

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Thursday, 19 April 2007**

**(Extract from book 5)**

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**Thursday, 19 April 2007**

**The PRESIDENT (Hon. R. F. Smith) took the chair at 9.32 a.m. and read the prayer.**

## INFERTILITY TREATMENT AMENDMENT BILL

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Mr JENNINGS (Minister for Community Services).**

### PAPER

**Laid on table by Clerk:**

Victims of Crime Assistance Tribunal — Report, 2005–06.

## BUSINESS OF THE HOUSE

### Adjournment

**Mr LENDERS (Minister for Education) — I move:**

That the Council, at its rising, adjourn until Tuesday, 1 May 2007.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Planning: East Burwood development

**Mr ATKINSON (Eastern Metropolitan) —** I wish to express concern about the handling by the City of Whitehorse of a planning application and hope that the Minister for Local Government in the other place or the Minister for Planning might review the circumstances of councils handling planning applications over the Christmas-New Year period.

The matter of particular concern that has been brought to my notice is a redevelopment of a Kmart store on the corner of Blackburn Road and Burwood Highway, East Burwood. In December 2006 residents went to the City of Whitehorse and asked if there was a development application for that site. They were told by the planning department at the start of December 2006 that no extension or redevelopment was proposed, only to find a short while later that quite small signs were erected in inconspicuous places around the centre indicating that a redevelopment was proposed.

The period for lodgement of objection was 22 December. The council obviously reacted to complaints about that deadline, and it was extended to 22 January. From my point of view any applications of this magnitude and this importance to a local community ought not be camouflaged by a Christmas-New Year period, when local newspaper coverage is diminished and when there is little opportunity for people to lodge objections.

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

### Rail: regional links

**Mr DRUM (Northern Victoria) —** I am sure members would have been fascinated by an event which took place two weeks ago in the Champagne region of France, where a TGV train travelling on a new but fairly conventional track reached a speed of 574.8 kilometres per hour. The record-breaking run went without a hitch. The rail operators were so confident it would run smoothly that they took their political leaders and journalists along for the ride. In June this train will go into the normal rail service between Paris and Strasbourg. The French seem to be able to build trains which travel between cities faster than jetliners.

It can also get very hot in some regions of France. In Victoria we seem to have this half-fast service where some of the trains are actually slower than on the old slow rail service and have to be slowed even further on days when most of us would consider the weather to be reasonably mild. When the temperature gets into the mid-30s in northern Victoria, the train speeds have to be cut yet further, even on the outrageously expensive new rails.

In a project that the Bracks Labor government seemed to hold up as one of its shining lights it took a duplicated track in northern Victoria and ripped up one of the lines. This causes countless delays. Every day trains have to wait for trains ahead of them on the line to clear before they can proceed. The punctuality criteria have been extended to enable trains that are running 6 minutes late to actually arrive on time by the criteria. This has enabled the government to achieve 80 per cent of its targets in the first 12 months.

**The PRESIDENT —** Order! I would like Mr Drum to clarify for me the actual comment he made about 'half' — —

**Mr DRUM —** Half-fast?

**The PRESIDENT —** Half what?

**Mr DRUM** — Half the services are faster, President, and half are slower, so it is a half-fast rail service!

### Members: conduct

**Hon. T. C. THEOPHANOUS** (Minister for Industry and State Development) — I hope you, President, will take my contribution to this debate in the same light-hearted manner as you just displayed.

Following my being removed from the chamber by you, as I had referred to a member of the house as an 'idiot', I decided that I should research the meaning of the word and its use in public dialogue to better inform myself as to my transgression.

**Mr D. Davis** — You used the word but did not know what it meant!

**Hon. T. C. THEOPHANOUS** — I note, for example, that if a member of the house were convicted for drink driving, he would have parliamentary privilege in the house in that he could not be referred to as a bloody idiot. I also decided that I should have a look at the meaning of the word, so I looked it up in Wikipedia, the online encyclopaedia. It says:

'Idiot' was originally created to refer to people who were overly concerned with their own self-interest and ignored the needs of the community.

It also says that in Athenian democracy:

'Idiots' were seen as having bad judgement in public and political matters.

I am not sure, President, but I think that I might have been using the term at that time in the original Greek context:

Idiot is a word derived from the Greek ἰδιώτης, idiōtēs.

I hope I can use idiōtēs, at least in the future.

**The PRESIDENT** — Order! In the light-hearted spirit we seem to have entered into this morning, I will say this: if this were the Greek Parliament, the minister probably could. The fact is that it is not, and he will not.

### Road safety: emergency and shoulder lanes

**Mrs PEULICH** (South Eastern Metropolitan) — A serious matter that has been raised with me by members of the community is their concern about the number of major roads built by VicRoads that do not have road shoulders or emergency shoulder lanes. Clyde Road is an example. The pseudo Cranbourne bypass does not have shoulders on the latest section opened in 2006 and

outside St Catherine's School, for example. Up to 40 000 vehicles will use Clyde Road when it is completed between the Princes Highway and the South Gippsland Highway, including thousands of semitrailers. There is nowhere for a broken-down vehicle to go except to block a lane of traffic.

Thompsons Road in Cranbourne West is a single-lane highway which over 20 000 vehicles, including semitrailers, use each day. Last year Thompsons Road had around \$3 million spent on it to seal the shoulders. The shoulders are less than the width of a family car, meaning that a car parked on the shoulder will block off part of the lane. A fatality took place on the road earlier this year when a car at Thompsons Road was waiting to turn right and a large truck travelling behind it was not able to stop in time.

The issue also affects cyclists, and we have seen a number of accidents and fatalities involving them. Emergency shoulder lanes would prevent this from occurring, because they could be used as bicycle lanes. I ask the state government and VicRoads to review the exclusion of shoulder lanes and road shoulders in the construction of major roads.

### Asylum seekers and refugees: federal policy

**Ms MIKAKOS** (Northern Metropolitan) — Recently I spoke in this house about John Howard's track record of lying to the Australian people. I also mentioned a book I have in my possession entitled *John Howard's Little Book of Truth* by Andrew Pegler. I think that the Prime Minister's announcement over the last few days that Australia and the US will swap refugees demonstrates the need for an entirely new chapter to this book. This announcement was made on the basis that sending individuals to the US — individuals, I hasten to add, who have been accepted by this country as refugees — will somehow deter asylum seekers from coming to this country. Perhaps the federal government is unaware of the millions of illegal immigrants currently in the US and the great risks that people take to obtain a US green card.

The federal government's announcement will probably constitute part of the market strategy of people smugglers to attract further customers in future. I also condemn what is a blatant disregard of our international obligations to offer safe haven to people escaping persecution overseas.

This particular policy has taken the Howard government's refugee policy to an all-time low. I condemn this new policy, and I am sure the Australian community will see it for what it is: a blatant

vote-buying exercise to try to drum up a refugee scare campaign before this coming federal election.

### **Tallygaroopna Football and Netball Club: change rooms**

**Ms LOVELL** (Northern Victoria) — Last Saturday, together with my colleagues Jeanette Powell, the member for Shepparton in another place, and Kaye Darveniza, I attended the opening of the new change room facilities at the Tallygaroopna Football and Netball Club. The new change room facilities have been named after a past president and legend of the club, Neville Hosie. I have to say that I was extremely disappointed on the day when during her speech Kaye Darveniza referred to Neville as Noel Hosie.

I was again disappointed yesterday when during her 90-second statement Ms Darveniza stated that she had attended this function at the Tallangatta Football Club. I note that Ms Darveniza's mistake has been corrected in *Daily Hansard*; however, this was not a slip of the tongue because Kaye Darveniza referred to Tallangatta not once but twice during her contribution.

Ms Darveniza's error is an insult to the club and shows a distinct lack of knowledge of and interest in the electorate she represents.

On the other hand, I was delighted to be present at the opening of the new facilities for the Tallygaroopna Football and Netball Club, where I was able to catch up with a number of good friends. The new change room facilities have been long awaited. I wish the football and netball players at the Tallygaroopna Football and Netball Club success for the current 2007 season and for future seasons.

### **Wyndham: Australian citizenship ceremony**

**Ms TIERNEY** (Western Victoria) — On the evening of Tuesday, 3 April this year, I, along with the future deputy leader of this country, Julia Gillard, attended the Wyndham City Council Australian citizenship ceremony. It was the largest ceremony of this type that I have experienced and definitely the largest the Wyndham City Council has conducted. Over 265 people from more than 40 different countries made a conscious decision to become Australian citizens. The atmosphere was joyful, only enhanced by the wide grins and laughter from children who were about to have photos taken with their parents and other relations.

Many spoke to us about the new immigration laws and the new citizenship tests, which expect immigrants to answer a 45-minute to 60-minute test on a computer. What of the many proud immigrants I have seen at

these ceremonies who have never been to school, who are illiterate in their own language and who have never held a pen? Special arrangements are supposedly going to be made for them, but what will they be? None of us knows.

This policy, combined with the fact that the federal government provides only 510 hours of English language courses for immigrants, will deny dedicated Australian immigrants the basic right to be Australians, it will make these ceremonies a much poorer event and it will provide a two-tier Australia. On the night I —

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

### **Glengala Primary School: Samoan project**

**Mr FINN** (Western Metropolitan) — Might I say at the beginning I am delighted to see that the Minister for Education is still in the chamber because I wish to refer to a meeting that I had on Monday of this week with the principal of Glengala Primary School in Sunshine West, Frank Dri.

Mr Dri informed me of the great work Glengala Primary School is doing in the local Sunshine West community, and he also informed me further of a program that the Glengala Primary School has become involved in to assist schools in Samoa, which obviously are a little bit below the standard we might expect here in Australia.

This program involves getting computers into the schools in Samoa, which are quite often in tiny villages. The program is literally opening the world to children who might otherwise miss out on what we pretty much take for granted here in Australia. The support of the Sunshine Lions Club is very much a part of this program, and I certainly look forward to being guest speaker at the club in the not-too-distant future.

I really believe this is a program that is worthy of the support of the community and of the government, because it is a school community in an area that you would have to say is not flush with funds but which is going out of its way to help people who really need our assistance. It really is a noble cause.

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

### **Hampton Park: community renewal**

**Mr SOMYUREK** (South Eastern Metropolitan) — I rise today to congratulate the Bracks government on selecting Hampton Park as a suitable location for the

operation of its community renewal program. This local and state government program is designed to help communities work together, and the government committed to that in *A Fairer Victoria*. The program aims to address place-based disadvantage in targeted urban communities. It does this by bringing together residents, businesses and community organisations, and it transforms a suburb into a place of opportunity and activity. In short it really empowers the locals and the authorities to come up with solutions to local issues and decide the future direction of their community.

In the case of Hampton Park, the way the community renewal model will work is that the Casey City Council will be allocated more than \$600 000 over three years. It will be asked to use these funds to bring together local residents, the different levels of government and community organisations so they can cooperatively develop an action plan for their community. The council can then apply for further funds for tangible projects that the community has identified through that earlier process as being things it would like to see happen.

Community renewal aims to do a number of things, including encouraging ongoing community involvement in local decision-making; providing new jobs and learning opportunities; increasing neighbourhood volunteering and support; providing better community facilities and open spaces; and encouraging greater involvement in cultural, recreational and sporting events.

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

### Local government: festivals

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak about the City of Darebin and the City of Banyule festivals that I attended in an official capacity on Saturday, 24 March, and Sunday, 25 March. Darebin City Council had organised a special kite-flying spectacle at Edwardes Lake, and it was great to see people of all ages and nationalities having fun. The former mayor of the City of Darebin, Dr Stanley Chiang, officiated and explained the history of kite flying in his country of origin, China. The kites on display were really amazing in size and design and were extremely colourful. It takes great skill to fly one properly. Food stalls and art and craft stalls abounded at both festivals.

As I walked, talked and shook hands with local government officials, mayors and councillors, and sometimes just met people for the first time, the one

thing that struck me at both festivals was how pleasant it was to see people of all nations mixing together and simply enjoying the day. It made me proud to be the people's parliamentary representative. As we all know, there are many meetings we must attend in our role as members of this Parliament, but I have to say that local festivals are, for me, a real pleasure, especially ones that not only families but all people can enjoy together in a community spirit.

### Economy: federal reform policies

**Mr THORNLEY** (Southern Metropolitan) — I rise this morning to speak about the importance of economic reform. In the last few months we have seen some strange things happening in Canberra. We had been told that WorkChoices had driven wages up, and then less than a week later we were told that if you got rid of WorkChoices wages might be driven up — apparently it is no longer a good idea. We had been told that the Future Fund was absolutely sacrosanct, and then less than a week later we had an intergenerational report that explained the need for such a thing has actually diminished by 30 or 40 per cent. We have had the Secretary to the Treasury, the leading economic commentator and policy-maker in the country, quoted as saying that he himself has not even been consulted on one of the single most important economic decisions — that is, on water.

Last week in the Council of Australian Governments meeting we had a fourth example of this sort of bizarre view of economics. The Productivity Commission report, having assessed the benefits of the national reform agenda that has been led by this government, saw that the competition of regulatory reforms, the structural reforms, could add about 2 per cent to gross domestic product (GDP). This is a very good thing, and I am very proud of the progress we made, but the Productivity Commission also made the point that the human capital reforms — the investments in young children, in preventing diabetes, in literacy and numeracy — could add 9 per cent to GDP.

If you listened to what the Prime Minister said at the press conference, you would have heard him say that the really important thing about reform, about economic reform, is it is only the structural economic reform that delivers the greatest dividends. We have a Prime Minister who is not just a climate change sceptic, he is a human capital sceptic. The first one has come back to bite him on the backside and the second one will over time.

### Lockington Bush Nursing Centre: redevelopment

**Ms BROAD** (Northern Victoria) — Recently it was my very great pleasure to represent the Minister for Health in another place, Bronwyn Pike, in officially opening the \$400 000 redevelopment of the Lockington Bush Nursing Centre. The Bracks government is committed to working with rural health services to deliver high-quality, accessible health services to families in rural Victoria because they deserve nothing less. The Lockington Bush Nursing Centre provides services to around 3000 people spread over more than 1000 square kilometres. That is the reason the government committed \$7 million in 2002 for capital improvements for bush nursing agencies, including five agencies in the Loddon-Mallee region, including Lockington.

I wish to acknowledge and congratulate members of the local community who have worked hard in the face of considerable adversity to deliver a magnificent redevelopment in partnership with the Bracks government. It was a privilege to celebrate the whole community's achievement with them. I especially wish to acknowledge all the members of the board of management, the administration officer, Ms Kerrie Main, and the many community organisations who made contributions to the redevelopment. Sadly the president of the board, Mr Bill Jones, passed away shortly before the opening. However, members of his family represented him at the opening and, fittingly, a multipurpose room at the centre has been named after him.

I look forward to the redeveloped Lockington Bush Nursing Centre providing high-quality health services for rural families for many years to come.

### EastLink: progress

**Mr LEANE** (Eastern Metropolitan) — I would like to speak today about Leane and Tee's excellent adventure last week. Thanks to Southern and Eastern Integrated Transport Authority's manager, Ken Mathers, we travelled from Police Road, Mulgrave, to Maroondah Highway, Ringwood, on the EastLink project. It was a fantastic journey. We travelled all that way and there were no traffic lights. There were three lanes and an emergency lane. Most of it is tarmac.

**Mr O'Donohue** interjected.

**Mr LEANE** — I am interested to hear Mr O'Donohue interject about tolls. I understood during the election campaign that the Liberal Party

actually supported the tolls. When Mr Doyle suggested half tolls he was catapulted out of the party.

It has been a great job. There has been work for 6500 local construction workers and a lot of work for local contractors. There is going to be a bike path along the whole length of the project, which will be good for the environment. I am glad to say that this is once again a project that is on time and on budget.

## STATEMENTS ON REPORTS AND PAPERS

### Drinking water quality: report 2005–06

**Mrs KRONBERG** (Eastern Metropolitan) — I would like to speak on the *Annual Report on Drinking Water Quality in Victoria* for the period 1 July 2005 to 30 June 2006. The regulatory framework for Victoria's drinking water quality recognises the importance of safe drinking water to the ongoing social and economic wellbeing of Victorians. Two pieces of legislation detailing this framework are the Safe Drinking Water Act 2003, which commenced on 1 July 2004, and the Safe Drinking Water Regulations 2005, which commenced on 19 July 2005. The report provides a summary of the performance of water businesses against the state's quality standards and also reveals the nature and incidence of water quality events. We are assured that a risk-based approach to the maintenance of drinking water quality instils a proactive rather than a reactive management approach in which the risks to drinking water quality are identified and managed.

We are further assured that although strong working relationships with water businesses have been consolidated and extended, there are areas where further improvements need to be made. It would not come as a surprise to members to learn that regional Victoria suffers most when it comes to non-compliance with water quality standards. In the reporting period signs of improvement were recorded as more water localities became compliant with the standards when compared with the period 2004–05. However, 35 reports of non-compliance led to water businesses needing to record an undertaking as to what course of action they were prepared to take to rectify water quality issues. The report reduces the overall impact of water quality failures by averaging the water quality standard improvement rates with the reported 100 per cent compliance in the Melbourne metropolitan area. Therefore across the state the E.coli water quality standard improved from 95 to 95.5 per cent and the turbidity standard improved from 97 to 98 per cent.

It is important to scrutinise the performance of each of the 21 water suppliers that provide drinking water to a total of 493 localities across Victoria. The percentage of water localities that were compliant with water quality standards during 2005–06 as expressed by the parameters *E. coli*, turbidity, aluminium, trihalomethanes, trichloroacetic acid, bromate and formaldehyde remain problematic. Water localities reported as being noncompliant for *E. coli* for both 2004–05 and 2005–06 include Clunes, Sea Lake, Corryong, Tawonga, Mount Baw Baw and Mount Buller.

As a member for the Eastern Metropolitan Region, I am particularly concerned about the quality of drinking water in Melbourne's east. Melbourne Water is both the water storage manager and the treater of water for the following water distribution businesses: City West Water, South East Water and Yarra Valley Water. Melbourne Water provides approximately 80 per cent of Victorians with water treatment services and annually distributes approximately 440 gegalitres of treated water.

Two categories of incidents and events which affected water quality in the period 2005–06 are equipment failure and operational issues which resulted in customer complaints. Yarra Valley Water received 2864 customer complaints for discoloured water and 450 for taste and odour. At this point the report refers the reader to Yarra Valley Water's drinking water quality annual report for detailed water quality data, including data about what is termed 'other aesthetic characteristics of the water', which one would assume include taste, odour and discoloration. As a result of examining this report I have asked the Minister for Health to provide the Parliament with an immediate update on the drinking water quality throughout Victoria.

### **Drinking water quality: report 2005–06**

**Mr ELASMAR** (Northern Metropolitan) — My contribution today will be on the *Annual Report on Drinking Water Quality in Victoria* for 2005–06. Before speaking about the contents of the report I would like to make the comment that over the years we as a society in Australia have been fortunate enough to consume water without restrictions, and this has led to our taking water for granted. Having spent a substantial part of my life in water-stricken Lebanon, I of course have fully understood what a precious resource water is. The drought and subsequent water restrictions have ensured that as a society Australians are also beginning to understand this.

The annual report on drinking water quality is very informative. It is divided into three sections. Section 1 deals with Victoria's drinking water regulatory framework and activities of the department under the act, section 2 with a statewide perspective on drinking water quality and section 3 with summaries of performance of individual water businesses. I will now turn to some of the specific issues raised in the report.

The report points out that scientists have instituted a water treatment process which not only ensures the highest standard of drinking water to every household but also has established an effective monitoring system overseen by 80 water analysts in Victoria.

We all know that bottled drinking water has become very popular in this country in recent years, based on the assumption that bottled water is more healthy than tap water. According to this report, scientific tests have proven that our tap water is more beneficial for us than bottled water, because most spring water is not treated for contaminants and does not have fluoride, a chemical substance that has demonstrated benefits in the fight against tooth decay. Fluoride was introduced to some water supplies in Victoria as early as the 1970s. The report makes reference to extensive data from overseas which shows that fluoride has been proven to combat gum disease and early tooth decay particularly in the very young.

This annual report provides a comprehensive review of drinking water quality in Victoria, and I commend the Department of Human Services for the good work it has done in compiling it.

### **Drinking water quality: report 2005–06**

**Mr O'DONOHUE** (Eastern Victoria) — It gives me pleasure to rise to also speak on the *Annual Report on Drinking Water Quality in Victoria* for 1 July 2005 to 30 June 2006. I echo the comments made by Mr Elasmarr, that one of the few benefits to have come from the recent and ongoing drought is the change in perception that water is a resource that will always be there, a resource that we do not have to worry about.

As I said, the change in community attitude to water is one of the few benefits that has arisen as a result of the drought. I hope if it rains and our reservoirs fill up that we remain vigilant and remember that good water quality is critical and that water is not something that will always be there. It is not something that just comes out of a tap; it requires investment in infrastructure and the water supply system, and it requires forward planning, particularly with the growing population that we have in Victoria and more generally in Australia.

I would like to make a couple of comments in relation to the report. It highlights that the drinking water quality in Melbourne is satisfactory and that there have been no complaints of substance about water quality in Melbourne. However, unfortunately issues still exist in country Victoria. I would like to make a couple of observations about that. The water authorities and water managers in country Victoria do not have the same population base that the water authorities in Melbourne have. Moreover they have larger areas to cover with their infrastructure. The consequence is that they do not have the surplus capital or the same revenue base to invest in new infrastructure. Unfortunately this government requires these water authorities to deliver dividends year after year to prop up its budget surplus.

If the government were really concerned about delivering appropriate water quality to people in country Victoria, it would stop the never-ending demand for dividends from these water authorities and allow them to invest for the future. My concerns are heightened. This report only deals with the period up to 30 June 2006. Since then, as we all know, the drought has become more and more severe and will continue to become more severe until the rains come.

Recently I was in the Bass Valley, whose main supplier of water is the Candowie Reservoir. It is also the main reservoir for Westernport Water. But for the finding of bore water, that reservoir would be empty. As the dams drain around regional Victoria, the amount of sediment increases. Therefore there is a greater likelihood of poorer quality drinking water. Constituents from the Bass Valley have contacted me on several occasions to complain about water quality, water colour, the odour from water and their inability to drink the water. I am concerned as we move forward that unless the government allows these water authorities to invest in new infrastructure, whether it be in additional bores or in expanding the size of existing dams to cater for growing populations, the water quality will deteriorate into the future.

The other point I will make about water quality is that we were very lucky during the fires over the summer that the catchments for the Thomson Dam and other dams were not contaminated by the run-off of silt as a result of the fires. That proves the point that you need to have catchments from a diversity of areas to mitigate against the risk of water contamination in one or two of the main reservoirs. The government should be looking at investing in new infrastructure to diversify the source of water catchment and limit the risk of contamination to Melbourne's and the rest of Victoria's drinking water supplies. I commend the report to the house.

### **Rural and Regional Services and Development Committee: retaining young people in rural towns and communities**

**Mr SCHEFFER** (Eastern Victoria) — The former Rural and Regional Services and Development Committee's final report on the inquiry into retaining young people in rural towns and communities was tabled late in 2006, just prior to the wind-up of the 55th Parliament, and the government's response was tabled earlier this week. The fact that the government, through a resolution of the Legislative Assembly, provided the Rural and Regional Services and Development Committee with a reference to inquire into the issues involved in retaining young people in rural towns and communities is evidence of how serious the government and the Legislative Assembly considered this matter to be.

During the 2006 election campaign candidates from all political parties and Independent candidates were invited to attend a community forum in Maffra. I attended, along with Mr Viney and Mr Hall, and Mr O'Donohue was there as well. The organisers asked each of us to address three questions. One of the questions related to the movement of far too many young people out of rural Victoria. We were asked what we thought should be done about the problem. There was considerable discussion on the matter during the forum.

It was pretty clear that this is an important issue that impacts not only on small towns and communities right across Victoria but also on Melbourne, where a lot of young people end up. At that stage the inquiry into retaining young people in rural towns and communities had not been released but written submissions and the transcripts of hearings were on the website, and I took the opportunity at that stage to read some of what was there. Since then of course I have had a look at the final report, and it makes some very interesting reading. I am pleased that the government's response is out and that the recommendations were either supported or supported in part.

The government has taken the opportunity in its response to present the policy context of the inquiry and to describe current government activity in this area. The government takes a community strengthening approach to the issues. To keep young people connected to their communities they need to feel valued and to actually be valued for their contributions, they need to be occupied through schooling and employment, they need to have resources and they need to be healthy and safe. The task for the government is to identify opportunities across all portfolio areas and sectors where these objectives can

be advanced. The parliamentary committee's inquiry into how we can make it possible for young people to stay in their rural communities is an example of taking this multipronged approach.

In its response the government points out that a number of the committee's recommendations have already been implemented through existing programs. Examples are the recently released skills statement, Maintaining the Advantage, as well as the government's focus on regional Victoria, the impacts of population increase and its social justice strategy. The response also identifies a number of resource packages that have had an impact on the issue of young people migrating out of their rural communities. This is what the government means by taking a whole-of-community strengthening approach. I think this has been an effective way to go in bringing about positive change in areas where solutions depend on multilayered shifts in complex environments.

The government has agreed to continue to work closely with the local and commonwealth governments on the development of population and growth policies for regional and rural Victoria. The government indicates that it will continue to work on programs that aim to promote provincial Victoria and to provide material support to individuals and businesses wishing to relocate to rural areas. The government also supports funding regional mentoring programs for young people in real-life skills and leadership. The response cites a number of examples of programs that are already running in places such as the Mildura, Strathbogie and Ballarat municipalities. There are also a number of programs that work on recruiting young people into a range of professions.

To its credit the government also supported a recommendation that the state provide funding to expand programs in regional and rural Victoria that tackle discrimination and intolerance against people on the basis of race, gender, cultural difference or sexual practice. The response points out that the government has already increased funding to the Ethnic Communities Council of Victoria and to the Centre for Multicultural Youth Issues to provide advocacy and support to communities to build greater community cohesiveness and understanding of difference.

The response also states that last July the government held a multifaith multicultural youth forum to promote ongoing dialogue among young people from various backgrounds and beliefs to look at ways to build good relationships into the future. The government has provided some \$11 million to establish new representative and community arrangements for

indigenous Victorians. Of course that has been necessary since the abolition of the Aboriginal and Torres Strait Islander Commission. This is a good report, and it is an excellent response.

