefore the regulations before us and the issues raised by the members for Polwarth, Kew and Mildura essentially go to whether or not the balance contained within the legislative scheme is adequate or appropriate based on either the past practice of our legislative approach or indeed whether the circumstances appropriately warrant it.

From the government's point of view, the issues relating to ensuring that appropriate regulation of some very hazardous and dangerous activities in the port — most notably bunkering and the transfer of dry and liquid cargo, such as fuel, and hot works, such as welding — do require very substantial processes and resourcing to ensure that what are potentially hazardous and dangerous activities are not only properly controlled but properly scrutinised. Therefore it is the government's view that the capacity for scrutiny will minimise the potential for inappropriate conduct.

However, amendments have been made in the other place, and I am pleased to say they are supported by the opposition — and I do not wish in any way to detract from the fact that in the Assembly it was the opposition that moved these amendments — and the government understands that there will be a reduction in the powers given to port safety officers as originally proposed by the government in relation to persons being required to answer officers' questions and persons being able to refuse to answer officers' questions or to provide assistance to officers arising from the privilege against self-incrimination.

The opposition has suggested that these powers are excessive and not justified. In government we have to balance not only the issue of individual rights but also the community's welfare in putting forward legislation and in accepting amendments in circumstances we would see as warranted and appropriate. What the government did propose and what is now being removed from the legislation by these amendments is standard in transport safety regulation. In fact the powers conferred on port safety officers by the bill originally would have ensured that existing and contemporary standards in the transport sector were maintained.

The government's position on that, in terms of the overall perspective of this legislation, is that public safety is paramount, therefore we have had to accept these amendments. In order to ensure that public safety is paramount and that all the attendant changes that this legislation brings with it — whether it is the hoon

boating provisions, the culpable boating proposals, the fatigue management variations that will enable adequate provision of emergency services or indeed the alterations to the Road Management Act that will provide for better implementation of the government's policies more generally — the government considers the bill is important and must pass.

Government members accept there have been acceptances by this Parliament and by this government. We would say that the broader range of powers — indeed the powers that the opposition is concerned about — we are amending is entirely consistent with the existing powers conferred on officers in other areas of transport regulation, for example, in the areas of rail and bus safety. These powers have been approved on numerous occasions by those opposite since 2006 — during the passage of the Rail Safety Bill 2006, the Bus Safety Bill 2009 and at least one omnibus act, the Transport Legislation Miscellaneous Amendments Bill 2009. The powers that are given to transport safety officers in those pieces of legislation are there because they may be necessary for on-the-spot compliance and enforcement activities and the quick actions of officers in order to be able to save lives, prevent injuries and avoid property damage.

We could well ask the question: why does the opposition therefore wish these powers not to be exercised for port safety officers? On balance, as I said, from the government's perspective it is important that the legislation pass. We note that Environment Protection Authority officers will have a substantial number of the powers that we are excluding in respect of port safety officers, in particular in exercising authorised officer powers under the Environment Protection Act 1970. They already have coercive powers to require a person to provide information, and that person may not object to providing such information on the ground of potential self-incrimination.

On balance we have determined that whilst there is a reduction in the powers that in a perfect world the government would prefer to see incorporated in this bill, we recognise that there is a somewhat inconsistent approach in the way the powers of these authorised officers are being dealt with compared with those of other authorised offices in the transport area. Nonetheless, we recognise that it is important for public safety that this bill pass as quickly as possible, with the summer rapidly approaching. I have moved the motion in those circumstances. The government is pleased to receive the support and assistance of the opposition in order for the bill to pass. Once again I thank all members for their contributions and I thank them for

enabling this important piece of legislation to come into effect.

**Motion agreed to.**

**LEGISLATION REFORM (REPEALS No. 5) BILL**

*Second reading*

**Debate resumed from 25 November; motion of Mr HULLS (Attorney-General).**

**Mr WAKELING** (Ferntree Gully) — It gives me pleasure to rise to speak on behalf of the Liberal-Nationals coalition in this, the second-reading debate on the Legislation Reform (Repeals No. 5) Bill 2009. I state from the outset that the Liberal-National party coalition will not be opposing this bill. This is the fifth bill that has been introduced during the current session of Parliament by the Bracks and Brumby governments in an effort to reduce the number of spent or redundant pieces of legislation that are currently on the Victorian statute book.

The no. 1 repeal bill removed 15 principal acts from the statute book. The no. 2 bill removed an additional 7 principal acts and a further 48 amending pieces of legislation from the statute book. The no. 3 bill removed 9 principal acts, 13 amending pieces of legislation with either transitional or substantive provisions and 61 amending pieces of legislation which were then wholly in operation. The bill also introduced transitional application provisions into the Road Safety Act 1986.

The no. 4 bill repealed 45 principal acts and a further 5 amending pieces of legislation with either transitional or substantive provisions; and this, the no. 5 bill, repeals 3 principal acts and 5 amending pieces of legislation as well as amending the Corporations (Ancillary Provisions) Act 2001.

The coalition does not oppose removal of redundant legislation. There has been a history in this house over many years of government by parties of both political persuasions of removing redundant legislation from the statute book, and it is important that legislation is current and relevant to enable it to meet the needs of the Victorian community. The coalition will not be opposing this bill on the basis that in good faith we are reliant on the work of both parliamentary counsel and the Scrutiny of Acts and Regulations Committee (SARC). As an opposition we are not questioning the work of either body and we understand the enormous effort they have put into this area. However, there may

be unforeseen circumstances as a consequence of the removal of this legislation, and therefore we have adopted the position of not opposing the bill.

The Bracks and Brumby governments, but more specifically the Brumby government, had set a target of reducing by 20 per cent the number of principal acts that were in operation in this state in 1999 when the then Bracks government was elected to power. In the second-reading speech for the no. 4 repeals bill, the Premier indicated that:

This government has already made significant progress in its efforts to consolidate and modernise the Victorian statute book. The bill before the house, namely the Legislation Reform (Repeals No. 4) Bill 2009, is the fourth bill in the government's legislative reform program. Once passed, the bill will repeal a number of spent and redundant acts and contribute to the government's ambitious target of reducing the statute book by 20 per cent.

The first three acts in this series, namely the Legislation Reform (Repeals No. 1) Act 2008, the Legislation Reform (Repeals No. 2) Act 2008 and the Legislation Reform (Repeals No. 3) Act 2008 repealed a total of 153 acts between them. This bill will bring that total to approximately 200.

Any effort by a government to remove unnecessary principal acts from the statute book should be supported. However, it is interesting to look at the number of principal acts that have appeared on the Victorian statute book in the last 10 years. In the statement of government intentions presented to the house in February 2009, the Premier highlighted both the number of principal acts that were in operation and the number of acts that had been removed from the statute book in 2008 — that is, 153 acts. The same claim was made in the Premier's second-reading speech for the no. 4 repeals bill. However, of those 153 acts only 31 were principal acts and the remainder were amending legislation.

As of 1 January 2000 there were 544 principal acts on the Victorian statute, according to information provided by the parliamentary library. This was the first date after the election of the Bracks government from which such information could be taken. The 2008 statement of government intentions showed that as of 1 January 2007 the number of principal acts had increased to 579. Therefore in the period 2000–07 the number of principal acts increased by 35. The legislation in 2007 reduced the number of principal acts to 527 as at 1 January 2008.

The no. 1 bill reduced the number of principal acts to 512; the no. 2 bill reduced the number to 505; the no. 3 bill reduced the figure to 496; and the no. 4 bill reduced the figure to 451. To achieve the government's own target of a 20 per cent reduction in the number of

principal acts in operation since 1 January 2000, the government would have had to have reduced the figure to 435 principal acts. The no. 5 bill which is before us today will reduce this figure to 448, because it is only reducing by 3 the number of principal acts on the statute book, so the government has another 13 acts to go to achieve its target.

In the statement of government intentions this year, the government indicated there would be three repeal bills introduced in 2009: the no. 4 bill, which would deal with spent land acts and related matters; the no. 5 bill, which would deal with unidentified acts of Parliament; and the no. 6 bill, which would remove redundant legislation. As we know, the no. 4 bill has been dealt with and the no. 6 bill became the no. 5 bill, which we are dealing with today. The question was asked of the parliamentary advisers last week, 'What has happened to the bill relating to unidentified acts?' In fairness to them — and I do not wish to put them on a spot — we could not be given an answer as to what happened to that supposed bill. But, as we all know, three days later that bill magically appeared in this chamber. The second-reading speech for the no. 6 bill will be dealt with tomorrow.

Whilst this government is seeking to remove a number of spent acts from the statute book — and that is something, as I have indicated, we support — we are concerned about the level of regulation this government has been in control of. If one analysed the number of pages of regulations that Victorian businesses, Victorian families and the Victorian community are regulated by, one would see that that number has increased significantly since the start of January 2009. The government has enacted more than 12 000 pages of new laws but at that point had only repealed just over 6000 pages. There has been an increase of almost 6000 pages of new regulations under the control of this government. This government clearly has a penchant for increasing the level of regulation. Whilst we support and encourage the removal of redundant legislation, clearly there is a lot more this government needs to do with respect to reducing the level of regulation, burden and red tape that besets the Victorian community.

This no. 5 bill comes about as a consequence of a reference to the Scrutiny of Acts and Regulations Committee (SARC). A subcommittee was formed from that committee and chaired by Edward O'Donohue, a member for Eastern Victoria Region in the other place. The reference made on 1 March 2007 asked the committee to principally look at a number of pieces of legislation that applied with respect to the corporations power and report back to the Parliament. Victoria has enacted a number of pieces of legislation to deal with

the regulation of corporations within the state. As a consequence of the referral of powers in that area to the commonwealth, a review was required to determine if any of those pieces of legislation are still relevant.

The committee was asked to investigate the Companies Act 1961, the Companies Act 1975, the Companies (Application of Laws) Act 1981, the Securities Industry Act 1975, the Securities Industry (Application of Laws) Act 1981, the Marketable Securities Act 1970 and the Collusive Practices Act 1965.

The Scrutiny of Acts and Regulations Committee investigated and reported back to Parliament with respect to those matters. It submitted its report to Parliament in December 2008. The committee engaged the services of Professor Ian Ramsay of the centre for corporate law and securities regulation of the University of Melbourne to provide expert advice for the purposes of assisting the subcommittee to form a view as to whether the relevant acts were redundant or should be retained.

Interestingly when one looks at the report that was handed down by the committee and the second-reading speech for this bill one would be led to believe that the government had accepted the committee's report. To a large extent it did; however, there were a couple of changes that the government chose to make with respect to the committee's report. In regards to the recommendations which were handed down, the committee recommended that nine pieces of legislation should be repealed — those were the Companies Act, the Marketable Securities Act and a number of other acts. The committee recommended that the Marketable Securities Act be repealed. Interestingly — and I will come back to this point a little bit later — the government chose not to follow that recommendation from SARC and chose to handle that act differently.

The second recommendation that the committee made was that two acts should not be repealed — they are the Corporations (Victoria) Act 1990 and the Companies (Administration) Act 1981. The government did not agree with respect to the recommendation about the Companies Administration Act 1981.

The third recommendation was that the Collusive Practices Act 1965 should not be repealed at this time but should be the subject of further consultation and consideration.

That was in the report handed down by SARC as requested by the Leader of the House in 2007. The bill we now see before us is by and large reflective of that report, but as I indicated, there are some differences.

As I indicated earlier, the government has sought to repeal eight pieces of legislation. But interestingly it has requested that three acts — namely, the Collusive Practices Act 1965, the Marketable Securities Act 1970 and the Companies (Administration) Act 1981 — not be repealed and that those three acts should be considered separately as part of a broader consumer affairs modernisation project. We tried to glean a bit more information about that process, but that information was not forthcoming. We are unaware of whether or not that means these acts will be retained or have been identified for removal at some point in the future. I suppose all we can do is wait and see what may come of that. We thought they may possibly be part of the phantom no. 6 bill, but as we now know, that is not the case — or we are led to believe that that is not the case — because the no. 6 bill has been introduced and we will see the details of that bill tomorrow.

Furthermore, in accordance with the Scrutiny of Acts and Regulations Committee's recommendations, the Corporations (Victoria) Act of 1990 will not be repealed at this stage. When information was requested about at what point a decision will be made as to potentially making that redundant, some information was provided, but again we are awaiting further advice from the government about what it intends to do with that piece of legislation.

With respect to the relevant acts, the Companies Act of 1961 succeeded the Companies Act of 1958. Among other things, it deals with the constitution of companies, at part III; shares, debentures and charges, at part IV; management and administration, at part V; accounts and audits, at part VI; and special investigations, takeovers, arrangements and reconstructions, receivers and managers, and the winding up of a company.

In regard to the bill the Scrutiny of Acts and Regulations subcommittee formed the view that the Companies Act is redundant and should be repealed. However, in its report it went on to say:

The subcommittee further recommends that in drafting the legislation that repeals this act a regulation-making power should be included that allows for the making of regulations with respect to transitional or savings arrangements consequent on the repeal.

It went on to say:

This will ensure there is sufficient power to address any technical issues that may arise in the future in relation to the transition between the various schemes that existed before the referral of the corporations power to the commonwealth Parliament.

The Collusive Practices Act was developed in response to the then recent development in Australia of

restrictive agreements operating in the field of public tenders and contracts — for example, where there is an agreement between the tenderers to submit identical bids. This act does not aim at collusive agreements but at bids and tenders resulting from them. As you could appreciate, that area is quite common in the commercial world, where clearly a number of organisations would be involved in bidding and tendering processes. However, it does not appear to be part of a general cooperative scheme.

With respect to SARC's view of this bill, the report states:

... it is not clear whether the Collusive Practices Act is redundant and therefore the act should not be repealed at this time. The subcommittee recommends that the act should be the subject of further consultation and consideration. In particular, consultation with the Australian Competition and Consumer Commission.

The Marketable Securities Act is based on a system of the transfer of securities from 1966. An earlier scheme was extended beyond brokers' transactions, and requirements regarding signatures were removed. The subcommittee came to the view that the Marketable Securities Act is redundant and, similar to the case with the Companies Act, called for transitional arrangements.

The Companies Act of 1975 amended the Companies Act of 1961 to give effect to a 1974 intergovernmental agreement. The agreement provided for the establishment of an Interstate Corporate Affairs Commission and for the elimination of differences in the respective states' legislation. Again the subcommittee formed the view that the Companies Act is redundant and should be repealed, with transitional arrangements in place.

The Securities Industry Act of 1975 was developed to consolidate and amend the law dealing with securities. It was developed under the Interstate Corporate Affairs Agreement, with identical pieces of legislation having been introduced in New South Wales, Queensland and Western Australia. Similar to the others, it was deemed by the committee to be redundant.

The Companies (Acquisition of Shares) (Application of Laws) Act 1981 gave effect to a 1978 intergovernmental agreement between the commonwealth and the states. The purpose of the agreement was to secure uniformity in company law. The report states:

Given the terms of reference under which the subcommittee's inquiry was held specifically request the committee 'to pursue the primary objects of reducing the number and complexity of

Victorian acts and legislative instruments ... the subcommittee recommends the ... act ... be repealed.

However, again the subcommittee called for transitional provisions to be put into place.

The Companies (Administration) Act 1981 established the Corporate Affairs Commissioner as a body corporate and the Companies Auditors and Liquidators Disciplinary Board. The subcommittee came to the conclusion that it believed this piece of legislation should be retained. It drew on a letter from the Victorian minister for justice dated 7 May 2007, in which he said:

One of the current roles of the commissioner is the administration of the Trustee Companies Act 1984 which is allocated to consumer affairs and Treasury portfolios jointly until its replacement by a uniform model bill being developed by the Standing Committee of Attorneys-General.

The subcommittee went on to refer to some conclusions drawn in Western Australia. It deemed that for these reasons the bill is not redundant and should not be repealed.

The Companies (Application of Laws) Act of 1981 applies substantive commonwealth legislation dealing with companies in Victoria. The minister may authorise publication of provisions of the commonwealth legislation in operation in Victoria, which may be cited as the Companies (Victoria) Code. Similar to the view drawn on the Companies (Acquisition of Shares) (Application of Laws) Act, the subcommittee came to the conclusion that this act should be repealed on the basis that it is trying to remove acts that are spent.

The Companies and Securities (Interpretation and Miscellaneous Provisions) (Applications of Laws) Act gives effect to a 1978 intergovernmental agreement between the commonwealth and the states, the purpose of which was to secure uniformity in company law. Similar to the case with the previous act, the committee said that it should be repealed.

The Securities Industry (Application of Laws) Act 1981 dealt with, again, a 1978 intergovernmental agreement. The committee drew the conclusion that that bill should be repealed.

The Futures Industry (Application of Laws) Act 1981 applies substantive commonwealth legislation dealing with the futures industry. The minister may authorise publication of provisions of the commonwealth legislation in operation in Victoria, and that may be cited as the futures industry code. The committee has deemed that to be suitable to be repealed.

Finally, I refer to the Corporations (Victoria) Act of 1981. Professor Ramsay had provided advice that that piece of legislation should not be repealed. He went on to state that:

The Corporations (Victoria) Act 1990 applies certain provisions of the Corporations Act 1989 of the commonwealth and the Australian Securities and Investments Commission Act 1989 of the commonwealth and of regulations under those acts as laws of Victoria and applies certain other laws of the commonwealth as laws of Victoria for the purpose of the administration and enforcement of the law relating to corporations, the securities industry, the futures industry and some other matters. The act contains detailed transitional provisions — particularly in relation to ensuring that the national scheme laws prevail over the earlier co-operative scheme laws. The act was amended as recently as 2005.

Given the fact that that act was dealt with as recently as 2005, he believed it should not be repealed.

Corporations laws play a very important role not only in the operation of Victorian businesses but also in the operation of businesses throughout the commonwealth. It is important that we have legislation which is relevant and up to date to ensure that we regulate appropriately and efficiently for those businesses. However, it is important to identify legislation that is deemed to be redundant, particularly when we have had transitional arrangements in place. One can only think of industrial relations legislation and previous legislation that this Parliament has enacted in that area; both sides of Parliament would agree that the Victorian legislation is no longer relevant because of moves put in place by the Kennett government to cede those powers federally.

I am aware that other people intently wish to speak on this bill. I appreciate the attentiveness which my colleagues have shown in allowing me to speak on this very important piece of legislation. With those comments, I reiterate that the opposition will not be opposing this piece of legislation.

**Mr DONNELLAN** (Narre Warren North) — It is lucky there was not a revolution against the previous speaker then. What a riveting contribution! I am sure an uprising was about to occur to drag the previous speaker down!

It is an honour to speak today — and I will make my contribution very short, in relative terms — on the Legislation Reform (Repeals No. 5) Bill 2009. The bill repeals a number of redundant corporations laws. In 2001 the state referred many of those laws to the commonwealth under the commonwealth's Corporations Act 2001. The acts which have been identified for repeal include the Companies Act 1961, which dealt with constitutions of companies, shares,

debentures and charges, management and administration, accounts and audits, special investigations, takeovers, arrangements and reconstructions, receivers and managers and the winding up of companies.

The bill also deals with the Companies Act 1975, which gave effect to a 1974 intergovernmental agreement regarding the reconciliation of differences in companies acts of the states that were party to the agreement. It also deals with the Securities Industry Act 1975 by getting rid of that; the Companies (Acquisition of Shares) (Application of Laws) Act 1981, the Companies (Application of Laws) Act 1981, the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981, the Securities Industry (Application of Laws) Act 1981 and the Futures Industry (Application of Laws) Act 1986. The bill also makes consequential amendments to the Corporations (Ancillary Provisions) Act 2001.

As was mentioned by the previous speaker, these repeals and amendments were recommended by a subcommittee of the Scrutiny of Acts and Regulations Committee in December 2008. There has been consultation with the Law Institute of Victoria, the Victorian Bar, the Australian Securities and Investments Commission and the Ministerial Council for Corporations working group, and I understand that further advice was sought from the Victorian Government Solicitor's Office.

As part of the government's ongoing commitment to repeal redundant acts, to date 76 principal acts have been repealed. It is about getting rid of the deadwood. The bill delivers on the government's commitment, outlined in this year's statement of government intentions, to simplify the government's legislative instruments. It is another example of the Brumby government's commitment to reducing duplication and complexity in our legal system. I commend the bill to the house.

**Mr CRISP (Mildura)** — I rise to make a contribution to the Legislation Reform (Repeals No. 5) Bill 2009. The purpose of the bill is to repeal spent and redundant acts and amending pieces of legislation. The main provisions of the bill are to repeal three principal acts and five amending pieces of legislation, with either transitional or substantive provisions. The acts to be repealed — and there are eight of them — are the Companies Act 1961, the Companies Act 1975, the Securities Industry Act 1975, the Companies (Acquisition of Shares) (Application of Laws) Act 1981, the Companies (Application of Laws) Act 1981,

the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981, the Securities Industry (Application of Laws) Act 1981 and the Futures Industry (Application of Laws) Act 1986.

The bill has been developed as a result of a referral to the Scrutiny of Acts and Regulations Committee in May 2007 to identify redundant corporations legislation that supported the Victorian corporations law framework prior to the state referring its powers to the commonwealth in 2001. In December 2008 a subcommittee of SARC handed down its recommendations. As part of the recommendations those eight pieces of legislation are being amended. I commend the members of SARC and the chair of the subcommittee, a member for Eastern Victoria Region in the other place, Mr Edward O'Donohue, for their work. I also want to commend the member for Ferntree Gully for his dissection of the various parts of this bill. I am going to work through it to a much shorter conclusion.

The program was part of the Brumby government's commitment to reduce the number of acts that operated in 1999 by 20 per cent. In January 2000 there were 544 principal acts on the statute book. By January 2007 this figure was up to 579, and by January 2008 the figure had been reduced to 527. Repeals bills nos. 1, 2, 3 and 4 have reduced this figure to 451, and repeals bill no. 5 will reduce it to 448. The government still needs to remove 13 more principal acts to meet its target. However, we must be aware that while the government is seeking to reduce the number of acts on the statute book, the number of pages of legislation enacted by this government increased by more than 5900 between January 2000 and December 2008. We have had 12 000 new pages of legislation enacted but only 6000 repealed. So the number of acts is less, but I do not think the complexity of our legislative framework is decreasing.

There is also some talk that this helps with some red tape, which was the aim of reducing the number of bills. Red tape drives country Victoria mad. Getting through red tape really is a difficult task and perhaps we need to look to getting past these redundant bills as quickly as we can so we can try to get into the meat of government to reduce red tape for all of Victoria but particularly the country. We in the country do not have access to the same officers and bureaucrats as everybody else has, and trying to sort out even the simplest bit of red tape can take forever and, as I said, drive people to distraction. So if we can quickly get rid of the redundant legislation and start to look at some of that really meaty legislation and address some of those

red tape issues, we will produce a far better result for Victoria generally and particularly country Victoria.