**The PRESIDENT** — Order! The members time has expired.

**Public Accounts and Estimates Committee:  
private investment in public infrastructure**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I wish to make a statement on the government response to the Public Accounts and Estimates Committee report on private investment in public infrastructure, which was released in October 2006.

I have to say that that report which the committee brought down immediately prior to the proroguing of the 54th Parliament was one of the more disappointing efforts produced by the Public Accounts and Estimates Committee, for two reasons. The first is the length of time that it took the committee to produce that report. The inquiry commenced in 2002, in the 54th Parliament, and extended through to the end of that Parliament and finally into the 55th Parliament before a report was produced.

Much of the evidence of that inquiry was taken in 2002, in the previous Parliament, then there was a period where very little progress was made, and finally, last year, there was a rush to finish the report. I do not think the way the inquiry was conducted through the last Parliament reflected well on the committee.

The other reason for being disappointed in the outcome of that inquiry was that media disclosures that took place at the time the committee was considering its report indicated that the report that was ultimately tabled in the Parliament had been substantially watered down from that which had been drafted by the committee secretariat. Numerous media reports indicated there was substantial evidence and substantial research that had gone into a draft report that was critical of the government and which was omitted when the report was presented to Parliament.

It was only through those media disclosures from sources unknown that the Parliament and the public knew the extent to which that report had been watered down by the government members of the committee prior to its presentation to Parliament. So the report that came into the Parliament on the day Parliament was prorogued was far less significant than it could have

been on what is a very significant area of government policy.

I now turn briefly to the response presented by the Treasurer this week. In his response the Treasurer notes a couple of points. The first is about the assessed advantage that Partnerships Victoria has brought to the Victorian public sector since that policy was formally put in place in 2002. The aggregate value of Partnerships Victoria has been assessed at a 9 per cent saving, using the prevailing discount rate at the time, versus the cost that delivery of those projects through a traditional public sector procurement would have produced. I have to say that 9 per cent is not significant in the context of these projects, when you look at the extent to which overruns have occurred and the extent to which things have not been accurately estimated. The government hanging its hat on a 9 per cent saving in aggregate is not a strong endorsement of the policy as it has been practised to date.

In the limited time available I will turn briefly to the recommendations that have been made by the committee but not adopted by the government. The first was recommendation 1, that independent post-project reviews be undertaken of all public-private partnerships (PPPs) undertaken under Partnerships Victoria. The government says it has agreed in part to that. In reality, it has rejected the recommendation, noting that it will continue with its Gateway Review Process, which is something that the former Minister for Major Projects spoke extensively about in this Parliament but which does not provide the public disclosure the committee was seeking when it made that recommendation.

Recommendation 2 was a very simple one. It was that before proceeding further with PPPs of a build, own and operate model, the government assess their value to the public sector. The reason for that was the committee's concern with respect to the County Court development, which had an extraordinarily generous termination arrangement for the developer. It saw that project — effectively a central business district building — transfer to the developer at the end of the lease for next to no cost.

While in its response the government says it has agreed to that recommendation and goes on to say that —

... the County Court project represents value for money —

it concludes that it will not use that model again. That is a fair reflection of the fact that that model did not provide the value for money that it should have provided and led to a windfall gain to the developer of that project.

Recommendation 3 of the committee is that long-term peppercorn leases on assets transferred be avoided.

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

**Commissioner for environmental sustainability: strategic audit of Victorian government agencies environmental management systems**

**Ms MIKAKOS** (Northern Metropolitan) — I am very pleased to be able to rise this morning to make a contribution on the commissioner for environmental sustainability report entitled *Strategic Audit of Victorian Government Agencies Environmental Management Systems* dated January 2007. In my view, this is a very important report. As many members have said since the last election, including me, the issue of climate change is the no. 1 challenge facing this nation and the entire planet at the moment. The community is certainly very much aware of this issue. People have embraced the suggestions being put forward by proponents such as former USA vice-president Al Gore and many others — that is, that we all have a responsibility to do what we can to protect our environment and our planet.

I know that many members of the community are wholeheartedly embracing the need for cultural change in the things we do in our homes and places of work. In the last couple of weeks I have been watching with great interest a program on SBS that I encourage other members to watch as well. The program is entitled *Eco House Challenge* and is about two families who are being given particular challenges to reduce their energy, water use and waste in their homes and to embrace more environmentally friendly policies in relation to transport. I do not want this statement to be a plug for SBS's program, but I do want to say that of course government has a leading role to play in leading the community by example in adopting environmentally friendly practices.

This report has come about as a result of the Bracks government appointing in November 2003 a commissioner for environmental sustainability for the first time in this state. As is stated in the report, the commissioner is to be the environmental guardian for the state of Victoria. The commissioner is under a statutory obligation to conduct annual strategic audits of the implementation of environmental management systems by various government agencies and public authorities, and this particular report is the third such strategic audit.

It is a very important report. I must say that it does not give a clean bill of health to government across all areas. It has a lot of positive things to say and commends a lot of positive initiatives that are occurring at the present time — for example, in terms of the whole-of-government performance, the report talks about the reduction in energy usage across government and a 4.1 per cent reduction in greenhouse gas emissions from the government vehicle fleet over a three-year period. These are positive trends, but it does indicate that more needs to be done about water usage and the use of paper across government.

I note that in its response to this strategic audit the government has flagged its support for all of the recommendations contained in this report — either outright support or support in principle for all of the recommendations. It also notes that the government has committed to cutting government energy use by an additional 5 per cent and to increasing the government's purchase of green power to 25 per cent by 2010. The government will also investigate the development of measurable targets within a clearly defined scope where appropriate in relation to recommendation 1 of the report. The report also talks about the recently released environmental procurement policy and guidelines and the government's \$1.5 million commitment to the establishment of an ECO-Buy environmental purchasing centre in Melbourne to assist government procurement.

This is a very positive report. I commend it to the house and thank the commissioner for environmental sustainability for his important work.

### **Budget sector: budget update 2006–07**

**Mr D. DAVIS** (Southern Metropolitan) — I am pleased to make a statement on a report today and will talk about an item in the 2006–07 budget update that incorporates the quarterly financial report no. 1. My matter relates to the issue of traffic schools, and I point people in this chamber to page 141 of this document, which talks about new young driver training and graduated package training. Training of that type is always to be encouraged.

It is with great concern that I raise in the chamber today the recent closure of the Moorabbin traffic school, a school that has for many years served the people of the southern suburbs of Melbourne well. Many people remember that school from when they went through it as young people, learning basic skills about road sense and understanding traffic signals. Young children as young as 3 and 4 years old are taught skills that will provide them with an understanding of how to remain

alive in a world in which they are required to cross roads and do a whole range of other things that are inherently risky. Anyone who is a parent will understand the significance of this, and I certainly understand it in respect of my children. The importance of these traffic schools cannot be overestimated.

It was with concern that I became aware that the Moorabbin traffic school has closed in recent weeks. This appears to have been precipitated by a decision made by a local-level police officer. I cast no aspersions on the set of decisions; I do say that there must be a reconsideration of them. The police have made a decision that is going to have a terrible consequence in the local area.

Not only do these traffic schools provide base knowledge, road sense and understanding of traffic that is so important for young people but they are also a very important way by which young people understand the importance of the police. In many cases they develop a relationship with police officers that enables them to view the police favourably, so there are a number of important aspects to the activities of these traffic schools.

It appears that traffic schools fall under some unclear bureaucratic terrain. The police have some involvement in funding them, as do local councils and in many cases community groups. In the case of the Moorabbin traffic school I know that a local group of Freemasons has been very active in supporting it, and the Glen Eira council has been active in supporting that school. As recently as January this year the council facilitated new line markings being put down at the school, a move that was supported by the local group of Freemasons which had provided some funding.

This is a genuine community effort to keep this school going. Obviously local government, the police and no doubt the road traffic authorities have a responsibility to ensure that these schools are used and maintained, and used to the full. Somebody said to me — and I think they may have been half serious — that many of these skills can be taught online. I am a great advocate for activities online, but I have to say that the importance of these schools is that they are physical structures and children learn about traffic lights and other traffic issues in a physical environment where they can actually understand distance and space and those sorts of matters. For that reason I think on-line teaching is not the same as young children learning these skills in a proper traffic school that has small, scaled-down roads and the ability for traffic lights and signs to be in place so that young children can see and recognise them in a real world-type situation.

I am concerned that the state government appears not to have taken the right steps. I am concerned that the community has not been involved in convincing the state government to step back from this decision. I am particularly concerned about the member for Bentleigh in the other place, Rob Hudson, the local Labor member of Parliament, who has been absolutely silent and deserves the condemnation of his community for not getting involved and protecting this traffic school. It is a school — —

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

**Commissioner for environmental sustainability: strategic audit of Victorian government agencies environmental management systems**

**Ms TIERNEY** (Western Victoria) — I rise to make a contribution with respect to the commissioner for environmental sustainability's report *Strategic Audit of Victorian Government Agencies Environmental Management Systems* of January 2007. Environmental management systems (EMS) that are reported are in respect of office-based environments. It is a system that has measurements and benchmarks. It is obvious that through the environmental management systems there are clear environmental benefits as well as benefits in terms of cost savings.

The system was an initiative of the Bracks government and was introduced in 2002. I applaud the people who have gone into this system and driven it. That can be highlighted in the report with the description and explanation of the EMS coordinators network and also the EMS inter-agency committee that operates.

It is these people who take on those roles who need to be applauded for their commitment and determination to drive a system that will deliver environmental benefits in office-based environments as well as the obvious cost savings that will be achieved through this process.

The report also highlights that there has been significant progress made across various government departments and agencies, in particular our use of energy and the levels of waste. But it is also a report that tells us where we need to be much more conscious of our efforts and to drive the EMS system much harder, and that is in the area of paper and indeed water, both of which remain significant challenges for government departments and government agencies.

As a result of this report's highlighting the need for us to be more vigilant about water wastage in government departments and government agencies, the government has responded in a positive way and has resourced that by providing a water watchdog who will work directly with the commissioner. That is a significant and positive step in the right direction.

I also think that with these issues it provides great scope for interdepartmental action and coordination; it is a living, breathing exercise that can encourage a whole-of-government approach in tackling these important issues.

One of the things that I was particularly impressed with was that the EMS now has been expanded into regional Victoria. Indeed all regional offices are now involved in developing their own action plans. They have not only been developed by local people in regional Victoria but they are working hard to deliver.

It is not only a matter of regional employees coming together and having a discussion about these issues, it is about intense workshops where they commit and provide vigilance and tests upon themselves. They have developed where they are reporting on a regular basis not only to central business district central officers here in Melbourne but to each other, and not even to their local supervisors and managers. They have made a commitment to each other to ensure that there are substantial improvements with respect to the use of a vehicle fleet, use of paper, use of water, and indeed use of electricity.

That in some way will be a significant benchmark that we can look forward to see and track through the further reports as they come to hand over the years. We are in very good hands with Dr Ian McPhail, the commissioner for environmental sustainability, because he creates an honest, open and frank way forward — —

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

**Budget sector: mid-year financial report 2006–07**

**Mr DALLA-RIVA** (Eastern Metropolitan) — I am pleased today to make my contribution to statements on reports and papers on the 2006–07 mid-year financial report which has been tabled recently. Like most things we find from this government, we see a huge net result from transactions for the six months to 31 December 2006 of \$910 million — well in excess of what it anticipated.

What surprises me is that when you compare that with the revised budget estimate of \$374 million, you find

that each year the government has trouble coming to grips with what its financial position is. It always talks about the AAA credit rating being here to stay. We recall that the Cain-Kirner government almost decimated the state, and it required the Kennett government to correct the problems that had been inherited from that previous government. It is always of note to see the government on tenterhooks.

One needs to look into some detail as to where the government seems to generate a lot of money. Obviously the GST, which the Labor Party criticised, has been generous to this state and, as someone suggested, generous to a lot of state Labor governments. I note page 2 of the report states:

Income from transactions for the state of Victoria for the six months to 31 December 2006 was \$19 173 million, which is an increase —

in six months —

of \$1112 million compared to the previous year.

There is a throwaway line which states:

This increase reflects higher grants income, including GST from the commonwealth ...

We need to drill down a little further to see where that grant money is coming from. It was interesting to look at table 1.3 on page 8 of the report, which gives some comparisons. It shows the figures for the six months to 31 December 2006. The left-hand side of the table shows the 2005–06 actuals to December and opposite that are the 2006–07 actuals to December, so we are able to do a comparison to see where the increases in taxation have been.

Payroll tax, despite the rhetoric from this government, has blown out over the previous year by \$110 million. It has increased from \$1.65 billion in 2005–06 to \$1.76 billion in the equivalent six-month period in 2006–07. Again, it is an issue that businesses continue to scream about. Despite the rhetoric from the Treasurer and those opposite, the figures indicate the real measure of this government's taxation regime.

Total taxes on immovable property — that is, land tax, the congestion levy, the metropolitan improvement levy et cetera — have gone from \$97 million in 2005–06 to \$137 million in the equivalent six-month period in 2006–07, which is a huge blow-out in that comparator. It is interesting that although the actual figure is shown as \$137 million, the government is expecting in the revised budget to receive \$953 million in total taxes on immovable property. The government is ripping the guts out of the people of this who have asset holdings,

which is making it very unattractive for people to want to be here.

The other thing I refer to is gambling taxes. Despite all the rhetoric we hear, we know that the government is beholden to gambling taxes. It is expecting to generate \$1.5 billion over the coming year, and that amount has grown compared with the figure for the equivalent period in the previous year. If you look at the total taxation grab by this government you see it has gone from \$5.1 billion in the six-month period to December 2005 to \$5.4 billion in the equivalent period to December 2006. That is just an amazing growth in taxation over 12 months. It again demonstrates that the government is in denial about what is really happening out there and why businesses are really suffering.

### **Auditor-General: results of financial statement audits for agencies with 30 June 2006 balance dates**

**Mr EIDEH** (Western Metropolitan) — I wish to make a statement on the report presented by the Victorian Auditor-General regarding the results of financial statement audits for agencies with 30 June 2006 balance dates. Today I will be pleased to give a report on the education and training sector.

The education and training sector comprises the Department of Education and other agencies that provide, purchase and regulate compulsory and post-compulsory education and training services for Victorians of all ages. Education and training services are delivered through schools, TAFE institutes, adult education institutions, adult and community education providers, other registered training organisations and higher education institutions.

Two ministers, the former Minister for Education and Training and the former Minister for Education Services, were responsible for the department. The Minister for Education and Training had sole responsibility for the other agencies in the sector.

Some of the key findings of the report were as follows. The timeliness of financial reporting by sector agencies was similar to the previous year. Nine audit opinions on agencies financial statements were issued, all of which were clear. The audit found the controlled environments of sector agencies to be generally sound. The quality of financial reporting by sector agencies also continued to improve. Under the heading 'Audit conclusions' the report states that the education and training sector includes 11 agencies that were required to prepare financial statements with a 30 June 2006 balance date and submit them for audit. Nine audit

opinions were issued on agencies' financial statements, all of which were clear.

In this section the report also states that of the four agencies that did not achieve the statutory reporting deadline, two had still not completed their financial statements at the date of preparing the report. The Auditor-General's office will be working with these agencies to complete their financial statements. It will also be encouraging them to improve their reporting timeliness for 2006–07. The audits found the controlled environments of sector agencies to be generally sound. The quality of financial reporting by sector agencies also continues to improve.

The report also made the recommendation that universities should strengthen their oversight of the financial affairs of subsidiary and other related entities to ensure that these entities meet their statutory reporting obligations in a timely manner.

The response to the recommendation by the Department of Education was as follows:

The Department of Education will refer the matters to the Department of Industry, Innovation and Regional Development which now has responsibility for higher education matters, with a request to draw the recommendation to the attention of university vice-chancellors.

The quality of draft financial statements that agencies presented for audit improved on the previous year. This was mainly because agencies took greater care preparing their 2005–06 financial statements, it being the first year they were required to fully comply with the new Australian equivalents to international financial reporting standards (A-IFRS). Overall the quality of financial reporting by sector agencies is now considered satisfactory.

In relation to other issues and developments, the report states that the 2005–06 was the first year that agencies with a the 30 June balance date were required to prepare their financial statements in full compliance with A-IFRS. The major impacts for the sector in adopting the new standards related to the valuation of non-current assets and the classification of employee benefit liabilities. For asset valuations the department identified that excess capacity in schools was an indicator of impairment and, accordingly, reduced the reported value of its school buildings by \$843 million to reflect this impairment. The Auditor-General's office agreed with this adjustment to the reported balances.

For employee benefit liabilities, agencies were required to change the basis used to classify these balances between the current and non-current classes of

liabilities. In previous years liabilities that were expected to be settled within 12 months were classified as current. However, for the 2005–06 financial statements, regardless of the timing of the expected settlement, employee benefit liabilities were required by the new standards to be classified as current unless there was an unconditional right for agencies to defer settlement beyond 12 months.

Under the heading 'Results of school council audits for 2005–06' the report states that the department currently engages private-sector approved auditors to audit the calendar year financial statements of Victoria's government school councils. The auditors issued qualified audit opinions on the 2005 financial statements of nine school councils — six of which reflected an inability to form an audit opinion — and referred to deficiencies or unexplained items in bank reconciliations, unreconciled miscellaneous transactions and lack of supporting evidence for some transactions.

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

### **Public Accounts and Estimates Committee: private investment in public infrastructure**

**Mr BARBER** (Northern Metropolitan) — I would like to speak on the government's response to the Public Accounts and Estimates Committee report on private investment in public infrastructure. In doing so I would like to compare and contrast it with an earlier PAEC report that covered some of the same subject matter. That earlier report was produced in 2000 and dealt with commercial-in-confidence material in the public sector. It was published in 2000; however, it was written by the PAEC as it existed in the run-up to the 1999 election. The chair of the subcommittee that produced that report was a former member for Templestowe Province in this place, Bill Forwood, and the other two members were the now Premier, Steve Bracks, and the now Attorney-General in the other place, Rob Hulls.

I would like to compare the recommendations of that report with the recommendations of the recent PAEC report and the government's response. The PAEC report from 2000 recommended that the Parliamentary Committees Act should be amended to provide that a joint standing parliamentary committee can order the publication of commercial-in-confidence evidence taken in camera when it determines that it is genuinely in the public interest for the information to be disclosed — that is, an amendment to the act.

The recommendation of the PAEC in the last Parliament was simply and obviously much less sufficient. It stated that it was simply:

... to improve opportunities for parliamentary oversight of public private-partnership financial arrangements and commitments.

The government's response to that was that it has announced a new policy. It is not in fact a legislative requirement but simply a policy.

The other recommendation that was quite notable from the 2000 PAEC report was:

Legislation should be enacted to require specified information about all tender documents and the resulting contract to be made publicly available once the tender has been awarded (overriding any confidentiality clauses) ...

Mr Bracks and Mr Hulls at that time also recommended that changes to the Ombudsman's Act be required so that only the Ombudsman could decide what could be confidential. They also proposed some wide-ranging changes to the Freedom of Information Act as it existed at that time.

By contrast, the government's previous dancing bear PAEC committee simply said that prior to tenders being submitted for public-private partnership projects agencies should ensure applicants are aware of the limits of what will and will not be considered. Again, the government says, 'We agree with that; we have a policy in place', which is far short of legislative action.

Mr Bracks in his first-ever speech to Parliament said;

This strong and powerful executive that the state government has established also requires strong and vigorous scrutiny. Members of Parliament are one of the key watchdogs still left in the system.

In addition, parliamentary committees and committee chairs perform a crucial function in examining ministerial and departmental activities.

At the moment the government has a 10 per cent target — that is, 10 per cent of the capital works is to be achieved through public-private partnerships. What we can say now is that, as was the case under the Kennett government, the secret state still exists — it is just that there is now a hell of a lot more money involved.

## NUCLEAR ACTIVITIES (PROHIBITIONS) AMENDMENT (PLEBISCITE) BILL

*Second reading*

**Debate resumed from 18 April; motion of  
Hon. T. C. THEOPHANOUS (Minister for Industry  
and State Development).**

**Mr ATKINSON** (Eastern Metropolitan) — This piece of legislation troubles me. It has been referred to by a number of speakers as a stunt. I must say that the way this legislation is worded, its provisions and the fact that it is based on anticipation all concern me. It suggests to me that it very much is part of a stunt, especially when I look at some of the electorates in my area and further afield. I notice that members of the Labor Party are already running petitions about nuclear power. They are very clearly looking to capitalise on this issue as part of a federal election campaign by using both the tactic of the passage of this legislation and the petitions to mount a political campaign in respect of nuclear power.

I am therefore pleased to see that as part of this legislative process the Greens have put before the house some amendments that at least seek to improve the legislation. The intent of the amendments is to ensure that the minister does not simply have an opportunity as a whim to implement a poll on nuclear energy and to determine the information that would be put before people when they were making a decision on nuclear energy. The intent of the Greens amendments, as I understand it, is to bring the concept of a plebiscite back before the house. I think that that is an important improvement in the legislation presented by the government.

I said in my address-in-reply speech that I am opposed to nuclear energy, and I remain opposed to nuclear energy. Were this a bill that canvassed my opinion on nuclear energy, I would certainly vote in favour of maintaining the moratorium on any move to introduce nuclear energy into Victoria. The basis of my position on this issue is quite simple. I do not believe that I have a right as an individual and as a legislator in this place to make decisions that would encumber many future generations of Australians with the problems associated with what would be a short-term and expedient proposition — in other words, developing nuclear energy as a quick-fix solution to our carbon emissions problems and climate change issues and in the process encumbering many future generations over the hundreds of thousands of years of active life of the waste product with managing that issue. I do not

believe I have the right to encumber those generations with the results of that sort of a decision.

My position on nuclear energy is fairly clear. I agree with some speakers who said in this debate that there is not at this point a safe way of disposing of that waste. In many senses I do not believe, as speakers have put in the course of this debate, that there is a guaranteed safe way of storing the waste. I accept what has been said about a number of regions in Victoria that have ongoing earthquake activity. It is at a low level at this point, but certainly there is no guarantee that Victoria or any other part of Australia will not suffer significant earthquakes in the future which would put at risk any storage containment facilities associated with this material. I am aware of course that some waste material already exists as the result of our use of uranium in medical areas, but at least the risk from that is minimal compared with the level of risk there would be if we were to move into using nuclear energy as a power source.

I take this opportunity to advise members of the government that although it might be convenient to portray the Liberal Party in Victoria as having a position on uranium and as moving towards nuclear energy, the reality is that the party has no such position. The Liberal Party in Victoria has not voted in favour of any policy to adopt nuclear energy, and in fact within the party in Victoria there is obviously a diverse range of views on this issue. The issue is certainly subject to current debate in Victoria, as it is nationally, but the party has not adopted any such position. It is convenient for government members, as part of this petitions campaign and this legislation stunt, to portray the Liberal Party in Victoria as having a particular position, but that is not accurate.

In the course of this debate I heard some members refer to political masters in Canberra and so forth. If members want to go back to school and do Liberal Party Structures 101, they will find out that the Liberal Party is quite unlike the Labor Party. The Liberal Party is actually a federation of states, and the states make their own determination as to what their positions might be — perhaps much to the angst of our Canberra colleagues at times — but there is certainly no master-servant relationship between the federal government, our federal colleagues and the state Liberal Party.

In defence of the Prime Minister's promotion of nuclear energy in the national debate at this time — as I said, I have a fairly clear position on that debate — I suggest that what we need to recognise is that the Prime Minister is saying, 'Okay, there is a significant debate

worldwide about climate change and carbon emissions, and in particular about the response of countries like the United States and Australia to the Kyoto agreement and all the subsequent discussions regarding climate change and carbon emissions'. I think what the Prime Minister is suggesting is that if Australia is to achieve a significant reduction in carbon emissions quickly, then one of the opportunities or alternatives is in fact nuclear energy.

Certainly elsewhere in the world nuclear energy has been used, and used relatively safely, and I have to say that I am less concerned about the power station operations and where the nuclear energy is actually created than the next step of the process, which is that storage process. That is the process that concerns me. I am not as concerned about the engineering, the technical and the scientific aspects of running power stations, because there are many people who will point to a long-standing industry in a number of countries, such as France and the United States, where there have been relatively few mishaps. I think there was one mishap in Japan, there was certainly the Chernobyl disaster, and there was the mishap at Three Mile Island in the United States. There have been a number of mishaps in those plants, but with the exception of Chernobyl they have not been massive faults and the containment of those mishaps has been relatively efficient, as we understand it. The waste storage and the long life of the waste are the matters of major concern to me.

As I see it, the Prime Minister — not that he needs my defence — has not made a commitment to nuclear energy, but his promotion of nuclear energy in the national debate is in the context of his saying, 'Okay, this is one of the options available in addressing climate change'.

I happen to agree with what a number of speakers from the government have said in respect of energy alternatives, and I note what Mr Barber said yesterday in the context of the debate on desalination plants converting salt water to fresh water. He was advancing the argument in this house that what we needed to think about was the reuse of water, the recycling of water and in fact the lowering of our use of water. I think that premise applies very much to this debate as well, because any debate on nuclear energy should include the point that it is simply an option within a much broader debate on where we should be going with energy and fuels in the future.

There is no doubt that we have to reduce our reliance on fossil fuels, and there is no doubt that we need to explore alternative fuel sources that are not harmful to

the environment. I am particularly attracted to solar energy. We should be investing a lot more in solar energy options because there is considerable benefit in solar energy and very few disbenefits. I am also not opposed to wind power. I have driven past a number of wind turbine installations, and whilst I might not describe them as things of beauty, frankly I also do not see them as a great blight on the landscape. I think they are a valid option.

One of the things that has put my mind into gear in terms of this issue, though, is an article I read about a wind turbine farm in Scotland. The promoters or owners of that wind farm were extolling the virtues of the scheme. Everybody said, 'Yes, that is wonderful', but then one person put it in the context that a superplane — one of the larger aeroplanes — flying from Scotland across to New York would in fact do the same amount of environmental damage as that being saved by having all those wind turbines in that particular wind turbine farm. In other words, we need to be very mindful that this is a complex and broad issue and that in fact we cannot simply find quick-fix solutions and easy solutions, which wind power and even solar energy might appear to be, unless we are prepared to address some of their energy consumption issues as well.

I drive around the city, and I see lights on that do not need to be on. I look at household consumption of energy, which is way higher than it ought to be, and I see all sorts of appliances on stand-by that I am not sure need to be on stand-by. Indeed there is technology available that might well suit our laziness — or convenience, as the case may be — in our households in terms of how we consume power but which at the same time is a lot kinder to the environment in terms of energy consumption demand.

I am certainly keen to pursue other alternatives to our existing energy generation, particularly in terms of the fossil fuels — petroleum and so forth — that we use so extensively in all forms of transport, but nuclear energy remains something I cannot support as one of those alternatives, simply because of that waste issue I have mentioned. It is such a big issue for me that there is no way I can support it.

In the context of this legislation, though, I am perplexed as to what I should do. I certainly have no difficulty in supporting the amendments of the Greens, because there is no doubt that one of the concerns I have, which is shared by my colleagues, about the legislation presented to this house is the fact that this is basically a handpass of all accountability, all responsibility and all

opportunity, if you like, in a political sense to a single minister.

No doubt he would take advice from cabinet and others, but we would nonetheless be reliant on his political judgement. Whilst there is no way I would want to go down the road that Mr Finn went down last night in this debate — I do not think it would be all that productive for me to do so — I think that it is worth considering this minister's political judgement in the past over a number of issues in both his handling of his portfolio and in his management of political processes in a campaign sense. That suggests there would be concerns for me and my colleagues if this minister had carriage of the decisions outlined in this legislation. As I said, much of this legislation is based on anticipation. The minister — and I guess by extension the government — needs only to think that there is a looming possibility of the federal government actually moving towards nuclear power. There has been no suggestion of that by the Prime Minister. The Prime Minister has simply suggested there be a debate.

I raised a sensitive issue in the adjournment debate last night, and I thank members for the maturity they showed in that debate, but I have to say that one of the things that concerns me about this place and about political debate in Australia in general is that far too often we are reluctant to put important issues out into the marketplace for discussion because there is a tendency for people to attack the man rather than the idea — to avoid the substantive debate and score cheap political points. I think there is a touch of that in the reaction of the Labor Party in Victoria. I do not know whether it is part of a coordinated strategy around the nation, but certainly I am concerned by the reaction of the state Labor Party to the Prime Minister's attempts to put nuclear energy on the agenda for a national debate. Whilst, as I said, I am an opponent of nuclear energy, I accept that the debate is a valid community debate. It is a debate that probably should be held, and it should be held responsibly. It should be held as an informed debate that is free of cheap political tricks. The debate should not be exploited for cheap headlines when people are trying to contribute to it. It is one of those debates that I think the community certainly needs to have.

From that point of view I am certainly concerned that this legislation clearly has a role in a tactical strategy by the Labor Party leading up to the federal election rather than a role in any genuine attempt to have an informed debate on nuclear energy or to have any sort of a debate on the legislation that is already in place in Victoria. Indeed we already have legislation which concurs with the position that I have, the position that most of the

members of the government have, the position that I think a few of my colleagues have and the position that I understand the Greens have on this. I am not aware of the Democratic Labor Party's position on this issue, and I apologise for not informing myself of it ahead of this debate. This is a rather unfortunate piece of legislation in the way it has been structured. If there had been a genuine attempt by the Labor Party in Victoria to advance this debate, I think there would have been much better ways of doing it than by presenting legislation to the house that provides an opportunity at some future point for a minister to initiate what would be a political strategy rather than a genuine community strategy.

I am not afraid of a community debate on this issue — I welcome it. That is the sum total of the proposition at this point in time that the Prime Minister has put before the Australian people. I think the proposed amendments by the Greens improve the notion.

On this occasion I wish to inform members of the house, including my own party colleagues, of my personal position — and I have already established within my party room that I will exercise my conscience vote on these matters — which is this: I support the Greens proposed amendments. I am going to vote against the substantive motion for the adoption of the bill when it is presented, because I do not think this bill addresses the key issue of nuclear energy that concerns me. I think the bill is seriously flawed, notwithstanding that the Greens proposed amendments might improve the bill if they were accepted. I hope members of the house, particularly members of the government, when ensuring the passage of those proposed amendments accept them in this debate.

**Mr VINEY** (Eastern Victoria) — It is a particular pleasure to express my support for the bill before the house today. Giving the people of Victoria the right to express through a plebiscite how they feel about the commonwealth government's propositions of a nuclear power plant and the subsequent operation of a nuclear power plant in this state is an honourable thing for this Parliament to do. The descriptions of this legislation, as being a stunt, are fairly disingenuous. It is hardly a stunt for the Parliament of Victoria on any occasion to provide the people of Victoria the right to express their view. This is a democratic principle of which there should be more.

A number of speakers from all sides of the house have expressed their opposition to the construction of nuclear power plants, yet a number of members, particularly from the Liberal Party, find the proposition that we could allow all Victorian people who are eligible to

vote to express an opinion on that issue somehow unacceptable.

I want to take the opportunity to respond to a couple of statements that Mr Finn made in his contribution last night. In particular Mr Finn spent most of the time allowed for his contribution attacking and criticising Mr Batchelor, the Minister for Victorian Communities in the other place. He ranged over 21 years of information — he quoted from old newspapers like the *Herald*, the *Sun* and a whole range of things — and he misrepresented the minister's position which was held 20-odd years ago.

Mr Finn's justification for ranging over these old issues was based on his assertion that the legislation provides for the minister to conduct the plebiscite. He is clearly wrong. His assertion demonstrates that he has not read the legislation or he has deliberately misinterpreted the legislation and wants to make a point about the historical issues he raised.

The bill before the house makes it clear that any such plebiscite is to be conducted by the Victorian Electoral Commission, not by the minister. The last time I looked, Mr Batchelor was neither on the electoral commission nor is he the minister responsible for the electoral commission. The last time I looked, the minister responsible for electoral matters in this state is the Attorney-General in the other place.

I do not think the debate on the bill before the house is an appropriate opportunity for Mr Finn to range for the best part of 20 minutes in a gratuitous attack on a minister who I think, through all my dealings with him, is someone who looks at the facts — that is something I always like ministers to do — to consider them, take advice on the matter and make a decision.

*Honourable members interjecting.*

**Mr VINEY** — I do not share the confidence that if Mr Finn were to ever become a minister of the Crown — and God forbid if he did! — he would take that approach. My concerns and observations of Mr Finn are that he takes every opportunity to take a particular angle to make a political point. I do not have confidence in Mr Finn. I do not think members of the Liberal Party would seriously ever have the confidence to put Mr Finn into a frontbench position if it ever happens to return to government. I think Mr Finn absolutely demonstrated his partisanship and an inability to look at legislation before the house, because he misunderstood and misrepresented what the bill actually says about the conduct of a plebiscite.

Ultimately this bill is about ensuring that the people of Victoria are able to protect themselves against the imposition of a nuclear plant in this state.

I read recently that if the ancient Egyptians had had nuclear power, we in this generation would be dealing with their nuclear waste, which would not yet have reached half of its half-life. This is the fundamental issue about nuclear power that no-one has been able to deal with. Even Mr Atkinson acknowledged that there are countless generations that would need to deal with the waste of a nuclear industry if we were to establish one in this state or indeed in this country.

There is a raft of other issues associated with nuclear power that need to be considered carefully by the people of Victoria before they would ever agree to that. I do not believe we are at the point where we must go down the path of a nuclear power industry. I am, as I have put on the record here many times, deeply concerned about climate change and greenhouse gases, but there is an absolute urgency for us to invest in the technologies to provide for renewable energies and to ensure that we have a clean coal electricity industry in this state. I do not believe we are anywhere near needing to invest in a nuclear industry.

Not only do we not need to invest in a nuclear industry, but my understanding is that we would be a long way short of the time lines for building the capacity of any nuclear industry that we were to invest in for it to make any substantial contribution to the supply needs for the generation of power in this state. We have enormous reserves of brown coal in this state, and we need to find ways to utilise that resource which do not contribute to greenhouse gas issues, as has been occurring. There are ways to substantially improve that industry, and the government has been investing significantly in those innovation areas. Some \$60 million-odd has been announced for investigations of clean coal technologies in the Latrobe Valley in my electorate.

One of the things that has concerned me in the recent debate on the nuclear power industry initiated by the Prime Minister is that three of the possible sites that have been identified in the research for a nuclear industry are in my electorate. One was mentioned for Western Port, one for South Gippsland and I think the other was for the Latrobe Valley. Another one was mentioned for somewhere on Port Phillip Bay. That would quite clearly affect large parts of my electorate, if not all of Melbourne. The remaining one, as I understand, was identified for Portland.

This is an issue of considerable interest to the people of Eastern Victoria Region, a region that has already

provided enormously, particularly in the valley, for the electricity needs of this state. Whilst it has provided substantial economic benefits to our region, there have also been some costs to the region associated with that industry, and there has been enormous cost to the community as the industry has restructured and changed the employment structures in the region. It is an issue of considerable interest in my electorate.

Giving the people of Victoria the right, through a plebiscite, to express their views on this industry, if the commonwealth government pushes ahead with proposals for a nuclear energy industry in this state, is a fairly simple right. It is one that we should always welcome in this Parliament — that is, to hear the people's view.

Mr Barber in his contribution made a number of criticisms of government members on this side, particularly about how members on this side view the proposals before the ALP national conference on uranium mining. He put some challenges out to members on this side to express their views.

One thing I will say to Mr Barber is that the Greens do not have a role in determining ALP policy. That is a role for the members of this great party, the Australian Labor Party. Mr Barber and the Greens should concentrate on their own problems in these policy areas, because I understand that half the people in the Greens are opposed to the wind energy industry and the other half support it. The Labor Party does not need the gratuitous input of the Greens in terms of the policy positions that members of the Labor Party choose to take on a range of public issues. I am sure in the discourse of politics the Greens will make comment about Labor Party policy after it is determined, and that is fine for them, but they do not get to have an input in the process of determining it.

We as a Parliament need to welcome every opportunity that is afforded to the people of Victoria to express their views, particularly on serious environmental issues such as this. For that reason I am very pleased to support the bill, and I commend it to the house.

**Mr GUY** (Northern Metropolitan) — I do not intend to speak on this bill for a long time, principally because I do not necessarily believe this bill is worth it. I have sat and deliberately listened to quite a few of the speeches from people participating in this debate on the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill. It is a debate that is of some interest to me. Of interest to me particularly have been the comments of Mr Viney in the last couple of minutes and those of a couple of other Labor MPs last night.

In starting my comments I want to get a few things out on the table. The Labor government has brought in a bill and just about all of the Labor members in this chamber are going to rise and rail against nuclear power. They will talk about the evils of nuclear power and say it is disgraceful. They will say, 'We do not want it in Victoria; we do not want it anywhere in this country. We do not want anything to do with it'. Mr Thornley said, 'It is too expensive'. They are the comments members of the Labor Party have been making, yet Labor is happy to sell uranium to other parts of the world. Mike Wran, the Labor Premier of South Australia, cannot get enough uranium. He is glowing. He wants his state to be on fire as the major Australian exporter of uranium to China. He wants all the cash, but he does not want to do anything about it. Members of the Labor Party are here today talking about the problem of waste disposal in the uranium industry. It might be a legitimate issue. If they are raising a legitimate point, why are half of the members of the Labor Party happy to sell uranium to China, India or somewhere else when they do not want the problem here?

The Labor Party has a real problem with this bill and this whole issue. If Labor members here oppose nuclear energy — as no doubt do the Greens, given Mr Barber's questions yesterday — we could expect to see a move to ban it by the federal opposition leader, Heavy Kevvie, and the rest of their mates in the federal Labor Party at their conference later in the year.

**An honourable member** — Next week!

**Mr GUY** — Next week. We will all be waiting for the Labor Party's decision. I think that the Premier and a number of Labor members in this chamber who are in the same faction of the Labor Party as Mike Wran will have a factional meeting to decide whether or not they are in favour of exporting uranium or whether they are in favour of nuclear energy — —

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

**Mr GUY** — Nimbyism, I think Ms Tierney said last night. I do not think Mr Theophanous is in his correct place. They are two different things. It comes down to consistency of argument. What do you believe in? Do you believe in this industry or not? What we have seen during the contributions of a number of speakers is a procession of comments like, 'We like the money from uranium exports, but we do not want anything to do with the nuclear industry in Australia'. That is a position that I find bizarre — that the Labor Party wants to get up here and publicly espouse — —

**Mr Thornley** interjected.

**Mr GUY** — I do not understand it, and I note that Mr Thornley is also not in his correct position. It is quite amazing that the Labor Party seems to put an intellectual argument claiming that it is okay to export uranium to other people so they have the problem of the waste by-products of nuclear energy when it does not want anything to do with it here. Labor will take the cash — Mike Wran will take the cash. It will all start glowing in the bankrupt state of South Australia. Labor will take the lot. It will export uranium, but it does not want anything to do with it in Victoria. Its position is not sustainable. The Labor Party's policy is not sustainable, and I would think that the position of Heavy Kevvie, Kevin Rudd, is going to be a tightrope-walking act between the Socialists in the left wing and a bunch of pragmatists on the ALP right who believe in cash and have no morals whatsoever.

I rarely give credit to anyone who votes Labor. When someone says to me that they vote Labor I get this image in my mind of some mad nutter who is reaching out for you, and you have to go and put the kids to bed and get a glass of orange juice or something to relax because these people are so bizarre. I cannot understand for the life of me why there are intelligent people in this chamber — Mr Thornley, Ms Pulford, Mr Pakula and others — —

**Mr Finn** — You are going too far there.

**Mr GUY** — I might be going too far; Mr Finn is right. I cannot understand how these elected legislators and a number of others could actually see this bill as a good use of the Parliament's time. How do they see this bill as a proper use of taxpayers money? How can we regard this bill with any kind of seriousness whatsoever? I suspect there are a number of Labor members opposite who are a little bit embarrassed and who will go off to their offices and cringe about this bill, primarily because of the points I made before. As I have said to this house a number of times, we seem to be debating stunts. If we were not debating the critical water infrastructure legislation, which was a stunt involving a pipe, we were debating a gaming inquiry where the minister vets the response, which was another stunt. Now we are here to debate a nuclear plebiscite, which is another stunt on behalf of the Bracks Labor government. It is quite bizarre.

As Mr Finn pointed out yesterday, there are a couple of very good examples of stunts. This government has perfected the art of the stunt. It has turned Victoria into an amazing stuntocracy. We got the Metcard stunt. The then Minister for Transport, Minister Batchelor in the

other place, was followed around by someone on the steps of Parliament in a great big ticket costume — polystyrene ticket with hands poking out of it. It was a stunt to relaunch the Metcard — and it happened three or four times. We also had the Premier and Deputy Premier standing in the middle of Snowy River with their long pants on, getting wet. The former Premier of New South Wales, Bob Carr, was also there. Here we are again! We also saw Steve Bracks flying over Lake Eildon — Adam Kilgour did the ads remember — when it was at about 16 per cent of capacity. He smiled, flashed his pearly whites at us and said, ‘Yes, I will be doing something here’.

**Mr Viney** — On a point of order, Acting President, this is incredibly entertaining, but I question the relevance of Mr Guy’s continual referral to a whole range of issues and media reports on government policy. He has raised a whole raft of issues, none of which relates to the nuclear bill before the house.

**Mr GUY** — On the point of order, Acting President, in response to Mr Viney’s comments, the context in which I am speaking is obviously shaping my view of the bill. I am putting forward some examples to show how I view this bill and why I believe this is part of the government’s continual program of very little substance.

**Mrs Peulich** — On the point of order, Acting President, the honourable member has explained that he sees this as being part of a stuntocracy. All he is doing is illuminating the litany of stunts that have contributed to that definition.

**The ACTING PRESIDENT (Mr Vogels)** — Order! There is no point of order, but I ask Mr Guy to come back to the bill.

**Mr GUY** — I will move on. Although I have quite a few examples, I will spare the Labor Party and the members opposite any more embarrassment. Unfortunately for Victorian taxpayers this will probably rank as one of the greatest and most expensive stunts that the Bracks Labor government has pulled. The plebiscite has nothing to do with running the state of Victoria; it has everything to do with the election of Kevin Rudd. As if Labor has not done enough to turn other states in this country into stuntocracies, we have yet another one with the bill we are presented with today. The bill is flawed. In my view it is totally not legitimate.

Even if the federal government wanted to consider having a nuclear facility in Victoria, according to this bill — the absurdity that it is — the state government

could still build a facility, so a plebiscite would mean nothing. It would be an incredible waste of taxpayers dollars. We could have is a plebiscite that said the federal government could not build a nuclear facility in Victoria — someone please tell me the last time the federal government invested in power generation in this country — but the state government could. The state government will run a plebiscite to say that some other government cannot build a power generation facility in its jurisdiction. What an absolute waste of money. This plebiscite will guarantee nothing.

I will not turn to making many comments about Mr Batchelor, the Minister for Energy and Resources in the other place and the man charged with introducing this plebiscite. Mr Finn made some very valid points about Mr Batchelor last night. It is important for this house to note the past encounter with democracy that Mr Batchelor had in about 1985. As I said, Mr Finn’s comments were very important, and it was very worthwhile his putting them on the record.

We need to have a proper look at what is actually being proposed. This bill has a number of flaws. The bill as it stands allows the minister to determine what question is going to be asked — not the Parliament but the minister. I do not know whether the Labor Party thinks this is Chile or East Germany, but the minister is not the one who usually determines whether there should be a plebiscite; it should be the Parliament. The bill requires the minister to conduct a plebiscite at a time which is — wait for it! — the most advantageous to the health, welfare and safety of the people of Victoria.

It is bizarre. I think we read and interpret that as meaning that is when he determines it is electorally advantageous. The bill also authorises the minister to decide that the voting may be by postal ballot. I do not know if the Labor Party thinks it is running the Warrego council or the state of Victoria.

**Mr Thornley** interjected.

**The ACTING PRESIDENT (Mr Vogels)** — Order! Mr Thornley is out of his place.

**Mr GUY** — But it seems quite bizarre that that would be even considered. From a group of people who in historical terms gave us Gough Whitlam’s states commission in the 1970s and the who rorted the New South Wales electoral boundaries until 1988 — the Australian Labor Party — we get a trust-us approach, saying that it will run a fair plebiscite which will not be binding on it. Here we are in 2007, when the state Labor Party is crying out for money from the federal government at every opportunity. Whenever we walk

into this chamber we hear to minister after minister railing about how the federal government will not give them more and more money to do the job they and every other state government have been doing for more than 160 years.

**Mr Lenders** — So let's cancel elections because they cost money — is that what you're saying?

**Mr GUY** — Let us have a look at the school maintenance backlog. We hear the Minister for Education come in here and claim he needs a lot of money from the federal government to run his portfolio. He cannot find the money for that at a state level, but he can find tens of millions of dollars to help his mate, federal opposition leader, Kevin Rudd, try to get elected. I find it bizarre that the state government cannot find \$5 million or \$10 million to fulfil election promises to build railway lines to outer suburban areas like Cranbourne East and South Morang — promises it made in 1999 — but it can find tens of millions of dollars to conduct a non-binding plebiscite in the state of Victoria. It is bizarre. As I have said, despite this bill being in my view an abuse of power and a waste of money, I think there is a more serious and quite offensive side to it.

As a Victorian with Ukrainian heritage I have talked to many people about nuclear power. I have talked to many Ukrainian Australians about what happened at Chernobyl and to many people in the Ukrainian community about the force of uncontrolled nuclear energy. As everyone in this house knows, parts of northern Ukraine and southern Belarus were left a wasteland in April 1986 by the nuclear tragedy at the Chernobyl nuclear power station at Pripyat, Ukraine.

But it must be noted that the many people who were killed, injured or left diseased or who were forced to leave their homes forever were the victims of a rabid left-wing dictatorship whose failed economic model led it to build nuclear power stations on the cheap. Human safety, like human life, was considered a secondary concern for communists. The circumstances that led to the tragedy at Pripyat will not occur in Australia. No government in Australia would or could allow the construction of any power station, private or public, nuclear or conventional, with similar safety considerations as occurred in the 1970s and 1980s in the Soviet Union.

**Mr Lenders** — You'll regret this by the end of your political career.

**Mr GUY** — Not a chance. I suspect members in this house who have spoken in favour of this bill and who

are partaking in what is a shameful nuclear scare campaign are not widely read on the construction style and lack of safety provisions that were part of the Soviet nuclear program.

To conduct a debate on nuclear energy in Victoria with the implication that our state could be exposed to a Chernobyl-style catastrophe through security concerns, as is listed in the second-reading speech, is irresponsible and disgraceful. I do not believe 5.25 million Victorians deserve to be the subject of such an atrocious fear campaign from the Labor Party that is designed, in only one part, to see the election of a Rudd federal Labor government.

As I have said, this bill is a terrible and shameful stunt. As an elected legislator I grieve for the people of this state who have had their hard-earned taxpayer dollars bled by a government that views state revenue as a multimillion-dollar slush fund.

The bill is a sham. It is a gross waste of money. It is a very good example of the Labor Party's attempt to dumb down politics in the state of Victoria. In my view, every member of the Bracks Labor government should stand condemned for supporting a bill that treats our proud democracy as an appalling joke. I urge all members to reject this bill.

**Mr PAKULA** (Western Metropolitan) — Thank you, President.

**Mrs Peulich** interjected.

**Mr PAKULA** — Thank you, Mrs Peulich.

**Mr Finn** — I've been waiting for this.

**Mr PAKULA** — My contribution will be nowhere near as entertaining as Mr Finn's. Mr Guy was very excitable — I suspect he had one too many Red Bulls this morning!

**Mr Guy** — With respect!

**Mr PAKULA** — With respect, he just recently accused the government of treating democracy like a joke, but earlier in his contribution he said the plebiscite would outlaw or stop the federal government from building a power plant in Victoria but the state government would be allowed to do so. He conveniently seemed to overlook the fact that there is already a state act which prevents any state government from building a nuclear facility. I am not sure what point he was trying to make in that regard.

I want to go through some of the contributions that have been made by others in this debate so far, because they have been reasonably illuminating. Mr Barber last night took what I consider to be an unusual approach to this debate and one that I was surprised to hear from him. If I am not quoting him out of context, the general premise of his initial remarks seemed to be that the bill was not necessary and there is really nothing to worry about because no government in its right mind would actually build a nuclear power plant in Victoria or anywhere else in Australia, because of both the economics of such a construction and because other forms of renewable energy are cheaper. I think that was — —

**Mr Guy** — You are actually speaking for the bill, aren't you?

**Mr PAKULA** — I am aware that I am speaking for the bill. That was the substance of Mr Barber's contribution. I suppose all I can say about that is I am glad Mr Barber is so confident in his views on that matter, but from my understanding of the contributions made by the Prime Minister and others, including Dr Ziggy Switkowski and Mr Guy, I certainly do not have the same degree of confidence that nuclear power is the dead duck that Mr Barber seems to think it is. He then went on with about a 20-minute set piece, which was effectively Mr Barber's attempt to create the set-up in anticipation of what he thinks will be the outcome at the ALP national conference — and then he accused us of being political!

Mr Finn's contribution was timely given that we are in the middle of the *Age* Melbourne International Comedy Festival, because it was one of the more entertaining contributions I have heard in the house in my short time here. He also accused the government of being utterly political and then went on with his 20-minute diatribe about the Nunawading re-election 22 years ago!

**Mr Finn** — It was 10 minutes.

**Mr PAKULA** — I will correct the record. It was a 10-minute diatribe about the Nunawading re-election of 22 years ago, which made Mr Finn's contribution clearly not political!

He then entertained us with what was really a bizarre conspiracy theory — I think he has been hanging out with Mel Gibson — about the fact that this bill is really all about us getting a plebiscite up before the federal election so as to help Kevin Rudd. No-one has yet explained how it would help, and clearly on any reading of the bill that is an absurd suggestion. Whilst I

am not surprised to hear that sort of contribution from Mr Finn, I was surprised to hear it taken up by Mr Guy.

Mr Finn also tried to make the point that the bill was entirely unnecessary because the state already has in place an act which outlaws nuclear facilities. I should be fair to Mr Finn by acknowledging that he did concede he was not a constitutional lawyer, but he seems to have overlooked the fact that there is a power in the constitution which makes it very clear that if there is a commonwealth act that contradicts a state act, then the commonwealth legislation overrides that state act. The provision is called section 109, and it has been used by this federal government on numerous occasions, not least in regard to industrial relations.

The power of the commonwealth to use particularly the Corporations Law — —

**Mr Finn** — Come on! Tell us: how will the plebiscite stop that?

**Mr PAKULA** — I will come to that. The power of the commonwealth to override state laws, particularly in regard to commonwealth land, which is where a nuclear facility could be proposed to be built, is clear.

**Mr Finn** interjected.

**Mr PAKULA** — It is not quite Sunbury. Mr Hall endeavoured to make the same point, and my comments in regard to Mr Finn's contribution go to Mr Hall's contribution as well.

Mr Atkinson made what I thought was a very reasoned contribution. He made the point that the Prime Minister's view is that there should be a significant debate. But my point is that nothing in that contribution is an argument against this bill — in fact, it is an argument for the bill. I will go to the reasons why.

Despite all the histrionics we have had to endure this morning and last night, the bill is about providing the Victorian people with a chance to express a view. It is about — —

**Mrs Peulich** interjected.

**Mr PAKULA** — We are very interested, Mrs Peulich, because for the last seven or eight years when we have asked the Victorian people to express a view, the view they have expressed is that members on that side should be in opposition and we should be in government, so we are very happy to hear the views of the Victorian people.

**Mr Finn** interjected.

**Mr PAKULA** — Mr Finn trotted that argument out during the last election campaign, and the Victorian people gave their verdict on that.

The bill provides the Victorian people with a chance to express their view — and it is necessary. Despite what Mr Barber might have said about nuclear power not being viable and not being a realistic option, the fact is that sentiments have been expressed by the federal government that are very favourable towards a nuclear power industry. Sentiments have been expressed in the Switkowski report. Members may want to acquaint themselves with the Switkowski report; it favours a scenario of 25 nuclear generators in this country generating up to 30 per cent of Australia's power.