I would also like to build on that referral of our Corporations Law to the commonwealth in 2001. I want to refer to some decisions that have been made recently. I do want to focus on what I call the country financial sector, which has been impacted by some of the downstream consequences of this referral. After the 1990s, which was a very difficult era in the financial sector, particularly with banks, there were a large number of bodies across Victoria representing debenture-issuing companies that were established across country Victoria, and in fact across most of country Australia. They do manage investors' funds, but what they tend to do is offer debentures for short periods and lend long to country businesses.

I note there is one particular provider which has — as you would know, Acting Speaker, being the representative for Ballarat East — three members in Ballarat, showing the importance of this sector to regional Victoria. These companies have been operating in country Victoria for a very long time. However, they were adversely impacted by the federal government's bank guarantee which caused the failure of a very well-established company in my electorate, which caused considerable grief to both those who were investors and those who were borrowers. Basically a run was caused by the commonwealth's bank guarantee not being extended to these provincial or regional lenders and that caused a large number of our country businesses to have to make other arrangements.

With all these laws that we have referred to the commonwealth and particularly with all the cooperative federalism that we talk about so much in this place, if the Brumby government is going to keep referring these powers to the commonwealth, one wonders whether it should at least keep the communication channels open so that we will not have something happen again like occurred with this bank guarantee and the problems that has caused us in country Victoria.

We referred the powers to the commonwealth and we trusted the commonwealth with them, and yet almost the first act of the Rudd federal government was to pull the rug out from under regional Victoria by casting a doubt over some of these very valuable country lenders. It was ever so important. Would Victoria have done it differently if it had retained these powers? I hope so. But instead we have trusted the commonwealth, and that was the case from 2001 until we got to 2008, and then the Rudd government pulled the carpet out from underneath a whole number of country businesses and country people. It did not help to have this occur during

a time of drought as well. It was avoidable. The Treasurer of the country could have taken some care. Someone from Victoria could have indicated the importance to country Victoria of the rural finance industry and these small financial companies.

The Nationals will not oppose this repeal legislation, but we want to point out that when you trust someone else with it, you should make sure you leave some strings attached so that when they have a fit of fancy we do not get injured by it. With those comments, I indicate The Nationals will not oppose this legislation.

**Mrs MADDIGAN** (Essendon) — I rise to support the Legislation Reform (Repeals No. 5) Bill. I am not quite sure what the concerns are of the member for Mildura. Perhaps he is a bit concerned that there might be a change of government at federal level and therefore the same support will not be given to the states that is currently given.

**Mr Walsh** — Very droll.

**Mrs MADDIGAN** — Thank you; I am glad the member for Swan Hill enjoyed it. I will just continue happily, shall I? Of course this is a reference to the scrutiny of acts and regulations.

**Mr Walsh** — I am sure there will be change of government and there'll be more support.

**Mrs MADDIGAN** — The member for Swan Hill hopes there will be a change of government. I say, 'Good luck', and we will talk about it later. I am fairly confident that we can rely on the current federal government to make sure that the Corporations Law is well maintained and controlled. So I think those of us on this side of the house are quite confident that ongoing Rudd governments will be able to achieve that aim.

I must say I was a little bit surprised by the response from both the member for Ferntree Gully and the member for Mildura in that they seemed to be criticising the house for passing legislation. I thought that is what Parliament was for and that that is why we come here — that is, to look at bills and pass them — and yet they have chosen — —

**Mr Walsh** — I thought it was just for question time!

**Mrs MADDIGAN** — I am sorry, I beg your pardon. The opposition has pointed out to me that so far as its members are concerned they only come here for question time. All I can say is that it is a pity they cannot do it a bit better, but never mind, I would not

want to make any comments that were not made through the Chair.

I come back to the bill. I was a bit surprised because there seemed to be a certain amount of criticism from the members for Ferntree Gully and Mildura that we have passed a great deal of legislation. They measured it by the number of pages of legislation that we had passed. That really is quite a fascinating way of assessing whether you think legislation is good or bad; apparently it depends on how many pages you have in the legislation.

The reason governments keep passing legislation is that society changes and you have to keep up to date with changes in the community and ensure that the legislation is there to meet current requirements. If you just look at the legislation that has been passed in the time that we have been in government, you will note there are very few bills that the opposition has not agreed with, because most bills are really a matter of common sense. They are there to meet new requirements or to improve old legislation where problems with it arise.

The opposition has chosen to attack legislation because there are 5000 pages in total, and yet the opposition has endorsed most of it. It seemed to me a very unusual way to approach the bill. Even if you look at the bills before Parliament now, I cannot imagine that the opposition would not want them to be considered. I refer to things like the hoon boating legislation, the Magistrates' Court Amendment (Mental Health List) Bill, which of course sets up a special court for mental health, the Crimes Legislation Amendment Bill, the Livestock Management Bill and the Transport Integration Bill.

For the benefit of the member for Ferntree Gully, who wanted to know what had happened to the Legislation Reform (Repeals No. 6) Bill, I am sure that if he cares to read today's notice paper he will see the eighth order of the day, government business, is exactly that bill, which was of course introduced yesterday. We can only hope the member for Ferntree Gully has a good look at the bills that were introduced yesterday, as that will answer his question about what happened to the bill he referred to as a ghost. But you might think that perhaps he is a ghost member, because if he was a real member, he would have known it was being introduced in the house yesterday. It is not a ghost bill; it has been introduced in the house, and of course further details on it will be available tomorrow, if not this afternoon.

This is a common-sense bill. In fact we were a little surprised that the member for Ferntree Gully spoke for

so long, but he told us he was told he had to. Luckily we do not have those sorts of instructions on this side of the house. So when it is a common-sense, logical bill as this is, when it will do something useful for the community and when it is following government policy, of course it is a bill that we on this side of the house support very strongly, and we are very pleased to have the support of the opposition as well. I look forward to the speedy passage of this bill through this house and the upper chamber.

**Ms ASHER** (Brighton) — I too wish to make a few comments in putting the coalition's case to not oppose the Legislation Reform (Repeals No. 5) Bill 2009. I also want to make a couple of broader comments about the context of this bill.

In my opinion this is simply just a routine statute law revision; that is what they were called in a previous era. The eight acts to be repealed are outlined in schedule 1. I will not go through them; other speakers have already done so. In schedule 2 there is an amendment to one of the acts which SARC (Scrutiny of Acts and Regulations Committee) deemed appropriate to keep in part, and certainly in relation to this amendment to keep some regulation-making powers. As I said, it is simple statute law revision, or it was called that when I entered this Parliament 17 years ago.

However, the government has always liked to spin, to package for publicity and to make great claims. In the second-reading speech for this bill the minister said:

The Legislation Reform (Repeals No. 5) Bill 2009 ... is part of a raft of legislative and regulatory reforms introduced by the Labor government.

That is a sweeping statement and a grandiose claim. In due course I will illustrate why it is not accurate. However, first I will touch on the bill itself.

In 2007 the Scrutiny of Acts and Regulations Committee was given the task of reviewing the corporations law framework. The bill before the house is the product of the recommendations of that committee. The committee reported in December 2008. I will make two observations about that report, the *Report on Redundant Corporations Laws*.

The first is that the subcommittee of SARC that conducted this review, which I think was chaired by Edward O'Donohue, a member for Eastern Victoria Region in the other place, engaged Professor Ian Ramsay of the centre for corporate law and securities regulation at the University of Melbourne law school to provide expert advice to assist the subcommittee. I make the casual observation that when SARC has to

employ somebody of this stature to advise on whether legislation is redundant we are obviously moving into a particularly complex area. The committee made the point that Professor Ramsay did not conduct a detailed examination but provided a limited review for it. The end result of that review is that SARC examined 12 acts of Parliament — and the member for Ferntree Gully has gone through this in detail — and found 8 to be redundant, with some amendments required to others. The result of that is the bill before the house.

The government sought further advice on this from the Victorian Government Solicitors Office, I assume because of the sensitivity of the corporations law area. The bill ended up back at SARC. I suspect this was overcompensation for the government not referring one repeals package to SARC, for which it was heavily criticised by the opposition. At page 8 of *Alert Digest* no. 15 of 2009, dated Tuesday, 8 December, SARC provides a succinct background to the bill before the house. I quote the note regarding schedule 1:

These acts are to be repealed because they contain matters that are now regulated by the Corporations Act 2001 of the commonwealth. The acts are now redundant. Any residual or continuing effect of any transitional or savings provisions in these acts will be preserved under section 14 of the Interpretation of Legislation Act 1984. In addition, schedule 2 —

to which I referred earlier —

inserts new section 26 into the Corporations (Ancillary Provisions) Act 2001 which enables regulations to be made for or with respect to any transitional matters relating to the repeal of the acts.

I want to take up this particular point, because in the second-reading speech the minister made a sweeping statement that this is part of legislative and regulatory reforms — the government's grand red tape reduction program — but these eight acts are being repealed simply because they are now regulated by the commonwealth Corporations Act. This is not sweeping reform; it is simply a circumstance that exists.

The ALP published a small business document called *Time to Thrive* in August 2006. At page 14, in a chapter called 'Reducing the regulatory burden', the government claimed its policy is as follows:

To reduce the burden we will:

cut the existing administrative burden of regulation by 15 per cent over three years, with a target of cutting 25 per cent over the next five years ...

I suspect that the government will claim this piece of legislation as part of its program of cutting red tape.

The problem with the government's approach — and I raised this when we discussed previous repeals bills — is that it was not prepared to disclose the starting point. If the government wants to claim that it is reducing regulation by 25 per cent over five years, it has to indicate what the starting point was, because sometimes nonsense can go into these figures. I would argue that the repeal bill before the house does nothing to remove the burden from business, given it is now all regulated by the commonwealth anyway, but I imagine the government will claim that this is part of its reduction of red tape.

The Minister for Small Business wrote an undated letter to me after I had queried this very issue in the house. He said:

The 2007–08 progress report released by the Treasurer —

that is, on red tape —

in November 2008 ... indicates a net estimated reduction in the administrative burden of government regulation based on current initiatives of \$162 million per annum.

However, I again make the point that whilst the acts to be repealed under this repeals bill will probably form part of the target, the minister and the government have not come clean on what the starting point was for this percentage reduction.

I again refer to the Victorian Competition and Efficiency Commission, which is charged with the responsibility of looking at Victoria's overall regulatory burden, which was specifically referred to in the second-reading speech. In a report called the *Victorian Regulatory System 2009* VCEC made an observation. The member for Essendon queried the opposition referring to the number of pages of legislation. The very simple answer is that it is the government's own body, VCEC, that looks at these issues, and it believes that not only is the number of regulations and laws important but also the number of pages, because that is the number of pages that businesses and indeed individuals have to analyse in order to comply with laws or regulations.

The Victorian Competition and Efficiency Commission in this document says:

As at 1 January 2009, Victoria's business regulators administered 188 acts comprising 26 096 pages. While the number of acts had decreased since 1 January 2008 (from 191), the number of pages had increased (from 25 617). In addition, these regulators administered 218 regulations (up from 209 in 2008) comprising 8561 pages (up from 8311) and over 370 codes of practice (up from 352 in 2008). The codes of practice are made up of over 100 legislative codes and over 260 voluntary codes.

I wish to conclude where I started: the beginning of the second-reading speech, which made the claim that this bill — and I go back to the government's quote:

... is part of a raft of legislative and regulatory reforms introduced by the Labor government.

The fact of the matter is that this is minor reform. It has not even met the government's targets for the year in terms of the number of laws to be repealed, but there is a far more substantial point — that is, if the government wishes to tell the public that it has cut regulation and legislation by a certain percentage, it needs to tell the public and the Parliament what in fact the starting point was. I urge the Minister for Small Business to read the *Victorian Regulatory System 2009* report to see that it is the government body, the Victorian Competition and Efficiency Commission, that is critical of this government for its failure to reduce the amount of red tape and the burden on businesses in particular and on individuals in the state of Victoria.

**Motion agreed to.**

**Read second time; by leave, proceeded to third reading.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## **WATER AMENDMENT (ENTITLEMENTS) BILL**

*Second reading*

**Debate resumed from 25 November; motion of Mr HOLDING (Minister for Water).**

**Mr WALSH** (Swan Hill) — I rise to make a contribution on behalf of the coalition to the debate on the Water Amendment (Entitlements) Bill 2009. This bill will do a range of things. It makes further provisions as to rights to water in publicly accessible waterways, or the drover's right as it is more commonly known — I will come back to that later. It also makes provision as to the assignment of water allocations under bulk entitlements and makes other amendments to the provisions as to bulk entitlements, to alter the meaning of 'water allocation', to provide for various matters relating to environmental entitlements and to provide for various matters relating to the provisions for water shares and the water register. It also amends the Residential Tenancies Act 1997 to make further

provisions for rating standards for water appliances in premises to which the act applies.

This bill is what you would probably call colloquially a 'housekeeping bill' in that it contains a range of technical amendments to better reflect the practical implementation of major amendments to the Water Act 1999, which were done in 2005. It is useful for the house to reflect on the major problems that arose out of some of those major changes to the Water Act in 2005. They were principally around the issue of unbundling, the separation of land and water and the setting up of the water register. At the time there were a lot of issues about what was a confirmed water share and what was an unconfirmed share. This government had two years to get the implementation of those things right. The legislation was passed in 2005, but a lot of these changes were not implemented until 1 July 2007.

The government had two years to do the preparatory work to get all the changes right, but as we all know it did not do so. It had two years to get it right, but the mail-out of the details when the unbundling of water was done was late. It had two years given it was not supposed to be implemented until 1 July 2007, but what happened? The mail-out was late; it did not arrive until after 1 July 2007. That caused problems with both temporary and permanent water traders at that time. Even more importantly, it held up some land transfers at the time. My office had quite a few calls from people whose land transaction deals were held up because they could not get the information as to whether they had a confirmed water share or not to let their land transactions go through.

One particular constituent of mine incurred tens of thousands of dollars in penalties and interest because he had sold one block of land, bought another block and had to settle for the land he had bought, but he could not get the settlement for the one he had sold because it was held up by the stuff-ups with the water register. At that particular time there was a lot of personal anguish, pain and suffering for quite a few people. This government had two years to get all those technical issues right but did not get it done. There is still some confusion around water bills even at this moment.

This government has form when it comes to the implementation of water issues. One of the things that has been said constantly since the government was elected in 1999 is that water is going to be a priority issue for this state. We are all in heated agreement about the fact that water is a heated issue, but when you have a government that says it is a priority issue and then does not do anything about it, it is a real issue.

**Mr Crutchfield** interjected.

**Mr WALSH** — The member for South Barwon shakes his head. This government has been good at doing things about water: it has been good at putting out press releases, having major media announcements, putting advertisements on the TV and in the newspapers — —

**An honourable member** interjected.

**Mr WALSH** — And a red helicopter, but when it comes to doing something real it is not necessarily so good. When the people of Victoria heard this government say water is a priority issue, they did not realise it was a priority issue for spin and advertising and not for actually doing something about the supply of water.

Over this decade of the Brumby government we have had a green paper and a white paper. People went through an exhaustive process of making contributions and taking part in meetings and those sorts of things, but when the community went through this torture with the government it did not realise that the government was not going to put the resources into doing the things it had committed to do. It either did not care or it was not going to do anything about managing the change, or both. It was good at getting the headline and making the announcement, but months later when the implementation was supposed to happen it was poor on follow-up.

That goes right back to 1999 when the government was elected. This government was put into power with the support of the three so-called Independents at the time. One of those Independents was the member for Gippsland East, who sought higher flows back to the Snowy River. What happened was that promises were made in 1999 but no legislation was introduced into this house until September 2002. That was the first time anything was done to put in place the rules that might achieve this, and then that was only a rush job because we were coming up to the next election and the government wanted to be seen to be doing something.

Before that legislation could be implemented an election was called, and it took until March the next year for it to be reintroduced and for anything to be done about it. The commitment at the time was to return 28 per cent of the flows to the Snowy River. If we have read the budget update we all know that at this stage something like only 5 per cent has been returned. A lot of promises were made back in 1999, but there was not much action from this government when it came to water for the Snowy.

The very first act of the former Minister for Environment and Conservation, Minister Garbutt, when this government was elected in 1999 was to introduce the Water (Waterway Management Tariffs) Bill. It is an interesting history lesson for those on the other side of the house on how they have made a promise at one time, done something and then a few years later done the opposite. The Water (Waterway Management Tariffs) Bill was brought into this place, and I will quote from the second-reading speech, which states:

It is because this government is committed to healthy catchments and waterways in Victoria that it believes the catchment management levy must be abolished. Funding for catchment health should be provided from whole-of-government funds, not from levies imposed on local communities.

In 1999 this government brought in this legislation to abolish what was a very small levy that helped to fund catchment management. But in August 2004 the then Minister for Water, John Thwaites, introduced the Water Industry (Environmental Contributions) Bill, and I quote from the second-reading speech, which states:

This bill will provide for environmental contributions to be paid by water authorities. The contributions will be based on a percentage of each authority's revenues.

It would be 5 per cent of the revenue for urban authorities and 2 per cent of the revenue for rural authorities. The second-reading speech goes on to say:

This government is committed to providing transparent arrangements.

In 1999 this government abolished the catchment levy, and in 2004 it introduced a new environmental levy to raise something like \$60 million a year and said it was going to provide 'transparent arrangements'. What the government did not say in any of these speeches was that the levy was not going to show up on the water bills. Your water bill, Acting Speaker, my water bill and the water bill of anyone else in this house does not say that the water authority is effectively paying 5 per cent if it is an urban authority, or 2 per cent if it is a rural authority, in a hidden tax to this government for environmental management. When you think about what it promised in 1999 and then took away in spades in 2004, this government has a very poor track record when it comes to water management.

Something that was very controversial in this place, and I do not believe this government did a very good job of implementing it, was the Water (Irrigation Farm Dams) Bill. Members who were in this place at the time that piece of legislation went through here will remember it was a very divisive issue, not only in this Parliament but right across the community. If you look at the

*Hansard*, you will see there is page after page of debate on that issue. There was extensive consultation across the community; I will give the government credit for that. One of the things that was said in the second-reading speech to make this whole farm dams issue work was as follows:

Existing stream flow management plans that have been prepared or are currently under development will be able to be approved under the new provisions.

What were promised at the time and not delivered were the resources to do the stream flow plans that were necessary to underpin this whole issue of farm irrigation dams, what is a waterway, what is not a waterway and what are people's entitlements to take water out of waterways. The resources to do the stream flow management plans were never provided. The majority of the plans are still not done. There are still issues in the community about how that legislation has been implemented, and I know in the north of the state Goulburn-Murray Water has most certainly not been implementing the legislation in the spirit in which it was debated in this place. I am sure the member for Benalla will have more to say about that when he makes his contribution, because it is a very vexed issue in his part of the world.

Again I turn to what has been promised and what has not been delivered by this government when it comes to water. In April 2003 the government introduced the Water Legislation (Essential Services Commission and Other Amendments) Bill. This bill was introduced to bring the water authorities in Victoria under the guidance of the Essential Services Commission. I quote from the second-reading speech for that piece of legislation, which states it was for:

protecting the long-term interests of all customers in terms of price and quality of water services;

facilitating a financially viable water industry;

ensuring environmental, public health and safety and social obligations are fully considered;

ensuring transparent and accountable processes for regulatory decision making; and

providing incentives for long-term investment.

It is not surprising that when you look at the intent of that legislation which was introduced in 2003 and then look at the Auditor-General's 2008–09 report on water authorities you see that most of the water authorities are losing money — there is nothing about financial stability there. Coliban Water in particular is at risk of going broke and is now talking about how it is going to have to go back to the Essential Services Commission

to reopen its five-year plan to get an even further price increase in order to stay viable.

Despite the fact that water prices are going up by somewhere between 60 and 80 per cent over the next few years across all those particular water authorities, there is the issue that the pensioner concession rates for water, sewerage and drainage are not going up at a rate that is relative to the price increases. Those in the community least able to pay for their water charges are being impacted on the most by this government's inability to manage the water resources of this state and provide a cost-efficient water supply to the people of Victoria.

A lot of promises were made on water but not delivered by this government. In 2003 it brought the Water (Victorian Water Trust Advisory Council) Bill into this place. There was great fanfare about the water trust. The water trust was going to solve all of Victoria's water infrastructure problems. There was a \$160 million budget allocation made to it at the time, and there was a promise of another \$160 million to be allocated at some time in the future to make a total of \$320 million invested in water infrastructure in this state. The first \$160 million was used to pay for previous promises made by this government — not for new water infrastructure but for capital funding of previous promises. The allocation of the second \$160 million got very blurred. No-one really knows whether it was delivered or not, and the Victorian Water Trust has faded into oblivion.

In October 2005 the Water (Resource Management) Bill, which needs the solutions being proposed by the bill currently before the house, was the largest change to the Water Act since 1999, when there was a major rewrite of provisions. The second-reading speech was not even introduced by the then Minister for Water; it was the member for Dandenong, the then Minister for Gaming, who introduced the bill. The then Minister for Water obviously was not around on that day to introduce his own piece of legislation with the biggest changes in a couple of decades.

The bill before the house provides for a whole range of things in the Water Act, but particularly it sets up the unbundling of water, which sets up a water share, a delivery share and a water-use licence. I have already talked about the issues of the implementation of that unbundling when this government had two years to set up the water register to handle that aspect, but when the time came it fell at the first hurdle and was not done properly.

The government also set up a new consultative process for decommissioning rural water supply infrastructure. At the time that did not sound all that dramatic, but now when we look at what is going on with the Northern Victoria Irrigation Renewal Project, we know why those changes were introduced to the water act in 2005, because it is the stated intention of those people who are running NVIRP — which is a wholly-owned state government enterprise — that it will close down 60 per cent of the irrigation infrastructure in northern Victoria.

We now know why that change was brought into this legislation. It is so that the government can make it a lot easier to close down the irrigation infrastructure of northern Victoria. At the time, to protect some of the issues and address the worries raised by the community and the Victorian Farmers Federation about the impact of water trade, a 10 per cent cap was introduced into the legislation on the amount of the non-water-user limit. That cap was put in place to protect those communities from water trade, and there was a 4 per cent cap on the trade of each individual water business that Goulburn-Murray Water introduced each year.

We all know this government brought in legislation this year and abolished that 10 per cent cap. In the legislation that was introduced in 2005 there was a very detailed process put in place for reviewing that 10 per cent cap. This year the minister did not use any of that review process but simply made an arbitrary decision to get rid of the review process. The reason the minister made that arbitrary decision was that the Premier of this state and the federal Minister for Climate Change and Water, Penny Wong, did a deal at the Council of Australian Governments that they would trade off the 10 per cent cap for some other form of assistance from the commonwealth government. But the losers here are the communities of northern Victoria.

Although there is a 4 per cent cap on the permanent trade of individual water businesses introduced each year by Goulburn-Murray Water, we know that with the deal that has been done water can be traded around that cap for environmental purposes. The 4 per cent cap is ineffective in stopping water trading out of those areas, because there is now a deal for the commonwealth to buy 60 000 megalitres a year around that cap or a rolling average to total 300 000 megalitres over five years.

The Goulburn-Murray irrigation district, before this government was elected, had 1.6 million megalitres in water rights. Since this government came to power there has been about 300 000 megalitres traded out of that system to a variety of other sources. We now have a commitment from this government to allow the

federal government to come in and buy another 300 000 megalitres, and on the current sales trends there would be another 200 000 megalitres traded out of that area. Effectively, since this government was elected, the water entitlements held in Goulburn-Murray Water will have halved. It will go from 1.6 million megalitres to less —

**Ms Duncan** — On the bill!

**Mr WALSH** — This debate happens to be on the water bill actually. This means there will be a halving of the water rights in the Goulburn-Murray irrigation district. There is a government in this state that believes the water rights of northern Victoria are some form of magic pudding and you can keep promising water to this one, you can promise water to that one, and you are still going to have enough left over for the farmers of the state to produce the food that we need.

When we get to the end of this process we are going to find that there will be a scarcity of irrigation production in northern Victoria. Water is not a magic pudding in this state where the government can keep promising more and more, because on these figures the Brumby government has promised 525 000 megalitres of water savings from northern Victoria. Going through the list there is some interesting reading. The Goulburn-Murray Water reconfiguration project promised 25 000 megalitres of savings; the central Goulburn 1-4 channel upgrade promised 17 600 megalitres; the Shepparton modernisation promised 52 000 megalitres; the food bowl 1 project promised another 225 000 megalitres; and the food bowl 2, which is yet to be funded even though the minister is constantly saying that it effectively has been funded, was another 200 000 megalitres. That comes to a total of 519 600 megalitres that this government has promised in savings.

The losses over the last few years have been less than 400 000 megalitres. This government is promising 520 000 megalitres of savings out of the system when there is less than 400 000 megalitres of losses. My arithmetic says that does not work. Obviously the Minister for Water has a better calculator than me because he obviously believes that amount can be saved. You cannot save all 400 000 megalitres, even if it runs with the efficiency of a piped urban system. A system like that only runs at about 90 per cent efficiency, so all of the 400 000 megalitres cannot be saved.

When the people of northern Victoria expressed their concern and used their democratic right to protest about these particular issues, ministers of the Brumby

government in Victoria ran around saying that anyone who demonstrates against the government's water plans are ugly people. The Leader of the House in this place called them ugly people — —

**Ms Duncan** interjected.

**Mr WALSH** — And the Minister for Water — —

**Ms Duncan** interjected.

**The ACTING SPEAKER (Mrs Fyffe)** — Order! The member for Macedon will cease interjecting in that manner.

**Mr WALSH** — We had the Minister for Water running around calling them quasi-terrorists. It now all starts to make sense when we see that this government now has Victoria Police building secret files on anyone who wants to demonstrate on particular water issues.

**Ms Duncan** — On a point of order, Acting Speaker, not only is the member misleading the house and continuously restating lies but he is not even vaguely speaking on the bill. I ask you to draw him back to the bill.

**Mr WALSH** — On the point of order, Acting Speaker, I am not telling lies. All the figures I have quoted in this document are sourced from particular papers, so they are not lies. If the member for Macedon chose to do her own research and inform herself of the facts — —

**The ACTING SPEAKER (Mrs Fyffe)** — Order! I have heard sufficient argument on the point of order. Lead speakers have always been given leniency when speaking on bills. The member is — —

**Ms Duncan** — How much leniency?

**The ACTING SPEAKER (Mrs Fyffe)** — Order! I ask the member for Macedon to respect the Chair. The lead speaker is speaking loosely on the bill, but I ask him to concentrate on it a little bit more.

**Mr WALSH** — We are talking about the Water Act 1989, which is being amended before this house.

**Mr Crutchfield** — 1989?

**Mr WALSH** — The Water Act 1989 is the act that is being amended by the bill before this house. If the Parliamentary Secretary for Water and Environment does not understand the Water Act, he needs to go away and read it.

Let us look at some of the other things this government has done to the Water Act 1989 over the last decade. In June 2006 it introduced the Snowy Hydro Corporatisation (Parliamentary Approval) Bill. This government wanted to sell Snowy Hydro Ltd. This government brought legislation into this place to sell Snowy Hydro. Why would it do that? An icon project in Australia, something that should stay in public ownership forever, was going to be sold by this government. You would ask the question: why would the government want to do that?

**Mr Ingram** interjected.

**The ACTING SPEAKER (Mrs Fyffe)** — Order! The member for Gippsland East is out of his place and should not interject in that manner.

**Mr WALSH** — Why would it do that? The New South Wales government has a larger share of Snowy Hydro Ltd than Victoria or the commonwealth government. We all know that back in 2006 the New South Wales government was broke — even though it is more broke now, if that is the correct term. To help its Labor mates in New South Wales this government decided it was going to sell Snowy Hydro. Is that not a great outcome for Victoria? This government, which says water is a priority issue, was saying it was going to sell one of the major water infrastructure projects in this state. Thank goodness we had Prime Minister John Howard and Deputy Prime Minister Mark Vaile in Canberra to stick up for Victoria and make sure they stopped this government selling Snowy Hydro.

**Mr Ingram** interjected.

**The ACTING SPEAKER (Mrs Fyffe)** — Order! The member for Gippsland East!

**Mr WALSH** — I notice the member for Gippsland East is interjecting out of his place, but it was strange at the time that he was fairly silent on that. He was obviously wanting to — —

**Ms Duncan** — On a point of order, Acting Speaker, the member for Swan Hill is now not even speaking loosely on the bill. I ask you to draw him back to the bill that is before the house.

**The ACTING SPEAKER (Mrs Fyffe)** — Order! I was reading the clauses on the bill. I believe the member for Swan Hill is wandering a tad but is relating mainly to the bill. I ask him to stay on the bill.

**Mr WALSH** — This government has promised over the life of the government that water is a priority issue. As I have tried to demonstrate today, this

government is all about spin, it is all about advertising, but when it comes to actually putting in resources to do the things it has promised to do it is not very good at that. It has continually broken the promises it has made. This bill is about fixing up some of the messes the government made in the implementation of the changes to the Water Act in 2005.

A previous member's contribution talked about the drover's right. The drover's right is a very important issue. There has been what is called the drover's right for a long time; when drovers were droving their stock and had access to a stream or waterway, they could water their stock at those particular places. What has happened over the last few years is that quite a few people have made a rort of this system. They have actually used water trucks to go to those particular points and truck water away in substantial quantities to, in effect, get around water restrictions and to use the water they take for watering gardens and for things that are not approved under the water restrictions in the particular area where they are. It has been an issue in my area, and it has been an issue in the areas of some other honourable members as well. The changes in the legislation are to define the drover's right and to keep that right to take and use water at that particular point but not to actually cart it away and use it somewhere else. This will prevent people from trying to get around the issue of water restrictions by trucking water away from those particular areas.

There are two issues I would like to finish on. The first one is that still listed on the notice paper is a bill called the Water Amendment (Critical Water Infrastructure Projects) Bill 2006. It is interesting that this Parliament was quickly reconvened after the November 2006 election to introduce this piece of legislation to solve the water problems of this state. It is interesting that it is still sitting on the notice paper. When you read that particular bill and you look at what this government has tried to do since that time you see that it was obviously an underhanded process to set up the structures to create the north-south pipeline, which the government promised it had never considered up to July 2007 when it actually announced it.

Obviously before the election in 2006 the government was telling porkies to the people of Victoria. Even though it promised not to take water from north of the Great Dividing Range to south of the Divide, it was obviously going through the planning process to do that. Parliament was brought back in December 2006 to bring in the Water Amendment (Critical Water Infrastructure Projects) Bill so the government could effectively get around the planning process to do that project.

Fortunately the upper house thwarted them in that particular matter, and we now see what has played out, particularly with the north-south pipeline and the court cases about supposed illegal access to land, because with this bill we have just given the government carte blanche to do whatever it likes with anyone's land.

In summary, this government has constantly broken its promises. It has used public funding for advertising on water. It has used the water authorities as cash cows. The government has raised something like \$3.5 billion in taxes on the water authorities in Victoria even though, as the Auditor-General says, 90 per cent of the cost of water projects in this state are funded by the customers of water authorities. There is a massive tax grab on one side and the customers are paying for the government promises on the other side. A \$60 million a year environment tax has been put on the water authorities, but the water authorities are still losing money, going broke and prices will have to go up more.

**Mr CRUTCHFIELD** (South Barwon) — It gives me great pleasure to speak on the Water Amendment (Entitlements) Bill. Prior to the member for Swan Hill speaking, the member for Lowan indicated that the member for Swan Hill would try and create some excitement from this rather workmanlike bill, and the member for Swan Hill did stray somewhat from the bill. I recognise, as the Speaker said, that lead speakers are given some latitude to stray, but I will try not to stray as far away as did the member for Swan Hill.

At this point I want to draw attention to what Malcolm Turnbull has said about Tony Abbott in his blog. I urge members to read it. Mr Turnbull's blog talks about policy, which is integral to this bill. Our Water Our Future is the government's clear plan about ensuring future water supplies for all Victorians, and that has been the basis of the Water Resources Act 2005 and serves as the basis of the majority of our major water projects. Notwithstanding that, as Malcolm said to Tony, it is very easy to criticise.

**The ACTING SPEAKER (Mrs Fyffe)** — Order! I ask the member to speak on the bill. There are 78 clauses on water, and I ask him to stay with them.

**Mr CRUTCHFIELD** — It is very easy to criticise, but you need to have a coherent and relevant alternative, and I certainly have not heard anything of that from the member for Swan Hill. I have not heard about cloud seeding, water diving, rain dances or dams, because they are the only policies that I am aware of that members of The Nationals have come up with.

This is a reasonably operational bill, although it lacks the scale of some of our major projects, such as the Northern Victoria Irrigation Renewal Project. Nonetheless it does play an important part in the progression of our water reform program. The bill responds both to the challenges of climate change and drought. The member for Swan Hill did mention the tradition that the drover's right permits the taking of water for stock and domestic purposes from public waterways. We have changed that part of the act to better reflect the spirit of that right and prevent a number of people from carting water from local waterways to circumvent urban water restrictions.

The bill also clarifies certain elements of the Minister for Water's power to qualify water entitlements during a declared water shortage. The bill provides a whole-of-water mechanism for the Minister for Water to give his approval to entitlement holders to carry over unused water from one water season to another, and it also amends the Residential Tenancies Act 1994 to update references to water efficiency ratings for fittings and appliances in rented premises.

The bill also streamlines the water entitlements framework and ensures consistency of those key terms and concepts in the Water Act 1989 that apply across a number of different water entitlements. The bill streamlines the process for making amendments to bulk entitlements that do not impact on the individual substantive rights to water. It also improves flexibility to amend licences to take and use water.

The bill also has a number of housekeeping amendments to finetune major reforms implemented by the Water (Governance) Act 2006 and makes two amendments in respect of recording addresses on the water registry publicly searchable with safeguards for personal information going into the public domain.

Lastly, the bill also provides for minor and technical amendments to improve arrangements relating to water shares and the operation of that water registry.

The bill is another step in the Brumby government's comprehensive and extensive plan for water. The bill builds on the Our Water Our Future plan which is detailed in the white paper *Securing Our Water Future Together*. The development of that plan came through extensive consultations, briefings and conversations with people right across Victoria. A number of major projects have emanated from that process, which I do not have enough time to touch on.

The first project is to expand the water grid. The member for Lowan would be very pleased and thankful

for the Wimmera–Mallee pipeline — some 9000 kilometres of network which is many years ahead of schedule thanks to the funding and commitment of the Brumby Labor government.

Work is well under way for the Melbourne–Geelong pipeline, which is a significant favourite of the Geelong members. The pipeline will provide some 16 billion litres of water each year to Geelong — a 50 per cent increase in water capacity for the Geelong region. The project certainly builds on a number of other local projects, including the Anglesea aquifer project, the northern water plant and the Black Rock recycling project. All these other projects are able to develop to expand the water grid.

The Nationals opposed the goldfields super-pipe, and it was completed in May 2008 and has brought a secure water supply both to Bendigo and, importantly, Ballarat, which was extremely close to running out of water. The Hamilton–Grampians pipeline, work on which I have been pleased to inspect, will supply the Hamilton system with up to 2 billion litres of water each year by connecting to Rocklands Reservoir near Balmoral.

The desalination plant is another key project. Work has started on a project to bring 150 billion litres of water a year to Melbourne.

**Mr Weller** — A hoax!

**Mr CRUTCHFIELD** — It is a hoax — yes, of course! It is a bit like saying, as the member for Swan Hill said, that the government has not done anything on water. I think even our most strident critics would acknowledge that we have done a significant amount of work on major water projects. The desalination plant is another one of those. Whether they agree with its size or other criticisms, members of the opposition acknowledge that the government has had a plan, it is implementing that plan and that plan involves securing Melbourne and the broader Victorian community's water supply.

The Northern Victoria Irrigation Renewal Project is well under way. Water savings are already currently being made. I note that the recently appointed — or elected, or however The Nationals do it — Nationals candidate for Murray Valley —

**Mr Walsh** — Is this on the bill?

**Mr CRUTCHFIELD** — It is on the bill; it is related to the Northern Victoria Irrigation Renewal Project. The candidate suggests that we should be building a new dam in northern Victoria.

**Mr Walsh** — On a point of order, Acting Speaker, I cannot recall anywhere where the Northern Victoria Irrigation Renewal Project is mentioned in the bill, so I ask you to bring the speaker back to the bill.

**Mr Pallas** — On the point of order, Acting Speaker, I understand that some flexibility has been allowed to speakers in this debate. Some have been allowed to stray perhaps further than we would have liked and perhaps, in the spirit of the generosity of the Chair, it should continue.

**The ACTING SPEAKER (Mrs Fyffe)** — Order! We have not quite reached Christmas. I ask members to try to stay on the bill and resist temptation.

**Mr CRUTCHFIELD** — As I was saying, it is another clear indication of the lack of consistency between The Nationals and the Liberal Party in respect of major projects.

**An honourable member** interjected.

**Mr CRUTCHFIELD** — We are a broad church. The inconsistency has again been proven by The Nationals' candidate for Murray Valley, Tim McCurdy, who has said that the government would have done better building a new dam or extending the William Hovell Dam to generate water to share equally between irrigators and Melbourne. Clearly he is saying that water sourced north of the Divide should be shared by Melbourne — exactly the argument The Nationals use against the north–south pipeline. It becomes more curious, curiouser and even more curious as we go along.

There have been a number of other conflicts between The Nationals and the Liberal Party. The Nationals want to plug the pipe; the Liberal Party does not. Then there are all manner of alternatives in between. The Nationals do not want a desalination plant; the Liberal Party says the desalination plant is too big.

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

**Mr WELLER (Rodney)** — It is with great pleasure that I rise to speak on the Water Amendment (Entitlements) Bill 2009. As always, it is a pleasure to follow the member for South Barwon in the debate on this very important water bill. The member for South Barwon asked the question: what is The Nationals', and indeed the coalition's, policy on water? We have stated it many times in this chamber and in many press releases, so I do not know where he has been hiding. It is quite clear: Melbourne has the ability within its own catchment to look after its own water needs.

The member for South Barwon referred to the government's Our Water Our Future plan. At the time of its release in 2004 I was the president of the Victorian Farmers Federation and was involved in many of the discussions. Our Water Our Future came up with the idea that 200 000 megalitres of the 500 000 megalitres that runs off Melbourne could be captured as stormwater and stored and reused in Melbourne. We have been very clear about that. That would deliver more water than the 75 000 gigalitres from the north–south pipeline and would probably be cheaper to do.

We have also identified the eastern treatment plant as a source of water. We have been very strong supporters of the upgrade of the eastern treatment plant and the reuse of water from that plant for parks and in industry.

*Honourable members interjecting.*

**Mr WELLER** — There is a great opportunity — —

**Ms Duncan** — How are you going to plug it?

**The ACTING SPEAKER (Mrs Fyffe)** — Order! The member for Macedon will have her turn shortly.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mrs Fyffe)** — Order! This is turning into a farce. I ask members to control themselves.

**Mr WELLER** — I am answering questions that were raised by the previous speaker about where The Nationals and the Liberal Party in coalition would find the water. We made it quite clear that there is 200 000 megalitres of stormwater in Melbourne that can be harvested of the 500 000 megalitres that runs off and there is also 130 000 megalitres at the eastern treatment plant that can be used as a substitute for potable water in parks and gardens and by industry.

**An honourable member** interjected.

**Mr WELLER** — We have been quite clear about that. I am being relevant to the bill.

**An honourable member** interjected.

**Mr WELLER** — I note that the government is committed to the eastern treatment plant, so I wonder what the issue is. I say that the member for South Barwon needs to open his ears and listen.

I will move on. There are some interesting parts in this bill which deal with the water register. What a bungle that was. As the member for Swan Hill has pointed out,

the government had two years to get the water register up. It was brought in on 30 June 2007. My office was still dealing with complaints and people were still unable to sell their farms as they wished to in February this year — 20 months after the register was introduced there were still problems with it.

The Brumby government does not understand how farming operations work. They can be very technical, but the government does not understand. In some cases there might be three sons and the parents in a family farm partnership.

*Honourable members interjecting.*

**Mr WELLER** — Yes, there will probably be three daughters as well. There will be a combination of the mother owning some land and some water in her name, the father owning some land and some water in his name and each of the daughters might own some land and water in their names, and it is all run as one farming operation. Then, for simplicity, they merge all that so they can run the family organisation and the farm as one and save on annual fees, which are charged whenever water is traded. The problem is the water register was unable to understand those technicalities.

The mother's name might be Alice and the father's name might be John. In the past they would have traded as John and Alice Bloggs. However, we found that when the water register sent out the bills it sent them out to 'Alice and Others'. The water register changed the trading names of the entities, which it had no need to do. For some reason the government in its wisdom employed a computer program that changed the trading names of all the people in the water areas, which has been quite frustrating for all the people in that area. It has made it very difficult for people to do business.

The Brumby government is committed to reducing red tape and reducing costs to business. However, the register has increased red tape and increased the cost to business. When farmers are trading water or buying and selling a farm with water, they have to complete massive amounts of paperwork and great costs are imposed on them. Every time they encounter another form as part of their business there is another fee — be it \$65 or \$130 or \$260 — and it is a cost that the government has imposed on irrigation businesses across our area.

There are a couple of other issues in the bill. Clause 7 will insert a new section into the Water Act which according to the explanatory memorandum:

... authorises the minister to impose certain conditions or duties on the holder of a bulk entitlement that has been

qualified under division 4 of part 3 of the act, in relation to matters arising from that qualification.

However, if you go through the bill, it does not clarify what the demands are that the minister could put on the water corporations and who will pay for those demands. Obviously if it is full cost recovery, it will be the irrigators or the other water entitlement holders who have to pay the bill. We need to know what sorts of conditions and what sort of things the minister can impose on those authorities so we know what extra costs will be imposed on the irrigators and other water users in that area.

Clause 9 amends the Water Act by substituting the reference to 'another' person in that section. The amendment will facilitate the rearrangement of ownership arrangements of a water share. As I indicated before, many family farms will have many different ownerships of water within them. If we can facilitate a change there, hopefully this will simplify the process, because, as I identified, when they brought it in in 2007 it was a great headache for irrigation businesses in northern Victoria.

I would like to finish by talking briefly about the drover's right. We have seen a lot of water being carted over the last few years. Farmers and others have been making a welter of where we have standpipes. They have been pumping water out of creeks and denying water to people who would have had water. We support this situation being tidied up. It is the right thing to do. It has not been just farmers who have been doing this: many people from some of the bigger towns have been sourcing water to fill their pools, using water for other purposes and denying people water for their stock. We have to protect the right of people to stock water.

**Ms GRALEY** (Narre Warren South) — This afternoon it is a pleasure to speak briefly on the Water Amendment (Entitlements) Bill 2009. I will begin by reiterating something for every member to hear: the Brumby Labor government is totally committed to securing Victoria's water supply for the daughters, the sons, the mothers, the fathers, the women and the men — that is, all Victorians. We are totally committed to securing Victoria's water supplies for all Victorians. This bill is a small yet important part of this. It is about the responsible use and management of water entitlements.

The bill plays an important supporting role in all the Victorian government's water reform bills. As members before me have said, it builds on an extensive consultation process with the people of Victoria about what they see are good, sensible and economically

feasible solutions to the water situation. It is all there for members to read in *Our Water Our Future*.

We now have the benefit of practical experience of the changes that were made to water allocation and resource management a few years ago. This experience has resulted in this bill, which finetunes these major changes. Essentially, as other speakers have said, this is a housekeeping bill. It does a number of things. It preserves the colloquially known drover's right for people to reasonably take water for stock and domestic purposes from a publicly accessible waterway. We have heard the members opposite say it is good we are tackling that issue. However, the bill restricts the drover's right so that people can only use water at the same place they take water from. This will prevent individuals from taking water to circumvent water restrictions. Let us hope no more pools in country Victoria are filled with water because of this provision.

The bill will allow faster processing of routine changes to water allocations for greater efficiency. Similarly there will be less need for individual applications from entitlement holders to carry over unused water from one season to another. This bill will give the Minister for Water power to declare the water in a particular system to be carried over so as to prevent the backlog of individual applications from some of the 20 000 irrigators eligible to make an application. The bill also makes some technical amendments to the Residential Tenancies Act and to the water register.

As I have said, this bill is a small yet important part of the Brumby government's plan to secure Victoria's water supplies for all Victorians. It defies belief when members opposite get up and we hear them say this government has done nothing about securing Victoria's water supply. Statements like that lack credibility, because we all know we have a water plan. Our plan includes the desalination plant, which will provide Melbourne with a third of its required water. It includes the \$2 billion Northern Victorian Irrigation Renewal Project as well as the expansion of the water grid. It also includes water restrictions and Target 155.

I am particularly heartened by the way Victorians have got behind the government in regard to the need to preserve as much water as possible. When I go into my electorate of Narre Warren South I see that people are as keen as mustard about exchanging showerheads, putting in tanks and putting in diverters so their shower and laundry water can go on their lawns. This is a very — —

**Mr Carli** interjected.

**Ms GRALEY** — Showering together! They have not told me much about that, but I am sure it is going on. That is why we have invested in the projects I have listed.

These restrictions we have put in place through Target 155 and voluntary actions are important in making sure we secure and educate people to look after our water supplies for the future. I know that over 5000 residents of Berwick and Narre Warren South have taken advantage of the rebate systems that are on offer for various water-efficient products around the home. As I said, it has been a champion effort by the people in my electorate.