The history of the Howard government is that it has been extremely slow on the uptake in the provision of commonwealth support for carbon trading and other forms of renewable energy. In the last election campaign the state opposition did not support this government's position on renewable energy targets. The Prime Minister is openly advocating a nuclear option, but he is very cagey about where those nuclear power plants might go. The only clue that I have been able to discern from the Prime Minister's contribution is that he would not mind living next door to one. We can probably assume there will be one at Kirribilli and one at Wollstonecraft, but that still leaves 23 others. The question we are entitled to have a view about is: where would the other 23 go? I have looked through — —

**Mr Finn** — Black Rock.

**Mr PAKULA** — It is actually not nominated as one of the locations, but some of the potential locations that have been nominated are Woodside, Portland and Newport. Mr Hall, Mr Vogels, Mr Finn and other members who represent electors in those locations might want to reflect on whether or not our constituents would like to have a say about this. I am pretty sure — —

**Mr Finn** — Here comes the scaremongering!

**Mr PAKULA** — No, Mr Finn, it is not a scare campaign; it is actually a pretty simple point. It might be comforting to people in Newport or Portland or Woodside to know that before a nuclear power plant is built in their suburb they will at least have the opportunity to express a view about it.

None of us know where these power plants might go, but at some point the locations will be identified, and at some point — as Mr Atkinson pointed out — all the arguments about this will be ventilated. If the Prime

Minister decides to plough on with what is clearly his view about nuclear power, I have no doubt that it will be backed by a leviathan public advertising campaign which will probably put the \$55 million that he ploughed into the industrial relations campaign to shame. The opponents of nuclear power will also make their views known, but obviously without the resources of the commonwealth. All the views will be ventilated and exposed.

**Mr Finn** interjected.

**Mr PAKULA** — I advise Mr Finn that my contribution is not about a scare campaign.

**Mr Finn** — This bill is about a scare campaign.

**Mr PAKULA** — My contribution is that no doubt one day there will be a debate about nuclear power. No doubt one day the Prime Minister will express his views through the avenues that he uses, and no doubt one day those who are opposed to nuclear power will express their views. What is wrong, after those views have been ventilated and the arguments have been heard, with asking the Victorian people to express a view about the judgement they have made?

My personal view is that I agree with most of the other speakers on the Labor side. I do not think the case — —

**Mr Finn** — Go on!

**Mr PAKULA** — I do not think the case for nuclear stacks up. I do not recall Mr Finn, in his contribution, actually expressing a view about whether the case for nuclear power stacks up.

**Mr Finn** interjected.

**Mr PAKULA** — Unlike Mr Finn I will express a view about nuclear power. I think we have only skimmed the surface of the energy alternatives — wind, clean coal, solar, carbon storage — —

**Ms Hartland** — There is no such thing as clean coal.

**Mr PAKULA** — That is Mrs Hartland's view, and she is entitled to it.

**Ms Hartland** — It is Ms Hartland.

**Mr PAKULA** — Sorry, Ms Hartland. I do apologise; it was not intentional. We have only skimmed the surface in promoting energy-efficient products, whether they be lights, appliances or vehicles; and as other speakers pointed out, including both

Mr Atkinson and, to his credit, Mr Barber, there are enormous advances that we are yet to make in regard to changes in human behaviour.

As a counterbalance, I think the problems with nuclear power remain significant. There are, as Mr Atkinson appropriately pointed out, significant long-term waste storage issues, particularly with regard to long-lived intermediate-level and high-level waste. There are massive capital and set-up costs, which no doubt Mr Thornley will elucidate, which make nuclear power a highly uneconomic option — and there are massive levels of water usage. Despite people's claims that this is a scare campaign, nuclear power plants do create enormous security concerns. Whether it is in regard to an accident or about their being terrorist targets, one thing you can be sure of is that if something goes wrong in a nuclear facility it will be a catastrophe of proportions we can only imagine.

There is no doubt that these issues will find their way into a public debate, and there is nothing wrong with giving Victorians a say. As for all the hyperbole and hysteria about it being non-binding, let me say that if we could bind the commonwealth we would.

**Mr Finn** — Why bother doing it?

**Mr PAKULA** — This is why we bother doing it — because the Prime Minister is an intensely political animal.

**Mr Finn** — Go on. A prime minister who is political — that is unusual!

**Mr PAKULA** — I am not expressing it in a pejorative way; I am simply making the point that he is sensitive to public opinion. Even though a plebiscite of the Victorian people may well be non-binding, it would be a very brave and arrogant Prime Minister who engaged in an act of high folly and proceeded to build nuclear power plants in Victoria in the face of strong public opposition expressed in a plebiscite.

The view that because it is not binding it is of no use is just plain wrong. If the Victorian people have the chance to express a view, and strongly express the view that they do not want a nuclear power plant in this state, my view is that the commonwealth will have no choice but to listen and to accept the views of the Victorian people as expressed through the ballot box.

If the argument for nuclear is as powerful as its advocates suggest, then those advocates might get a result that they are happy with, but it does not stack up economically, safety-wise or environmentally. Before the commonwealth proceeds to impose nuclear energy

on the people of Victoria this bill will provide the Victorian people with the chance to express their view about that imposition. Those who claim to be adherents to and supporters of democracy in this state should be supporting rather than deriding this bill. I commend the bill to the house.

**Mrs PEULICH** (South Eastern Metropolitan) — Congratulations, Acting President Vogels, on becoming a grandfather recently. We were all delighted to hear the news. You are a very youthful grandfather.

I intend to speak only about the public voting processes enshrined in this bill, not the subject matter of nuclear energy, which is clearly outside the parameters of this bill and which is the focus of contributions from the Labor side of politics. This is nothing but a stunt.

**Mr Finn** — With a capital S.

**Mrs PEULICH** — Absolutely with a capital S. Mr Guy said it was very typical of how Labor approaches these things. And basically how does it approach them? It hijacks the process, manipulates the spin and makes Victorians pay for it at a time when Victorians cannot get adequate funding for disabilities, for infrastructure, for schools — as I remind Mr Lenders — or for roads.

*Honourable members interjecting.*

**Mrs PEULICH** — This is very important, because if it were not a stunt, it would be a much more carefully crafted piece of proposed legislation, and we will go to that in a moment. I think this bill is intended to assist federal Labor in its bid to be elected.

**An honourable member** — They need all the help they can get.

**Mrs PEULICH** — I have a slightly different view. I think this is the Bracks Labor government's re-election efforts with a focus on 2010. I think the Bracks Labor government is already conceding that the coalition parties in the federal arena will win, and I expect this plebiscite to be conducted in the lead-up to the 2010 election so as to scare voters and to secure and diddle Victorians out of yet another term. I do not expect to see a plebiscite before the federal election.

**Mr Thornley** interjected.

**The ACTING PRESIDENT (Mr Vogels)** — Order! Mr Thornley is listed to speak later.

**Mrs PEULICH** — But I do expect to see a plebiscite before 2010, because that is exactly what the

bill is about. It is a very clever way in which to fund a re-election strategy of this Labor state parliamentary party.

This bill proposes a plebiscite, which means it is not binding. If Labor members were fair dinkum about the issues and the processes and about giving Victorians an equal stake in the nuclear debate, they would have made it a referendum. It is not, and therefore Labor is not fair dinkum. Not only that, if Labor were fair dinkum it would apply to Victoria's capability to set up similar facilities. Yes, there is a piece of legislation which prevents it, but, as we know, governments can change their own legislation. If Labor were fair dinkum, it would include the state as well as the commonwealth efforts in this particular area, and, lastly, you would not give it to the current energy minister to manage the process.

**Mr Finn** — I wonder why not?

**Mrs PEULICH** — I thought Mr Finn might ask that. I thought I would share this by referring to *Hansard*. I do not know the precise date, but I understand it was immediately after the 1996 election. I have a notice of motion I would like to read for the house's interest. It was proposed by one Mr Finn, then the member for Tullamarine in another place. He said he wished to move:

That this house — (a) notes the involvement of the honourable member for Thomastown, in his then role as State Secretary of the Australian Labor Party, to manipulate the result of the Nunawading Province by-election in 1985 by orchestrating a campaign to mislead and defraud voters in the by-election; (b) further notes the refusal of the honourable member for Thomastown to cooperate with the police investigation of this scandal and now calls on the honourable member to disclose the full facts of his and other Australian Labor Party members involvement in this corrupt incident; and (c) calls on all members of the opposition —

the Labor Party was then the opposition —

to publicly dissociate themselves from the actions of the honourable member for Thomastown and to support the demand that he disclose to the house the facts relating to his involvement in this gross abuse of the electoral system.

If the Bracks Labor government were taking itself seriously and this were a serious piece of legislation, it would conduct a referendum, it would apply to the state as well as to the federal government, and it would not give enormous powers for the management of the process to the person who was the subject of the aforementioned notice of motion. If Labor were serious, it would have done that, because what can this person do?

I will refer to the bill very briefly, in particular new part III, which is about a plebiscite being required in respect of the construction of a prohibited nuclear facility in Victoria. Proposed section 12(1) states:

- (1) This Part applies if the Minister is satisfied that the Commonwealth Government has taken, or is likely to take, any step supporting or allowing the construction of a prohibited nuclear facility in Victoria.

That is one of them. Proposed subsection (2) states:

- (b) adopts a policy position of supporting or allowing the construction of a prohibited nuclear facility in Victoria.

Basically the Minister for Energy and Resources in another place has a crystal ball and can trigger this at any point in time, and of course we cannot take it seriously for that reason.

**Mr Finn** — Six weeks before the federal election!

**Mrs PEULICH** — I suspect it is going to be later. It is going to be at a future point in time and is in fact Labor's re-election strategy. I would bet my bottom dollar that every member on that side of the house would prefer to see them than their federal colleagues in government, and this is what it is all about. It is not intended to help Mr Rudd; it is intended to help them.

To talk about the merits of nuclear technology and the disposal of nuclear waste is a debate our society needs to have. It is certainly not a debate for this particular legislation, and, as I said, I shudder at the prospect of having the Minister for Energy and Resources drafting statements which are going to be sent by ballot, at enormous expense to Victorians, to every household. It is an absolute disgrace. It is worse than communist Yugoslavia when I was there. Yugoslavia had state-run media and a single-party system, and you got to hear one view.

If the Bracks Labor government were serious, it would have this Parliament making the decision on the timing, approving the process and making sure that the drafting of statements which go into every single household is done at arm's length from this lot opposite. Of course we know how reliant this Labor government has been on spin and how dismal it has been in delivering outcomes. We also know that Mr Guy's description of the Bracks Labor government as a stuntocracy is certainly true. I also have intentions of supporting the amendments, because doing so would at least in some measure give a bit of integrity to what I think is otherwise an absolute sham and disgrace. Labor is wasting the Parliament's time and Victoria's resources in funding its own re-election campaign.

**Mr SCHEFFER** (Eastern Victoria) — The need for the introduction of this bill has become necessary because of the widespread concern that has been aroused in Victoria over the Howard government's promotion of nuclear power and specifically the Prime Minister's refusal to rule out any location where a nuclear reactor could be constructed and located.

The bill amends the Nuclear Activities (Prohibitions) Act introduced by the Labor government of John Cain, which prohibits the establishment of nuclear facilities anywhere in Victoria. The amendments to be considered today will enable the government to conduct a referendum in Victoria if the commonwealth government takes any action that supports or permits building of a nuclear facility that is banned under the Victorian legislation.

Under existing commonwealth law the Howard government cannot allow nuclear reactors to be built and would need to introduce new legislation for a nuclear power plant to be located in Victoria. The Australian Radiation Protection and Nuclear Safety Act and the Environment Protection and Biodiversity Conservation Act together prevent the commonwealth from authorising the construction or operation of nuclear installations and prevent corporations or commonwealth agencies taking nuclear actions that will have a significant impact on the environment. If the commonwealth ever intends to allow a nuclear reactor to be built in Victoria, it will have to amend its laws.

Under the amendments contained in this bill, if the commonwealth introduced new legislation of this type into the federal Parliament, the Victorian minister would take steps for a referendum to be held. The minister would also be required to have a referendum if the commonwealth adopted a policy position that pointed towards the construction of a nuclear power station in Victoria.

One of the amendments put forward by Mr Barber yesterday goes to this provision. The Greens amendment proposes that reference to the commonwealth adopting a policy position that supports or allows the construction of a prohibited nuclear facility should be removed from the bill. I support what other speakers on this side have said in relation to the effect of this amendment. By the time the commonwealth has a bill before the federal Parliament it will be too late for a plebiscite to influence the commonwealth government. The present bill in itself cannot prevent the commonwealth from supporting the construction of a nuclear reactor in Victoria, but it can give Victorians a direct say. It can give Victorians the opportunity to debate the issues and be presented with

the facts. It will require Victorians to come to a decision that will make it clear to lawmakers what the public in this state thinks.

If Victorians vote against the commonwealth nuclear plan a strong argument on the part of the commonwealth would have to be mounted to override public opinion. A referendum would require the commonwealth to run the argument in favour of nuclear energy in Victoria. I am not a lawyer, but section 109 of the Australian constitution is very clear to me. It states:

When a law of a state is inconsistent with the law of the commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

It is entirely within the commonwealth's power to permit nuclear reactors to be built in Victoria. In recent months the Howard government has brought nuclear energy back as an energy option. A generation ago Victorians, and Australians generally, overwhelmingly rejected the nuclear power option for this country.

To be fair, this opinion was formed in a political and environmental context very different from the present. Nuclear technology was much less advanced than it is today, and the threat of a reactor malfunction, such as happened at Three Mile Island in 1979 and at Chernobyl in 1986, was ever present. There was also a great and well-placed fear that the radioactive waste from nuclear reactors could never be made safe over the hundreds of thousands of years it would take for it to decay and that no burial could be sufficiently deep or permanent to safely contain this dangerous substance. Similarly the Cold War and the threat of a nuclear holocaust were imminent and dangerous realities fed by the Cuban missile crisis, Korea, the Soviet invasion of Czechoslovakia, the Berlin Wall and the Vietnam war.

Today the general circumstances are different. I think that today more people feel that nuclear reactors are relatively safe because there has not been a publicised catastrophe for many years. Many people also believe that burning fossil fuels has an unacceptable impact on global warming and that, despite the danger, nuclear energy is worth risking because it produces no carbon dioxide. Despite denials that the commonwealth intends to override existing Victorian law, there is strong objective evidence that suggests that the Howard government is determined to promote the nuclear energy industry.

In June last year the federal government appointed a task force headed up by Ziggy Switkowski to review uranium mining, processing and nuclear energy. Not very surprisingly the task force stated that there are

opportunities to expand the nuclear options for Australia and that nuclear power generation is superior to power generation using fossil fuels produced under current technological conditions. The final report says that nuclear power generation is an important way to reduce greenhouse gas emissions. It supports the construction of 25 nuclear generators, which are to be established by 2050 and which will produce 30 per cent of Australia's electricity. The Prime Minister has actively encouraged debate on the nuclear option and in this way has succeeded in bringing the issue to centre stage.

It is widely known that the Prime Minister was a climate change sceptic. More recently he has acknowledged that global warming is a reality. This probably has something to do with the fact that opinion polls show that overwhelmingly Australians and the business community are not climate change sceptics. They are waiting for the federal government to start responding seriously to this major issue. To be clear, no-one is saying that the commonwealth has done nothing at all to support the renewable energy industry or to encourage the development of cleaner fossil fuel technologies. A quick search shows that the commonwealth government, in partnership with industry, has supported and encouraged the development of a range of renewables, including wind power, geothermal, clean coal, biofuels and solar. But I am doubtful that the Prime Minister has really engaged with the issue of climate change and global warming. I remain unconvinced that the Prime Minister can actually imagine that the biosystem is really under unsustainable and dangerous pressure.

A recent opinion poll conducted by the Chicago Council on Global Affairs and WorldPublicOpinion.org, in conjunction with polling organisations around the world, polled people living in 12 countries on whether steps should be taken to address climate change. The poll found that majorities in 11 of the 12 countries favoured action being taken to address climate change. The largest majority was found in Australia — 92 per cent — and people in China and Israel are the next most likely to favour such action, followed by Argentina and the USA. According to the poll, 95 per cent of Australians saw global warming as an important but not critical threat, and 69 per cent saw global warming as a critical threat and believed that steps should be taken to address the problem, even if it involved significant costs. There is no doubt that Australians are very concerned. It is clear that awareness of global warming in both developed and developing countries is high and that large majorities strongly support their governments taking action. The world is changing.

What do Australians think about nuclear energy? Andrew Macintosh's report for the Australia Institute states that Australians are split almost fifty-fifty in their support for and opposition to nuclear reactors but that public opinion and the eventual success in constructing the reactors turns on where the reactors are sited. Macintosh says that proposals to construct nuclear reactors usually face strong opposition from local community members. The Newspoll commissioned by the Australia Institute showed that two-thirds of Australians are opposed to a nuclear reactor in their local area and that women are more likely to be opposed than men — 75 per cent versus 57 per cent — as are middle-class residents, people with children, and younger and middle-aged people. All this poses considerable difficulty for the proponents of nuclear energy.

Last month the ABC's *7.30 Report* ran an item on the then soon-to-be-released report of the Intergovernmental Panel on Climate Change. The *7.30 Report* said that Australia faces a reduction of up to 50 per cent in stream flows to the Murray–Darling Basin; a coastal temperature increase of 1.3 degrees by 2020; a temperature increase of 6.7 degrees by 2080 resulting in heatwaves and fires, more frequent floods, landslides and storm surges; up to 20 per cent more droughts over most of Australia by 2030; and coastal inundation, erosion, loss of wetlands and saltwater intrusion into freshwater sources, with impacts on infrastructure, coastal resources and existing coastal management programs. Malcolm Turnbull, the federal Minister for the Environment and Water Resources, answered that there was nothing new in this data and said that it was not a revelation.

But Malcolm Turnbull and the Prime Minister know that climate change and global warming are causing deep public concern — largely related to people's bitter experience of the current drought — and that the federal government must be seen to be doing something. This is where talking up nuclear energy as a clean energy option fits in. There is no doubt that the nuclear industry is part of the culture of big business and is well within the federal government's ideological comfort zone. It belongs, for example, to three men with impeccable Liberal credentials — Hugh Morgan, Ron Walker and Robert de Crespigny. Their company, Australian Nuclear Energy Pty Ltd, has been encouraged by the Prime Minister.

The Howard government's support of the nuclear option also has a political agenda. By marketing nuclear as the only option capable of delivering energy that does not contribute to the production of greenhouse gases, the Howard government is seeking to promote

itself to concerned voters as doing something about global warming.

The Howard government is animated by a profound belief that reducing greenhouse gas production will adversely affect the economy and hence public wellbeing. The Prime Minister said this very plainly on the ABC a fortnight ago. He said he agreed with some of the views that Nicholas Stern expressed and that he had reservations about other views. Importantly the Prime Minister said that if implemented literally the reforms that Stern supported would do great damage to the Australian economy.

The federal government has failed to make the big investments in promoting renewable industries — wind, solar and geothermal. This is not a new thing. Back in June 2004 the Australian business council for renewable energy stated in a media release that the Prime Minister had failed to deliver real support for the renewable energy sector. It said the federal government was positioning itself with Australia's energy past and not with its energy future. This was based on the Prime Minister's decision not to increase the mandatory renewable energy target (MRET), which the council said is the only measure that drives industry growth for the renewable energy sector.

The executive director of the Australian Business Council for Sustainable Energy, Mr Ric Brazzale, said at the time that without an increase in MRET there is no strategic framework for growing renewables in Australia and that the emerging domestic industry will stall as a result. Mr Ric Brazzale went on to say back in 2004 that implementing programs that support specific technologies over others will not deliver long-term sustainability for the Australian renewable energy industry.

Because of the Howard government's short-sightedness the Victorian government became the first Australian state to announce its own mandatory renewable energy target to reduce the need to use fossil fuels for electricity production. The Victorian renewable energy target (VRET) scheme will save 27 million tonnes of greenhouse gas — the environmental equivalent of removing the cars from Victoria's roads for a period of two years. The VRET will deliver massive savings in greenhouse gases, and it is a crucial point of the government's environment sustainability action statement. Clean, greenhouse-friendly energy such as wind and solar power is critical in the fight against climate change. The Victorian government's strategy to address climate and global warming is multilevelled and based on the understanding that, while there is no

single answer, it is clear that nuclear reactors are not part of it.

Late last year the Mining and Energy Division of the Construction, Forestry, Mining and Energy Union (CFMEU) released a climate change discussion paper. The union is to be commended for squaring up to an issue that is central to the livelihoods of its membership. The discussion paper acknowledges that coal is a major export product, mainly to China and India. The union paper also acknowledges that coal exports are the source of Australia's current and future prosperity. But the paper also recognises that emissions must be reduced and that renewable technologies and fuels such as wind power, solar thermal, photovoltaics, ethanol and biodiesel, for example, have a major role to play in reducing net greenhouse gas emissions.

The CFMEU mining and energy division supports Australia's ratification of the Kyoto protocol and the 60 per cent greenhouse gas emissions target below 2000 levels by 2050. The discussion paper, however, acknowledges that fossil fuel use will increase rather than decrease irrespective of the growth in renewable energy use. That is why the CFMEU mining and energy division, the business community, scientists, environmentalists and the public believe that there must be reduced emissions from coal. The critical question is how we manage coal. India and China are planning something like 600 coal-fired power stations, and the issue is that we make sure that planners build in carbon capture and storage technologies.

In this area Australia and Victoria are well advanced. HRL Ltd, in partnership with the commonwealth — to its credit — the Victorian government and Chinese investors, including Harbin, which is one of the largest power station construction companies in China, are now engaged in a \$750 million clean coal technology demonstration project. This type of project will help the coal industry bring down costs and develop the technology so that coal-powered generators are more capable of capturing and storing carbon emissions. Last week the Minister for Energy and Resources in the other place, Peter Batchelor, announced a new \$10 million round of clean coal research grants that will advance knowledge in capturing and storing greenhouse gas emissions.

The Victorian government has made its position on nuclear energy very clear to the Ziggy Switkowski task force. It said that it believed that nuclear power is not an appropriate form of energy supply for Australia and that further investment in Australia within the energy sector should remain focused on renewable and clean coal generation.

Last Saturday I spent 3½ hours in Main Street, Hastings, talking to residents about their views on nuclear energy and the possible siting of a reactor in Hastings, as presented in the Australia Institute's research paper titled *Who Wants a Nuclear Power Plant?*. To be fair I was surprised that many were very clearly in favour, because they believed that nuclear energy production would be better for the environment and that the risk was worth it. But overwhelmingly people were opposed to this direction and preferred to go down the track of renewables. They did not want to see a nuclear reactor in Hastings, Sea Spray, French Island or Coronet Bay.

The Nuclear Activities (Prohibition) Amendment (Plebiscite) Bill is an important piece of legislation because it places a brake on any attempt by the Howard government to construct a nuclear reactor in Victoria. It will force the Howard government and the Liberal opposition in Victoria to run their arguments before the Victorian public in the context of a referendum. I commend the bill to the house.

**Mr LEANE** (Eastern Metropolitan) — I am pleased to speak on this bill. Electricity supply and its means of generation is something I have dealt with all my working life. For a number of practical reasons I wish to support this bill. A number of speakers before me have had a lot to say, but I will keep it short because a lot has already been said.

But unlike the eight Liberal members of the Legislative Assembly who occupy seats in my electorate, I do not support nuclear power plants or waste dumps being installed in the Eastern Metropolitan Region. Nor do I support nuclear power plants anywhere in this state.

**Mr Guy** — Have you asked them?

**Mr LEANE** — Mr Guy asked by interjection whether I had asked them. As far as the Liberal member for Bayswater in the other place is concerned, I do not need to ask that particular member. Heidi Victoria has a big, highlighted statement in the local paper saying, 'I am not going to be close-minded and rule out any category of power'. She is speaking for all of the people in her electorate; as far as she is concerned she has the responsibility. She does not want people to have their say about nuclear power. What she wants to do, along with her colleagues, is fall into line with her spiritual leader, John Howard, and the wealthy people who pull his strings.

We have heard a number of times from Mr Guy and Mr O'Donohue about the Liberal way and about the freedom of the individual to take advantage of as many

other individuals as they can. Mr Walker, his mates and John Howard are attempting to set up a power plant against all logic. There is no logic in nuclear power plants when there are so many other renewable power sources ways we can invest in, such as wind energy. Mr Vogels spoke about tidal power, and I am in favour of that. There are ways other than nuclear fission to make steam. I am not an expert; I would not be the best sparky in the world.

**Mr Guy** interjected.

**Mr LEANE** — I was pretty good, Mr Guy. But you do not connect a wire to each end of a plutonium rod to cause nuclear fission and all of a sudden the plutonium rod pumps out X number of kilovolts through the system. Generating large amounts of power — and I do not mean to patronise anyone here — is not that difficult. What you need to do is spin big turbines. To get them to spin you can use hydro or you can use steam or whatever. When you get the turbines to spin, you connect the rotors to the generator, which eventually pumps out X number of kilovolts. The kilovolts go through a system of transformers which eventually supplies our electricity dependent world — including the toasters in our parliamentary offices!

We know there are a number of issues with nuclear power. I cannot understand how Mr Howard, all of a sudden, has admitted that there is a global warming problem and said, 'I have the answer. I have spoken to my mates. The answer is nuclear power stations'. I am unsure how he got to that conclusion, particularly given that there is the issue of the safety of those plants. I know some scientists have put their hands up and said nothing like Chernobyl could happen again, but nuclear power plants are like any other type of large plant, whether it be a manufacturing plant or a gas plant, in that they have a lot of auxiliary equipment that can fail. I have been to places where all the safety issues had been looked at and there had been procedures in place, but they still failed.

We all know of the tragedy at Longford. It was a tragedy not because we lost our gas supply for a couple of weeks but because a couple of men lost their lives.

**Mr Rich-Phillips** interjected.

**Mr LEANE** — I accept Mr Rich-Phillips's interjection that it was not a nuclear plant. I am not comparing apples with apples, but you have to understand that any plant, as I said, whether it be a nuclear plant or a gas plant, has the same type of auxiliary equipment, and failures happen. What happened at Longford was that after the accident and

the explosion a team of tradesmen went in and cleaned it up — I knew a number of them — and got it back up and running. Hypothetically, if Longford had been a nuclear power plant the tragedy would never have ended. That is the issue when there are problems with nuclear power — they never end.