You just have to wonder what those members opposite are thinking. What have they done about thinking up a policy that would secure Victoria's water supply? I have never seen more inconsistent and messy ideas about water being put together. Initially the opposition wanted the dam. What capacity would that dam be sitting at now? The Leader of the Opposition was considering dumping that policy; then The Nationals said they wanted to keep it; then the Leader of the Opposition admitted that a Liberal government would take water from the Sugarloaf pipeline, yet The Nationals are saying it would remain unused. The Deputy Leader of the Opposition does not believe Brighton residents should follow water restrictions, and there is also the bizarre demarcation dispute in the coalition about who was the water spokesperson and which part of Victorian water — —

**The ACTING SPEAKER (Mrs Fyffe)** — Order! I ask the member to come back to the bill.

**Ms GRALEY** — Anyway, to finish up what this — —

**Mr Walsh** interjected.

**Ms GRALEY** — I mentioned the drover's right at the start of my contribution. What this consistently demonstrates is that it is only the Brumby Labor government that has a plan to secure Victoria's water supply. It is a plan we are going to stick to, because it is a good plan. This bill we are debating today is a small part of it. It adds to the efficiency of the water entitlements and allocation framework. I commend the bill to the house and wish it a speedy passage.

**Dr SYKES (Benalla)** — It gives me great pleasure to make a contribution to debate on the Water Amendment (Entitlements) Bill 2009. As the member for Swan Hill said in his introductory remarks, which covered a wide range of water-related topics, this bill is primarily a housekeeping bill to — —

**Mr Ingram** interjected.

**Dr SYKES** — As the member for Gippsland East has interjected, this time in his seat, it has been a wide-ranging debate by many people. I look forward to the continuation of that wide-ranging debate because water is the source of life. Some of the things that have gone on with the Brumby government's jackboot style of management of water are nothing short of disgraceful and outrageous. The purpose of this bill is to fix up, in I think the words of the member for Swan Hill, stuff-ups in the 2005 bill.

**An honourable member** interjected.

**Dr SYKES** — It is now a parliamentary acceptable term.

**The ACTING SPEAKER (Mrs Fyffe)** — Order! The member for Benalla should ignore interjections.

**Dr SYKES** — One of the issues is about making some refinements with the water register. Other speakers have given examples of the frustrations and costs associated with the functioning of the water register to this point. I would like to provide you with one example that has occurred in my area. It relates to the buyback of water in the Broken Valley following the government's decision and the carrying out of its flawed and ill-conceived idea to decommission Lake Mokoan. By way of background, basically the decision was taken based on incomplete and flawed information. The ministers of the day — that is, Minister Kirner and, subsequently, Minister Thwaites — both made commitments.

**Mr Walsh** — Garbutt.

**Dr SYKES** — Minister Garbutt, I apologise. Minister Garbutt and Minister Thwaites both made written commitments to maintain current security of supply of water at an acceptable cost. In the process of decommissioning, a series of options for maintaining security of supply were put forward. The government rejected the obvious one, which was a mini Lake Mokoan, and in the end chose to do a water buyback. In spite of the local irrigators attempting to achieve a win-win outcome with a targeted water buyback, at the eleventh hour the government walked away from negotiations and proceeded with a non-targeted buyback. The consequence of that was many people offering their water for buyback.

I refer to the case of brothers David and Noel Ham. They inherited the family farm and the water, and the water was split approximately 50-50. David chose to sell his water to the government in a buyback and Noel

chose to retain his water. But rather than David being able to sell his water and Noel being able to retain his water, the operation of the water register and the general transferring of water required that both David and Noel each had to sell half of their water back to Goulburn-Murray Water — or Waters for Rivers — and that then David had to transfer his remaining 50 per cent to Noel. This was both a cumbersome and costly exercise and showed clearly — —

**Mr Carli** — What did Noel get?

**Dr SYKES** — Noel retained 100 per cent of his water but had to get there by selling half and then David giving his half back to Noel. It was a cumbersome and costly procedure. It is typical of the way the Brumby government cannot manage projects, money or anything.

Just in closing on Lake Mokoan, the whole decommissioning process has been subject to seven years of debate. The government has proceeded, but interestingly the Auditor-General is undertaking a review of the process, and we wait with bated breath to see whether the government's actions are exposed as being as incompetent as they have been.

I move to the drover's right, which is dealt with in this bill. I have an interest there in that at various times my father drove sheep through the Riverina and into northern Victoria. It was fundamental and absolutely critical that you had access to clean water. Stock can go on limited feed for a number of days but they must have good quality water. This drover's right principle, where stock could be watered, was fundamental to the livestock industry for over 100 years, even through into the 1970s and 1980s. But to a large extent that has come to an end. As was highlighted by the member for Swan Hill, the drover's right proposition is being abused, with people who are taking water under so-called drover's right not using it at the point of the waterway but taking it for other purposes. So it is appropriate for that right to be clarified.

I noted that the previous speaker touched on the Our Water Our Future strategy, which is mentioned in the second-reading speech. She touched on things like the desalination plant and, I believe, the water grid. I make it clear that the government's implementation of Our Water Our Future has been nothing short of appalling in terms of equity and in terms of sound management. There is no business case yet before the public about the food bowl modernisation project. There is no business case.

**Mr Wells** — When are they going to release that?

**An honourable member** — Have they got one?

**Dr SYKES** — The government has said, and the Public Accounts and Estimates Committee has been told by the Secretary of the Department of Sustainability and Environment, that it would be available by the end of the year — in fact by the end of November. That has not occurred. Equally neither the Premier nor the Minister for Water was prepared to answer the most basic questions about the food bowl modernisation project. There are basic questions about how you could achieve 520 gigalitres of savings when you only had less than 400 gigalitres of loss. We know the phrase ‘new water’ is often spouted by the Premier and the Minister for Water. That is an example of new water — if you can take 400 megalitres of loss and create 520 megalitres of savings. That would be truly fantastic. If the Premier or the Minister for Water can deliver that — I will not do what some people do in Bourke Street — I will congratulate the Premier and the Minister for Water for creating it.

We have had an appalling performance by the government, a lack of transparency and the lack of a sound business case, and yet it tells us that it is managing fairly and equitably. Linked with all of this is the challenge to people’s fundamental rights to express their concerns publicly about the wrongness of the underlying principle and the wrongness of the process.

As previous speakers have mentioned, the government went to the November 2006 election promising not to take water from the north to the south. Within six or eight months that promise had been broken. When it has been challenged to present its information, it has not delivered. When people have exercised their democratic right to protest they have been referred to in this Parliament as ‘ugly, ugly people’; they have been referred to as ‘quasi-terrorists’; and they have been referred to as ‘a sorry bunch of people’. This is in the democracy of Australia.

Just recently I toured the Mekong Basin in Yunnan Province in China and in Laos. There are many problems relating to the management of water, in particular, the competing demands for water for hydro-electricity production. The issues there were the same as those here: benefits overstated, costs underestimated, benefits going to people distant from the basin, costs being worn by people in the basin, lack of transparency, lack of costing — generally just an appalling state of management — and deals done behind closed doors. It is said that in those countries the basis of a lot of it going wrong is that they are under the control of authoritarian governments. I repeat: a lot of the cause of that is said to be that those countries are

under the control of authoritarian governments. We have a democracy here, and yet those very same problems occur under a so-called democratically elected government. But in the state of Victoria we have, in the words of Jan Beer, a jackboot Brumby-style of government — a government being driven by a fellow who was neither elected nor electable. I say to the government of the day: hang your shame and plug the pipe. Heed the call of 95 per cent of Victorians and plug the pipe!

**Mr HOWARD** (Ballarat East) — I am pleased to speak on the Water Amendment (Entitlements) Bill. It is remarkable to speak after the member for Benalla because, as the second-reading speech identified, the fact is that this government, the Victorian Brumby government, has led this nation in regard to sustainable water management. We have come through the Our Water Our Future road map that was developed. This piece of legislation takes some of the issues that have been identified by this government a little further in ensuring greater water sustainability and addressing issues associated with drought. While in a way it is a relatively small bill, it takes that process a little bit further.

In talking about the leadership of this government, as the member for Ballarat East I cannot help but mention the situation in Ballarat only a few years ago. Two years ago the water supply in Ballarat was down to 7 per cent in terms of our water storages. Ahead of the last election, as part of the Our Water Our Future strategy, this government identified that we could not rely on the catchments within the Ballarat area to supply water for our future; we needed to look further afield. We recognised that there was an opportunity to link into the system Bendigo was linking to — the Waranga basin — and the much larger amount of water that was available in the Goulburn system. There was an opportunity to link Ballarat to Bendigo’s water supply and bring water down from central Victoria where the catchment is clearly much larger.

Interestingly, at the time it seemed like a remarkable suggestion to bring water all that distance to meet Ballarat’s water needs and to provide water security. Opposition members at the time poo-hooed the idea. They said, ‘No, that’s crazy’. The Liberal Party went to the election saying that what Ballarat needed for water security was the full share of Lal Lal reservoir, which is presently being shared with Geelong. Fortunately Labor won the election, which meant that the super-pipe was constructed, Ballarat now has a secure water future and Central Highlands Water has been able to buy water from within the Goulburn River system.

It is remarkable that some of the protesters were more than happy to sell their water entitlements to Central Highlands Water. This meant that the price of water was pushed up, which enabled people to look at their options: whether they wanted to retain their water for their own use or whether it would be better for them to sell their water entitlements to buyers who were prepared to pay higher prices. As a result Ballarat now has something like 20 per cent of its water supply. That means that instead of being out of water, which we would have been without the super-pipe, we now have over 18 months water supply. This has enabled us to free up water usage in Ballarat slightly, so people can water their gardens for a couple of hours a week.

That is a great benefit of this government's forward thinking in regard to its water policy. We can see other examples of that in the Wimmera-Mallee pipeline, which this government funded and worked to achieve, in the food bowl modernisation program and in a range of other things. We can see that the water available to water users in this state is being used very soundly.

I will now speak more specifically in regard to the provisions introduced in this legislation in response to the drought. Last year in my electorate — and certainly many members in other country electorates would have seen this happening — some of my constituents were very concerned about people coming to various public waterways in our area, filling trucks with water and carting it off to who knows where. When residents raised that issue with me I followed the matter through and found that people still had an entitlement to do that. We still accepted what is called the drover's right, so people were able to take water and truck it away to other sites quite legally. Sometimes we found that water was sold, and it was hard to determine what it was used for.

In this legislation we have put in place a restriction on that, so people must use the water on site. They can bring their stock to a waterway but they cannot truck water away to other sites. This will be a significant comfort for those who require that water for their stock, and it will ensure that if people wish to gain water by the truckload for other purposes, they will need to seek it through other means. They may need to pay for it or make other arrangements with water authorities or a private provider. Clearly this will ensure a fairer and more appropriate sharing of water in these tough, drought-stricken times.

We can also see that in this legislation we are improving the water entitlement framework and making some small changes to simplify the management of the system and to streamline the

process for people who have water rights by changing various minor issues associated with those entitlements to prevent people from having to go through a very involved system of paperwork. The bill will simplify the paperwork associated with carrying over water entitlements, and the process whereby all those applications have to go to the minister can also be simplified.

There is some simplification of the way water entitlements can be administered and also some reforms in regard to the water register. The names and addresses of those who own water rights are recorded on a site which is publicly available so they can be identified by looking at the register. There is an opportunity for people who may have legitimate concerns about their details being placed on the publicly available site to prevent that from happening. They may have reasons not to have their information made publicly available, and if their reasons are seen to be sound, those details will not be placed on the publicly available register. However, this does help to keep the issues of water trading transparent, and I certainly commend these changes.

This bill is very sound in what it does, and it backs up the great work this government has done in securing water in a fair and manageable way for the future. I commend the bill to the house.

**Mr BURGESS** (Hastings) — It is a pleasure to rise to speak in the debate on the Water Amendment (Entitlements) Bill 2009. The purpose of the bill is to make technical changes to the Water Act 1989 to better reflect the implementation of the substantial amendments that were made to the act in 2005, particularly in relation to unbundling, carryover, the water register and the qualification of bulk entitlements in times of water shortage. The main provisions include the clarification of the general right to take water free of charge from publicly accessible waterways for stock and domestic use and ensure that the water is used at the place where it is taken. This is also known as the drover's right. The bill clarifies the period of time in which a minister can temporarily qualify rights in times of declared water shortage. It allows the minister to make minor amendments to a bulk entitlement that corrects any mistakes in the description of the entitlement or to better reflect its practical operation, provided the above changes do not impact on another person's entitlement.

The bill also amends the Water Act to better reflect how the carryover of water is managed, as well as allowing for better recording and management of the IT system that underpins the water register. My

contribution will be very brief. The opposition does not oppose this bill.

**Mr HARDMAN** (Seymour) — I rise to speak in support of the Water Amendment (Entitlements) Bill 2009. This bill is really a housekeeping bill. It is finetuning some major reforms that the Victorian government has made to Victoria's entitlement and resource management framework that have been implemented by the Water Resource Management Act 2005. Those reforms had been foreshadowed in 2004 in the government's white paper called *Our Water Our Future*.

This bill is about continuing to improve and adapt to operational experience what we have found over recent times. Obviously we are in a period of climate change, but we are also in a period of long-term drought — and in our 13th year of drought I think it would be correct to say we need to make sure we are meeting many of the demands of communities. We have been in government for 10 years, and the drought had begun three years before that, but over that time the compounding impact of low inflows has made the government focus very seriously on meeting the water needs of not only our urban water users but also our rural water users.

The state government has set in train a lot of major projects, such as the Wimmera–Mallee pipeline and the food bowl modernisation project, which will enable better use of the available water resource that exists across Victoria. It is important that we continue to do that and to make arrangements that allow the benefits from investment in those water projects to flow on to the users.

I note that one of the purposes of the bill is to clarify the right of people to carry over water. Recently I attended a meeting in northern Victoria with a number of dairy farmers in about mid-spring, and they were lamenting the fact they really could not get hold of their water carryover rights because Goulburn-Murray Water was not really able to yet deliver them. The chair of Goulburn-Murray Water indicated that as the irrigation channels are improved — in other words, lined — there would be a lot less loss of water when getting carryover water to farmers early in the season and that as a result, as these improvements come online, farmers who have a dry start to the spring will be able to access their carryover water rights at a time when they really need the water. I thought that was another really good example of what the Brumby government has been doing to improve the efficiency of our water use across Victoria.

I think that was another great example, and I know the Wimmera-Mallee region is enjoying the benefits of the more efficient use of water through the types of systems that have been put in place. The piping of that water will provide great benefits not only to rural and urban water users but also to recreational water users in the future, when perhaps we will have times of better rainfall.

The drover's right to water has obviously been clarified again in this bill to make sure we do not have people coming along and taking that water to use somewhere else. In other words, people can take their sheep or cattle to drink the water where it is and perhaps utilise the water at a river, creek or other waterway on their farm, but they are not allowed to come along with a truck and pump water out and cart it somewhere else, which has been an issue of concern for some people.

I think the Seymour electorate gives a really good snapshot of the type of work the Brumby government has been doing to improve access to water. Going back to 2002, or even a little bit earlier than that, one of the first systems to come under great stress was the Sunday Creek Reservoir system, which is located up around Mount Disappointment. That system was servicing Broadford, Kilmore, Wandong and Wallan. Those communities were growing but by the same token there were no inflows because they were getting so dry. The Brumby government made a commitment to address that issue. It looked at three different alternatives, but in the end it decided to build a pipeline from the Yarra Valley Water storages in Melbourne up to Wallan. That took 6000 people off the Sunday Creek Reservoir system and gave them access to Melbourne water. That project will enable Wallan and similar towns to continue to grow without taking water out of the Goulburn system, as they were originally doing.

Despite all of that being done, the Sunday Creek Reservoir system still continued to fail, so the major towns of Broadford, Kilmore and Wandong as well as Waterford Park, which were relying on that system, still remained on the most severe of water restrictions. Again, along with Goulburn Valley Water, the government looked at ways in which it could solve the problem. One of the other options, which was one of the three alternatives we looked at in 2002–03, was to pipe water directly from the Goulburn River at Tallarook to Broadford, which enabled us to take Broadford off the system. That has enabled the people of Broadford to have access to that water. Of course that water could be pumped up to the Sunday Creek Reservoir, and then Kilmore and Wandong could get access to that water as well if the Sunday Creek Reservoir continued to fail.

In taking all those actions the Brumby government has ensured that those communities and other communities in my electorate have not run out of water. That is a really important thing to talk about, because the big picture is that this is happening all around the state. We heard the member for Ballarat talk about the Ballarat and Bendigo super-pipes, which are solving the issues there. The reality is that Ballarat would have run out of water this year if it had not been for that system, so it is very important and something that our government is proud of. A number of recycling and reuse systems are also being put in place, and water authorities are also making improvements.

We will continue to look at the legislation that is there to enable these things to happen, what experience we have and what we need to do to make sure that our water is secure and that people who have a right to that water do not lose it, perhaps because someone has built a dam where they should not have, built too large a dam for stock and domestic purposes or for whatever other reason. We will continue to make changes to our water system to ensure that the people who have that original right — people in the food bowl area — continue to get a flow of water into the future.

That is something that will always be controversial. My electorate is in an upper catchment area, and people there often think that the water that falls on their land should be theirs, but the reality is that it is for all of us to share. The state government is doing that by bringing in legislation to ensure that we look after the interests of all Victorians. With that, I commend the bill to the house.

**Mr INGRAM** (Gippsland East) — I rise to speak on the Water Amendment (Entitlements) Bill 2009. The bill makes a number of changes to the Water Act and the Residential Tenancies Act. It has been vaguely described as a housekeeping bill because of the number of minor and mechanical changes it makes to tidy up some of the problems that have evolved and have been identified.

The bill also makes some minor changes that will improve water management. A long-running problem has been public disclosure on the water register. For most of the state's history water allocations — water rights or water entitlements — have basically been private information which was maintained by water authorities. That has led to a number of challenges, particularly when people who were looking to expand their businesses attempted to purchase water, and in particular groundwater. It is very difficult to find out who holds entitlements to unused water or water within a groundwater area or other irrigation area. Public

disclosure on the register of holders of water entitlements is an important step forward for that purpose alone.

Another issue is there have been a number of conflicts about water use in irrigation areas where it is uncertain how much water individuals have in particular holdings. This normally becomes a conflict when there are shortages of water or low allocations and one farmer sees the farmer next door being able to irrigate right through the season. Sometimes this leads to conflict because they are not certain how much water they are entitled to.

**An honourable member** interjected.

**Mr INGRAM** — I should not take up interjections, but the point about purchasing additional water is right.

Where this causes conflict is where there is uncertainty about who holds what entitlements and how much water individuals are entitled to use. We have seen that in areas of Gippsland where the level of sales water allocated is much higher than the base allocations, particularly in some of the drainage systems — that is, opportunistic water allocations. That conflict between irrigators is a cause of incredible concern. This public disclosure will tidy up the accountability of the management of the register, ensuring that people are able to purchase water and also that people are using the water they are entitled to.

The bill before the house also clarifies some of the issues regarding water shares, seasonal allocations and carryover. One issue I will focus on is those periods when a water shortage is declared. Clause 6 amends a provision that is in the Water Act to clarify that provision and the issue of how the period of the temporary qualification of water allocations is put in place. I have some concerns with this. In particular I use the example of the Thomson environmental allocation, where governments come in and temporarily qualify water for water shortages. I think everyone acknowledges the importance of sharing that important resource and that when the state or a region of the state has a severe water shortage everyone should share in the pain that comes with that. However, what we have seen too often in relation to the Thomson is that the environment always seems to be the loser when water allocations are qualified. A large amount of the environmental entitlement will be withheld this year to ensure that there is water available for Melbourne.

There are a couple of issues with that. This issue is of great concern to my constituents. We know that the health of the Gippsland Lakes is already being severely

challenged by the removal of water from the western half of the Gippsland Lakes catchment. The government sometimes seems to qualify environmental water entitlements on a whim. The environmental water entitlements seem to be the ones that are cut first of all. The fact that the first step is to cut off the environmental entitlement is a problem with the current provision.

I know the lead speaker said a fair bit about the Snowy River, and that has also occurred in relation to the Snowy. We have seen the water savings that are allocated to the Snowy through the Central Goulburn 1, 2, 3 and 4 projects being qualified and not transferred to the environment or the Snowy. This is an issue about the transferability of water that we currently have within our water system.

We have seen exactly the same thing in New South Wales, where there is a large allocation in relation to the Barren Box Swamp. Some 20 000 megalitres of water per annum for the last 10 years has been withheld through exactly the same mechanisms as the ones we are talking about with this legislation.

If you qualify water entitlements for low-flow periods, then everyone should share in the pain of that. At the very least you cannot relax urban water restrictions while you still have qualifications on environmental entitlements. If you are going to qualify environmental entitlements, you need to make sure that the pain and suffering is equal across the water systems so that everyone is sharing the impact of the water shortage. It is the same with irrigation entitlements. As a fundamental principle that should be the case. I seek from the government clarification on whether these entitlements are to be paid back. If you are borrowing environmental entitlements, will that water be required to be paid back in future water years? It is a matter of principle: if you are not distributing the pain in relation to water sharing equally, then the water should be paid in subsequent water years.

There are a number of provisions in the bill, including the 'drover's right'. Unfortunately we see issues come up from time to time where provisions in the legislation are abused, and the drover's right is one of those areas. It was put in place for good reason; it is a good thing to make sure that someone travelling and camping beside a waterway can utilise that water. But if people are putting a pump on the system or if B-double trucks or old milk tankers are pulling up and taking that water away to use it somewhere else, that needs to be stopped, and it is important that we tidy up the legislation to take account of that. That is an important

step to tidy up the legislation where problems have been identified.

A number of other changes will be implemented by the bill. Most of them are fairly minor, but the bill also contains important provisions for change in those particular areas I have spoken about. With those words, I support the bill.

**Mr CRISP (Mildura)** — I rise to make a contribution to the Water Amendment (Entitlements) Bill 2009. The Nationals in coalition are not opposing the bill. The purpose of this bill is to make technical changes to the Water Act 1989 to better reflect the implementation of the substantial amendments made to the Water Act in 2005, particularly in relation to unbundling, carryover issues, the water register and the qualification of bulk water entitlements in times of water shortage.

The main provisions clarify the general right to take water free of charge from publicly accessible waterways for stock and domestic use and ensure that the water is used at the place where it is taken, which is colloquially known as the drover's right; clarify the period of time during which a minister is able to temporarily qualify rights in declared times of water shortage; allow the minister to make minor amendments to a bulk water entitlement to correct any mistakes in the description of the entitlement or to better reflect the practical operation of the changes and to ensure that the entitlement does not impact on any other person's entitlement; amend the Water Act to better reflect how carryover water is managed; allow for better recording of the management of the IT system which underpins the water register — the Scrutiny of Acts and Regulations Committee made an interesting comment in its assessment of that; and extend the right of review by the Victorian Civil and Administrative Tribunal for a person whose interests are affected by a decision of the minister under the act in relation to an application to amend a licence under certain sections of the bill. It also repeals the prohibition on addresses being made available as a result of a search of the water register.

When water rights are qualified — and I am going to refer to a presentation that was given by Mark Bailey from Goulburn-Murray Water in Mildura on 20 May — and resources are assigned there are 10 steps that are gone through. The first is that you cover the dead storage; then you cover the carryover; then you cover the storage evaporation, the river transmission losses, essential human needs, critical environment needs, losses for distribution for stock and domestic use and losses for distribution systems for carryover; then

you go into the allocation phase; and finally you have the removal of the qualification. What the qualification allows the minister to do is use the second step in that list, which is to use the carryover water to meet the transmission losses, storage evaporation and essential human needs. The qualification normally disappears when the water allocation reaches a preset level in the system, and then it automatically disappears. This qualification for stock and domestic use is now able to be made universal for carryover each year. What I am concerned about is that if we have to maintain a qualification when we have used the carryover to cover storage evaporation, river losses and essential human needs, we are going to have a lot of Victoria in large trouble.

I would also like to talk about clause 6 of the bill in particular. As I understand it, it allows things to occur around a qualification. Clause 7 inserts a new section 33AAD into the Water Act, which authorises the minister to impose conditions or duties on the holder of a bulk water entitlement that has been qualified under division 4 of part 3 of the act in relation to matters arising from the qualification.

Let us go to the bill itself and read proposed section 33AAD. It states:

- (1) If a bulk water entitlement has been qualified under this Division, the Minister may impose conditions or duties as to one or more of the following matters on the holder of the bulk water entitlement —

which I presume in our country areas is the water authority —

- (a) monitoring the impacts ...
- (b) requiring any program of works or actions to be carried out by the holder of the bulk entitlement for the purpose of mitigating ...
- ...
- (c) requiring payments to be made to other Authorities for the purposes specified in the notice of qualification under section 33AAC, including conditions as to —
  - (i) if a program of works is carried out by another Authority for a purpose specified ...

My concern is that water authorities, although they are Victorian government-owned entities, mostly run on money from the people who use those services. We will be funding it, and during this qualification period we will then be allowing the minister to specify the works that the authorities must do. The authorities can have a third party do those works, and we the water entitlement holders will pay for it. That will create a

disconnect from the boards and any of the usual checks and balances. I will be looking to the minister when he sums up to give us an assurance about the sorts of works that will be undertaken and what he has in mind with that, because I am reluctant to leave him with an open cheque to use my constituents' hard-earned money and go about doing what suits his whim or fancy at the time without regard to local opinion. I hope it will not be another way of taxing water users to undertake the works the water minister does not want to fund himself.

This bill is about the drover's right. Now that we have had to take this action on the drover's right we need to make sure there are sufficient standpipes for people. Some of the water that has had to be carted has been for stock and domestic purposes, so we need to have adequate standpipes. Around Mildura we have some standpipes, and I commend the Mildura Rural City Council and Lower Murray Water partnership for making them available for recycled water, which will cover roadworks and a number of other areas as well.

What we have here is yet another water bill which will change what government has managed to do in relation to water over time. There has been an enormous amount of change in relation to water, and our community is suffering from change overload. This government has been transferring the risk of water security from the government to those who use it, being the land-holders or the irrigators.

We began the process of transferring that risk in 2005, but it really came into effect in July 2007 with 'unbundling', which separates site fees and water charges, then the 10 per cent cap, then the 4 per cent cap, and then the land and water value disconnect, where water was disconnected from land. As government went about securing and transferring its risk, growers were left to cope with a great deal, and they had very few tools to help them along the way.

Carryover was introduced, but in learning to use that tool growers in my area paid up to \$1000 per megalitre, which has crippled their businesses going forward from a couple of years ago. Now the carryover limit is at 50 per cent, and that has introduced issues. People have taken a very aggressive position of carrying over the full 50 per cent of their entitlement. Because there is a 57 per cent allocation this year, they have lost some of that water back into the system.

Spill rules have been rumoured — I know there was a press release from the Minister for Water today talking about spill rules — and that is yet another tool that our growers have to learn to manage as they accept this

risk. I am not sure that it has been fair to our growers when you look at the pain they are going through on this.

In 2009 further difficulty has been added to this constantly changing water entitlement environment. We have been forced to accept second-best irrigation technology in the Sunraysia modernisation project. Plastic-lined channels in the horticulture area are not the best way forward. Our competitors use world best practice. The Central Irrigation Trust in South Australia and the Western Murray Irrigation in New South Wales, only a couple of kilometres over the river from Mildura, have piped and pressurised systems.

Victorian growers seem to be continually coming out of this as losers and second best in terms of the tools they are given to manage this water risk that we keep changing. The irrigation system the government is now going to set up leaves us at a disadvantage compared to everyone else. Growers have been forced to accept this second-best irrigation technology for high-value horticulture because of the lack of Victorian government investment in an authority it owns. Our growers pay for it, yet they are forced to accept second-best technology going forward.

This is just not working. This government constantly leaves my community feeling second best and disadvantaged over these water issues and the changes to the entitlement rules. It is just not good enough. When you come to Mildura you see and feel the despair amongst everybody there about this government's failure to step up to the plate and do what has to be and should be done for those high-value irrigators in my electorate.

**Mr EREN** (Lara) — I am also pleased to be speaking on the Water Amendment (Entitlements) Bill. This bill reaffirms the Brumby government's commitment and dedication to providing Victorian people with the life-sustaining and precious resource which is water. The Brumby government recognises that our water is our future. Our duty as a government is to provide this basic human necessity through our water conservation plan. I am pleased to say that Victoria leads the way in terms of a sustainable water management program.

The days of wasting this precious resource are gone. I think many people now accept that we need to be wiser about how we use our water. After sustained educational programs, investment in water infrastructure and water restrictions, the Brumby government has certainly made great inroads into reducing our water consumption. In fact in 2007 we had

already reduced Melbourne's water use by 34 per cent when compared with the 1990s, and that is a great achievement.

I am proud to be part of the Brumby government that has spent and continues to spend record amounts on our water future. One of those investments is the 55-kilometre-long pipeline due for completion by the end of 2011. This pipeline will run through my electorate, from the Cowies Hill Reservoir in Werribee to the Lovely Banks Basin, which is located in the north-west suburbs of Geelong right in the heart of my electorate.

**An honourable member** — A very special electorate!

**Mr EREN** — Yes, a very special electorate.

**An honourable member** — So you are going to take Wonthaggi water to Geelong?

**Mr EREN** — No, actually. I do not normally respond to interjections, but on this occasion I will. The interjection was unruly, and for me to respond —

**The ACTING SPEAKER (Ms Beattie)** — Order! Through the Chair!

**Mr EREN** — Obviously we are constantly reminded that this is not just a drought, this is climate change. We have to get used to it, and we cannot be rain dependent. One of the reasons we are intending to invest so much money in a desalination plant is our policy of making sure that we are not dependent on rain. That is why we are building what I think will be the biggest desalination plant in the Southern Hemisphere.

The 55-kilometre-long pipeline is certainly good news for Geelong. It will help us in terms of Geelong being an ideal place for people to live, work and raise a family. I have spoken before in this place about the population growth that exists not only in Geelong but also in my area of Wyndham Vale. When this pipeline is complete it will be capable of transferring up to 16 billion litres of water to Geelong from Melbourne. This, as I said before, is very good news. It will equate to almost half Geelong's annual consumption of water, and it will guarantee that we will be well prepared for continued growth in the Geelong region for many years to come.

This is just one of the investment announcements that we have made. In fact the Premier was in Geelong a few weeks ago to announce, in conjunction with other stakeholders including Barwon Water, that there will be

some \$550 million of water infrastructure investment in and around Geelong over the course of the next five years.

This bill seeks to continue to the government's response to the long-term drought by improving the way we share water, the tracking systems in place and the system of entitlements to and allocation of water. It makes sure that water is treated as a precious resource — as it should be. Unfortunately some individuals have been abusing their water entitlements under the provisions currently set down in the Water Act 1989. People's general right to take water from publicly accessible waterways for stock and domestic use is still in place; however, under this bill people will be allowed to use this water only at the place where they take it. This will restrict people in misusing their right to take water by using it in places and ways that it was not intended to be used. This amending bill also upholds the colloquial term 'the drover's right' and ensures that we are not adversely affecting people's right to water for themselves or their livestock and animals.

The bill also greatly reduces the administrative burden of having to process individual applications for carryover water from one season to the next. It will enable the minister to declare when carryover water is available, where and for whom. It will ensure that we are spending more time on the more important things such as water conservation and preparation for our future.

Finally, this bill builds on the reforms of the current water register to enable transparency in relation to water shares, tracking entitlements and other valuable information for water planning purposes for the future. This bill reaffirms the Brumby government's commitment to smart water conservation. We are expanding the water grid to ensure that the people who need water the most actually receive that water. We are finding new and innovative ways to tackle this longstanding drought, and we are taking action. That is indicated by the investments we are making.

I know the opposition sometimes does not like to hear this, but the government is spending record amounts on water infrastructure. It is a fundamental responsibility of any government. We are living up to meeting our end of the bargain and we are putting our money where our mouth is. This government is unlike the previous government, which atrociously did not spend anything and did not forecast anything into the future. It just depended on the rain, as did the previous Prime Minister of this country, who did rain dances and hoped the skies would open up and our drought would be

over. I repeat: unlike previous governments we have put our money where our mouth is and have invested heavily in water infrastructure, and we will continue to do so. On that basis I commend the bill to the house.

**Mrs POWELL** (Shepparton) — I am pleased to speak on the Water Amendment (Entitlements) Bill 2009. The purpose of the bill is to amend the Water Act 1989. The member for Swan Hill put on record the reason we are here today, which is to debate this bill which has been introduced to fix a large number of anomalies found in the 2005 changes made to the Water Act.

The coalition will not oppose this legislation, but it has given us an opportunity to put on record the failures of the government. Speaker after speaker on the government side talked about the water plans of this government. Government speakers talked about the government having found water and having said that it has plans for water in Victoria, but in fact this is not the case. The government has put in place water reforms. It has brought out a white paper, a green paper, glossy brochures and magazines. It has used helicopters and spent millions of dollars on other advertising to sell the story of what it has done about water when in fact it has done almost nothing. The government is trying to sell its plans for water, and after 10 years in government and about 12 years of drought one would think we would have more than plans from this government. The people of Victoria are sick of waiting for water to come to Melbourne and also want to stop water being removed from country Victoria.

The second-reading speech talks about water reform and modernising the irrigation systems in the north. It also talks about the desalination plant and expanding the water grid. There is no mention in the bill or the second-reading speech of the much-hated north-south pipeline, even though I imagine the government thinks that is part of expanding the water grid. The government should be ashamed. It should not be talking about the north-south pipeline. It has caused my community and communities around my area much angst, and the north-south pipeline is much hated. Because it is so hated, the government decided to change its name. It is no longer called the north-south pipeline; it is now called the Sugarloaf pipeline, so that nobody will actually recognise it. If people are unhappy about something, change the name, and that is what the government has done.

A couple of years ago a number of businesspeople went to the government and did a deal. They were businesspeople from Shepparton, and that is how we

got the modernisation proposal. These people did a deal with the government — —

**Mr Nardella** — They were irrigators.

**Mrs POWELL** — They were businesspeople.

**The ACTING SPEAKER (Ms Beattie)** — Order! The member for Shepparton, through the Chair.

**Mrs POWELL** — Those people, who were not appointed or elected, had no authority and were not part of a statutory body, went to the government and did a deal with the government, but we can see nothing about what the deal was, who said what and who was there. There was no business case, there was no social impact study and there was no environment impact study. There was only a deal done with this government which said, ‘If you give us \$2.2 billion, we will give you a third of our savings’, and that was the deal that was done. Very shortly after that these people were duded. The government said, ‘We are not going to give you \$2 billion; in fact we will give you less than \$1 billion and what we will get is the first 75 gegalitres of water for Melbourne, and it will be from savings’. But it is not from savings, and again these people were duded.

Then these same people said, ‘We will ask others to go to the federal government and get the other \$1 billion’. That is what this government means when it talks about a \$2 billion scheme. It is talking about a wish list under which the federal government will give \$1 billion. The federal government has more sense than that. The federal government said, ‘You give us audited savings and then we may give you up to \$1 billion’, but the audit of those savings has not even been done yet.

People in my community are saying, ‘Let us have a look at the business case, the impact on the environment and the social impact statement after that water is taken’.

**Mr Nardella** — It is too late.

**Mrs POWELL** — The member for Melton said it is too late. That is a sad indictment of what this government has done. It will take the water first and then see what impact that will have on my community, on the farmers — —

**Ms Pike** interjected.

**Mrs POWELL** — I will come in on that interjection although I should not — —

*Honourable members interjecting.*

**The ACTING SPEAKER (Ms Beattie)** — Order! The interjections from the members for Melton, Murray Valley and Benalla are disorderly, and the member for Shepparton has the call.

**Mrs POWELL** — I will take up the interjections of government members who said, ‘I am sure we would like to have our upgrades’, and, ‘I am sure we would like to have the pipe’. Since it has been in office this government has received over \$3.5 billion in taxes from water authorities. Where has that money gone? It has certainly not gone into channel upgrades. It has not gone back into water. We agree there should be an upgrade of the ancient channels. This government has had 10 years and \$3.5 billion to do that. What has it done with that money? It certainly has not put it back into water, and it certainly has not upgraded our channels. The government stands condemned for having received \$3.5 billion over 10 years and doing nothing to upgrade our irrigation channels. The Treasurer then has the gall to say, ‘We will only spend money ...’ — —

*Honourable members interjecting.*

**The ACTING SPEAKER (Ms Beattie)** — Order! There is too much noise in the chamber. If members wish to yell, they can perhaps go to a football match. In the meantime, the member for Shepparton has the call.

**Mrs POWELL** — Then the Treasurer has the gall to say, ‘We will only upgrade your infrastructure if it is of benefit to Melbourne’. What an absolute indictment! Where does he think the food and milk comes from — good quality, affordable food, with a clean, green image? It comes from where the water is going to be taken from.

Environmentally the government is going to take water from the Goulburn River, which is the worst river in the Murray-Darling Basin. It is poaching environmental reserves from the river. It is poaching water that was to go to the Wimmera-Mallee people, so these are not savings. This is water that is in reserve for environmental and other reasons.

What we are looking at is this government’s poaching of 22 000 megalitres to go down the pipeline to Melbourne. It comes from other reserves rather than the savings from the Goulburn Valley. The businesspeople who went to the government should have forced this government to undertake to spend the money it had received from the water authorities on the Goulburn Valley so that those systems could be upgraded.

The bill talks about unbundling, which is about the removal of the value of water from land. The Nationals

called for compensation for farmers who have been disadvantaged by the state government's inept handling of the process of unbundling water entitlements, which came into effect on 1 July 2007. Again the government bungled this, because the government knew in 2004 that unbundling was to be put into place on 1 July 2007. It had three years to ensure that the process and the documentation were in place. I received many complaints in 2007 about delays by Goulburn-Murray Water in processing the transfer of water, because the administration and the processes were not in place. Constituents were trying to sell their properties and they were held up by Goulburn-Murray Water because it did not even have the paperwork prepared. Solicitors told me people lost sales because of the delay in trying to sell their land while the water was not removed from that land because the processes and the paperwork were not in place. It was an absolute debacle.

Local government had problems because the rate base was going to be affected when unbundling came in, and some councils would lose millions of dollars worth of their rate base. Some of that rate base would not be equitable because while irrigators might pay lower rates because of the removal of the water, other ratepayers would have increases. There needed to be some modelling to make sure that the rate burden was spread across the municipality and there were not winners and losers. As I said, some municipalities stood to lose millions of dollars.

There are many issues with water that this government has failed to fix up. Environmentally, taking water from the Goulburn River, which services the food bowl of Australia, is not a good thing. We still do not know what is going to happen to the Goulburn system because of the removal of that water. The government does not know where that is coming from. It is sending it down to Melbourne, which has other options. Previous speakers have spoken about the other options that Melbourne has had, but the government has sat on its hands. It is going to wait until the last minute. Again it is talking about all these plans it has. It is not plans it has — all it has are hopefulness and wishes.

**Ms DUNCAN** (Macedon) — I support the following view:

Urban water authorities in regional areas will only be permitted to divert water from rural systems to augment existing supplies if they first invest in rural infrastructure to generate equivalent water savings.

I absolutely support that sentiment. It is straight out of The Nationals water policy. We should be congratulated on the work we are doing to improve the water grid across this great state to ensure that

everybody has water in these increasingly difficult times.

We all sympathise with some of the hardships that are being experienced in rural Victoria. Farmers are doing it very hard. There have been huge numbers of changes in the water bills, in the way the framework and water entitlements are allocated — a whole range of areas in which we have previously managed water. That is incredibly challenging. It is change upon change upon change, all brought about by a 13-year drought, as much as The Nationals would like us to ignore the fact that there is actually a drought in this state.

We heard the member for Shepparton say how outrageous it is. We heard earlier today on another matter how outrageous it is that people are on water restrictions and are being limited to using 155 litres a day. It is outrageous! We heard that we should be back to the glory days where there are no water restrictions, we can have our sprinklers going, we can hose down our concrete drive, we can do the lot. We should not have to restrict water — for farmers, for urban users or for anyone else!

I also notice in The Nationals policy the phrase 'the urban thirst for water'. We hear this every time they mention water for Melbourne. The Nationals always use phrases such as 'so Melburnians can flush their toilets', because God knows they do not flush them in rural Victoria. Is that right? Is that what The Nationals would have us believe? And there is no thirst for water in rural Victoria either.

**An honourable member** — On the bill!

**Ms DUNCAN** — This is not on the bill! If you read The Nationals water policy, you see there clearly is no thirst for water in rural Victoria, the only thirst that exists in this state is in urban — —

**The ACTING SPEAKER (Ms Beattie)** — Order! There are some things that are best not mentioned in this house.

**Ms DUNCAN** — I rise to speak in support of the Water Amendment (Entitlements) Bill 2009, a housekeeping bill which continues the reforms this government has made through numerous bills in this chamber. I understand that opposition members have supported those bills, although one would be forgiven for believing they are not supportive of any of these measures. All the rhetoric and all the 'Let's not let the facts stand in the way of a damn good story' is true — but despite all that they support this bill.

This bill builds on the Water Resources Management Act 2005 and the Water (Governance) Act 2006, which introduced large-scale changes, which I have mentioned — difficult changes to our water allocations, the resource management framework that operates and the governance arrangements for water authorities.

This bill clarifies and finetunes aspects of those major reforms that have been in operation for some time. We can now look back and reflect on those and make amendments as necessary. I have said before that most bills that come before this house make amendments to existing legislation, and this bill continues that process.

The proposals contained in this bill come under three main categories. Firstly, there are the changes that respond to the consequences of the long-term drought. None of us should forget what this is all about. This is about a drought. If there was no drought, we would not be having these debates and we would not be passing legislation such as this. So let us not forget it is about a drought. I remind members that a drought is what happens when it stops raining. That stuff that falls from the sky stops falling, so dams are emptied, creeks dry up and rivers are reduced. All those things happen when rain stops falling from the sky. I say that for the benefit of members of The Nationals.

The bill also amends the Water Act 1989 to restrict rights so people can only use water at the place where they take it. Earlier today we heard of the drover's right, which is the general right for all people to reasonably take water for stock and domestic purposes where they have public access to that water.

I heard, I think, the member for Benalla talk about Lorna and Bill or someone. It is terrific that the drover's right has been enshrined in law in this state for 100 or so years, and we want to continue that where possible. However, again I remind members of The Nationals of the drought. Because of the drought there is much more competition for and theft of water from certain areas, and that is why these amendments are necessary, to tighten up some of those things that we have not needed to do before. If anything positive comes out of this drought — if there could be anything positive — it will be that Victoria has tighter regulations and greater transparency around some of the allocations of water that in the past have been completely unknown to most people. Gone forever are the days when people could take water and few tabs were kept on them doing so. Those days are over, as are the days of washing down concrete and running under sprinklers, sad as the passing of some of those traditions is.

As I said, the principle of the drover's right recognises the general right that people can take reasonable amounts of water for stock and domestic purposes where they have public access to that water. We do not want to see people carting water away and using it inappropriately and against the practice of what people would generally understand as the drover's right.

This bill also greatly improves the provision of carryover, which we heard a little about before. It enables irrigators to carry over unused water from one season to the next. Currently the legislation requires water share holders to individually apply to the minister if they seek to carry over their entitlements. This process has the potential to create a significant administrative burden, as some 20 000 irrigators could be eligible to make such an application. This bill seeks to avoid that burden by enabling the minister to declare that a carryover is available in a particular water system or in part of a water system in relation to each type of water entitlement or class of water entitlement in that area. This will dispense with the need for individual applications, so it removes an administrative burden and will make it easier for farmers as well. The bill provides that the minister will be able to impose conditions on carryover — for example, how many times unused water may be carried over. The bill also builds on recent reforms to water shares in the water register. I commend the bill to the house.

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

**Mr JASPER** (Murray Valley) — I am pleased to join the debate on the Water Amendment (Entitlements) Bill 2009. From the outset I want to say to the house — and I have said it on many occasions in the past — that you need to be in business to understand business. I think that is a known fact. If you have not been in business, you will really be at a loss if you try to tell someone how to run their business.

Often I have said that people in business create the wealth of this state, and the people who live in country Victoria and are involved in farming and other activities related to that are people who are in business. I often say that if you live in a house you need to understand that house; if problems arise, you fix those problems. You also need to live in northern Victoria to understand the difficulties and the issues that we, as people who are living in northern Victoria, experience.

**The ACTING SPEAKER (Dr Sykes)** — Order! I ask members to show due respect for the member for Murray Valley, the elder statesman of the Parliament.

**Mr JASPER** — You need not worry, Acting Speaker, I will talk over them. As people living in northern Victoria we understand issues such as border anomalies and, of course, water, which is the issue associated with the bill we are debating this evening. I have listened to a number of contributions to this debate, and I believe the speeches made by members of The Nationals have added to the general understanding of water management. The Deputy Leader of The Nationals, the member for Swan Hill, in his contribution demonstrated that he has a great understanding of water and the major issues we face as we go forward. The member for Rodney demonstrated a similar understanding of water and related issues, as did other members of The Nationals.

I have also listened to the contributions of a lot of members who live in or close to metropolitan Melbourne. It is apparent that they are trying to tell us what we in northern Victoria should be doing. They support the movement of water along the north–south pipeline, for instance. If I lived in Melbourne, I would support it too — I would say that we should be bringing water from northern Victoria to metropolitan Melbourne. What people do not understand is that this water is being taken from a distressed system. I listened with interest to the contribution of the member for Shepparton. She clearly outlined the difficulties experienced by people in her electorate of Shepparton and the Goulburn Valley when water is taken from a distressed system and moved through to Melbourne.

I listened to the member for Macedon, whose contribution was interesting. She launched an attack on the contributions made by members of The Nationals in particular, but I agree with some of the comments that she made. There is no doubt that management of water has changed over the last 10 to 15 years. I have seen it in my electorate of Murray Valley. I went to a meeting in Numurkah in the early 1990s. The people from the then Department of Agriculture spoke at that meeting. They said that farmers in the future would not be able to build their farms on 200 per cent water rights. This was a huge issue, and a lot of questions were asked. I heard farmers — dairy farmers and farmers in the fruit industry — saying ‘We have built our farm on a 200 per cent water right’. They did not understand that in the future we might face difficulties with the availability of water. Of course that has happened. Here we have the situation where we have not had enough water to be able to give even 100 per cent water right to many people associated with the water system in northern Victoria.