There is a similar question with nuclear waste. No-one has come up with a good way of controlling nuclear waste. The problem with the waste is that it remains radioactive for hundreds of years and, at times, thousands of years. I would say that if the ancient Egyptians had used nuclear power to build the pyramids, the people who live in that part of the world would be cursing them, because they would have been left with the problems from thousands of years ago. There is an issue with the waste. There are so many other better alternatives. As I stated, nuclear fission does not create power. You do not pump kilovolts out of plutonium rods. Nuclear fission creates heat — that is all it does.

If we said to the voters of Victoria that we needed to use this dangerous method of nuclear fission to create heat, they would be saying to us, 'You're not trying hard enough'. I do not know why the opposition parties would be against a bill that could not be any more democratic than it is by letting the people have a say — let them say it; let them have a go! — if they want nuclear power or not. If Prime Minister Howard and his cronies want to put a nuclear plant here, let the people have a say and let him hear their voice.

**Mr TEE** (Eastern Metropolitan) — I would like to start with the proposition with which Mr Leane ended — that is, the simple proposition being put forward by this bill, which is about giving people a say about whether or not they want a nuclear plant in their backyard. It surprises me that members on the opposition benches refer to this very noble objective as a stunt, and it surprises me that those opposite have a problem with letting the people of Victoria have a say in this important matter.

It surprises me that those opposite would treat the electorate with that degree of contempt, but I suppose it should not surprise me, because in the last couple of elections the electorate has certainly treated those opposite with contempt. It is no wonder the opposition has taken a position where it does not want to give the electorate an opportunity to express a view.

We all know that nuclear power is expensive and dangerous, and we all know that the costs of nuclear power are carried not just by the generations that create the power plant but by the generations that follow. The

legacy of a nuclear power plant is the suffering of the generations who have to live with the security concerns it creates. The generations who suffer are those who are left with the headache of finding somewhere to store the tonnes of contaminated waste produced — waste that remains extremely dangerous and volatile for up to 250 000 years. Future generations will have to worry about what to do with the 25 to 30 tonnes of spent fuel produced annually by power stations. Future generations will have to worry about whether or not that waste is leaking into their groundwater and surface water. Let there be no doubt — a nuclear power plant would leave a legacy of health and safety concerns for our children and our grandchildren.

A nuclear power plant is no answer to climate change; in fact, a nuclear power plant will add significantly to the water shortages we are now suffering. Nuclear power plants use large quantities of water. A study by the Australian parliamentary library found that nuclear plants use between 100 and 150 million litres of water per hour. This means that a nuclear power plant uses 50 times more water than all the houses in my eastern suburbs electorate.

In Australia these concerns about a nuclear power plant have been heightened in recent times by the Prime Minister's push to see Australia embrace a nuclear option. First we had the Switkowski report, which argued that nuclear power should be considered as a new energy resource. Then we found out that the Prime Minister had met with Mr Ron Walker and discussed the setting up of a nuclear energy company. Then we found out that Mr Walker and others had indeed created a company called Australian Nuclear Energy Pty Ltd, and we have seen newspaper reports that that company is looking at setting up a nuclear power station in either Victoria or South Australia.

The unfortunate reality is that the Howard government has a dream for a nuclear power plant — a dream that is being delivered by Mr Walker and others through Australian Nuclear Energy Pty Ltd. Unfortunately this dream of the Prime Minister is a nightmare for the families in my eastern suburbs electorate. No-one can hide from the consequences of a nuclear accident, but children and older members of the community are particularly vulnerable.

According to the 2001 census, there are 137 000 children living in 60 000 families in my eastern suburbs electorate. I believe these families are reason enough not to have a nuclear power plant in my electorate. Families know that nuclear power plants are dangerous, and they know that nuclear power plants

make families vulnerable in this time of heightened security awareness. Families are too precious to risk.

Governments have a moral obligation to guarantee the safety of our communities by ruling out a nuclear power plant in our suburbs. That is why I got together with councillors from the Whitehorse, Knox, Maroondah and Manningham councils. These councils represent the overwhelming majority of residents in my eastern suburbs electorate. We got together and discussed the legislation we are debating today.

Having discussed that legislation, the councillors and I have agreed to demand from the commonwealth a written guarantee that there will be no nuclear power plant in the suburbs represented by our councils. We believe that our local communities are too precious to have the cloud of nuclear contamination hanging over them. We believe that our communities deserve to be able to rest easy at night knowing that nuclear contamination will not infiltrate our water, our food and our playgrounds. Families deserve to have the shadow of living with a nuclear power plant removed from their lives. This is the start of a campaign in which local councils will work with the Bracks government to fight commonwealth proposals for a nuclear power plant.

We have found support for our push for nuclear-free eastern suburbs from a number of unlikely sources. Unfortunately we have also found a number of the usual suspects who have stood with Mr Howard and turned their backs on local families. Mr Leane has already mentioned the contribution to this debate by Mrs Heidi Victoria, the member for Bayswater in the other place, and Mrs Victoria's refusal to rule out a nuclear power plant. The fact that a representative of the people living within the city of Knox has refused to rule out a nuclear power plant is deeply concerning for those families in that area.

I might add that Mrs Victoria's approach is in stark contrast to that of federal MP Kevin Andrews. Mr Andrews, whose electorate boundary overlaps mine, has already ruled out a nuclear power station in his electorate. He has said there is not much room for a nuclear power plant in his electorate. That, I might add, is a matter of some relief for those families living in the city of Manningham. I am hopeful that common sense will prevail. I am hopeful that the commonwealth will recognise that the eastern suburbs of Melbourne, with their large numbers of schools and families, are no place for a nuclear power plant.

In my view there is therefore no impediment to the commonwealth providing the guarantees that we have sought, and there is no impediment to the

commonwealth ruling out a nuclear power plant in the eastern suburbs. The guarantee will certainly give great comfort to those people living in my electorate. Ultimately the guarantee can only be the start of our campaign because, as we know, no community is safe from a nuclear accident in any neighbouring community. Nuclear-free eastern suburbs must ultimately be followed by a nuclear-free state. This legislation is part of the campaign to deliver on that outcome, and for that reason I ask the house to support this legislation.

**Mr THORNLEY** (Southern Metropolitan) — There have been some interesting assertions made in this debate. I want to deal with some of those first. I will then talk about something that nobody opposite ever wants to talk about, which is economics and economic management.

**Hon. T. C. Theophanous** — I do!

**Mr THORNLEY** — The minister does — absolutely — because he cares about it, as we do in this government.

Firstly, let us start with the bizarre assertion that a plebiscite — consulting the people on an issue of critical importance — according to those opposite is a stunt. Let me tell you what the big stunt is: the big stunt was raising the whole nuclear debate in the first place. The only reason that Mr Howard raised that debate was because he did not have a credible answer on climate change, and he realised that he needed to start entering that debate and had no capacity to do it. He needed to divert attention for quite some time while he worked out what he was going to do about the emissions trading scheme and other things.

The only conclusion you could draw about anyone talking seriously about nuclear power in this country is that it is either a political stunt or it is an act of ideological madness, because it makes no economic sense, no environmental sense and no practical sense. I conclude that the Prime Minister, Mr Howard, is a very clever politician. I am guessing that he was not doing this out of an act of ideological madness or out of some sort of nuclear weapons envy because he wants one of his own, so I have to conclude that it was a political stunt. And what a stunt it was!

It is pretty consistent I suppose with the traditional way that he does these things, which is to create these false dichotomies, these dramas, these you-are-either-with-us-or-against-us routines, because something simple and practical that runs down the middle and solves the problems does not really help

you if what you are trying to do is pull a stunt. You can create these bogus debates about whether you are pro or anti-business; bogus debates about whether you believe in markets or the state, bogus debates about whether you are in favour of prosperity or fairness; or bogus debates about whether you believe in economic growth or environmental sustainability. In that spirit we have now a completely bogus debate about whether we want to have renewable energy or nuclear energy, because those are the only two solutions to get us down a low-emissions path.

The reason it is bogus is that it is pretty obvious the economics of renewable energy are coming into the place where they will be attractive, but not for some time — not for another couple of decades at best guess. And nuclear does not help us. Nuclear, by all accounts, is not available for at least 12 years at absolute light speed — more likely 15 and probably 20 years. If you look at the economics of it, there is absolutely no way that within 20 years it would come anywhere close to the economics of the renewables. The real challenge we have in this debate is a simple one: what is the bridge that we can have between now and a sustainable, renewable future that allows us to head down the low-emissions path? Of course there is a simple and easy answer to that, but you would not want a simple and easy answer if your sole purpose in life was to create a political stunt and a diversion. The simple answer to that of course is natural gas.

But let us talk about the economics of nuclear power because none of those opposite want to talk about economics. They are not interested in economic management when it comes to pulling political stunts. The economics of any energy supply are driven by three parts. You have the capital cost of building the kit; you have the operating costs of buying the fuel and paying the people and any other inputs; and then you have the clean-up costs of fixing up the mess once you are done.

When you look at nuclear power you see it fails on all three criteria. It is by far the most expensive capital-cost kit to put in place on a dollar-per-megawatt basis, and worse than that, much worse than that, the cost of the capital is more expensive. It is not just a question of how many dollars you spend; it is a question of what you have to return to your investors in order for them to give you those dollars to spend in the first place. The thing about investors is that they have this thing called the risk-return curve, and if you want them to take a high risk, then they require a high return. All the literature shows, even in the US which is the most nuclear-friendly market there is, they require at least

3 per cent more per annum to finance a nuclear plant than they would for any other type of plant.

Given that there are no such plants in this country, that the risk of regulatory and other changes is much larger, you would expect that to be 4 or 5 per cent, which does not sound like a lot in one year, but the problem is it compounds every year. What that in fact means is that over the 20, 30 or 40-year life of the thing it is likely to double the cost again. A nuclear plant is something that is at this stage already more than two to four times as expensive. Paying for extra money means that the cost is again doubled. This makes nuclear plants four to eight times more expensive at the end of this process.

There is also the challenge of paying for the running costs of nuclear power. The big running cost of nuclear power is water. If the Switkowski plan was put into place, and we had 25 plants around the country, the water requirement to run the plants in Victoria would be roughly half the total output of a large desalination plant. Those members opposite who are so keen to build a new desalination plant to get things up and running would have to face the fact that half of the water that came out of that plant would be used to run their nuclear power plants, so they would have to build another desalination plant.

There is also the cost of cleaning up. The Tories never want to recognise the full cost of things. They are happy to have markets as long as they are not accurately accounted for. They need to ask themselves: if the nuclear waste is to be protected in the next 250 000 years from terrorists and seismic events, how much will it cost? How much will that protection cost per annum? What is the net present value of that cost over 250 000 years? The answer is: the amount is a very big number.

Mr Guy and other members of the opposition seem to think there is something difficult about the proposition that Australia can be an exporter of uranium but uranium-fired power plants are not wanted in Australia. I do not think the proposition is very difficult at all, because it is simple economics. This would be the single most expensive source of power in Australia. Given we are privileged enough to have access to many cheaper sources of power in Australia, it makes absolutely no sense us to go down the path of nuclear power. There is no need to get into a highly convoluted moral debate about the proposition — it simply makes no economic sense.

Some people think they can make economic sense from nuclear power either because they do not have enough other sources of energy — unlike us, but like the

Scandinavians — or, and more likely, they want to make nuclear weapons like the Iranians do. To say that it makes no economic sense for Victoria to have nuclear power does not mean it makes no economic sense to export uranium that others use — —

**Hon. T. C. Theophanous** — Not to Iran, I hope.

**Mr THORNLEY** — Absolutely not to Iran. I thank the minister. That is why there are appropriate safeguards that we have always advocated and legislated for.

The fundamental challenge in this debate is to build a bridge to a sustainable renewable future. In regard to this, I want to contrast the economics of gas with the economics of nuclear power. Gas has not had much of a run in this debate lately. It is not a very useful political stunt device because it has been an obvious, practical, relevant, sensible solution to the problem for 20 years. We have plenty of gas. It has less than half the emissions of coal fired power.

The technology has been proven and is existing in Australia and throughout the world. It is very quick to get a plant up and online. It is about three times faster to get a gas plant up and online than it is to get a nuclear plant built. This is just at the construction phase, but nuclear plants have a 10-to-12 year process before construction begins. Gas-fired power uses about one-fifth of the amount of water that nuclear power plants use. The capital cost of gas is between one-third and one-fifth before you arrive at the increased cost of capital for nuclear, and this doubles that capital cost of nuclear.

If the Prime Minister wanted to have a rational debate about how we start to reduce emissions over the next 20 years so that we can get to the point where scale economics and learning curve economics bring renewable technologies into a place where mass adoption is the most economic alternative, he could have solved the problem very easily. We could have started to talk about our gas reserves, increasing gas-fired power and begun to address the critical but relatively simple things that need to be done to increase our involvement in gas-fired power such as completing the national pipeline network, increasing the yields for coal-seam methane production and so on.

That would also solve another problem which you might want solved if you were the Prime Minister; apparently he is deeply concerned about coalminers' jobs. He is so deeply concerned about coalminers' jobs that he got Switkowski and Co. to put out a report saying that coal-fired power stations should be got rid

of and replaced with nuclear power stations! If the Prime Minister were interested in coalminers' jobs, he would see the opportunity for coalminers in those areas to be involved in coal-seam methane production for gas-fired power. This would keep production going in those fields and keep people busy in productive work in an economically rational way producing energy with low emissions. But then there would be no political stunt about nuclear energy. There would be no diversion. We would have a rational conversation about what we are going to do next.

Those economics pale into insignificance when you compare them with the economics of an emissions trading scheme. Part of the purpose of the nuclear diversion has been to help the Prime Minister take a bit of time to figure out how he will play in an emissions-trading-scheme game. The members of the federal government have been climate change sceptics who do not think climate change exists, but now all of a sudden they are bypassing prevention and going straight onto amelioration.

Six months ago these guys said climate change did not exist; now it is too late to do anything about it. All of the money that came from the recent Council of Australian Governments report was to do with how the damage will be ameliorated given it is already a foregone conclusion that Australia is in trouble. There are a lot of things that can be done about prevention. The most critical thing that should be done — which is a platform, economically rational, and done by market economists — is to put a price on the externality and put it into the market; it is called emissions trading.

If the federal government did that and had an economically rational solution, then it would not need a bunch of public officials debating the relative economics of various forms of power generation, because the market would have sorted it out. The investments would have arrived; the jobs that are piling up and waiting to be created — the investment into new generation capacity — would have been created. But this is not happening because there is no certainty about the price of carbon because the federal government refuses to set up an emissions trading scheme.

Once that is done there will be a capacity to properly finance those renewable technologies; there will be a capacity to build the bridge over the next 20 years and get gas-fired power moving; there will be a capacity to have private funding to take up the additional opportunities in coal-seam methane and others; and the private market will fund the clean coal and other sequestration initiatives to try to find a way to make those fuels viable in the long term.

There are plenty of economically rational ways in which you could be in this business, but we have a Prime Minister who does not want to talk about economic rationality. He wants to avoid talking about it. He wants to create a stunt. The problem they have now is that his stunts are not working. Their bloke used to be on his game, but he has gone off his game. He has gone off his game with the Iraq thing. That has not worked out the way he wanted it to. He has gone off his game with Hicks. That has not turned out the way he wanted it to. He has gone off his game with WorkChoices. That has not gone where he wanted it to: he cannot work out whether it is driving wages up or driving wages down. He has gone off on the interest rate scare. That has not worked out the way he wanted it to.

Now we have got the nuclear stunt, and the reason those opposite are so concerned about this piece of legislation giving voters an opportunity to say something about it is that they realise the nuclear stunt has backfired on them as well. They do not want people talking about it. They do not want to give the voters an opportunity to have a say on it because, if they did, they would throw it out as they are throwing out everything else that this government has done.

If they were serious, they would focus on real economic growth in this country, they would focus on real investment, they would focus on getting functional markets in these areas and they would stop pulling stunts like the Howard nuclear power stunt. I urge the house to support the bill.

**Debate adjourned on motion of Ms MIKAKOS (Northern Metropolitan).**

**Debate adjourned until later this day.**

**Sitting suspending 12.59 p.m. until 2.03 p.m.**

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### Melbourne Convention Centre: progress

**Mr D. DAVIS** (Southern Metropolitan) — I direct my question to the Minister for Major Projects. Will the minister confirm that since the tender probity process ceased, the Plenary Group has sought a third redesign of the Melbourne Convention Centre project and that this will see a massive net expansion of commercial space?

**Hon. T. C. THEOPHANOUS** (Minister for Major Projects) — This member is going to build a reputation as somebody who always comes into the house and wants to bag major projects in this state. He wants to bag any economic performance that we achieve. He came in yesterday and asked a series of questions about the economic performance of the state in terms of building approvals when he had not done any research. He tried to suggest that somehow building approvals are down when they are at record levels. He just keeps coming in here with a litany of questions which are designed to talk down this state and the achievements of the state. That is what he is building his expertise on. That is how this member operates.

I am pleased to say to the honourable member opposite that the Melbourne Convention Centre will be one of the great achievements of the Bracks Labor government when it is constructed. I am pleased to be able to report to the house that the Melbourne Convention Centre is on time and on budget.

We are not only in the process of building the convention centre but at the same time we are going out and ensuring that we will have conferences lined up for when that convention centre is completed. I am happy to be able to report to the house that we have conventions for the centre booked from 2009 on. There are 10 major conventions so far, which we estimate will mean \$100 million of value for the Victorian economy. The dual strategy is to build the convention centre — the biggest in the Southern Hemisphere with its 5000 seats so you can attract the big conventions out here — and at the same time go out and get the conventions, organise and book them. As a result of those efforts we have \$100 million worth of value coming into the state with conventions that have already signed up for the centre.

We also have the convention centre being developed on time and on budget. A commercial development next to it is in progress as well. It is an exciting commercial development for that precinct. It will include a 5-star hotel and shops. It will involve creating an environment where that whole area is able to connect onto the river through the wharfs that are there. It will be an exciting \$1 billion development for Melbourne. We are very proud of that development. The opposition spokesperson can continue to bag it; we will keep talking it up.

### *Supplementary question*

**Mr D. DAVIS** (Southern Metropolitan) — The minister's answer conspicuously failed to respond to the issue of the increase in size of the commercial area.

I make the point that in a letter dated 28 March Plenary Austexx requested modifications to include, one, within the current approved tower a conversion of the residential use to office use, and two, the addition of a level of offices to the northern retail podium — a whole level of offices — between the retail and townhouse uses. These modifications come on top of a raft of previous changes to the tender and permit arrangements and are of enormous commercial benefit to the tenderers. Will the minister now detail to the house the full list of design changes made to the convention centre since the probity checks were finalised and indicate which process will occur to ensure probity when agreeing to these massive and lucrative design changes?

**Hon. T. C. THEOPHANOUS** (Minister for Major Projects) — Thank God the major projects area in this state is not being run by David Davis, because he has absolutely no idea — —

**The PRESIDENT** — Order! The minister is aware of my statement earlier this week. I remind him of that and ask him to pay due regard to it.

**Hon. T. C. THEOPHANOUS** — I always attempt to pay regard to your comments and rulings, President, and I certainly will in the future. Sometimes this is a lively area and you can lose control, as I did recently, as you know, President.

In responding to the honourable member's question let me make this point. This is a very complicated project. It is a project which has two parts to it. I will try to explain it to the member in simple terms. One part involves the construction of the convention centre by Plenary, which is essentially the public component.

**Mr D. Davis** interjected.

**Hon. T. C. THEOPHANOUS** — Does the member want to hear it or not? There is the public component, which is the convention centre itself. There is also a commercial component to the development of this centre. I did not hear David Davis get up and congratulate the government when I announced that as part of these negotiations, in order to allow the commercial development to take place and to give the rights to the Plenary Group to develop the commercial component, the Plenary Group agreed to contribute \$93 million. It is the largest single payment that has ever been put into a project of this type. That is \$93 million that the Plenary Group has contributed back to the government in order to help build the convention centre. That is \$93 million which the taxpayers will not have to pay.

I did not hear David Davis say a single word congratulating the government for having achieved this important amount of money, nor has he made any comment about the fact that in the course of developing this project we have said that we are in the process of negotiating with the shed owners that are part of the — —

**Mr D. Davis** — They weren't even in the original thing — you added that.

**Hon. T. C. THEOPHANOUS** — David Davis wants to try to find something which is not there. Of course they were not in it. Did we ever say they were in it, Mr Davis? We never said they were in it.

**The PRESIDENT** — Order! Through the Chair, Minister.

**Hon. T. C. THEOPHANOUS** — It is another example of the way in which the opposition spokesperson raises issues and then attempts to make a point about something which is on the public record. I mean, of course — —

**Mr Leane** — Is that a Greek word?

**Hon. T. C. THEOPHANOUS** — I cannot use the Greek word that — —

**The PRESIDENT** — Order! I am not reluctant to do this, but I am disappointed I have to do it. The minister has a trait of addressing the gallery and putting on a bit of a performance for those in it when he should be addressing the Chair. I would appreciate his getting out of that habit. He should address his remarks through the Chair. He has a little bit of licence to address the opposition, but he should forget the gallery.

**Hon. T. C. THEOPHANOUS** — Of course, through you, President, on the issue of the fact that the sheds were not part of the original proposal, that is a matter of public record.

**Mr D. Davis** interjected.

**Hon. T. C. THEOPHANOUS** — It is also a matter of public record that we negotiated with the shed owners because we wanted to try to get access for the whole precinct area onto the river in order that we could orient the project in such a way that allowed for restaurants and other important pieces of public area to extend to the river. A result of that change — a change which we are in the process of negotiating — is that, yes, it does require some changes to the commercial agreements, and, yes, it does require changes in the way we are focusing the development and putting more

emphasis on the development running down onto the river. It does require all those things, but we do not run away from them. I have made statements — public ones as well — about how we are negotiating at the moment with the shed owners in an attempt to ensure that process goes smoothly so we can get an even better project than the original project that was agreed to.

The project is developing very well. It will be delivered on budget and on time — at least it is on budget and on time at the moment. There have been some changes to try to make the sheds part of it and integrate them into the plan to bring the project more onto the riverfront.

**Financial services industry: government policy**

**Ms BROAD** (Northern Victoria) — My question is to the Minister for Industry and State Development. Can the minister inform the house of any recent initiatives by the Bracks government to assist the Victorian financial services sector and help restore Melbourne's reputation as a regional financial services hub?

**Hon. T. C. THEOPHANOUS** (Minister for Industry and State Development) — I thank the member for her question. As everyone on this side of the house knows, the Bracks government is committed to working hard for all Victorians. In particular it is committed to making our state a place with a strong financial services sector, because that will create additional jobs. We now have a significant story to tell in relation to the financial services sector. As Victoria's third-largest sector it now employs over 100 000 people and contributes nearly \$18 billion — \$17.7 billion — to our gross state product. This is an important sector, and as the industry minister I am responsible for the financial services industry.

According to the Australian Bureau of Statistics figures, and as we have seen, between 2004 and 2006 Victoria experienced employment growth of approximately 12 per cent. It is a significant achievement, and it is due to the hard work of the government. I am proud to report that the financial services sector is part of that and is now very different from the financial services sector we found when we came into government in 1999. Let me just refresh the memory of the opposition, especially the memory of David Davis, who has made comments about the financial services sector in the past. It was Jeff Kennett and the previous Liberal-National party government —

**Mr D. Davis** interjected.

**The PRESIDENT** — Order! Mr Davis!

**Hon. T. C. THEOPHANOUS** — It was they who raised the white flag and gave up on Victoria's financial services sector, suggesting that it should move to Sydney.

*Honourable members interjecting.*

**Hon. T. C. THEOPHANOUS** — That is right. I want to quote from the *Age*.

**Mr D. Davis** interjected.

**The PRESIDENT** — Order! Mr Davis is warned.

**Hon. T. C. THEOPHANOUS** — The *Age* of 2 October 1998 said that Jeff Kennett:

... publicly declared that Melbourne should abandon any idea of becoming a regional financial services centre and instead back Sydney.

That comment, which was reported in the big newspapers, shows the position that Jeff Kennett took in relation to the financial services sector. It gives me great pleasure to be able to tell the house that just over a week ago —

**Mr P. Davis** interjected.

**The PRESIDENT** — Order! Mr Davis!

**Mr P. Davis** interjected.

**The PRESIDENT** — Order! If Mr Davis wants to try it on, that is fine by me. If he continues to interject at the rate he has been interjecting, he will find himself outside. The minister, to continue.

**Hon. T. C. THEOPHANOUS** — Just over a week ago I officially opened in Melbourne the Asia-Pacific Economic Cooperation Regional Finance Centre, which has been established as a result of a \$1.4 million grant from the Bracks government. This is a very important step in rebuilding Melbourne's financial sector. The new finance centre will provide critical skills training for people who work in financial services for governments throughout the Asia-Pacific region in areas that have been neglected up until now. I want to make the point that we are in the process of building a new financial services hub in this state, as I have reported to the house before, and in the Docklands area in particular.

**Mr P. Davis** interjected.

**Hon. T. C. THEOPHANOUS** — Let me just outline some developments to the house. The National Australia Bank's headquarters have now been put down

at the Docklands. There are 4000 people employed in that facility alone.

**Mr P. Davis** — It is a new institution.

**Hon. T. C. THEOPHANOUS** — The building is new, for Mr Davis's information. The new ANZ building is under construction down at the Docklands. AXA, the giant insurance company, has a building under construction at the Docklands. The Bendigo Bank has a building down at the Docklands, and the Westpac Bank is looking at doing the same. Quite apart from the thousands of jobs that are or have been involved in the construction of all these buildings down at the Docklands, this is also a huge boost for the financial services sector.

Just in the Docklands region we expect that somewhere around 10 000 people will be working in the financial services sector as a result of the development of that hub down there. The opposition can laugh about it and can try to bag it, but let me tell you that the 10 000 Victorians who will be working down there are not laughing about it. They are proud of the achievements of this government.

### Schools: drug-deal reporting

**Mr P. DAVIS** (Eastern Victoria) — I direct a question without notice to the Minister for Education. I refer the minister to the response he gave yesterday in this place in reference to the government's policy on the obligation of schools to report drug deals on school grounds to police, when he said

... the answer in relation to any criminal activities is they should certainly be reported to the police.