We need to get the point across to the government that if water is taken out of those distressed systems and

shifted to Melbourne and other places, there will not be the food production that we should be getting out of this great food bowl of Australia, the Goulburn-Murray Valley. As one person said to me — I think it was the member for Rodney — it was the food bowl of the Empire, and we can go back to that time to compare it with the world. It is tremendously important that we understand that is what it is all about.

Many members have talked about drought. The member for Shepparton quite rightly spoke about the difficulties for people living in Shepparton and the surrounding areas of the Goulburn Valley. I am a strong supporter of the Goulburn Valley food bowl modernisation project. Everybody supports that project, because it is upgrading a system which needs a lot of work because of decades of neglect. But the government has embarked on a divide and conquer strategy. It is saying that it will upgrade the Goulburn Valley system provided water can be taken to Melbourne. They are the two issues: upgrade of the system and movement of water to Melbourne.

The government says it is going to take that water from savings. I have asked members of the government, ‘How can you shift water if there is none there?’. You can say what you like, but if there is no water in the system, how can it be shifted to Melbourne? The government is saying that it will save 225 gigalitres of water, of which 75 gigalitres will be sent to Melbourne. I say again: if the water is not there, where the hell will it get it from? We have to be realistic. I agree with savings. Let us upgrade the system and we will get some savings. But if there is no water, how the hell can there be savings? The Minister for Water says we have got it wrong when we say we are defending our people in northern Victoria, and that is the issue as far as I am concerned.

That leads me on to another issue, which I think needs to be understood. The minister said in the house yesterday, ‘We are not going to build any more dams. We are not going to extend the dams we have in Victoria’. That is totally wrong, but I cannot convince the minister that he has got it wrong. He says to me, ‘You have got it wrong’. I have got it wrong! I asked him recently, ‘What has underpinned the supply of water into the Murray system?’. It is the Dartmouth Dam and the Snowy Mountains scheme. Without those two facilities we would have had no water.

The member for Macedon talked about drought over the last 10 to 15 years. We know about it; we live in north-east Victoria. People who live in Melbourne and who do not understand should go to northern Victoria. They would then experience the great difficulties we

have been living under in the northern part of the state and have a greater understanding of what is happening. The Dartmouth Dam and the Snowy Mountains scheme are underpinning the system.

A couple of years ago I went to the Victorian Farmers Federation conference where they had pictures on the wall showing people having picnics on the bed of the Murray River at Swan Hill and Mildura. Why? Because there is no water in the system. Dams have underpinned that system, but what I am saying is that we probably need a combination of both. Yes, we need to be water efficient. There is no doubt about it; people are more efficient than ever before in their usage of water. I support the need for efficiency in the usage of water. Even people in metropolitan Melbourne are more efficient with their water usage. I applaud the government for what it is doing in achieving this. However, a lot more can be done in that area. I support the comments made by the Leader of The Nationals when he said more can be done in metropolitan Melbourne.

However, let us go back to the northern part of the state. Some \$8 million will be spent on upgrading the wall of the Lake William Hovell Dam. It only holds about a cupful of water — about 14 000 megalitres. Why do we not now arrange the second stage while we are underpinning the walls, which it is believed need to be strengthened? It is costing \$8 million. What would it cost to raise it to the second level?

I had a person from the Acting Speaker's electorate of Benalla ring me recently. He said, 'I worked on that system when they were building the first stage. What they should be doing is extending and building the second stage', which was proposed by former Premier Bolte when he bought the land and built the Lake William Hovell and the Buffalo dams. The government needs to consider going to the second stage. Let us have a look at that.

The minister said to me, 'We have a cap on water capacity which was established in 1995'. What I am saying is perhaps that needs to be reviewed. Perhaps the government needs to have a look and say, 'Can we do a combination of both? Can we improve the whole system, including the Goulburn Valley and other areas?' — which I strongly support. But let us look at doing that in combination with building dams to underpin this system. I think this is the issue we should be addressing. Let us analyse how much it will cost.

The fact is, as sure as night follows day, it is going to rain. When we get rain we should hold the rain and use

it as we have over the past 10 years. If we tried today to build the Snowy Mountains scheme, which was one of the greatest engineering feats in the world at the time it was built, it would never be able to be built in the current system with governments around Australia. We would have great difficulty in building the Snowy Mountains scheme. It shifted water that was going to the sea down through the Murray River system and across to irrigators to support irrigation.

We need to understand the great difficulties that have been faced by people in northern Victoria. The government has some understanding, but it is not going far enough. It is not saying, 'We need to acknowledge these facts'. The Minister for Water comes into the chamber, and he is like a parrot. His spouts off all the information that has been given to him. He needs to understand there are difficulties in the operation of the whole system.

I want to say finally that we have systems under stress. There are water allocations of 46 per cent of in the Goulburn River system and 57 per cent in the Murray River system. There are no allocations at all in the Broken, Campaspe and Loddon river systems, because there is not enough water there. But the government is shifting water from northern Victoria down to metropolitan Melbourne. How disastrous is that? We want 100 per cent of water allocation rights in the irrigation system in northern Victoria. Let it be efficient — I want it to be efficient — but do not take water when we do not have water to give to people in metropolitan Melbourne. There are other areas where work can be undertaken to protect that water. The bill before the house assists in refining the system, and I think that will go a long way in helping the issue.

**Mr ANDREWS** (Minister for Health) — I am pleased to provide some concluding remarks on this important bill — I think by agreement — and to thank honourable members for Swan Hill, South Barwon, Rodney, Narre Warren South, Benalla, Ballarat East, Hastings, Seymour, Gippsland East, Mildura, Lara, Shepparton, Macedon and the father of the house, the member for Murray Valley, for their contributions. I commend this bill and these important measures to all honourable members.

**Motion agreed to.**

**Read second time; by leave, proceeded to third reading.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**ROYAL MELBOURNE INSTITUTE OF  
TECHNOLOGY BILL, SWINBURNE  
UNIVERSITY OF TECHNOLOGY BILL,  
UNIVERSITY OF BALLARAT BILL and  
VICTORIA UNIVERSITY BILL**

*Second reading*

**Debate resumed from 25 November; motions of  
Ms ALLAN (Minister for Skills and Workforce  
Participation).**

**Mr DIXON** (Nepean) — This evening it is a pleasure to speak on the Royal Melbourne Institute of Technology Bill 2009, the Swinburne University of Technology Bill 2009, the University of Ballarat Bill 2009 and the Victoria University Bill 2009. From the outset I would like to say that the coalition will be supporting all four bills in this cognate debate.

Each of the four bills we are discussing tonight abolishes the relevant university's existing act and establishes a new act for that university. At the same time each of the bills will adopt template legislation that is being used for eight Victorian universities that are covered by state legislation.

When I was in this position during the last sitting week when we debated the other four university bills there was a last-minute inclusion of an amendment introduced by the member for Bendigo East regarding representation on the La Trobe University council. We subsequently found out that the amendment was not requested by that university. That university was not even consulted regarding the amendment. It was just a bright idea of the member at the time to amend the bill. We supported the amendment, but in the spirit of bipartisanship I would like to give any members of the government who might be from the eastern or outer eastern suburbs the opportunity to propose amendments regarding the Swinburne bill. I do not think any have been proposed.

Perhaps the members for Ripon, Ballarat West or Ballarat East wish to propose some amendments to the University of Ballarat Bill. No such amendments have been proposed. Perhaps some amendments to the Victoria University Bill might be proposed by members representing the western metropolitan area. There do not seem to be any proposed amendments to that bill. Any member who has an interest in or whose electorate has an RMIT campus might propose amendments.

There seems to be no interest. So we are moving on with the four bills as presented.

**An honourable member** interjected.

**Mr DIXON** — Perhaps we should. I will say just a quick few words about each of the four universities that we are talking about this evening. First of all, the University of Ballarat was established in 1994. The university is the former Ballarat College of Advanced Education. The Ballarat School of Mines and the Ballarat and Wimmera TAFEs were then integrated into the one body and became part of the new University of Ballarat.

The University of Ballarat is the only Victorian university that is a totally regional university; it is unique in that regard. That is good, as it reflects the diversity of universities and education we have in this state. The university is very important to Ballarat and the Wimmera area, not only educationally but also financially — having a major university in a town has many flow-on effects throughout the community — and socially. The university campus in Ballarat also hosts what is probably the leading regional technology park in Australia.

The Royal Melbourne Institute of Technology began as the Working Men's College, which was established back in 1887. In 1954 it gained the 'royal' part of its name in recognition of the great work it did in training people for the war effort in the decade before. That is interesting; I was not aware of how 'royal' became part of that university's title. The title 'RMIT' was adopted in 1960. It was the result of many mergers with a number of TAFEs and other colleges of advanced education coming together. RMIT has five campuses in Victoria and two in Vietnam.

Swinburne University of Technology became a university in 1992 but the history of that educational institution goes back to 1908. In fact it was founded by George Swinburne, who was a former and another illustrious member for Hawthorn. He left his mark on education in that part of Victoria and established Swinburne a number of years ago. Swinburne has six campuses here in Victoria, three of which are in the outer east, and it also has a campus in Sarawak in Malaysia. Swinburne has a strong presence and is an important part of education in the outer east and the suburbs of Melbourne growing in that direction.

Finally tonight we are looking at legislation to do with Victoria University. It became a university in 1990. In fact it was established in 1990 as the Victorian University of Technology, and in 1995 it took on the

name of Victoria University. Its history goes right back to 1910. Seven colleges of advanced education and tertiary institutions were combined over the years to form the university. Victoria University has an important presence in the western and outer western suburbs. It has leading partnerships not only with the local community but also with various community groups, sporting organisations and companies. It is a very good corporate citizen of the western suburbs. Those are the four universities we are looking at this evening.

The current representation on the councils of each of these four universities will come across to the new legislation. There will be no change there, and the universities are happy with this, and we have found out that there will be no interference tonight from any members who want to change this without any dialogue with those universities. Their current councils, the composition of which will be reflected in the new legislation, reflect the importance of the areas they represent. The Swinburne university council will have a representative from the outer east, as it does now; the University of Ballarat council will have two representatives from the Ballarat area and also one from the Wimmera; Victoria University will have three representatives from the western metropolitan area of Melbourne; and RMIT's council has at the moment and will continue to have no special requirements for its members, except that each of the four universities is a dual-sector institution, which means it has a TAFE component in its make-up and a representative who has experience in the TAFE sector.

I am quite a fan of these dual-sector institutions. First of all, in the places where they are located they bring a broader range of opportunities — especially when you look at Ballarat and at the outer eastern or western suburbs where there are perhaps not a number of educational institutions — into one area, served by public transport, usually in a fairly convenient area. A broad range of educational courses be can undertaken by not only young students but the mature workforce as well. That is good. There is a critical mass there. The interaction between both sectors is important. It adds to the education that each provides and makes the translation from university to TAFE and also from TAFE to university, as people take more advanced courses, quite seamless. That is very good and encouraging. It encourages young people — in fact all people — to look at education as more of a lifelong pursuit rather than just something they get out of the way in their youth. The dual-sector universities do a good job.

As I said, and the bills say, one council member will have substantial knowledge or experience of vocational education and training. That is important, as it means the institute is not taken over and the university does not just become a university. It is important that the influence and importance of a TAFE institute, which is sometimes seen as a poorer cousin, is not diluted in any sort of way.

I mentioned in my contribution to the debate on the bills dealing with the other four universities that it is interesting that with the review of all the university legislation we did not really take the opportunity to look at, and there was no serious discussion in the community about, the interesting arrangements we have here in Victoria where all the universities are covered by state legislation, yet they are basically federal institutions and are funded by the federal government. The federal government has by far the greatest influence on the education in and various aspects of the universities. It is one of those quirky things that came out of federation. There really has not been much of a discussion about that. It would have been good to see that sort of discussion just to discover the history and whether it is as relevant now as it perhaps was when the universities were formed, including how they grew out of federation and what might suit education in Victoria and Australia in the future.

I am not going to go through the speech that I made the last time. Basically we are looking at the same legislation for these four universities as the legislation we looked at for Deakin, La Trobe, Melbourne and Monash universities, which has gone through the other place. Probably the best summary of the legislation and how it will affect our universities — in this case these four universities — is it will recognise the importance of the university councils and recognise the freedom and flexibility that should be given to the university councils to develop the courses and the vision and values of their universities to best suit the needs of what their universities or institutions are about, where they want to go in specialisation or research, the communities they best serve, the courses they have built up expertise in, and the campuses overseas that they serve. It is important that that flexibility and independence is maintained, and this legislation does that. That is one of the main reasons we are supporting these bills.

As part of my concluding remarks I reiterate that my concerns still stand for many country students who will be attending those four universities, especially those who have to leave home to attend them. When the rules regarding youth allowances were changed by the

federal government there was really not much intervention by this government on behalf of the Victorian students who will be affected by those changes. It seemed to sit back and let the federal government ride roughshod over it, and it did not speak up for Victorian students.

To a certain extent we have also seen the federal government's intransigence. Some leeway has been given regarding the rules for young people attending these four universities who will need to travel. I recognise the recommendations made by the bipartisan Education and Training Committee of this Parliament, which pointed out the inconsistencies in these commonwealth changes and the problems they would bring to the lives of people who wish to pursue further education, especially those from country Victoria.

Also, because these four universities are dual sector, I think it is worth reminding the house that there have been some massive fee hikes for students attending TAFE institutes. This will in some way affect students who will be attending these four universities. As I mentioned, these universities are dual-sector institutions, and a number of students will pay a lot more than they used to in order to attend them, thanks to the Brumby government.

To sum up, the opposition supports these bills. We think these four universities are unique, and we think they are doing a great job. We think the legislation reflects what they do and gives them the freedom and flexibility to continue doing the great job they do for Victorians. The coalition will, therefore, support these four bills.

**Mr HERBERT** (Eltham) — It is a pleasure to rise today to contribute to this debate on the Royal Melbourne Institute of Technology Bill 2009, the Swinburne University of Technology Bill 2009, the University of Ballarat Bill 2009 and the Victoria University Bill 2009. As the opposition spokesperson said, these are basically template university bills for all eight Victorian universities. They are part of the biggest rewrite of university access status ever seen, and I would like once again to congratulate the Minister for Skills and Workforce Participation on the way she has handled this rewrite and on the successful way she is bringing our legislation for universities into the 21st century.

I would also like to commend Brendan Sheehan, director of higher education governance and support at the Department of Innovation, Industry and Regional Development, for the excellent work he has done in

steering the consultation process and the writing of this legislation through the various sectors. He is doing an exemplary job; it is a large part of his life and something he should be very proud of. Brendan is in the chamber here tonight.

The opposition spokesperson has left the chamber, but I note that he was a bit critical of who was in the chamber before — I guess that is a strange thing to do in this house. As Parliamentary Secretary for Education I regularly visit universities, and I must say that nearly every time I have been to them on public occasions members from this side of the house for whom university visits take up a large part of the activity in their electorates have been there supporting those universities. The member for Bundoora works closely with the Royal Melbourne Institute of Technology, which is chartered to look after the northern suburbs of Melbourne at its fantastic facilities out there. I am an old boy of Swinburne University; I did my studies there and am part of the alumni — —

**Mr Noonan** interjected.

**Mr HERBERT** — We hear that the member for Williamstown also studied at Swinburne.

**Mr Andrews** — He is not an old boy, though.

**Mr HERBERT** — No, he is not an old boy — that's true! The Minister for Health says the member for Williamstown is not an old boy, and he certainly is not. The member for Ballarat East is a regular visitor to the University of Ballarat and is strongly involved in the Skills for Growth program there. That program is a great tribute to the Labor government. I think anyone who went to Ballarat University when Labor first came to government would see, if they went there now, a massive transformation in that activity and a huge upgrade in the quality of provision of education to young people — and older people — in Ballarat. The member for Footscray is very keen, as are other Labor MPs in the western suburbs, to support Victoria University and the great job it does in the western suburbs.

Victoria University is an interesting university in that it comes from seven separate institutes — the Footscray College of TAFE (technical and further education), the Western Institute, Newport Technical School, the Western Metropolitan College of TAFE, the Western Melbourne Institute of TAFE, the Melbourne College of Decoration and the Flagstaff College of TAFE. These great institutions, which looked after young working-class people, have now amalgamated into what is one of Melbourne's great universities that tries

to bring merit and equity to young people in the western suburbs.

I said earlier that this is an important rewrite of universities acts, and it truly is. This legislation is timely. Today's universities are vastly different to those educational bodies first envisaged in legislation some 100 years ago — 1853, in the case of the University of Melbourne. Today's universities are big business and they are multifaceted. They not only fulfil great university education purposes but also are vitally important to research and development, to our economy, to our export earnings, to the cultural integrity of our state and to the strength and ongoing growth of rural and regional communities.

With this in mind, some 18 months ago the government undertook consultation to rewrite the acts. There has been 18 months of intensive consultation. The opposition spokesperson said, 'We wish there had been more time for discussion'. There has been 18 months of discussion — detailed, heavy discussion — with all players and all parties. On top of those discussions and that consultation, ministerial round tables have been organised with vice-chancellors, a discussion paper was published in February 2008, and there was a statement of intent in November 2008 and a model bill in June of this year.

No-one could say there has not been decent discussion on the rewrite of this legislation in the sector and in the community with people with an interest in universities. That is why this legislation is well thought out, addressing key issues and providing the support that universities need to thrive in this decade and in the decades ahead — decades which will see an increasing emphasis on commercialisation and contestability; decades which will see universities become more flexible and adaptable to change; decades in which universities will need less prescriptive governance arrangements to enable them to adapt to changing conditions. That is what this legislation does.

The legislation is also timely in that it comes after a decade of the former federal government's slash-and-burn funding cuts, attacks on the academic integrity of universities and attacks on academic unions. It was an absolute jihad on the university sector in this country, which for some reason the Howard government seemed to revel in. I went through university, and I know it is a demoralising experience to constantly come under attack from a government that is supposedly there to support universities. We now have the Rudd Labor government in office, and a change has occurred.

There has been a renaissance in universities. They are thriving and growing; they are optimistic. It is a renaissance that this legislation reflects. It says to them, 'We do not want to attack you. We do not want constantly to get on top of universities. We want to provide legislation which will enable you to thrive. We will put in appropriate safeguards'. No-one wants to see universities go belly up and put young people in extreme hardship, which, as the member for Bulleen reminds me by interjection, was the case a few years ago with the Australian Maritime College when it was in the Nepean electorate — it is now at the University of Tasmania — which left people high and dry. This legislation will protect against that occurring.

This legislation will help to prevent that sort of thing from happening, but it also provides a balance and gives universities the freedom to move. It is unfortunate that on the other side of politics some of the old guard of the Howard era cannot let go. Just recently we have seen their intransigence in the Senate, with the federal opposition knocking back legislation which will mean that some 150 000 Australians will be denied fee assistance; next year they will be denied financial support in their studies. That means 40 000 young Victorian people will miss out on vital fee assistance because of the Liberal Party's intransigence in the Senate, knocking out the legislation.

**Mr Kotsiras** interjected.

**Mr HERBERT** — The Liberals and The Nationals. Some 150 000 people, including 40 000 young Victorians, will miss out on financial assistance next year to help them get through university. It is absolutely shameful.

But, as I said, this legislation here in Victoria provides a degree of flexibility and rewrites the university acts to introduce greater flexibility in government administration. It standardises the powers and provisions across each university act, and removes redundant and obsolete provisions. It gives the institutions greater freedom in determination of their university boards and makes clear the roles and activities between the board, the vice-chancellor and the chief executive officer. They are incredibly important positions, and they should not be mixed up.

This is important and good legislation. I am pleased the opposition is supporting it, and I highly commend it to the house.

**Mr CRISP** (Mildura) — I rise to make a contribution to this debate on the Royal Melbourne Institute of Technology Bill 2009, the Swinburne

University of Technology Bill 2009, the University of Ballarat Bill 2009 and the Victoria University Bill 2009. The Nationals in coalition are supporting these bills. Their purpose is to abolish the existing university acts and establish the new legislation setting up the legal structures for the operation of those universities.

These bills adopt template legislation that is being used for eight Victorian-based universities, and the composition of the university councils will reflect the current positions in each of their acts. For example, Swinburne has one from the outer eastern region; Ballarat has two from Ballarat and one from the Wimmera; Victoria University has three who live in or about the western metropolitan region; and RMIT has no such arrangements. In addition, where there are dual-sector universities one council member must have substantial knowledge and experience of vocational education and training.

What I want to talk about in this debate is the value of regional higher education. One thing that has been achieved in recent times is the move of some of the university campuses out into the country. Some of the universities we are dealing with here have rural outreach campuses. This helps out communities in the process of change.

I will talk about the Mildura community now. Mildura is very much in the midst of change. If you think of our economy as a pie divided into segments, each segment is not fixed at any time, it is changing. Because of the drought our agricultural and horticultural segments are contracting, although hopefully our pie can continue to grow. Mildura has been lucky enough to achieve a mineral sands industry. That has been an area of growth, and we very much look forward to having a solar industry as well. But you have to migrate people across those sector boundaries. In order to do that you have to have training organisations at all levels and you need private trainers. We have our TAFE institution, but most importantly we have the university.

When you have communities and families in a process of change, those regional campuses of universities are very important. There is no better example than the La Trobe University. I know that university is not the subject of these bills, but we did debate legislation on it in the last sitting week in November. It is a good example of a positive change. The university had provided a primary teaching course that went for one year in Mildura, two years back in Bendigo or Melbourne and one year back in Mildura. This year that course was changed to run for the full four years in Mildura, thus increasing enrolments substantially. That

enables students from families that are in transition to do their full studies without having to leave Mildura.

There is also a proposal from La Trobe University, Mildura campus — I know other universities are also considering this — that it needs to consider the options that are available, because unfortunately not all options are available at regional campuses. I will talk a little more about that later. Universities are forming partnerships with TAFE and using existing pathways to get people through diplomas in the TAFE system to degrees. That is an area that is open to domestic students, but I know a lot of work is being done to attract overseas students as well.

Mildura has a partnership with two universities in China, Dali and Yuhan, and there is a requirement for additional capital on the site, mostly from the federal government, but state support will also be needed. Numbers will grow in our country universities, as will the support that is needed. Country areas have some advantages in that students can stay at home. That leads me to some other issues.

There are issues relating to differential funding of regional universities compared with city universities: with smaller numbers it costs a little more and, if under cooperative federalism this government could mention that to the feds it would be very much appreciated.

I will talk about the University of Ballarat now. There are universities that have shown great initiative. I congratulate the council of the Ballarat University for the work it has done in establishing its technology park. Along with a member for Northern Victoria Region, Damian Drum, and a member for Eastern Victoria Region, Peter Hall, in the other place I visited the Ballarat University technology park and had a look around there. I would like to thank Mal Valance, who showed us around.

*Honourable members interjecting.*

**Mr CRISP** — I understand, and the interjectors are reminding me, that site supports 1400 jobs, and they include positions at IBM, the State Revenue Office and Ambulance Victoria. The university is busily seeking D24 to go out there as well. I am looking around to see confirmation of whether in fact D24 has moved there.

Ballarat University is important. It is also important to regional Victoria. It is an area where not all courses can be offered in all places, and that is where students need to travel. This brings us to the youth allowance issue, which was also raised by the member for Eltham. That youth allowance is absolutely vital for people who have

to study away from home, but I think what the member for Eltham does not understand is the cost of living away from home for country students. Currently they face the requirement of having to work for two years to get the independent living allowance.

What not everybody understands is that many country students have to receive the independent living allowance as well as what their parents can give them to help them get through. It is not one or the other: both the independent living allowance and help from their parents are needed to enable country students to live away from home, because it is so costly. It is also costly to travel back home to maintain connections with your family. I know those who are doing their gap year can go on to university, but we are leaving a whole lot of students in a state of flux over this.

I can speak with some experience on this matter, as I studied at Ballarat University to obtain a number of my qualifications, returned to the university to work as the warden of the residential college at Ballarat and in between these times I served one year on the Ballarat University council. That is why I was so pleased to go back many years later and see that so much of what had been talked about then had since come to fruition.

Young people living away from home need support; they do not need to have money worries or problems. In addition they cannot work the hours and raise the money required to be independent while successfully studying. It just cannot be done. Even now many country students have to work part time, to the detriment of their studies, to earn money to supplement what youth allowance and parental support they have just to make their courses work. Many a student has had to delay their course by a year because of a money problem. It has been a huge issue in country areas. We need young people to take these courses, particularly in the professional areas that we require in the country. If you can breed them in the country and train them in the country, you will retain them in the country!

It is ever so important for us to manage the changes that our communities are having to go through. Only this week the *Sunraysia Daily* reported that the head of the local secondary college has found to his amazement that over a third of Mildura students in senior college are now either not going to university because of the difficulties with youth allowance or are going to defer for two years and work. If you work for two years, you become a little older, things happen in your life and you may well join the ranks of people returning to study later in life. Many of us have done that, and it is very hard; very quickly you just cannot run the gauntlet any

more. Nonetheless people are doing it, and I take my hat off to them.

However, the youth allowance issue needs to be resolved through cooperative federalism. The state government needs to get on the phone to Canberra and say, 'Sort this out before we leave a whole generation of young people disillusioned and unable to take advantage of the marvellous tertiary institutions we have and the opportunities they give both to those who participate and those in the country who benefit from people with those professional skills returning to the country'.

**Mr NOONAN** (Williamstown) — I rise to support the four bills that are being debated concurrently tonight. I put on record that I am a graduate of Swinburne University. I benefited a great deal from my graduate studies at the Hawthorn campus — and I acknowledge I was probably in enemy territory at the time — but as a representative of the western suburbs in this house I will focus on Victoria University in my contribution tonight because, as the member for Eltham said during his contribution, it is a cornerstone of education in the western suburbs of Melbourne.

In speaking about Victoria University, it is worth briefly acknowledging the history of the west and placing Victoria University into that historical context. Melbourne's western region has a rich and proud working history. Indeed if you look at history, you will see that my part of the world, Williamstown, was where the first white settlers arrived in Melbourne. While much of the region's early history revolved around the waterfront, by the second half of the 19th century the west of Melbourne had developed into an industrial and manufacturing engine room for the state. This development was supported by an expanded port, road system and rail yards, creating thousands of jobs for local families. Generations of my family were born and raised in the western suburbs and secured jobs in industries such as the railways and the textiles, clothing and footwear sector. In addition, my grandfather ran a small patternmaking business in the western suburbs.

Today the manufacturing sector remains strong in the west, but it is now supported by a more diverse set of new industries, such as retailing, freight and logistics, petrochemical, tourism and hospitality, education, culture and the arts, food production, shipbuilding, sport and recreation, and power generation. A feature of the workforce is its cultural diversity. This was created by waves of immigrants arriving in Victoria and settling in the western region, contributing to the working class history of the western region of

Melbourne. More than 90 different nationalities are represented in the region and 35 per cent of the region's families speak a language other than English at home, compared with a statewide average of 20 per cent.

The western region is very much a growth corridor, as has been acknowledged in a range of debates in this place. Raw statistics alone indicate that the metropolitan west makes up 16 per cent of Melbourne's population — that is where the peg in the sand was in 2005 — but it will increase to 26 per cent of the total population of Melbourne by 2031. In pure numbers this means there will be a 38 per cent growth — that is, just a little over 230 000 extra people — in the population of the west of Melbourne from 2005 to 2031.

The increase in population and the industrial growth in the area needs to be supported by education. Victoria University remains as relevant today as it was in 1916 when it was founded as Footscray Technical School. In her second-reading speech the minister quoted from the university's own history, which made the following comment about the motivation for the original school's formation, indicating that the time — around 1916 — was:

... a time of great optimism when people believed in the power of technical knowledge to positively transform lives and social conditions.

I am not sure that these aspirations have necessarily changed over the past 90 years.

Back in the early days the role of the technical school was to equip the industrial workforce of the west with practical, job-focused skills and knowledge. Through a series of mergers with other western suburbs technical colleges, it grew into a very large institution, which was reflected by its establishment as a university by an act of Parliament in 1990.

The university as it stands today has multiple campuses across the western region of Melbourne and has a campus in the central business district. It has also established partnerships, many of which are across South-East Asia and China, including Hong Kong, Singapore, Thailand, Korea and across to New Zealand and Vietnam. So it has expanded a lot. That is reflected by its student body these days.

Victoria University's focus is on high-quality education and also on forging strong links with local communities, government and industry. VU continues these links with its many industry partners such as Toyota, the Western Bulldogs footy club, City West Water, Western Health, the Sofitel and Australia Post.

An example of this industry partnership occurred in 2008 when VU developed a partnership with Australia Post in its industry skills training area to train women to get heavy rigid truck licences, to use forklifts and gain the relevant licences to work in the warehouse environment, which is the sort of thing that universities should be doing more often.

VU is also a vital community partner in the western region of Melbourne. I say this because in my electorate of Williamstown VU has been a leading sponsor of the local literary festival for many years, ensuring that the best and brightest writers are showcased annually to the people in our region. It provides much support to our community. It is vital that the prosperity of the western region of Melbourne be maintained through VU's good governance and administration, and this is what the bill is about. The growing catchment, which is in the west, will most likely produce many of the future community industry leaders, and the bill modernises the university's framework for governance and administration.

The bill will ensure that VU can continue to perform in a competitive, ever-changing environment. To achieve this the bill promotes a number of key aspects, including stating the objectives and role of the university, which recognise its character as an institution of higher education, teaching and scholarship in both pure and applied research. I might add that it was pleasing to see that one of the objectives of the university is to provide programs and services in a way that reflects principles of equity and social justice.

The bill will provide the university with greater flexibility in terms of determining the size of its own governing council, allowing for the appointment of between 14 and 21 members. The bill removes the prescriptive detail about operational matters from the legislation, leaving the university better placed to determine its function and, more broadly speaking, its destiny. The bill provides for a clear delineation between the roles and responsibilities of the council as the governing body of the university and those of the vice-chancellor as the chief executive officer of the university.

Finally the bill provides for the creation of guidelines, subject to the minister's and the Treasurer's approval, setting out the best practice arrangements in respect of risk management, planning and oversight of the university's commercial activities. A range of other changes will be introduced by the bill and they are all designed to create contemporary governance structures

so that VU can maintain peak performance in a rapidly changing world.

In conclusion, I want to congratulate the Minister for Skills and Workforce Participation for bringing this bill before the house. I also acknowledge the work that has been done over a long period of time, as is usually the case with these types of bills. Bills such as these form part of a much larger agenda to invest in the skills sector.

The minister and the parliamentary secretary, the member for Eltham, have demonstrated leadership in this area and have been the driving force behind this government's \$316 million skills reform package, known as Securing Jobs for Your Future. The minister knows full well that industries such as freight logistics in my part of the world are growing with the economy but face a challenge in the supply of skilled labour to match that growth. The minister's package is about ensuring that these types of situations can be overcome. I certainly commend the minister, as I do the parliamentary secretary, on the policy framework and investment in this area. It will ensure that Victoria remains the engine room for the nation's economy. I commend the bill to the house.

**Mr WAKELING** (Ferntree Gully) — It gives me pleasure to rise to make a brief contribution to this concurrent debate with respect to the RMIT University, Swinburne University of Technology, the University of Ballarat and Victoria University bills of 2009. I wish to place on the record that I am a former student of RMIT. I attended three universities within the state of Victoria — Monash University and La Trobe University have already been dealt with in the tranche of bills that were debated in the previous sitting week.

The purpose of the bill is to abolish the existing university acts and establish new acts to set out the legal structures for the operations of the four universities I mentioned. Similar to the previous four pieces of legislation that were debated in the last sitting week, it adopts the template legislation that is being used for the eight Victorian-based universities. The composition of the university councils will reflect current provisions in each of their acts. In addition, there is also a dual-sector university, where one council member must have substantial knowledge or experience of vocational education and training.

I will start with Swinburne University, which has a campus in Wantirna in the neighbouring electorate of Scoresby and serves residents of my electorate. It is important that we have a university facility which can

provide leading-edge educational services for students within the municipality of Knox. It has been there for a number of years. It is certainly well respected and well regarded by the Knox community. I was pleased to learn of recent initiatives to develop a partnership with local secondary schools to provide green jobs. The purpose is to make the university a sector for green employment by working collaboratively with the local secondary colleges throughout Knox. It is in its infancy and certainly has not been rolled out. It will be a great opportunity for secondary colleges and universities to work collaboratively. I was heartened to hear of the work that Swinburne is doing with regard to that provision of employment. It is certainly important to have facilities placed where the people are, and Wantirna is such a facility.

Monash University, which was dealt with in the previous tranche of legislation, has campuses that service my community at Clayton and to a lesser extent at Berwick. As the Minister for Health, who is at the table, would well know, we need good, accessible transport to our universities. I am sure he, like me, would understand the need for more to be done in that area with respect to the proposal for the Rowville rail line, but that is a debate for another time.

With respect to RMIT, one of the important processes that RMIT has undertaken in the past few years has been the establishment of various campuses. When I was a student of RMIT in 1991 I attended its former Coburg facility, which was then a Phillip Institute of Technology precinct. I undertook part of my graduate studies in industrial relations at that facility. I remember that course with fondness; it was rewarding in terms of my future employment. Interestingly, the university had identified that it needed to streamline its services and relocated its facilities and services from Coburg to Bourke Street, just near Swanston Street, in what is now the Tivoli building. My understanding at the time was that that happened as a consequence of a donation from a parent of a former overseas student of RMIT for the services it had provided to their son; they gifted the building to the university. That was folklore. I do not know if it is true, but if it is, it was a great windfall for RMIT.

As I indicated, it is very important that we have a tertiary education sector which is meeting the needs of not only students but also our workforce. In Knox we have a number of light and service industries, particularly around the Scoresby employment precinct in the neighbouring seat of Scoresby, which is adjacent to EastLink and has become a hub for employment. There is certainly a necessity for residents in my

electorate to have access to good university facilities. As I said, we have access to Swinburne University, Monash University and also Deakin University in Burwood. I believe this is an important piece of legislation. As the member for Nepean has indicated, the coalition will be supporting these bills, and I wish them a speedy passage.

**Mr HOWARD** (Ballarat East) — I too am very pleased to speak on these pieces of legislation, which as we have heard link together a number of different universities to ensure that we have consistent legislation relating to all of our universities across the state. One of our newer universities in Victoria is the University of Ballarat, which is located in my electorate and has now been going for 15 years.

I have been very pleased, in both the time that I have been the member for Ballarat East and the time before that when I was a representative on the City of Ballarat council, to have had lots of reasons to work with the University of Ballarat and its predecessor, the Ballarat College of Advanced Education. Former Premier Steve Bracks was one of those students who came out of BCAE. Clearly this university has a strong history, and the fact that BCAE was able to develop into a university in its own right was a source of much enthusiasm in Ballarat.

Since it has become a university in its own right it has become a dual-sector university, taking on the TAFE sectors that used to be the School of Mines and Industries in Ballarat and the TAFE in Horsham. It has also established campuses at Stawell and Ararat, so it has extended out into western Victoria.

I believe the University of Ballarat has provided great benefit to all of those communities, whether they be in Ballarat, Ararat, Stawell, Horsham or the other smaller towns in the Wimmera area that have benefited from a number of programs that have been supported by the University of Ballarat. The University of Ballarat identified that in order to become a university in regional Victoria — and it is of course the only university in our state that is entirely regionally based — it needed to serve those communities in which it existed, recognise the skills required in those communities and build strong relationships with each of those communities. I think the University of Ballarat has been fantastic in the way it has been able to do that.

As the member for Mildura noted earlier on, the University of Ballarat now has a strong linkage into the city centre of Ballarat. It has gained a city campus on the Camp Street site, which contained the old police

station and post office, where it focuses on its arts and drama programs. The university has been able to develop a strong link right in the centre of Ballarat, but in recent years it has also been able to strongly develop out of its Mount Helen campus, including the University of Ballarat Technology Park. That technology park started some 15 years ago, about the time that the university itself developed; however, under our government over the last 10 years it has developed further.

The government relocated the State Revenue Office to there, which provided a significant incentive for further growth. We have supported ongoing growth with the Global Innovation Centre, and more recently we had the Premier and members of the cabinet there last week opening the new IBM technology centre, which is going to employ another 300 people on this site. As IBM said when it opened that centre last week, the support from the state government has been important but having the University of Ballarat there, providing opportunities to link the technology with its students and build all sorts of good linkages, is also why IBM has established the technology park at Ballarat rather than going to Queensland. They were certainly courted by Queensland.

This has been a great opportunity, and there are presently 1400 jobs at the technology park because of a number of linkages that the state has worked on with the University of Ballarat, such as the establishment of the regional ambulance headquarters, the other data centres and of course the Emergency Services Telecommunications Authority centre, which provides telephone services for fire and ambulance from a central location in the technology park.

But that is only one part of the University of Ballarat. It has been great to recognise that the university has a number of major areas of development that also have a good history associated with them, such as engineering. It has built on its engineering schools; it has built on other areas that we need in the region like teaching, nursing, arts and drama, and sports. Science and sports medicine are areas in which the university has strongly developed, as well as many other areas in the tertiary sector.

Given that it is also a dual-sector university, it has been able to have some great linkages as it has developed its TAFE sectors in Ballarat, Horsham and those towns in-between — Stawell and Ararat. The university has been able to ensure that there are good opportunities for students to move between TAFE institutions and the higher education sector. There are some great

opportunities for students to move into the areas they want to move to in order to further develop the skills they have achieved. The university is operating in a very sound way to identify opportunities for students in the future.

The other thing about the University of Ballarat which has been great for Ballarat and the other centres in which it operates is that it has attracted a strong international sector, so many international students are coming into Ballarat. Whether they be from India, China or other centres in the Middle East and Asia, there is a very strong sector of international students which has added much to the Ballarat community.

Clearly the university provides a vital component of the development of Ballarat and the towns to the west of Ballarat. In this legislation before the house I am pleased to see that we have brought the University of Ballarat into line with other universities across the state, enhancing and clarifying its governance, making other issues associated with the current legislation redundant and ensuring that the university is in a strong position to move forward.

As members can tell from this speech, I am very keen to see further development for the University of Ballarat in the future. Its development is vital for the future of cities like Ballarat and others to the west. I support the bill and I look forward to continuing to work with the university as it develops. The university has very sound management and a great team, and I look forward to its progress. I am pleased to support this bill and recognise the great efforts of the university to date, and I look forward to its future advancement.

**Dr SYKES** (Benalla) — I rise to contribute to debate on the Royal Melbourne Institute of Technology, Swinburne University of Technology, University of Ballarat and Victoria University bills. Acting Speaker, I follow your lead in the absolutely outstanding contribution you made to the earlier debate on water, when you shared with the house your 34 years of accumulated wisdom and experience, and I wish to follow that lead if I can.

In my electorate the issue of people being able to take advantage of the opportunity for a tertiary education is fundamental to their proceeding in life and being able to make a contribution to the community. As I and others have raised in the house, there is an issue in country Victoria where young people are being denied the opportunity to achieve a tertiary education, in comparison with their city counterparts. The social disadvantage gap for country young people and country

communities in general continues to broaden. Therefore the availability of tertiary education, from the points of view of both accessibility and affordability, is fundamental in helping people to avoid slipping further into social disadvantage.

Other speakers have mentioned they have been the beneficiaries of a tertiary education. In my case, I had the opportunity to undertake a degree in veterinary science at the University of Melbourne and that was done on the basis of guidance from my father, who encouraged me to have a tertiary education so that I would be better positioned to have career opportunities.

If we are going to help young people in the country proceed and have choices, as we want all our young people to have choices, the availability of tertiary education is fundamental. It is also critical, if one is going to take up a tertiary education, to be able to achieve the necessary marks at secondary school. It is therefore disturbing, as has been mentioned on a number of occasions in this Parliament, that the secondary school achievement levels by country students are substantially lower than those of their city-based counterparts, and the gap continues to widen. That is an issue the government needs to take on board, and in its own words, more needs to be done to stop the continuing exacerbation of social disadvantage for country young people.

Accessibility and affordability of tertiary education are the key issues, and regional location is important. In that regard I notice with regret the demise of the agricultural science course at Dookie campus in north-east Victoria. It is intriguing that in future our agricultural graduates are going to learn about agriculture on the tar and cement of a Melbourne-based campus rather than the green fields of north-east Victoria. It is a great shame and something that needs to be reversed so that young people who need to pursue a career in agriculture, even if they are having the water ripped out from underneath them by the Minister for Water, who is at the table — —

**Mr Nardella** interjected.

**Dr SYKES** — And for the benefit of the member for Melton I call on the house to plug the pipe.

Returning to the bill, the other comment I make builds on the contributions of the Parliamentary Secretary for Education, who is the member for Eltham, and the member for Mildura. The issue of the accessibility and affordability of a university education and attendance at the universities that are the subject of this bill is related to the issue of the youth allowance and decisions taken

by the federal Minister for Education, Julia Gillard, whereby she proposes to deny country young people the opportunity to access independent youth study allowance.

For country Victoria, that issue is as big as the issue of water, and given that we know that the water issue is — —

**Mr Nardella** — Is dead.

**Dr SYKES** — I take up that interjection from the member for Melton, who says that the water issue is dead — dead in the water. I say to the member for Melton that he should come north of the Divide and assess with his own two eyes the significance of the water issue.

Coming back to the issue of tertiary education, the availability of a tertiary education is fundamental to the ability of young people to avoid the exacerbation of the social disadvantage gap in country Victoria. Julia Gillard is standing in the way of that. She is standing in the way of young people finding a means to meet the extra \$15 000 to \$20 000 cost per annum for them to get a tertiary education compared with their city counterparts. We talk appropriately about the value of our international students coming here. That is fantastic, and I welcome them. But on the one hand we are welcoming our international students and on the other hand we are denying our country young people the opportunity of gaining a tertiary education. The cost for country young people is as much as for international students. I find it truly amazing that this government does not stand up and say to Julia Gillard that she has got it wrong.

Country young people will not let this rest. They will continue to raise this issue. They will continue to make the point that expecting them to work a minimum of 30 hours a week for two years to achieve independence is just not acceptable. The two-year deferral is going to result in more of them not taking up an education. The availability of 30 hours a week employment for country young people is limited. We are in tough times. We have had a global economic crunch, and we have had 12 tough years of drought. For the federal government and Julia Gillard to propose this is outrageous and out of touch. For the Brumby state government to fail to stand up and look after the interests of our future is absolutely appalling. With those few remarks I wish this bill to proceed so that we can continue the availability of tertiary education to all young Victorians. I also conclude my remarks by calling on the Brumby state government to have the courage and

intestinal fortitude to stand up to the federal government.

**Mr Nardella** interjected.

**The ACTING SPEAKER (Mr Jasper)** — Order!

**Dr SYKES** — The state government should insist that there be easier access to the independent youth allowance for country young people.

**The ACTING SPEAKER (Mr Jasper)** — Order! I will not have the member for Melton interjecting while the member for Benalla is on his feet.

**Mr DELAHUNTY (Lowan)** — I rise to speak on these important bills. I want to focus particularly on the University of Ballarat Bill 2009 and the Royal Melbourne Institute of Technology Bill 2009. Both of these universities are in my electorate of Lowan. It was not so long ago that we in western Victoria were fighting to get any universities in our area. A couple of years ago I had three universities in my electorate. Melbourne University was based at the Longerenong Agricultural College; Ballarat University had taken over the Wimmera Institute of TAFE; and the Royal Melbourne Institute of Technology, commonly known as RMIT, had taken over what was formerly the Department of Agriculture facilities in Hamilton and turned it into a university. We were very pleased about that. When the University of Melbourne walked away from Longerenong it left a big hole. The relocation caused huge disruption to the area.

I want to focus particularly on the universities that are still in my electorate — institutions which play a very important role in providing skills training and higher education training for the people of western Victoria. They are both very important. As we know, education and training is vital for the continuing development of people and, importantly, the continuing development of the region. Both of these universities play an important role. Only last week I was at RMIT attending a Next Generation — Rural Leaders' Network forum where some great work is being done with the next generation of leaders coming through, giving them the skills to be able to help in their community and, more importantly, to play a leadership role.

Hamilton is an education town. It has many primary and secondary schools, both government and non-government, and obviously RMIT. RMIT has been very strongly supported by Geoff Handbury. We thank him for his support not only to the university but to western Victoria in general. RMIT plays an important role not only with the next generation of leaders but

also in relation to nursing. It has a good working relationship with the Western District Health Service. It is a productive relationship that is to the benefit of everyone there.

The other one in my electorate is Ballarat University. I have heard other members speak about the fact that the university is based in Ballarat, but it has also got the western campus at Horsham and smaller campuses at Stawell and Ararat. I want to focus on the Horsham campus. It is going through some difficult times in our area, mainly because of population decline but also because of economic hardships through drought and various other things that have really hit our community hard. Ballarat University has been strong in the service it has provided to our community.

I note that the vice-chancellor has written to my colleague Peter Hall, a member for Eastern Victoria in the other place, who is the shadow minister for tertiary education and training. The letter states that the University of Ballarat supports this bill. RMIT has also supported the legislation.

As I said, this bill recognises that the University of Ballarat has a unique regional character and commitment to the communities of central and western Victoria. It was established in 1994 and it plays an important role in the area. But it has some challenges to do with keeping connected with the community and making sure it provides relevant, up-to-date courses for not only people doing TAFE courses but importantly also for those doing higher education courses like nursing. I lobbied pretty hard to ensure that the Horsham campus had good connections with the Ballarat main campus through the use of information technology so students could do a similar course in Ballarat to what they were doing in Horsham by using videoconferencing. In 2009 the University of Ballarat taught nearly 24 000 students. Most of them come from rural and regional Victoria and across southern New South Wales and even across into South Australia.