I ask: given that the Premier said of Xavier College's failure to report to police a drug deal that allegedly took place on its school grounds last week 'Private schools are independent and private, they operate independently like every other private company does in the country, so they have to make decisions themselves on what they report', who are we to believe, the minister or the Premier?

**Mr LENDERS** (Minister for Education) — Both.

#### *Supplementary question*

**Mr P. DAVIS** (Eastern Victoria) — I am fascinated by the answer. I thank the minister. Given that the incidence of substance abuse in Victorian schools rose by 160 per cent between 2000 and 2004 under the Bracks government, and the illicit drug crisis continues to spiral out of control in the school community, will

the minister make it mandatory for all Victorian schools to report drug deals on school grounds to police?

**Mr LENDERS** (Minister for Education) — I certainly understand Philip Davis. He is a great admirer of Julie Bishop and wants to regulate everything, even to have a Moscow on the Molonglo in Victoria.

*Honourable members interjecting.*

**Mr LENDERS** — Yes, Philip Davis, like Mrs Julie Bishop, wishes to regulate everything. To clarify, my response to Mr Davis yesterday was clearly about the 1594 government-owned schools in this state, and the Premier was obviously referring to one of the 701 non-government schools in this state, therefore the answers to both are correct.

Mr Davis has raised a very important question. I do not deviate from my answer; I expect every school in this state to report a criminal activity to the police. Will the government do a Julie Bishop and employ 700 extra bureaucrats to sit in a tower and monitor every single step of the way what every single school, including every single non-government school, is doing? I would be fascinated for Mr Davis to go to Gippsland Grammar in Sale in his electorate and tell the principal that we want another level of bureaucracy breathing down the neck of that school at every single juncture and to get it to report every single issue.

I would also be fascinated if Mr Davis wanted to go to every Catholic school in his electorate and tell them that, like Julie Bishop, we want another level of bureaucracy filtering over the top. I would be fascinated. He cannot be all things to all people. He believes that you either register schools and give them a degree of autonomy while adhering to the criminal law or you regulate schools to the level that Julie Bishop does.

I remind the house that his friend, Mrs Bishop, was but last week calling for every grade 5 student in this state to be weighed. She was asking for scales to be set up at all 702 private schools and all 1594 government schools in this state, for scales to be wheeled in, presumably once a term, and every student to be weighed —

*Honourable members interjecting.*

**Mr LENDERS** — Every student would be weighed so that Julie Bishop would have one more bit of information to store in her Moscow on the Molonglo in Canberra. In response regarding my answer to Mr Davis yesterday and my answer today, my answer yesterday adequately covers what he wants to know —

what this government is doing to reduce drug abuse, which are serious issues in this place.

I am saying to the house that this government will continue to see that the criminal law is applied, this government will continue to monitor schools in an appropriate fashion, but this government will not go on a jaunt, like the Liberal Party did in this state and like the federal Liberal government does, every time there is a new issue concerning regulation on schools, until school principals spend half their days — —

**Mr P. Davis** interjected.

**The PRESIDENT** — Order! Mr Davis!

**Mr LENDERS** — They could spend half their days — —

**Mr P. Davis** interjected.

**Questions interrupted.**

### SUSPENSION OF MEMBER

**The PRESIDENT** — Order! I have warned Philip Davis about his incessant interjections. Under standing order 13.02 I ask him to vacate the chamber for 30 minutes.

**Mr P. Davis withdrew from chamber.**

**Questions resumed.**

### Australian Synchrotron: progress

**Mr THORNLEY** (Southern Metropolitan) — My question is directed to the Minister for Major Projects. Can the minister inform the house of any recent events and announcements about Victoria's world-class synchrotron project?

**Hon. T. C. THEOPHANOUS** (Minister for Major Projects) — I am very pleased to be able to answer the member's question in relation to the synchrotron project, because the synchrotron project is an exciting project. Today the Premier — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! If Mr Leane wants to engage in a bit of a repartee across the chamber, he will not do it during the sittings of the house. He can do it outside, if he likes, but next time he and whoever he was conversing with from the other side will be doing it outside.

**Hon. T. C. THEOPHANOUS** — I am pleased to inform the house that today the Premier previewed operation of the Australian Synchrotron and beam lines and announced that the facility was opening to leading scientists in preparation for full-scale operation in July 2007.

I would have liked to have been at that event this morning. Unfortunately I could not go because Parliament was sitting. I make the point that it would be a good thing if we could have better arrangements with the opposition to facilitate attendance at these events, particularly since the upper house numbers are so close. It is restrictive not be able to attend important events such as this one.

In any case, the event at the synchrotron today marks a major milestone in the life of the new project. As the Premier said today, a new light is ready to shine for Australian science. Indeed one might say that it is a new light which is travelling at or almost at the speed of light.

Members who have been down to see the synchrotron — and I would encourage all members to go down and see it — know the synchrotron is a very important project for Victorians, for Victorian science and for Victorian industry. It is based on the idea of accelerating, directing and concentrating light and being able to use it for a range of research applications, including nanotechnology and a whole lot of things which I struggle to understand, my not being a scientist.

I can assure the house that scientists are very excited about this project. The science leaders will undertake the first experiments that will tell us what needs to be done to adjust the synchrotron and the tools that are being used at the synchrotron, to get the performance up to an optimal level. When that has been achieved, other players will be allowed to come in and use the facility as well. It is a hugely versatile facility. It has been supported by 5 state governments, 25 Australian universities, Australia's medical research institutes, the CSIRO, ANSTO and New Zealand. They have all come together to fund beam lines that will underpin our innovation competitiveness and grow the business and jobs of the future.

This is an important event and an important facility. It is the only synchrotron in Australia; in fact it is the only synchrotron in the Southern Hemisphere. It will allow research to take place in Victoria and in Australia that will mean we can develop skills which might otherwise not be developed or would have to be developed offshore, and it will allow fundamental research that will be able to drive our economy further in the future. I

believe the completion of this project is a magnificent demonstration of Victoria's ability to manage major projects of national significance and to deliver those projects on time and on budget.

### **Housing: affordability**

**Mr GUY** (Northern Metropolitan) — My question is to the Minister for Planning. I refer the minister to the web site of the Growth Areas Authority (GAA), which states:

The Growth Areas Authority works in partnership with local councils, developers and the Victorian government to help create sustainable, well-serviced communities.

I ask: can the minister now give the house three examples of how the GAA has done this over the last six months?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Mr Guy's question in relation to the Growth Areas Authority (GAA). It is of great benefit to have the authority, because, as we have said on many occasions in this chamber and in the media, basically when it comes to land availability, Melbourne leads the way in terms of eastern seaboard capital cities and across the country. More affordable housing across the country is only in Adelaide, as I understand it. Basically we are more affordable than Brisbane, Sydney and Perth. Why is that? It is because as a government we are doing what we need to do.

Housing affordability and land affordability are particularly important when it comes to making housing available to the general populace in different forms and providing different housing choices. We are doing that, but it is not the only thing that leads to housing affordability. There are obligations on all levels of government. We take our obligations very seriously, hence we have established the Growth Areas Authority. As well as that, there is an obligation on local government to do the work that it needs to do. The GAA is working with some local governments to make sure that they get their heads around what needs to be done and that they zone land to make it available to the public.

Of course there is also an obligation on the federal government, but the federal government tends not to believe there is an obligation on its part. As I have said on many occasions, the federal government lays claim to the wealth of households — the increased wealth of particular households, or the average household — on the basis of land and house valuations. The federal government wants to lay claim to that when it suits it, but what the federal government will not do under any

circumstances is acknowledge its role in housing affordability.

We do acknowledge that we have a role in that, but it is a shared role — and we are doing what we need to do and getting on with the job. The GAA is working with local governments in each of those nominated growth area corridors to make sure that each of those local governments can get the work done that it needs to and to work with the developers to assist them to work with local governments to make sure that we make land available.

I do not need to give Mr Guy three examples; I can give him one. The one that is important is that we are more competitive when it comes to housing affordability than every other capital city in Australia other than Adelaide. The difference is that 1000 people a week are coming to Melbourne and to Victoria. Whilst I do not have the figures in front of me, I find it very hard to believe that 1000 people a week are going to Adelaide. But 1000 people a week are coming to Melbourne and Victoria, and we are dealing with our obligations and responsibilities by having the GAA — and I suspect we are leading the way when it comes to housing affordability across the country.

I challenge my opposition colleagues in the Liberal Party to challenge their federal colleagues to do their bit and acknowledge their role when it comes to housing affordability in this country.

### *Supplementary question*

**Mr GUY** (Northern Metropolitan) — Noting the minister's answer and his apparent lack of knowledge of what the GAA has actually done since its inception, I ask: why is the government spending \$20 million on maintaining an authority that has no power, no plan and that has done nothing?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Mr Guy's theory again — and it is only a theory; it is not a policy. I suppose when you only have theories and you do not have a policy and evidence, then — —

**Mrs Peulich** — You are struggling.

**Hon. J. M. MADDEN** — I will take up Mrs Peulich's interjection. The only one around here who is struggling when it comes to housing affordability is the Liberal Party's policy, because the Liberal Party certainly does not have one at all.

I find it quite remarkable. The proof of the pudding is in the eating. Our housing affordability is more competitive

than any other capital city in Australia other than Adelaide. Given the demand, we are doing pretty well. But again it is about time for the federal government to pull up its socks, do what it has to do when it comes to housing affordability and commit itself not only to policies in this area but commit some resources —

**Mr Guy** interjected.

**Hon. J. M. MADDEN** — I am happy that Mr Guy is able to tell the chamber how much we are spending on the Growth Areas Authority and how much the Growth Areas Authority is dealing with this, because again the proof of the pudding is in the eating. Through our work with the authority we are making land available and committing to that through our policy. I advise Mr Guy that we have policies, if he did not realise, as opposed to him. Time and again opposition members display their ignorance. They do not have policies in this area. The figures speak for themselves, and through that we are making Victoria a better place to live, work and raise a family.

### Wind energy: government initiatives

**Ms TIERNEY** (Western Victoria) — My question is also for the Minister for Planning. I commend the Bracks government for its ongoing commitment to a sustainable, secure and affordable energy supply for Victoria. Renewable energy, and wind energy in particular, are critical to achieving a sustainable future. I ask the minister to inform the house of what action the government has taken to facilitate the development of wind energy facilities across this state?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome the member's interest in this particular topic, and I know that many members in this chamber should or would be interested in this specific issue. I know that as recently as yesterday afternoon Mr Hall asked questions in relation to wind farms, so he would be very eager to hear my response today, as opposed to some of the other members of the opposition.

Of course we recognise that wind energy is a critical component to the future energy needs of this state. I know that on many occasions my colleague Mr Theophanous, in his former role as Minister for Energy Industries, discussed wind energy in this chamber. I also know that more often than not plenty of wind features in this house when it relates to this debate. We have developed policy and planning guidelines for the development of wind energy facilities in Victoria. That is crucial, because these guidelines assist proponents, authorities and the Victorian community in assessing wind energy proposals — and

they ensure a consistent approach. That consistent approach is particularly important, because we need to look at alternative forms of energy.

Whilst I am not the energy minister, in a number of instances I am the authority when it comes to these matters.

**Mr Finn** — Then why are you reading?

**Hon. J. M. MADDEN** — I am going to refer to some statistics that Mr Finn will be particularly interested in. I am delighted to advise that to date 11 wind farms have been approved in Victoria, bringing the state's total capacity to 1358 megawatts of electricity. Four wind farms are currently operational with a generating capacity of 104 megawatts.

Following the recommendation of an independent panel last week, I approved a planning permit for a 64-turbine wind farm at Mount Mercer, which is 30 kilometres south of Ballarat. This farm will be built by West Wind Energy on predominantly cleared farming land. It is expected to generate around 160 megawatts, which is enough energy to power more than — and Mr Finn should listen to this — 73 000 homes. We expect this project alone to save more than 390 000 tonnes of carbon dioxide each year. To simplify that for members on the other side of the chamber, that is in the order of 11.7 million black balloons. The black balloons are part of a successful campaign which was initiated by my colleague the Minister for Industry and State Development to help the general public understand the context of day-to-day carbon emissions.

Mount Mercer will make a significant contribution to our efforts to reduce greenhouse gas emissions, but just as importantly as part of the big picture it will deliver other significant benefits to the broader community. It is anticipated that there will be in the order of 120 construction jobs created throughout the course of this project and a number of permanent jobs will be created once these turbines are up and going. This project, like others, will assist the government in achieving its renewable energy target. That target commits energy retailers to buying 10 per cent of their power from renewable sources by 2016, which is estimated to cut 27 million tonnes of greenhouse gas emissions. They are impressive statistics by any measure. Not only that, they will provide a huge economic benefit throughout regional Victoria.

Again, this is a win for the environment, it is a win for jobs and it is also a win for sustainable development into the future in rural and regional Victoria. It will

make Victoria a better place to live, work and raise a family.

### **Melbourne Markets: relocation**

**Mr VOGELS** (Western Victoria) — I direct my question without notice to the Minister for Major Projects. Melbourne Markets fruit and vegetable wholesalers will pursue court action to fight the government's plan to relocate the Melbourne Markets to Epping. Why is the government spending \$30 million of taxpayers money to build this white elephant at Epping when the wholesalers clearly have no intention of moving there?

**Hon. T. C. THEOPHANOUS** (Minister for Major Projects) — May I indicate to the member that the minister with primary responsibility for this particular project is the Minister for Agriculture, who is in discussion with the relevant parties and the stakeholders. He is the one who is leading those discussions with those stakeholders to try to secure an agreement about shifting the Melbourne fruit and vegetable market to Epping, as the member is aware. Those discussions are proceeding. I am not directly involved in those discussions. When they are concluded and there is an outcome which involves an agreement with the stakeholders on the way in which the project will proceed, Major Projects Victoria will obviously come into play in the delivery of the project itself — the physical construction of the project. We have not reached that point yet; it is the subject of deliberations and discussions involving my colleague the Minister for Agriculture.

#### *Supplementary question*

**Mr VOGELS** (Western Victoria) — I am positive I heard the Leader of the Government calling this a major project before the last election, so I assumed it was a major project. The strategic alliance representing 100 per cent of the market users stands opposed to the Epping move. The Department of Innovation, Industry and Regional Development has clearly stated that a market will not be built at Epping unless it gets user support. What action does the government intend to take to ensure we retain a fruit and vegetable market in Victoria that is supported by our wholesalers — or will we have a fruitless market at Epping?

**Hon. T. C. THEOPHANOUS** (Minister for Major Projects) — I do not want to say that the member's question is fruitless, but I want to say that I will pass on the substance of the question to the Minister for Agriculture and ask him to give the member a more detailed response. I can only reiterate what I said

before — that in relation to the actual construction, once the details have been developed Major Projects Victoria will have a role, but in the lead-up to that the negotiations and so forth are being conducted by the Minister for Agriculture. I will pass on the substance of the member's question. I am sure the minister will be pleased to respond to the member

### **Anzac Day: schools**

**Mr EIDEH** (Western Metropolitan) — My question is directed to the Minister for Education. Can the minister advise the house what the Bracks government is doing to embrace the Anzac spirit in schools?

**Mr LENDERS** (Minister for Education) — I thank Mr Eideh for his question and for his interest in Anzac Day in particular, which is something we all have an interest in. Next Wednesday across Victoria — in fact across Australia — people will be commemorating Anzac Day. I believe that sadly there are no Anzac veterans left. The time has passed and the last of the old diggers has moved on.

A challenge for us is how to keep that Anzac spirit alive through our schools. It is an amazing part of the Australian culture. It is not about only the diggers from Gallipoli, it is about all the World War I veterans and the veterans of other conflicts since. One of the ways we seek to do that is through the Victorian essential learning standards in schools. As part of history, civics and citizenship studies we try to have all students understand the significance of Anzac Day. That is something all our schools seek to do. One of the things that will happen to assist that in schools is the annual Spirit of Anzac competition through which 10 Victorian students are chosen to go to Gallipoli — to in effect go on what I would call in secular terms a pilgrimage to Gallipoli and a number of other sites. They will go to Fromelles and Villers-Bretonneux. They will also go to Westminster for a moving ceremony from commonwealth countries for the veterans of Anzac.

To respond to Mr Eideh's question about what we are doing in schools specifically, it is this competition above and beyond everything else we do that will assist us in getting that spirit engendered in all 2300 Victorian schools. Children will start participating in this competition, which assists with learning and has an amazing outcome. These 10 lucky students headed off on their tour on 13 April. On Anzac Day they will be at Gallipoli. They will then go to see these other sites. This will assist in engendering the Anzac spirit, but it is something the education system can only enhance. The spirit of Anzac is embedded in our community, which is demonstrated by the number of people who now

watch the march every year or participate in it. It is a growing thing. It is an amazing thing. It is one of the things that makes me very proud to be an Australian.

**Emergency services: Warrnambool helicopter**

**Mr KAVANAGH** (Western Victoria) — My question is to the Minister for Planning representing the Minister for Police and Emergency Services in the other place. Western Victoria needs an emergency helicopter service. It is the only part of Victoria not to have one. In view of the capacity of an emergency helicopter service to rescue people and to convey them to specialist services, thereby preventing deaths and minimising the impact of injuries; the potential for alternative uses, like helping to fight bushfires and maybe even helping the police; and the demonstrated willingness of companies to massively subsidise the cost of such a service, will the government change its position of requiring proponents in western Victoria to develop a business plan, and will it assume the mantle of leadership that the people of Victoria expect from it and take action to develop an emergency helicopter service for western Victoria? After all, would that not make western Victoria a better place to live, work and raise a family?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Mr Kavanagh’s question. I also welcome his expression of the sentiment of what we are trying to achieve as a government. My role in this chamber is to represent a number of ministers from the other chamber, one of whom is the Minister for Police and Emergency Services. I recognise Mr Kavanagh’s particular interest in this matter in the region he represents. I would be happy to refer this matter to the Minister for Police and Emergency Services in the other place.

I also recognise that there are a number of matters which he has raised, not only matters in relation to the provision of the service but also the way in which that may be brought together and all the other recognisable elements that might go with that. I suspect that if there are any planning matters involved in it, I might have to deal with those, and I will look forward to doing so. In the meantime I will refer those matters, and Mr Kavanagh’s interest in this particular matter in relation to his region, to the respective minister in the other chamber.

*Supplementary question*

**Mr KAVANAGH** (Western Victoria) — I ask the minister when I might expect an answer on that.

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Mr Kavanagh’s supplementary question in relation to this matter. I will seek to have this matter answered as efficiently and expeditiously as possible.

**Mr Jennings** interjected.

**Hon. J. M. MADDEN** — As members on this side of the chamber know, we often refer these matters to our colleagues and encourage them to respond at the earliest possible time. I will do that in this instance, but we recognise that there are a number of requests to any given minister at a particular time. I would be eager for Mr Kavanagh to get a response as early as possible.

**Children: family services**

**Ms MIKAKOS** (Northern Metropolitan) — My question is to the Minister for Community Services, Gavin Jennings. Can the minister please update the house on the implementation of the Children, Youth and Families Act 2005 and how it will change the way services are provided to vulnerable children and families?

**Mr JENNINGS** (Minister for Community Services) — I thank Ms Mikakos for her question, her concern for the wellbeing of Victorian children and the opportunity it has afforded me to talk about important reforms that are going to be enacted as of next Monday, 23 April 2007.

The majority of the provisions of the Children, Youth and Families Act will be proclaimed and enacted, and we will see a new service configuration designed to support the best interests of children in Victoria, to account for their developmental needs and to be proactive in providing intervention and support services to families and supports to individual children to enhance their development and to reduce their risk of being subjected to disadvantage or to ongoing risks to their wellbeing, and to decrease the need for incidents of child protection.

We build on the reforms that have been the hallmark of the Bracks government commitment. We have put our money where our mouth is in terms of family support programs. They have increased over the life of the Bracks government by 164 per cent. That investment has been well spent, because as notifications and substantiations of child protection issues have grown exponentially across the country — they have grown at 145 per cent across the country in the last five years — in the state of Victoria, notifications and substantiation have grown by only 0.6 per cent. That is in terms of the risk and the damage children have been subjected to

and the reliance on child protection service to intervene to provide for their wellbeing.

We have come off a very solid base of support and early intervention in the lives of children. We will continue that approach through the provisions of the new act, and we will build on that investment. In the last two years significant investment has been undertaken in successive budgets in terms of family support innovation programs. This year we spent \$5.2 million to provide those services, and that escalates in the next three years to \$11.34 million recurrently as of 2009–10.

As of next Monday we will see the rollout of the first Child First service configuration, the first nine integrated services that will provide a catchment of integrated, connected specialised services to meet the needs of children and families and to provide, in a timely fashion through a central access point, a range of services that are designed to meet the specific developmental needs of those children and to support families with any difficulties and challenges that they may experience in relation to the capacity of the parents and the environment to support the child's development. We will progressively roll out these Child First service configurations over the next three years. We will build on the 9 we are introducing next Monday to reach 16 when the program is fully implemented. By 2008–09 we will commit \$5.1 million recurrently to this service delivery integration.

I am very enthusiastic about the potential for this service to build on the evidence we have about the most timely and appropriate way to support families to make them more resilient and capable of caring for the needs of their children in the future. It will actually continue the Victorian government trend that, whilst we will not shirk from our responsibility to provide child protection services and intervene when we must to protect the lives of Victorian children, we are skewing resources, effort and intervention to the preventative and family-strengthening end of the service configuration, which is totally appropriate in accounting for resilient families and confident, capable children. That is the trend we are committed to and will continue.

We will build on that evidence, and we will build on that practice. I look forward to the full implementation of the Children, Youth and Families Act and the service configuration that we are unwaveringly committed to for the years to come.

## QUESTIONS ON NOTICE

### Answers

**Mr LENDERS** (Minister for Education) —

I have answers to the following questions on notice: 33, 52, 55–8, 132.

### GAMBLING REGULATION AMENDMENT (REVIEW PANEL) BILL

**Committed.**

#### *Committee*

**The DEPUTY PRESIDENT** — Order! I would advise the committee that because there are amendments from both the government and the opposition there are likely to be a number of divisions.

#### **Clause 1**

**Mr GUY** (Northern Metropolitan) — The Liberal Party has resolved not to oppose this bill but to move amendments in order to improve the operation, scope and powers of the review panel as proposed.

Noting the government's proposed amendments, which we received at more or less 5 minutes to midnight, I will talk about the bill in general as it stands in front of us. Unfortunately, as it stands, in our view it is not about producing a proper review of the tender process, but rather about producing a review that is vetted, cleaned and thoroughly sanitised by the government before it is seen by Parliament. Members have only to look at the bill itself to see this. Specifically, proposed section 10.2A.11(3) clearly states:

Before publishing a copy of a report under subsection (2), the Secretary must exclude from the report any information that, in the opinion of the Minister, is—

- (a) protected information; or
- (b) information that is or could be the subject of legal professional privilege.

I would have thought all members of this Parliament, and particularly those here today voting on these amendments, would be concerned about any bill that places a partisan state government minister as the chief censor of a supposedly independent report into the lotteries licence process in Victoria. Even more concerning is the fact that this bill, as it stands, gives the minister the right to decide when the report shall be published. What we have is a minister of the Crown who has the right to censor a report that the government

is then claiming is the sole work of an independent review panel, and then the minister decides when the report is to be released for public consumption.

I quickly want to go through the Liberal Party's 10 proposed amendments, 3 of which are consequential. As I said, I would like to take this opportunity to go through and better explain why we will move them and why we feel it is exceptionally important that they pass today.

**The DEPUTY PRESIDENT** — Order! Mr Guy needs to contain any discussion of the specific amendments to clause 1, which is basically the purposes cause.

**Mr GUY** — I might keep that for the amendments and just leave my comments as they stand.

**Hon. J. M. MADDEN** (Minister for Planning) — As a government, we have committed to the most significant review in Victoria's history of the regulatory structure and associated arrangements for the major forms of gaming and wagering. The government will continue to ensure that Victorians have every confidence in this gambling licence review process.

This bill fulfils a commitment by the Premier in November last year to establish an independent gaming licence review panel to assist the processes undertaken in the review and awarding of gambling licences in Victoria. This will add a further layer of scrutiny to the gambling licensing review process.

The government has recently announced that the panel will be chaired by the distinguished former Federal Court judge, Ron Merkel, QC. Upon passage of this bill, the panel will examine the processes undertaken to grant the lotteries licence and will present a report through the Minister for Gaming to cabinet, which will be publicly released when the lotteries licensing announcement is made.

For the review of future regulatory structures and associated arrangements, the review panel will report to the Minister for Gaming on a range of issues — for example, have all parties interested in one of the licensed or authorised activities been treated impartially?

**The DEPUTY PRESIDENT** — Order! Can the minister satisfy me that this is not a reread of the second-reading speech?

**Hon. J. M. MADDEN** — No, it is not a rereading of the second-reading speech. I just want to give clarity to a number of these issues that I know may have been

covered in the second-reading speech, but I am interested that they be reinforced at this point in time.

There are a few questions in relation to how this process will report back to the minister. Has information received from interested parties been managed in a way that ensures the security and confidentiality of intellectual property and proprietary information? Has every relevant entity involved in the review process been required to declare an actual or perceived conflict of interest prior to participating in these reviews? Have any actual or perceived conflicts of interest that have been declared been appropriately addressed? Has there been any improper interference in the process of making recommendations or reports? Does the preparation of a recommendation or report disclose bias or anything that could lead to a reasonable apprehension of this bias?

As the opposition knows, the public lotteries licence process is not complete. This is an ongoing commercial process. By inquiring into it in the other place, the relevant parties in the chamber who are interested in the process are acting in a way that we would not like to see risking the integrity of the process.

**The DEPUTY PRESIDENT** — Order! I advise the minister that remarks canvassing that sort of territory should have been confined either to the second-reading speech or possibly to the third-reading speech, which is his summation opportunity. On this occasion the minister should be talking about the purposes of the bill as outlined in clause 1. I do not think it is appropriate for him to enter into debate on the motivations of the opposition or the remarks that they might have made in the course of the debate. The minister needs to stick to the bill.