I want to finish off by saying that as the shadow minister for youth affairs I am very disappointed that this Labor government has sat on its hands in relation to ensuring that all our young people have the opportunity to go away for higher education. A parliamentary committee report chaired by a Labor member, the member for Ballarat East, came out with a strong recommendation that we need to particularly support our regional and rural students to get a higher education. The biggest barrier they have is cost. The federal government's youth allowance was a great way —

**Mr Nardella** — Federal issue!

**Mr DELAHUNTY** — It is a federal issue, but it impacts on the universities. Even the vice-chancellor of Ballarat University, if you look on the website, has been very strong in his criticism of the fact that the Labor government in this state has not supported our youth by standing up and saying to the federal government, 'This youth allowance change that you are bringing in will disadvantage mostly rural and regional students'. That report said that about 70 per cent of country students apply for university courses, while the figure for their city colleagues is about 90 per cent. An On Track report conducted by the Australian Council for Educational Research shows that about 12 per cent of the nearly 51 000 students who graduated in 2008 undertook further study this year and 33 per cent of them were from country Victoria.

Again there is an enormous difference between the percentage of country students who defer their studies compared to students in the city. It all comes down to cost. Members of this state's Labor government, particularly the Minister for Education and the Minister for Skills and Workforce Participation, all sat on their hands — even the Minister for Sport, Recreation and Youth Affairs. They did not make one public comment about a federal issue.

Government members were all talk about the emission trading scheme, but when it came to our youth, who are our investment in the future — and it really impacts on these country kids — this Labor government said nothing. Having said those few words, I recognise that these two universities play an important role in regional Victoria. I hope students will come through from right across Victoria, particularly rural and regional students, and will be given those opportunities for a tertiary education. I strongly support this bill.

**Mr HOLDING** (Minister for Water) — I thank all honourable members for their contributions to the debate. These are very important pieces of legislation, and I wish them a speedy passage through the Parliament.

**The ACTING SPEAKER (Mr Jasper)** — The question is:

That these bills be now read a second time.

**Motions agreed to.**

**Read second time; by leave, proceeded to third reading.**

*Third reading*

**The ACTING SPEAKER (Mr Jasper)** — The question is:

That these bills be now read a third time

**Question agreed to.**

**Read third time.**

**Remaining business postponed on motion of Mr HOLDING (Minister for Water).**

## ADJOURNMENT

**The ACTING SPEAKER (Mr Jasper)** — Order! The question is:

That the house do now adjourn.

**Buses: Doncaster**

**Ms WOOLDRIDGE (Doncaster)** — I call on the Minister for Public Transport to release the long-awaited review of Doncaster bus services. Bringing forward the time frame, the review was officially announced by the Minister for Public Transport during a visit to Manningham in October 2007. The government grandly announced it again in February 2008, and that was followed by a lengthy round of hearings and submissions with the community. Originally the review's results were due to be released in late 2008, then early in 2009. Their release was then delayed until mid-2009 and has now dragged on another six months. This matter has dragged on so long that we are now back to the original time frame, and commuters are still crowded onto buses. Even the Labor mayor of the Manningham City Council is frustrated with the delays and is on record in June as saying:

... Manningham has some of the most shocking public transport ... it is desperate ... we need (the results) as soon as possible.

Adding to this pressure is the government's recent announcement that Doncaster Hill will be the home to a high-rise social and affordable housing development, with a key argument for the proposal being that it is close to Westfield Doncaster bus terminal. This is a further reason for providing better public transport options. Currently Doncaster public transport users have bus services which are infrequent at weekends and non-peak times and are often overcrowded in peak times.

This is not the only public transport matter in Doncaster on which the government is dragging its feet. *Meeting Our Transport Challenges* outlines the Doncaster bus upgrade, which included more park-and-ride opportunities. Two years ago council investigated and put forward three suggestions for preferred sites for the park-and-ride facilities in Manningham, but we have had nothing from the government.

In September 2008 the minister told me the government was investigating options at a number of sites within Manningham, including the council's options. Since then another year has passed and still we wait.

All we have had is the bright idea from Brian Tee, a member for Eastern Metropolitan Region in the Council, to install a bike cage at the overcrowded park-and-ride station. He said that residents riding to the park-and-ride station instead of driving would ease the problems of overcrowding. I know Mr Tee does not live anywhere near his electorate, but even he should know that the Doncaster park-and-ride station is at the bottom of a large hill that is apparently so steep that this government has argued it cannot run a tram up the road to Westfield Doncaster. Yet this member believed that residents would happily don their lycra and helmets and cycle up this hill after a long day at work, so the existing bike lockers were replaced with brand-new ones, costing \$60 000. But — surprise, surprise! — there is little interest. Someone from the *Manningham Leader* visited the new bike cage on four days last week and each time the cage was empty. The money would have been far better spent releasing the conclusions of the bus review and providing the public transport services that Doncaster residents want and definitely need.

**Consumer affairs: retail warranties**

**Mr BROOKS (Bundoora)** — I raise a matter for the attention of the Minister for Consumer Affairs. The specific action I seek from the minister is to have Consumer Affairs Victoria investigate the operation of extended warranties in Victoria and in particular the level of awareness of consumers about warranties and whether extended warranties should be able to be sold at the point of sale at retail outlets without clear and accurate information about the extent of the warranties themselves and other protections that are already afforded to consumers.

This matter was raised with me by a local constituent whose teenage daughter had recently purchased an iPod at a local retailer. The iPod came with a manufacturer's warranty, but she also purchased an extended warranty at the time of purchase. The iPod developed a fault after

the manufacturer's warranty had expired but while it was within the extended warranty period, and they had considerable trouble getting the device repaired by the company that provided the extended warranty.

I think most members of this house would be aware of the situation where you are buying whitegoods or electronic goods and you are offered an extended warranty. Often it seems like a very good investment to spend what is a relatively small amount of money on a piece of equipment that you have just purchased, but it is often not clear from the information that is provided to you who is providing the warranty and exactly what that warranty guarantees. It is important that people understand that in Victoria they are afforded not only manufacturers warranties but also protection under the Fair Trading Act for items purchased with a value up to \$40 000. The situation around other states in this country is similar.

People need to be aware of that information, and they also need to be assured that they will not be fleeced out of their hard-earned money for warranties which in some cases they might not need and that if they do purchase an extended warranty they will get a reasonable outcome if they need to call upon that particular warranty.

### **Water: flow meters**

**Mrs POWELL** (Shepparton) — I raise a matter for the attention of the Minister for Water and in his role as Minister for Water and also in his role as the Minister for Finance, WorkCover and the Transport Accident Commission. The action I seek is for the minister to investigate whether the fitting of new flow meters by FutureFlow meets appropriate safety requirements.

I received a letter from Mr Gary Lawson from Katandra West regarding the fitting of new flow meters on his property. He is concerned about the safety aspect of those structures as there are no safety grates to prevent people from being sucked into them if they fell into the channel nearby. Mr Lawson contacted Goulburn-Murray Water and was told it was FutureFlow's responsibility. Mr Lawson then contacted FutureFlow, who advised him that the fitting of grates was not part of his company's job. Mr Lawson is concerned that FutureFlow has commissioned the structures, but he does not believe they are safe.

I wrote to the minister on 18 August and expressed Mr Lawson's concerns. I received a response, which states:

I note Mr Lawson's concerns regarding the safety of this infrastructure. FutureFlow installed meter outlet types varying

in size from 200 millimetres to 600 millimetres in diameter. G-MW has advised that FutureFlow undertook a risk assessment of all meter designs as part of its design management procedures. The risk assessment determined that the smaller sized meters required grates on their inlet to prevent larger particles entering the pipe and blocking in-line valves. It also determined that the grates were not required for meter outlets of 450 millimetres and greater, as there is insufficient suction pressure to draw an individual through the inlet pipe.

If Mr Lawson would like to discuss the matter further, I encourage him to contact Mr Peter Walsh, Manager, FutureFlow ...

Mr Lawson phoned Mr Walsh and advised him his outlet is 375 millimetres and asked when a grate would be fitted. Mr Walsh advised Mr Lawson, 'FutureFlow won't be fitting any as we think the risk is minimal'.

Given that FutureFlow undertook a risk assessment and determined that the smaller-sized meters — those under 450 millimetres — did require grates, and as the Minister for Water also has responsibility for WorkCover, I urge him to investigate why safety concerns have been overlooked, why FutureFlow has ignored its own risk assessment and whether these meters pose a safety risk for Mr Lawson, his family and the broader community.

### **Buses: Berwick**

**Ms GRALEY** (Narre Warren South) — The matter I wish to raise is for the attention of the Minister for Public Transport and concerns bus services in Berwick. I ask that the minister take action to provide improved bus services in Berwick.

My electorate is one of the fastest growing areas in Melbourne, and this growth has resulted in a need for improvements to roads and public transport. I am very pleased to say the government is doing a lot of work in both those areas. Various improvements have already been made and significant attention has been paid to public transport by the government in the Casey area in recent years, including the provision of additional train services, the upgrade of Narre Warren station to a premium station, extensions to car parks at Hallam, Narre Warren and currently Berwick, the parketeer bike lockers and a digital closed-circuit TV system that has already resulted in the successful identification of criminal offenders at railway stations along the Pakenham and Cranbourne lines. There is still more that we would like to see done, and this includes an improvement to bus services around Casey's new estates.

I was recently contacted by a very impressive young girl, Berwick resident Nadera Rahmani, who has

recently moved into one of the new estates in Berwick. In an email to me she said:

Due to the very minimal public transport near the area my four sisters and I have had a great deal of difficulties getting from one place to another ever since we moved into this area. As full-time university students we are unable to work sufficient hours to be able to afford a car, meaning that we are left to rely primarily on walking to Berwick station for approximately half an hour in what sometimes may be the most extreme of Melbourne's unpredictable weather (rain or scorching hot weather).

Ms Rahmani feels that a new bus line or an extension of the current route is needed. I know that desire is shared not only by her sisters who are also studying very well at university and at school but also by many new residents who have moved into the new estates.

I met with Ms Rahmani, and I know she is very keen to pursue this issue. I am very much one for trying to encourage young people to be involved in civic and political life. She strongly believes she is out there campaigning for the young people in her area who need better access to public transport. Many families with children are moving into the area who also need improved public transport to get to education facilities and employment. I ask that the minister provide improved bus services in Berwick.

### **Caulfield electorate: speed zones**

**Mrs SHARDEY** (Caulfield) — I wish to raise yet again an issue for the Minister for Roads and Ports. This is the second time I have raised the issue, and to date no resolution has occurred and no proper action has been taken. I ask the minister to take immediate action in relation to school speed zones that affect two schools in my electorate of Caulfield: the Beth Rivkah Ladies College and Yeshiva College.

These are two Jewish day schools which are in a unique situation. The colleges are on joint campuses on the corner of the busy intersection of Hotham Street and Balaclava Road. This situation is unusual in that the schools finish their day at 4.10 p.m. on some days and 4.45 p.m. on others. Unfortunately the 40-kilometre-per-hour zones that are in place to protect children leaving school and slow down cars are only in place until 4.00 p.m. — that is, from 2.30 p.m. to 4.00 p.m. — and these children are finishing school after 4.00 p.m.

Concerned parents have contacted my office worried about the danger their children are placed in when crossing these very busy roads. When I first raised the issue with the minister in this place more than 12 months ago I received a letter from him on

9 October 2008 assuring me that VicRoads would investigate the possibility of extending the school speed zone times for particular categories of schools like Beth Rivkah and Yeshiva Colleges and that, depending on the outcome of the investigation, any possible changes would be implemented from the commencement of the 2009 school year.

This letter was followed up by an article in the *Port Phillip Leader* of 13 November 2008 in which the minister's spokeswoman, Fiona Macrae, said the school speed zone times around Beth Rivkah Ladies College on Balaclava Road and Yeshiva College on Hotham Street would be changed to suit their later finishing time. Disappointingly this has not occurred, and I urge the minister to take immediate action to rectify this situation in time for the start of the 2010 year and note that he made a commitment that has not been fulfilled.

### **Consumer affairs: door-to-door marketing**

**Ms MARSHALL** (Forest Hill) — I rise in the house tonight to raise a matter for the Minister for Consumer Affairs. The action I seek is for the minister to examine amending the Fair Trading Act 1999 to ensure that the people of the Forest Hill electorate are no longer bothered by door-to-door salespeople at inconvenient times. A number of my constituents have approached me to relay their frustration with door-to-door salespeople, who not only intimidate them by using high-pressure sales tactics but also arrive at their doorstep at seemingly inconvenient and inappropriate times.

At a recent Forest Hill community tea that I held with the Minister for Consumer Affairs I was disturbed and shocked to hear of the number of residents who have just sat down to dinner and been interrupted by pushy and oftentimes rude door-to-door salespeople. My constituency comprises many citizens to whom safety is of paramount importance. Forest Hill has a higher proportion of people aged 25 to 59 and people who live alone than the rest of Melbourne. It is imperative that the elderly members of my community feel safe in their own homes. This constant barrage by door-to-door salespeople, recently from energy distributors, has made them feel like prisoners in their own homes, hesitant to even answer the door.

Currently the law stipulates that door-to-door sellers are allowed to visit homes or workplaces between 9.00 a.m. and 8.00 p.m. on weekdays and between 9.00 a.m. and 5.00 p.m. on Saturdays. Sellers are not allowed to visit outside these hours or on Sundays or public holidays. This still means that door-to-door sellers are allowed to visit homes outside of normal

business hours. To many of my constituents it is ludicrous that after 6.00 p.m. on a weeknight your doorbell can legally be rung by a door-to-door salesperson.

The minister is aware of the disruption and inconvenience unsolicited visits by door-to-door salespeople can cause. The Consumer Action Law Centre has released a 'Do Not Knock' sticker, which warns sales representatives not to knock on a door to which the sticker is affixed and removes consent for the salesperson to remain on the premises. This is a terrific win for consumers, but more should be done to help ensure that our home lives are not disrupted by door-to-door salespeople at inconvenient times.

I ask that the minister ensure that information is made available to the people of Forest Hill to make certain they are fully aware of their rights when it comes to door-to-door salespeople and to examine strengthening existing laws to protect residents, especially the elderly, from the inconvenience and disruption caused by door-to-door salespeople.

**The ACTING SPEAKER (Mr Nardella)** — Order! I will pause for a moment. Members are reminded that they cannot ask for legislation or for legislation to be changed or amended during the adjournment debate. The member for Forest Hill asked that information be provided to her constituents in regard to door-to-door salespeople, and that is appropriate, but any reference to amending legislation is inappropriate and will not be dealt with.

### **Schools: building program**

**Mr WELLER (Rodney)** — I wish to raise an important matter for the attention of the Minister for Education regarding growing concerns that some builders and private enterprises may be profiteering from schools in northern Victoria by inflating tender contract figures for building projects under the federal stimulus package. Whether they are profiteering deliberately or simply because state government bureaucrats are encouraging them to do so remains unknown, and I ask the Minister for Education to investigate these claims as a matter of urgency.

The Victorian government's management of this package has been plagued with problems from the outset, and I have raised these concerns on numerous occasions in this house in the past. These latest revelations are of a very serious nature and are yet another example of the poor way in which this project has been managed by the Victorian education department.

The stimulus package money is being thrown out the door in such haste that many schools in my electorate are not getting the chance to secure the infrastructure they want. Local builders are being excluded from tendering for the work, and some of those private enterprises which are permitted to tender appear to be putting up their contract figures. It would appear that prices are being inflated because both the federal and state governments went into this project in a rush without a proper tendering process. There is simply not enough capacity in the system to supply the demand that the government is asking of the private sector, so it would seem that the private sector is being forced to put up its contract figures in order to get the job done.

Our schools are suffering as a result. They are not getting what they want, and in the rare cases that they do, they are being charged too much for it. The minister has as good as confirmed this alarming practice in a letter to me this week concerning the Building the Education Revolution program at Colbinabbin Primary School. I will quote the letter:

A number of round two project tenders, including the tender for the Colbinabbin Primary School project, did not offer sufficient value for money.

... The project at Colbinabbin primary has now been retendered and will proceed as quickly as possible.

Many schools have been reluctant to speak publicly about this issue because they do not wish to be ungrateful for the investment nor to have a black mark put against their names. However, I have spoken with local builders and many school council presidents in my electorate who have all expressed serious concerns about the way this program has been managed.

I ask the minister to investigate this matter and to ensure that schools in my electorate are able to build the best possible facilities for the maximum value of the funding that has been allocated to them.

### **Rail: Eltham station**

**Mr HERBERT (Eltham)** — I raise a matter for the attention of the Minister for Public Transport. I ask the minister to take action to expedite all approval processes in relation to the Hurstbridge rail line upgrade in Eltham as quickly as possible.

Part of the \$50 million upgrade will enable two extra trains to be stabled at Eltham station. This will provide more reliable services to local commuters and will enable more peak-hour services to run on the line. Current stabling provisions on the Hurstbridge line are so limited that some trains required to operate on the Hurstbridge line are stabled on the Epping line and

Burnley station lines of Belgrave, Lilydale and Glen Waverley. This arrangement results in inefficient operations and is unsustainable due to the continued strong patronage growth on the Hurstbridge line. Given this situation, it is obvious that greater capacity needs to be created if we are to improve the reliability of existing services and to expand the number of trains and services on the Hurstbridge line.

By storing more trains at Eltham station fewer trains will need to be transferred from stabling yards on other lines. This will particularly be the case for the first services in the mornings. This will then free up the track and creates more capacity in the timetable to enable extra passenger services.

There are other stabling yards further along the track, but the additional capacity is needed at Eltham as this is where the line begins to attract significant patronage. In addition, the long length of single track past Eltham, track restrictions and the travel times involved make it impractical to locate these additional train facilities at any station other than Eltham.

There are those who seek to derail this project for their own political purposes. By her constant misrepresentations of the project, a member for Eastern Metropolitan Region in the other place, Jan Kronberg, clearly wants to undermine this vital project to ensure that much-needed extra services are denied to Eltham commuters. At a time when the entire world is moving towards planning its cities and towns with a central focus on greater environmental sustainability, we have elected representatives who for party political purposes seek to reject a project that is essential to encourage people to use a cleaner form of transport.

Sadly there are also indications that some members of the Nillumbik Shire Council — which has at least one councillor pushing for Liberal Party preselection — are also seeking to sideline this vital public transport project. I hope the new mayor, Ken King — and I congratulate Cr King on his appointment — helps the council to re-evaluate its stance and support this vital project. Cr King is a member of the dominant group on council which was elected at the last council elections.

It is vital we get more peak-hour services on the Hurstbridge line. It is incredibly important we get extra stabling and extra capacity on trains. I ask the minister to ensure swift approval processes of all aspects of this project.

### **Bushfires: powerlines**

**Mrs FYFFE** (Evelyn) — My request for action is to the Minister for Energy and Resources. The minister will by now have received a letter from the Shire of Yarra Ranges seeking support from the Victorian government to reduce bushfire risk associated with overhead powerlines and to increase the reliability of power supply through the undergrounding of electricity cables in high fire risk areas. The action I request from the minister is that he work with power companies and the government to assess the possibility of undergrounding powerlines in high bushfire risk areas.

The Yarra Ranges were significantly impacted by the Black Saturday bushfires. Afterwards the community came together to talk about what had happened and to learn from the tragic circumstances. A key priority identified by this consultation process with the community related to electricity infrastructure and its corresponding reliability and security in fire-prone areas.

The community and the council believe the continued use of overhead open-span powerlines in wildfire management overlay zones and bushfire-prone zones poses a significant threat to life and property. We had several fires that were started by falling powerlines. One such fire that did not rate as newsworthy because it was minimal in comparison to the size and enormity of many fires that were burning on that day was brought under control by local farmers, residents and the Gruyere Country Fire Authority brigade. It was a grass and scrub fire that headed towards the Warburton Highway. It was started by a powerline being brought down by a tree. If this fire had not been brought under control and the wind had not changed, it would have had the potential to jump the highway and burn a large section of the Lilydale township, Mount Evelyn, Wandin and Silvan.

The government's 10/30 rule has been welcomed by many property owners, who have sensibly reduced vegetation where appropriate. However, in such a heavily treed shire like Yarra Ranges it is not possible for every tree near a powerline to be removed. To be quite honest, it is not something we would like to see. I ask the minister to support the council's request and to look at the feasibility of undergrounding electricity cables in high-fire risk areas.

### **Energy: AGL billing procedures**

**Mrs MADDIGAN** (Essendon) — I raise a matter for the Minister for Energy and Resources. I would like the minister to assist, or see what he can do to assist,

my residents who have the misfortune of getting power from AGL. My experience of AGL is that its pricing policies are idiosyncratic. It has no customer service at all. I and my office have had to write to and ring AGL on a number of occasions in the last year in relation to its practices, which are quite obscure. I will just briefly detail a couple of those this evening.

Firstly, for some reason which AGL has never been able to explain to me or my constituents, AGL did not bill people for about a four-month period including Christmas last year. Then residents received three bills on one day demanding payment in 15 days and telling them their accounts were overdue. I find it difficult to believe you can have an overdue account when you have never received a bill before. Obviously this was a significant amount of money that people were asked to pay immediately.

On another occasion one of my constituents, who had already taken AGL to the Ombudsman on an earlier occasion, received a bill for a significant amount of money for electricity for a house he had not owned for two years — a fact of which AGL was well aware.

In another instance one of my constituents, who is a pensioner and who for several years had had bills averaging \$30 or \$40 — a lucky man; that is a very low amount in my view — received a bill for over \$300 and, once again, was told he had to pay in 15 days. My staff finally got through to someone at AGL, who advised my constituent that the meter reader could not find the meter and so had estimated the cost of his electricity. How you could estimate that someone who had always had a bill of about \$30 or \$40 should get a bill of \$300 I find difficult to understand.

I have written to AGL on a number of occasions since April this year. I have received no response to any of my letters. I have followed up with letters expressing my concern, and once again I have had no response. This is the experience that many of my constituents have had. We in my office are now at the stage of suggesting to people that perhaps they should seek another electricity supplier.

It is quite outrageous. It certainly frightens people to suddenly get unexpected bills. The bills are sent out without any explanation; they just arrive in the mail with no explanation to anyone about what they are for. This practice is quite outrageous. As we have been unsuccessful in getting any response from AGL, I now ask the minister to assist in getting fairer treatment for my residents.

## Responses

**Mr MERLINO** (Minister for Sport, Recreation and Youth Affairs) — The members for Doncaster, Narre Warren South and Eltham raised matters for the Minister for Public Transport; the members for Bundoora and Forest Hill raised matters for the Minister for Consumer Affairs; the member for Shepparton raised a matter for the Minister for Water; the member for Caulfield raised a matter for the Minister for Roads and Ports; the member for Rodney raised a matter with the Minister for Education; and the members for Evelyn and Essendon raised matters for the Minister for Energy and Resources. I will ensure that those matters are raised with those relevant ministers for their action.

**The ACTING SPEAKER (Mr Nardella)** — Order! The house is now adjourned.

**House adjourned 9.55 p.m.**