**Hon. J. M. MADDEN** (Minister for Planning) — As mentioned previously — and I want to reinforce that — what the government seeks to do through this bill is to put in place a further layer of scrutiny but also to not undermine the integrity of the process. It is important that the process be reviewed but not undermined, and we want to ensure through the relevant amendments we make that we accommodate as much as we possibly can the concerns of respective members of this chamber and also ensure in relation to many of these housekeeping matters that the integrity of the process is not undermined.

**Clause agreed to; clause 2 agreed to.**

**Clause 3**

**The DEPUTY PRESIDENT** — Order! For the edification of the house, it would be possible to

consider all of the minister's amendments — the government's amendments — in one cache, but given that there are competing amendments on some of these items, it has been my election to deal with the amendments on an individual basis. Having said that, I understand that the minister has a number of amendments that together form a package and that are not in dispute. There may well be an opportunity to have those amendments packaged together, but we will proceed with that according to the committee's understanding and tenor in the debate.

I call on Mr Guy to move amendment 1 in his name, which as I understand it is a test for amendments 2 and 3.

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

1. Clause 3, page 6, after line 30 insert —

“(c) to consider, and report to the Minister on, the conduct of any of the following in relation to the regulatory review or the authorisation and licensing process —

- (i) a Minister of the Crown;
- (ii) a person employed under Division 1 of Part 6 of the **Public Administration Act 2004**;
- (iii) a registrant or an applicant for an authorisation or a licence;
- (iv) a person engaged to provide services to a registrant or an applicant for an authorisation or a licence;”.

This amendment seeks to insert a new paragraph (c) into clause 3 on page 6 of the bill. The amendment will allow the review panel to fully and completely investigate the ministers of the Crown and their officers. At present the panel can only investigate the public service processes and actions; however, if passed, this amendment will allow the panel to look at and take into account ministers' actions as well. The amendment will also allow the review panel to investigate applicants, consultants and those people with any relationship to the lotteries licence process.

**Hon. J. M. MADDEN** (Minister for Planning) — Just for clarity, Deputy President, do you want me to comment on the member's proposition or on my amendment?

**The DEPUTY PRESIDENT** — Order! At the moment we are dealing only with Mr Guy's amendment.

**Hon. J. M. MADDEN** — I do not seek to make a comment on that amendment at this point in time.

**Mr BARBER** (Northern Metropolitan) — I have a question for the minister. The government is undertaking a number of regulatory reviews, and in fact that list of regulatory reviews is to be found in the definitions in the bill under 'regulatory review'. The list includes gaming machines, wagering, approved betting competitions and also the funding of the racing industry. In the case of electronic gaming machines (EGMs), the government elected to run part of that review through a public process. In fact it appointed Mr Kirby to take public submissions and provide some feedback to the government.

My question for the government is: in respect of the funding of the racing industry, in relation to which a regulatory review is coming, is the government also intending to have any public processes associated with that regulatory review?

**Hon. J. M. MADDEN** (Minister for Planning) — I am advised that the review panel does cover the racing industry.

**Mr BARBER** (Northern Metropolitan) — I understand that this review panel — that is, Mr Merkel's panel — will look at the internal Department of Justice processes around the review of regulatory arrangements in the racing industry. As in the case of EGMs, will there be any step that the Department of Justice takes that will involve public submissions to that particular review?

**Hon. J. M. MADDEN** (Minister for Planning) — I ask Mr Barber to clarify his question. I was not entirely sure what it was he was asking for at the end. There was a bit of a preamble, and I understood that, but I ask Mr Barber to ask the latter part of his question again.

**Mr BARBER** (Northern Metropolitan) — To put it simply, with respect to the regulatory review into the racing industry, will the public have any opportunity to make public submissions in the way they did for the electronic gaming machine review?

**Hon. J. M. MADDEN** (Minister for Planning) — I am informed that there has already been an opportunity for written public submissions to be made, and I am also informed that they have been posted on the website.

**Committee divided on amendment:**

*Ayes, 16*

Atkinson, Mr  
Coote, Mrs  
Dalla-Riva, Mr  
Davis, Mr D.

Hall, Mr  
Kronberg, Mrs  
Lovell, Ms (*Teller*)  
O'Donohue, Mr (*Teller*)

Davis, Mr P.  
Drum, Mr  
Finn, Mr  
Guy, Mr

Petrovich, Mrs  
Peulich, Mrs  
Rich-Phillips, Mr  
Vogels, Mr

*Noes, 21*

Barber, Mr  
Darveniza, Ms  
Eideh, Mr  
Elasmar, Mr  
Hartland, Ms  
Jennings, Mr  
Kavanagh, Mr  
Leane, Mr  
Lenders, Mr  
Madden, Mr  
Mikakos, Ms

Pakula, Mr  
Pennicuik, Ms  
Pulford, Ms  
Scheffer, Mr  
Somyurek, Mr  
Tee, Mr  
Theophanous, Mr  
Thornley, Mr (*Teller*)  
Tierney, Ms (*Teller*)  
Viney, Mr

*Pair*

Koch, Mr

Broad, Ms

**Amendment negatived.**

**Hon. J. M. MADDEN** (Minister for Planning) — I move:

1. Clause 3, page 7, line 8, omit “Nothing” and insert “Subject to subsection (5), nothing”.

As you mentioned, Deputy President, this amendment is consequential on my amendment 2, so I will speak on amendment 2. This amendment provides that subsection (4) of proposed section 10.2A.3 will not prevent the review panel from considering and reporting on the extension of the current public lotteries licence for 12 months to 30 June 2008 to the extent that the review panel considers that the extension process is relevant to considering and reporting on the public lotteries licensing process.

In effect this amendment enables the review panel to consider and report on the licence extension process in so far as the extension process is relevant to the considering and reporting of the public lotteries licensing process.

**Mr GUY** (Northern Metropolitan) — It seems to me that we have a review panel that is given powers to look at only future decisions with a limited scope to the past.

**The DEPUTY PRESIDENT** — Order! I am seeking clarification on the incident in the public gallery. For the moment the house will proceed, but we will keep an eye on the circumstances of this case.

**Mr GUY** — I ask for the minister’s clarification: if the minister’s amendment were passed, would it mean that the review panel could look only at anything in relation to the minister before the bill comes into effect?

**Hon. J. M. MADDEN** (Minister for Planning) — There are a few distractions in the chamber. Can Mr Guy repeat the question?

**The DEPUTY PRESIDENT** — Order! Could Mr Guy also speak up? Some members on his party’s backbenches are having trouble hearing him, and it is also difficult for me to hear him.

**Mr GUY** (Northern Metropolitan) — I am sorry, I will begin again. It seems to me that this amendment means that the review panel will be given powers to look at future decisions with only a limited scope to look at past decisions. Can the minister clarify for me that his amendment states in fact that the review panel can only look at any matters in relation to the minister before this bill receives assent?

**Hon. J. M. MADDEN** (Minister for Planning) — Mr Guy wants retrospectivity to be clarified. Is that correct?

**Mr GUY** (Northern Metropolitan) — Yes.

**The PRESIDENT** — Order! I will take the minister’s response which will be fairly quick, and then I propose to suspend the committee for a few moments.

**Hon. J. M. MADDEN** (Minister for Planning) — I am informed that the panel will have the ability to look at decisions from the beginning of the process, which was November 2005.

**The DEPUTY PRESIDENT** — Order! I will leave the chair for a few moments. I will arrange for the bells to be rung to indicate when I will resume the chair.

**Sitting suspended 3.22 p.m. until 3.29 p.m.**

**The DEPUTY PRESIDENT** — Order! For those who were not in the chamber, unfortunately somebody in the gallery was taken ill, and it was necessary to clear the chamber while that person was attended to.

**Mrs KRONBERG** (Eastern Metropolitan) — I would like to draw the minister’s attention to a provision that appears prior to the proposed paragraph, the subject of the amendment moved by the minister, which is now being discussed. Relevant to the minister’s amendment is proposed section 10.2A.3(1)(c) in clause 3, line 30 on page 6 of the bill:

- (c) to consider, and report to the Minister on, any other matter referred to the Review Panel under subsection (2).

I want to ask the minister how that provision, which is not subject to amendment by the government, interacts with proposed section 10.2A.3(4) on page 7, which the government seeks to amend.

**Hon. J. M. MADDEN** (Minister for Planning) — That is a fairly lengthy question. Whilst I am digesting all of it, I would not mind if the member repeated the first part of the question.

**Mrs KRONBERG** (Eastern Metropolitan) — I am referring to paragraph (c), line 30 on page 6:

to consider, and report to the Minister on, any other matter referred to the Review Panel under subsection (2).

I would like an explanation of how the government sees that provision, which is not subject to amendment by the government, interacting with the provision that is subject to amendment. Proposed subsection (4) at line 8 on page 7 commences with the words:

Nothing in this Part requires or authorises the Review Panel to consider ...

**Hon. J. M. MADDEN** (Minister for Planning) — I am informed that it does not interact and there is no relationship between the two.

**Mrs PETROVICH** (Northern Victoria) — I have a question about clause 3, specifically line 34 on page 6. Our proposal is to omit (c) and insert (d). This relates to our proposal for the deletion of proposed section 10.2A.3(4), which will enable the review panel to more closely examine licensing processes and regulatory review prior to any announcements or publicly made decisions of the minister. This will ensure that those licences currently being assessed will become part of the current review, and therefore any arrangements will be able to be included in the report in a public way. I know the community has a real concern about this issue, and my question is: has the minister considered these issues?

**Hon. J. M. MADDEN** (Minister for Planning) — We are very conscious of matters of concern raised by the public on all fronts, because those matters are drawn to the attention of the respective ministers and other members of the government. We are very conscious that we maintain the integrity of the process and ensure that people can feel confidence in not only the integrity of the way in which the system is managed and the process currently under way but that the outcome of that process and the implications of those outcomes will give the community confidence in the government and in those processes. We are critically concerned that we maintain the integrity of the process and that the

outcomes are appropriate to the needs of the Victorian community.

**The DEPUTY PRESIDENT** — Order! I propose to put Mr Madden's amendment 1, which is also a test of his amendment 2 and a test, incidentally, for Mr Guy's amendment 4. The question is that amendment 1 standing in the name of the minister be agreed to.

**Amendment agreed to.**

**Hon. J. M. MADDEN** (Minister for Planning) — I move:

2. Clause 3, page 7, after line 15 insert —

“(5) Subsection (4) does not prevent the Review Panel performing its functions under section 10.2A.3(1)(b) to the extent that those functions include considering and reporting on the process that led to the decision to extend the current public lottery licence until 30 June 2008 (the *extension process*), if the Review Panel considers that considering and reporting on the extension process is relevant to considering and reporting on the authorisation and licensing process.”.

I have already spoken to this amendment.

**Amendment agreed to.**

**The DEPUTY PRESIDENT** — Order! I invite the minister to move amendments 3 and 4 standing in his name, and I advise the house that these amendments will also test amendments 5 and 6 standing in Mr Guy's name. In effect, they are the same amendments.

**Hon. J. M. MADDEN** (Minister for Planning) — I move:

3. Clause 3, page 7, line 20, omit “2 or”.

4. Clause 3, page 8, line 21, omit “2 or”.

**Mr GUY** (Northern Metropolitan) — I have a question for the minister. Noting that these amendments are similar to two amendments standing in my name, I am interested as to when and why the government has changed its mind on these amendments from the original bill.

**Hon. J. M. MADDEN** (Minister for Planning) — Appreciating some of the concerns expressed by the relevant opposition parties that clarity was needed on some of these clauses, my understanding is that through negotiation it was acknowledged that there was a need to adjust some of those clauses to give clarity to what was trying to be expressed.

**Amendments agreed to.**

**The DEPUTY PRESIDENT** — Order! I invite Mr Guy to formally move amendment 7 standing in his name and invite any remarks he might have in support of that amendment.

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

7. Clause 3, page 11, after line 9 insert —

“(5) A meeting of the Review Panel must be held in public unless the Review Panel determines that there are special circumstances requiring that the meeting or part of it should be held in private.

(6) Sections 14, 15 and 16 of the **Evidence Act 1958** apply to and in relation to any proceeding of the Review Panel as if the Review Panel were a board appointed by the Governor in Council.”.

I note that this amendment inserts new paragraphs (5) and (6) in clause 3, on page 11 of the bill. They outline the ability of the panel to have public hearings and gives the panel powers to hold meetings both in public and also in camera when it is deemed necessary. It is yet a further measure to enhance the public transparency of the inquiry and the work of the panel.

Further, this amendment will also give the panel the power of coercion. If the panel is truly independent, we believe it should have the powers it needs to call whom it needs to call, to hear whom it needs to hear and to have the material it needs to conduct its investigation properly.

**Hon. J. M. MADDEN** (Minister for Planning) — This amendment proposes a number of things, but the review panel and the Minister for Gaming will have sufficient power to require the full cooperation of all persons while conducting the licence review process under the direction of the Minister for Gaming, if required, to produce all documents, attend meetings to explain how the process has been carried out and answer all questions of the review panel.

In terms of the opposition’s amendments, it is not believed to be appropriate to have public hearings as this has the potential to compromise the integrity of the ongoing process. We do not particularly want to transform the review panel into a political witch-hunt which would compromise the integrity of the process and the legal and commercial framework in place for the gambling licences review.

**Mr GUY** (Northern Metropolitan) — If this panel is to be transparent, why will the government not allow the review panel to have its hearings in public?

**Hon. J. M. MADDEN** (Minister for Planning) — I think I might have sufficiently addressed that matter. We have a review process, and we want to ensure the integrity of that, but we also want to ensure the integrity of the existing process that is under way. We believe in this circumstance public hearings would have the potential to compromise the initial process and thereby render the entire process compromised. We are conscious of maintaining integrity, completing the process and ensuring that no stone is left unturned in terms of ensuring all aspects of integrity and probity are covered. But we also do not want to make this a public witch-hunt which compromises the process for political reasons alone.

**Mr GUY** (Northern Metropolitan) — The minister has referred to a witch-hunt on a number of occasions. I ask the minister: are we to assume that Mr Merkel, QC, is going to conduct a witch-hunt?

**Hon. J. M. MADDEN** (Minister for Planning) — I know Mr Guy has been in this place for a sufficiently long time and has sufficient experience in his party to understand the way in which oppositions like to create stories in the media. I suspect that he would appreciate that this would provide an opportunity for a witch-hunt by the media, not by Mr Merkel, QC.

**Amendment negated.**

**The DEPUTY PRESIDENT** — Order! I invite the Minister for Planning to formally move amendment 5 standing in his name and make any remarks that he wishes to make. I advise the house that his amendment 5 is also a test for Mr Guy’s amendment 8.

**Hon. J. M. MADDEN** (Minister for Planning) — I move:

5. Clause 3, page 11, lines 27 to 29, omit all words and expressions on these lines and insert —

“(1) Subject to subsection (3), the Minister must —

- (a) give a copy of each report of the Review Panel to the Secretary as soon as practicable after receiving it; and
- (b) cause a copy of each report to be presented to each House of Parliament —
  - (i) in the case of a report with respect to the regulatory review, within 7 sitting days of the House after the Minister publicly announces the government’s decision on the regulatory review;
  - (ii) in the case of a report with respect to the authorisation and licensing process, within 7 sitting days of the House after

the Minister publicly announces the grant or issue of an authorisation or licence that is the subject of a report;

- (iii) in any other case, at the time determined by the Minister.”.

**Mr GUY** (Northern Metropolitan) — Are we to assume that this amendment will mean that a report which might identify serious problems in the processes will not be made public until the government has actually made a decision?

**Hon. J. M. MADDEN** (Minister for Planning) — I am advised that this amendment provides for reports of the review panel to be tabled in both houses of Parliament within seven sitting days after the minister has publicly announced a decision on a regulatory review or the grant of a licence.

**Amendment agreed to.**

**The DEPUTY PRESIDENT** — Order! I invite the Minister for Planning to move amendment 6 standing in his name, which is also a test for Mr Guy’s amendment 9.

**Hon. J. M. MADDEN** (Minister for Planning) — I move:

6. Clause 3, page 11, lines 30 to 32 and page 12, lines 1 to 13, omit all words and expressions on these lines and insert —

“(2) The Secretary must cause a copy of each report received under subsection (1)(a) to be published on an appropriate Internet site as soon as practicable after a copy of the report has been presented to each House of Parliament under subsection (1)(b).”.

**Amendment agreed to.**

**The DEPUTY PRESIDENT** — Order! I invite the Minister for Planning to formally move his amendment 7, which would have the same effect as Mr Guy’s amendment 10.

**Hon. J. M. MADDEN** (Minister for Planning) — I move:

7. Clause 3, page 12, lines 14 to 20, omit all words and expressions on these lines and insert —
- (3) Before complying with subsection (1), the Minister may exclude information from the report if the Minister has received advice from the Victorian Government Solicitor that the information is —
- (a) protected information; or

- (b) information that is or could be the subject of legal professional privilege.”.

**Amendment agreed to; amended clause agreed to; clauses 4 and 5 agreed to.**

**Reported to house with amendments.**

**Report adopted.**

*Third reading*

**Hon. J. M. MADDEN** (Minister for Planning) — I move:

That the bill be now read a third time.

In doing so I thank honourable members for their respective contributions throughout the committee process, appreciating and acknowledging that it has been a more complex committee process than might normally be the case, the newness of the procedure for many members in the chamber and the degree of difficulty caused by other associated events.

**Motion agreed to.**

**Read third time.**

*Remaining stages*

**Passed remaining stages.**

**NUCLEAR ACTIVITIES (PROHIBITIONS) AMENDMENT (PLEBISCITE) BILL**

*Second reading*

**Debate resumed from earlier this day; motion of Hon. T. C. THEOPHANOUS (Minister for Industry and State Development).**

**Mr O’DONOHUE** (Eastern Victoria) — I do not propose to make a lengthy contribution on this bill. Many members have already spoken on it, and opposition members have articulated very clearly to the house what a political farce this bill is. I just want to make two brief points. The fact that we have spent nearly a day of the Parliament’s time and all the costs associated with this demonstrate to me the extent of this government’s lack of an agenda. Given that the government has been in power for quite some time and is now into its third term, the fact that we are debating a bill which has more to do with promoting the cause of the federal Leader of the Opposition and promoting the Australian Labor Party at the upcoming federal election demonstrates that this government has nothing better to do to fill in the time of the Parliament.

I will ask some rhetorical questions. Why are we not debating bills about public land management that address the disgraceful way that the public land of Victoria is managed, as was evidenced by the terrible fires over the summer? Why are we not debating bills that address the water crisis — the question of what we are going to do if it does not rain for the balance of autumn or does not rain in winter? Why are we not debating bills that deal with the terrible clogging of our roads and the terrible state of Victoria's infrastructure? I will pick up on something that Mr Thornley said. He made reference to the benefits of natural gas. Why are we debating a bill that has more to do with promoting Mr Kevin Rudd than it has to do with Victoria? Why are we not debating the rollout of natural gas and the way this government has lied to many communities about the way it would deliver natural gas and has failed to deliver on its promises?

But I think what demonstrates even more clearly what a political farce this bill is are the contributions to the debate made by members of the government. If members of the government really believed in plebiscites, if they really believed in giving the community a fair hearing and a say in the development of policy in Victoria, we would not have absolute diatribes from them criticising the federal government. We would not hear speaker after speaker saying how terrible nuclear power and the nuclear industry are. If they actually believed in a plebiscite they would allow a fair and balanced debate on the issues. But all we have heard is speaker after speaker denigrating the federal government, the nuclear industry and nuclear power. Clearly this bill is a political stunt. Again I make the point that this is a terrible waste of Victorian taxpayers money and a terrible waste of the time of the elected legislature.

If the government believes in plebiscites, let us have a plebiscite on how many poker machines we have in Victoria. Let us have a plebiscite on how much money the government reaps from the socially disadvantaged people who use poker machines. Let us have a plebiscite about the level of stamp duty paid by home buyers. Let us have a plebiscite on the other issues of importance to the people of Victoria. It is a disgrace that the government would waste Victorian taxpayers time and money with such a bill, and I ask the house to oppose it.

**Mr SOMYUREK** (South Eastern Metropolitan) — I rise in support of the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill. It provides for the holding of a plebiscite of Victorian voters if the commonwealth government takes action to allow construction of a nuclear facility in Victoria. The

plebiscite can be called if the minister administering the legislation is satisfied that the commonwealth government has taken or is likely to take any steps to support or allow construction of a prohibited nuclear facility in Victoria. Amending a commonwealth law, exercising a statutory power or adopting a policy position in favour of construction of a prohibited nuclear facility in Victoria is a step that will attract the ability to hold a plebiscite. The minister will determine the timing of the plebiscite and the question to be asked at the plebiscite.

The government acknowledges that the plebiscite will not be legally binding on the state government or the federal government, but I am sure most members in this place, having been politicians and having dealt with public opinion, will understand that if there is a strong vote against a nuclear facility in Victoria it will be difficult as well as morally reprehensible for anyone to set up a nuclear facility. I am sure the federal government would then think twice about the prospect of setting up a nuclear facility if the public opinion in a particular state — in this case, Victoria — was overwhelmingly against such a facility. There is no doubt there is strong public opinion against nuclear facilities.

A research paper put out by the Australia Institute entitled *Who Wants a Nuclear Power Plant?* cites a Newspoll survey which found that 66 per cent of Australians were opposed to a nuclear power plant in their area. I would say this poll is pretty accurate. The suburb I live in, Lynbrook, was letterboxed a few months back by a particular group — I am not sure what its name is — alleging that a nuclear facility will be located in Western Port or Hastings. The flyer basically scared my neighbours and my constituents to the point where people immediately decided to sell up and move on. A great deal of anxiety was caused by the letterboxing of that particular flyer. It was a pretty irresponsible action by the group because it upset a lot of people.

I was going to go to the nuclear debate and give reasons why a nuclear facility should not be allowed in Victoria, but due to time restrictions I will skip that part of my speech. I will just make a few remarks on the Greens amendments. I will discuss the second one first. It provides for the Parliament, rather than the minister, to determine the wording to be put up in the plebiscite. I can see the Greens motivation for doing this, and so far as I can see the motivation is a righteous one.

**Mr Barber** — Vote for it.

**Mr SOMYUREK** — Although I do not want to pre-empt what the Greens concerns are is, I think they have been consistent on this one. They are obviously concerned about accountability, parliamentary democracy and, I guess, the power relations between the executive and the Parliament. I guess that is right. If that is their concern, it is a fair one and they have been consistent. However, I believe the Greens are being a little bit idealistic on this. I would encourage the Greens, now that they are in this chamber, to exercise a bit of Realpolitik. The hard-core reality is that requiring a Parliament to draft the wording of a plebiscite will, without doubt, delay the holding of the plebiscite, thus making it too late to influence the government action.

On the other hand, the first amendment proposed by the Greens confounds me. The effect of the first amendment will be to remove express recognition of the commonwealth government adopting a policy position of supporting or allowing the construction of a prohibited nuclear facility in Victoria as an action sufficient to enable a plebiscite to be called. In other words, the amendment will make it more difficult for a plebiscite to occur, almost to the point of stymieing any prospect of holding a plebiscite.

Whilst I am sympathetic to the Greens position with respect to their second amendment, I feel that their first amendment leaves them severely compromised — in fact, I believe a lot of Greens supporters would feel betrayed by this amendment. On that point I conclude my speech and commend the bill to the house.

**House divided on motion:**

*Ayes, 21*

Barber, Mr	Pennicuik, Ms
Broad, Ms	Pulford, Ms
Darveniza, Ms	Scheffer, Mr
Eideh, Mr	Smith, Mr
Elasmar, Mr	Somyurek, Mr
Hartland, Ms	Tee, Mr
Leane, Mr	Theophanous, Mr
Lenders, Mr	Thornley, Mr
Madden, Mr	Tierney, Ms
Mikakos, Ms ( <i>Teller</i> )	Viney, Mr
Pakula, Mr ( <i>Teller</i> )	

*Noes, 17*

Atkinson, Mr	Kavanagh, Mr
Coote, Mrs	Kronberg, Mrs
Dalla-Riva, Mr	Lovell, Ms ( <i>Teller</i> )
Davis, Mr D.	O'Donohue, Mr ( <i>Teller</i> )
Davis, Mr P.	Petrovich, Mrs
Drum, Mr	Peulich, Mrs
Finn, Mr	Rich-Phillips, Mr
Guy, Mr	Vogels, Mr
Hall, Mr	

*Pair*

Jennings, Mr                      Koch, Mr

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clause 1**

**The DEPUTY PRESIDENT** — Order! Initially we will deal with clause 1. Are there any members who wish to make any comment on clause 1?

**Mr BARBER** (Northern Metropolitan) — As we move into this stage I want to talk a bit about the approach of the Greens and where we have got to at this point. I have already canvassed the nuclear policies of the Labor and Liberal parties extensively in the second-reading debate, so I will not do that again. I note that there was a contribution to this debate overnight by a Mr Landeryou. He is obviously well informed about matters that move through this chamber.

**Hon. T. C. Theophanous** — Do you read it?

**Mr BARBER** — People email it to me, but since Parliament is not yet on the internet — and the Greens think it should be — he must have been informed by a witness. I note that in the past the *Hansard* was only an unofficial newspaper report of the Parliament and over time evolved into becoming the official record. Maybe 100 years from now the *Hansard* will be called the Landeryou; I do not know.

The Greens considered this bill quite carefully as it came along. We looked particularly at the issue of plebiscites and when they should be called. We looked at past instances of plebiscites. Obviously in a situation where the Parliament determines that a matter is so important that it should go out to the public at large, we are willing to support that. In this case we looked at the issue of the past plebiscites that had been held in various jurisdictions around Australia.

**Mr VOGELS** (Western Victoria) — The Liberal Party has considered the Greens amendments and will be supporting them, as proposed by Mr Barber.

**Clause agreed to; clause 2 agreed to.**

**Clause 3**

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

1. Clause 3, page 2, lines 15 to 24 omit all words and expressions on these lines and insert “Commonwealth Government has taken, or is likely to take, steps to make or amend a Commonwealth law or to exercise any power under a Commonwealth law to facilitate the construction of a prohibited nuclear facility in Victoria.”.

Government members have already heard the arguments being put against this bill from the other side. Opposition members are arguing that it is a stunt. That is the most common argument that has been put up. I suggest it is the only argument they have put up.

What I want to say to government members is this: we recognise that this will be a non-binding plebiscite. It will have no impact on federal or state law, and it certainly will not have any impact on the High Court. If you go back to the Franklin Dam case, the judges told the Wilderness Society that they did not want to look at a picture of the Franklin River, that they only wanted to address the legal issues in front of them. So it will be that if the federal government goes to the High Court looking to strike out or override Victorian laws, the court will not take into account this plebiscite.

If it were to be called, the only effect that this plebiscite would have would be moral and political. For that reason it is incredibly important that the integrity of the way in which the process is run is absolutely 100 per cent, and both of the Greens amendments go to that issue.

This first amendment relates to the triggers for holding a plebiscite. There are two triggers in the bill that the government presented. One of them says that the plebiscite will be triggered when the commonwealth government:

- (a) has taken, or is likely to take, steps to make or amend a Commonwealth law or to exercise any power under a commonwealth law to facilitate the construction of a prohibited nuclear facility in Victoria ...

The second part of it, which we propose to amend by deleting it, is if the commonwealth adopts a policy position of supporting or allowing the construction of a prohibited nuclear facility in Victoria.

I defy anybody to say — and I have not yet heard anybody raise it in argument — how they think a seriously entertained proposal for a nuclear facility, and not just a nuclear power plant, but anything else prohibited under our law — could seriously move forward without the federal government either

amending some laws or exercising any power under a commonwealth law.

To give an example, at the moment the federal Environment Protection Biodiversity Conservation Act has a trigger in it that says any nuclear action automatically requires a permit under the that act. As long as that trigger is in place in the federal sphere, nobody can move forward with a nuclear action; therefore, just using part A, the plebiscite would be triggered, and likewise if other laws were to be amended.

I do not believe that any seriously entertained proposal is going to move forward from the commonwealth level without, firstly, a legal process; or, secondly, the exercise of powers under laws moving forward, and anybody who knows anything about any major project would be familiar with that.

In this amendment the Greens propose to remove the provision that refers to the commonwealth merely adopting a policy position of supporting or allowing the construction of a prohibited nuclear facility in Victoria as a trigger. We think that is way too wide. We think it could be triggered by virtually anything and that it will be up to the minister to decide whether that is the case — that is, if our second amendment is not achieved. We even argue that that could be in place now.

Other parts of the bill actually allow the minister to decide the most appropriate time for the plebiscite to go forward, and that is purely at the discretion of the minister; we are not proposing to amend that.

I urge the government to support our amendments. The government did not get a majority in the upper house, because the people of Victoria did not want it to have a majority in the upper house. That inevitably leads to the proposition that maybe the government will have to compromise on its legislation sometimes. The people of Victoria wanted a check on the government’s power, and in this case that check is provided by the Greens. Fundamentally, the issue here is democracy.

**Mr P. Davis** — Look at us!

**Mr BARBER** — They are our amendments, Mr Davis, and they have not succeeded yet. But the issue here is democracy. If we are going to accept the proposition, which the Greens now do, that on some very important issues it might be for the Parliament to say, ‘No, we will take it back out to the people and ask them to decide’, then the integrity of that process has to be absolutely 100 per cent impeccable, otherwise the purpose of this bill will be defeated in that it will have

no real moral or political impact on the commonwealth government, even if the outcome is to be successful in opposing the nuclear action.

**Ms MIKAKOS** (Northern Metropolitan) — I want to speak very briefly about this, because I detect in Mr Barber’s comments a sneaking arrogance creeping in to the Greens view of their position in this chamber.

Essentially the substance of their amendments is that their position is more important than the influence that the Victorian people would have through this plebiscite. I agree that this plebiscite is not binding and that it would not influence the High Court — in fact it would not bind the federal government; however, it is important that we give the Victorian people the earliest possible opportunity to speak against nuclear power in this state. If the Prime Minister were to announce tomorrow that he is going to allow a nuclear power industry in this country, as a state and as a Victorian community we should be able to take immediate steps to stop that at the earliest opportunity.

**Committee divided on amendment:**

*Ayes, 18*

Atkinson, Mr	Kavanagh, Mr
Barber, Mr	Kronberg, Mrs
Coote, Mrs	Lovell, Ms
Dalla-Riva, Mr	O’Donohue, Mr
Davis, Mr D.	Pennicuik, Ms
Davis, Mr P.	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr	Rich-Phillips, Mr ( <i>Teller</i> )
Hartland, Ms ( <i>Teller</i> )	Vogels, Mr

*Noes, 20*

Broad, Ms ( <i>Teller</i> )	Pakula, Mr
Darveniza, Ms	Pulford, Ms
Drum, Mr	Scheffer, Mr
Eideh, Mr	Smith, Mr
Elasmar, Mr	Somyurek, Mr
Hall, Mr	Tee, Mr
Leane, Mr	Theophanous, Mr
Lenders, Mr	Thornley, Mr
Madden, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr ( <i>Teller</i> )

*Pair*

Koch, Mr	Jennings, Mr
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**Amendment negated.**

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

- Clause 3, page 3, lines 6 and 7, omit “determined by the Minister” and insert “, stated in a resolution approved by the Legislative Assembly and the Legislative Council.”.

The purpose of this amendment is to require the Parliament itself to determine the question that would

go to the public in the plebiscite. I explained the reason for that in my second-reading contribution, and a number of other members had a go as well. To reiterate, the Greens do not trust a Labor or future Liberal minister — since it will be on the statute books indefinitely — to put aside their own politics when framing the question.

**Hon. T. C. Theophanous** — What about a Greens minister?

**Mr BARBER** — A minister of any flavour. Some people would say you cannot trust Parliament either. The point is that voters understand that instinctively, and that is why they have us here. They do not particularly trust politicians but they send us to Parliament to keep an eye on each other because that is about the best they can come up with.

**Mr Somyurek** — It is about Parliament versus the executive, is it?

**Mr BARBER** — I think you have hit the nail on the head there. It goes back to the maiden speech of the now Premier when he was a bit like me — idealistic, young and fresh. This is the same speech in which he is reported as saying, ‘Live, work and raise a family’. I am amazed that those opposite have not memorised the whole speech so that the words of the great oarsman can go into history. The Premier is reported as saying:

This strong and powerful executive that the state government has established also requires strong and vigorous scrutiny. Members of Parliament are one of the key watchdogs still left in the system.

That is exactly what the Greens are proposing. We will not be supporting the entire bill without our amendments, which we made clear to the government. We spoke to the government about it in detail. We asked it to explain to us whether our arguments were wrong in some way, whether there was some technical reason we had missed. It could not come up with one, and I did not hear anything incredibly convincing in the debate that changed my view.

It also goes back to the point I made earlier, that if the plebiscite itself is seen as a political stunt, then it will not have the effect the purpose of the bill is aiming for.

**Ms Mikakos** — You had better be hoping John Howard does not make an announcement.

**The DEPUTY PRESIDENT** — Order! I think Mr Barber can accomplish it without assistance from Ms Mikakos.

**Mr BARBER** — I cannot believe the government, after everything it said about the need for and purpose of this bill, is prepared to throw the baby out with the bathwater. The only explanation for it could be the creeping arrogance that Ms Mikakos referred to. She hit the nail right on the head. The government is saying it will get its bill exactly how it wants it, and if the Greens or anybody else proposes amendments, tough luck, it will trash the whole thing. That makes it hard.

I am now starting to come around to the view that maybe it was a political stunt by the government to introduce this bill, because it is not that serious about getting the bill passed, even with this small amendment, which does not stop the bill going forward and which leaves every other aspect of the bill intact. Nor have I seen the government put forward an alternative or a way forward after all this. I implore government members to support my amendment, without which the Greens unfortunately cannot vote for this bill at this time or in the third reading stage.

**Committee divided on amendment:**

*Ayes, 18*

Atkinson, Mr	Kavanagh, Mr ( <i>Teller</i> )
Barber, Mr	Kronberg, Mrs
Coote, Mrs	Lovell, Ms
Dalla-Riva, Mr	O'Donohue, Mr
Davis, Mr D.	Pennicuik, Ms
Davis, Mr P.	Petrovich, Mrs ( <i>Teller</i> )
Finn, Mr	Peulich, Mrs
Guy, Mr	Rich-Phillips, Mr
Hartland, Ms	Vogels, Mr

*Noes, 20*

Broad, Ms	Pakula, Mr
Darveniza, Ms ( <i>Teller</i> )	Pulford, Ms
Drum, Mr	Scheffer, Mr
Eideh, Mr ( <i>Teller</i> )	Smith, Mr
Elasmar, Mr	Somyurek, Mr
Hall, Mr	Tee, Mr
Leane, Mr	Theophanous, Mr
Lenders, Mr	Thornley, Mr
Madden, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr

*Pair*

Koch, Mr	Jennings, Mr.
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**Amendment negatived.**

**Mr BARBER** (Northern Metropolitan) — I am very disappointed the government did not see fit to accept our minor amendments. After whipping themselves into a rhetorical frenzy, government members were not prepared to accept some amendments from the Greens that would have allowed the bill to go forward.

Yes, our amendments would have to some extent restricted the operation of the bill, but they would also have dramatically increased the democratic nature of the bill and the transparency with which a plebiscite would have gone forward. I think that just shows that this government will trade a large dose of democracy for a small amount of expediency any day of the week.

**Hon. T. C. THEOPHANOUS** (Minister for Industry and State Development) — In response to the member, I need to make the point that the government believes this is a very good bill and that the differences, as have been pointed out by the Greens themselves, are small in nature and do not affect the overall operation of the legislation. I would again urge the Greens to support the legislation as it will deliver in large measure the policy objectives which they and their party essentially have.

**Mr VOGELS** (Western Victoria) — I also would like to comment. I would have much greater faith in the Parliament's writing the for and against cases in a plebiscite than in a minister from the Bracks government, so we will be opposing the bill.

**Mr KAVANAGH** (Western Victoria) — Although plebiscites are important and we should look at public opinion on particular issues, with an issue like this, it is really local opinion rather than state opinion that should matter — that is, I do not think it would be sufficient for the people of Victoria, who are overwhelmingly located in Melbourne, to approve a nuclear facility for Portland, for example. I think the decision to have a nuclear facility in Portland should be up to the people of Portland rather than to the whole state.

**Clause agreed to; clause 4 agreed to.**

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

**Hon. T. C. THEOPHANOUS** (Minister for Industry and State Development) — I move:

That the bill be now read a third time.

In so doing I thank all honourable members for their contributions.

**The PRESIDENT** — Order! The question is:

That the bill be now read a third time and that the bill do pass.

**House divided on question:***Ayes, 18*

Broad, Ms	Pulford, Ms ( <i>Teller</i> )
Darveniza, Ms	Scheffer, Mr ( <i>Teller</i> )
Eideh, Mr	Smith, Mr
Elasmar, Mr	Somyurek, Mr
Jennings, Mr	Tee, Mr
Leane, Mr	Theophanous, Mr
Madden, Mr	Thornley, Mr
Mikakos, Ms	Tierney, Ms
Pakula, Mr	Viney, Mr

*Noes, 20*

Atkinson, Mr	Hartland, Ms ( <i>Teller</i> )
Barber, Mr	Kavanagh, Mr
Coote, Mrs	Kronberg, Mrs
Dalla-Riva, Mr	Lovell, Ms
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Pennicuik, Ms ( <i>Teller</i> )
Drum, Mr	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	Vogels, Mr

*Pair*

Lenders, Mr	Koch, Mr
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**Question negatived.****LEGAL PROFESSION AMENDMENT BILL***Introduction and first reading***Received from Assembly.****Read first time on motion of Hon. J. M. MADDEN (Minister for Planning).****MAJOR EVENTS (AERIAL ADVERTISING) BILL***Introduction and first reading***Received from Assembly.****Read first time for Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) on motion of Mr Lenders.****DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REPEAL OF PART X) BILL***Introduction and first reading***Received from Assembly.****Read first time for Mr JENNINGS (Minister for Community Services) on motion of Mr Lenders.****ROAD LEGISLATION AMENDMENT BILL***Introduction and first reading***Received from Assembly.****Read first time for Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) on motion of Mr Lenders.****INFERTILITY TREATMENT AMENDMENT BILL***Statement of compatibility***Mr JENNINGS (Minister for Community Services) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Infertility Treatment (Amendment) Bill 2007.

In my opinion, the Infertility Treatment (Amendment) Bill 2007, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

**Overview of the bill**

The bill amends the Infertility Treatment Act 1995 by modifying the existing regulatory framework to allow somatic cell nuclear transfer under licence for research purposes, while retaining the existing prohibition on human cloning for reproduction.

The proposed Infertility Treatment (Amendment) Bill will have the same effect as the recent amendments to the commonwealth bill and will apply them to parts 2A and 4A of the Infertility Treatment Act 1995 to bring the Victorian legislation into line with the commonwealth legislation as amended.

There will be no change to assisted reproductive treatment (ART) procedures or clinical treatment procedures regulated by other parts of the act. The amendment is restricted to parts 2A and 4A of the at which deal with medical research.

**Human rights issues**

1. *Human rights protected by the charter that are relevant to the bill*

The bill has no human rights impacts.

2. *Consideration of reasonable limitations — section 7(2)*

As the bill has no impact on human rights it is not necessary to consider section 7(2) of the charter.

**Conclusion**

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise a human rights issue.

Gavin Jennings, MLC  
Minister for Community Services

*Second reading*

**Mr JENNINGS** (Minister for Community Services) — I am very pleased to enlighten the house that this important piece of legislation, which is part of the Bracks government's commitment to ensuring that we have the appropriate regulatory regime in relation to bioscience and technological development in the state of Victoria, has been passed by the Assembly without amendment. As the bill does not contain an amendment to the Constitution Act, I move:

That, pursuant to standing order 14.07, the second-reading speech be incorporated into *Hansard*.

**Motion agreed to.**

**Mr JENNINGS** (Minister for Community Services) — I move:

That the bill be now read a second time.

**Incorporated speech as follows:**

Societies worldwide are grappling with the speed of research developments and new emerging technologies. In the area of stem cell research, the potential to alleviate significant human pain and suffering is great; however, we also need to closely consider the mechanisms and safeguards to allow the progress of this research in a responsible manner.

This bill provides the opportunity to explore the potential benefits of stem cell research in Victoria within a strictly regulated and ethical framework.

This bill amends the Infertility Treatment Act 1995 to be consistent with the commonwealth Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006, passed in December last year.

In 1999, the commonwealth House of Representatives Standing Committee on Legal and Constitutional Affairs conducted an all-party inquiry into stem cell research. In 2001 the committee released its report *Human Cloning — Scientific, Ethical and Regulatory Aspects of Stem Cell Research in Australia*.

This report was considered by the Council of Australian Governments (COAG) in 2002 and it was agreed that the commonwealth and all states and territories would introduce nationally consistent legislation banning human cloning and other unacceptable practices and to allow research using excess ART embryos created prior to 5 April 2002.

Subsequently legislation was passed by the commonwealth and in May 2003, consistent with the COAG agreement, the

Health Legislation (Research Involving Human Embryos and the Prohibition of Human Cloning) Act 2003 was passed by this Parliament as an amendment to the Infertility Treatment Act 1995.

The 2002 commonwealth legislation included a clause that required an independent review of its operations within three years. In June 2005, the commonwealth appointed an independent committee — the Legislative Review Committee — chaired by Justice Lockhart. The committee had representatives with expertise in law, ethics, medical practice, science and community representation and all appointments were made after consultation with all states and territories. The committee consulted widely across Australia.

The Legislative Review Committee final report (Lockhart review) was presented to the commonwealth Parliament and to COAG on 19 December 2005.

In October 2006, Senator Kay Patterson introduced a private members bill into the commonwealth Senate. The bill was based on the 54 recommendations of the Lockhart committee. After debate and amendment the bill passed the Senate on 7 November 2006 with a one-vote majority.

In December 2006 the bill passed through the House of Representatives with a majority of 20 votes and the Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006 was assented to on 12 December 2006.

The bill before us today is based on recommendations of the Lockhart committee and mirrors the commonwealth legislation.

The amendments relate only to parts 2A and 4A of the Infertility Treatment Act 1995. They do not affect in any way the treatment and clinical aspects of ART procedures nor the regulatory role of the Infertility Treatment Authority.

The bill retains existing prohibitions on activities such as:

placing a human embryo clone in the human body or the body of an animal;

importing or exporting a human embryo clone;

creating a human embryo by fertilisation of a human egg by human sperm, for a purpose other than achieving pregnancy in a woman;

creating or developing a human embryo by fertilisation of human egg by human sperm which contains genetic material provided by more than two persons;

developing a human embryo outside the body of a woman for more than 14 days;

making heritable alterations to a human genome;

collecting a viable human embryo from the body of a woman;

creating or developing a chimeric embryo;

developing a hybrid embryo beyond 14 days;

placing a human embryo in an animal, a human embryo into the body of a human other than into the female reproductive tract or an animal embryo in a human;

importing, exporting or placing in the body of a woman, a prohibited embryo.

The bill enables certain types of research involving embryos to be permitted provided that the research is approved by the NHMRC licensing committee (in accordance with legislated criteria) and that the activity is undertaken in accordance with a licence issued by the NHMRC licensing committee.

In summary, a person may apply for a licence:

to use excess ART embryos;

create human embryos other than by fertilisation of a human egg by a human sperm, and use such embryos;

create human embryos (by a process other than fertilisation of human egg by human sperm) containing genetic material provided by more than two persons, and use such embryos;

create human embryos using precursor cells from a human embryo or a human foetus, and use such embryos;

undertake research and training involving the fertilisation of a human egg, up to but not including the first mitotic division, outside the body of a woman for the purposes of research or training;

creation of hybrid embryos by the fertilisation of an animal egg by human sperm, and use of such embryos up to the first mitotic division, if:

the creation or use is for the purposes of testing sperm quality; and

the creation or use will occur in an accredited ART centre.

The amendments put forward in this bill directly correspond to the commonwealth amendments. Note that the use of animal eggs continues to be prohibited except for limited diagnostic use (in accredited ART centres) to test sperm quality (and viability).

Unless a shorter time is specified, the uses of embryos that may be authorised by a licence may only be authorised for development up to 14 days (excluding any period during which development is suspended).

In no circumstances can any embryo be developed, outside the body of a woman, beyond 14 days.

Somatic cell nuclear transfer (SCNT) often known as 'therapeutic cloning' is permitted to be undertaken under licence by this bill. SCNT must not be confused with reproductive cloning. It is not about the creation of an embryo for reproduction. There is no merger of an egg and sperm.

SCNT is different from reproductive cloning. Reproductive cloning is cloning for the purpose of developing or making a human being. Reproductive cloning is prohibited by law and will remain prohibited under this bill.

SCNT involves an egg, unfertilised, with its nucleus removed and having the nucleus replaced by a somatic cell — for example, a skin cell. The resulting embryo clone is allowed to develop for up to 14 days before it is destroyed. The embryonic cellular entity is an intermediate step in the

conversion of a somatic cell to an embryonic stem cell; it does not involve sperm. If the nuclear transfer is successful, a process of cell division will begin. This will continue for four to seven days, at which time stem cells can be extracted. In allowing SCNT for the purposes of deriving stem cells, this bill permits therapeutic cloning, but it does not permit reproductive cloning.

The bill amends the definition of a human embryo to be consistent with the NHMRC definition and the definition in the 2006 commonwealth legislation which this bill mirrors.

The point at which a human embryo is defined to commence existence is the identification of the first mitotic division. It is necessary to extend the definition of an embryo to encompass those derived by a technological process such as SCNT rather than just those produced by fertilisation of an egg and sperm. The technique of SCNT does require access to eggs. This has raised legitimate concern regarding the potential for exploitation of women to gain access to eggs.

The Lockhart Review recommended the following regulations relating to donor egg collection:

current consent procedures for participation in medical research must apply to sperm, egg and embryo donors to ensure decisions are freely made;

the NHMRC should develop guidelines for egg donation.

These recommendations have been adopted by the commonwealth, and the NHMRC is already progressing these actions. This provides a balance between the need to protect women from exploitation with a way forward to provide women with the right to donate eggs if they wish to help medical research that may be of benefit to family and friends.

The sale of sperm, egg and embryos is prohibited under the Victorian Human Tissue Act 1982, and this will continue. Additionally, any advertising in Victoria for human tissue (including sperm and eggs) requires the signed approval of the Minister for Health.

The intent of the requirement to gain ministerial approval is to ensure that there is no coercion or commercial transactions involved in advertising for egg, sperm or embryo donations.

Additionally, women who donate eggs through an assisted reproductive technology program must, under the Infertility Treatment Act 1995, be provided with mandatory counselling by an approved counsellor (section 16). The topics to be covered in counselling are specified in the Infertility Treatment Regulations 1997 (section 7). These legislative provisions enable women access to independent advice, support and information prior to donation.

Victoria is internationally recognised as a leader in the field of assisted reproductive technology and the related field of embryo and biomedical research, particularly in stem cell research. We have several leading-edge research institutions specialising in this work based in Melbourne. With the financial and infrastructure support of both the Victorian and commonwealth governments we are in a position to further develop and refine applications of stem cell research for the greater public good and the development of treatments, therapies for debilitating diseases, many of which are currently incurable.

Our medical researchers are in general agreement that research into stem cells offers potential benefits to humanity and should be pursued. The reality is that it cannot yet be known which area of stem cell research will lead to the most productive discoveries; however, the promise of stem cells is great.

Our medical researchers hope to be able to use therapies derived from stem cells to treat a large number of diseases characterised by tissue degeneration. These include Parkinson's, Alzheimer's, stroke, burns, heart disease, spinal cord injuries, type 1 diabetes, arthritis, liver diseases and muscular dystrophies. This bill will increase the chances of this future success by allowing research on stem cells created by nuclear transfer to proceed in Victoria. The advances in this field are already significant. Regenerated cells derived from adult stem cells are already being used to treat leukaemia, lymphoma and several inherited blood diseases.

Government members of the house will be aware that this amending bill is subject to a conscience vote.

Members of the house will be aware that the Victorian Law Reform Commission (VLRC) is currently reviewing assisted reproduction and adoption legislation. While the final recommendations of the VLRC and the government's response to those recommendations are still to be formulated, it may be that further amendments to the Infertility Treatment Act are required, and the medical research provisions within the act may be excised and presented for consideration to Parliament as a separate stand-alone bill.

I believe that this bill strikes the right balance of responsible and ethical research progress as it explicitly prohibits practices that are abhorrent to the overwhelming majority of Australians but also allows research to proceed in an area that receives strong community support. It is hoped that the work to be permitted through this bill will lead to advancements in our ability to combat diseases that currently cause a great deal of suffering to many Australians.

I commend this bill to the house.

**Debate adjourned on motion of Mr D. DAVIS  
(Southern Metropolitan).**

**Debate adjourned until Thursday, 26 April.**

## **MAJOR EVENTS (AERIAL ADVERTISING) BILL**

### *Statement of compatibility*

**For Hon. T. C. THEOPHANOUS (Minister for Industry and State Development), Mr Lenders tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Major Events (Aerial Advertising) Bill 2007.

In my opinion, the Major Events (Aerial Advertising) Bill 2007, as introduced to the Legislative Council, is compatible

with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

### **Overview of the bill**

The purpose of the Major Events (Aerial Advertising) Bill 2007 is to prohibit aerial ambush marketing at major events in Victoria.

The bill requires commercial aerial advertising at specified events to be authorised, and makes it an offence to undertake unauthorised commercial aerial advertising in airspace within sight of the venues for those events.

The events which have been specified in the legislation are: the Boxing Day Test, the Australian Open Tennis Championships, the Australian Formula One Grand Prix, the Australian Motorcycle Grand Prix, the AFL Grand Final and specified race days during the Spring Racing Carnival. The bill provides that additional major events may be made subject to the legislation by Governor in Council Order.

Further, the bill provides civil remedies in relation to aerial ambush marketing, namely the ability for the state or event organisers to seek injunctions and for a person to take action for damages.

The objective of these criminal and civil measures is to ensure that Victoria can provide an attractive commercial environment for the sponsors and promoters of its major events, and can retain its competitive advantage in the major events industry.

The major events sector is a vital segment of the Victorian economy. Major events are estimated to generate an economic benefit to the state of over \$1 billion per year. They are also an important component of the government's strategy to promote Victoria as a place to live, work and do business.

The investment of sponsors is crucial to the viability of events. Sponsors invest significant sums of money in exchange for valuable marketing opportunities and high levels of exposure at events, in some cases including television coverage to millions of viewers around the world.

Aerial ambush marketing is an unfair practice that enables rival companies, which have not paid for sponsorship rights, effectively to take a 'free ride' and exploit these opportunities.

This undermines the value of the advertising rights bought by official event sponsors. As a result, there is a risk that sponsors could withdraw their support for future events, which would impact on event revenue streams, or that international rights holders could withdraw events from Victoria altogether.

Ultimately this would damage Victoria's reputation as Australia's leading host of major events.

The controls being imposed by the bill are designed to provide a strong deterrent to aerial ambush marketing at specified major events in Victoria. The controls only relate to aerial advertising of a commercial nature. Aerial advertising of a non-commercial nature — for example an individual making a personal statement that is not designed to sell or publicise goods or services — is not subject to the bill.

**Human rights issues**

**1. Human rights protected by the charter that are relevant to the bill**

The Major Events (Aerial Advertising) Bill 2007 makes it an offence to display commercial aerial advertising without authorisation.

The principal relevant right under the Charter of Human Rights and Responsibilities upon which the bill would have an impact is identified as:

s 15: Freedom of expression.

- (1) Every person has the right to hold an opinion without interference.
- (2) Every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria and whether —
  - (a) orally; or
  - (b) in writing; or
  - (c) in print; or
  - (d) by way of art; or
  - (e) in another medium chosen by him or her.
- (3) Special duties and responsibilities are attached to the right of freedom of expression and the right may be subject to lawful restrictions reasonably necessary —
  - (a) to respect the rights and reputation of other persons; or
  - (b) for the protection of national security, public order, public health or public morality.

An additional relevant right under the charter which was raised by the bill was identified as:

s 20: Property rights

A person must not be deprived of his or her property other than in accordance with law.

The bill is relevant to this human right to the extent that it enables authorised officers to apply to a magistrate for a search warrant to enter specified premises and to search for and seize items that are reasonably believed to be connected with an offence under the bill.

These powers are part of a comprehensive enforcement scheme set out in the bill. Their inclusion in the bill is necessary to ensure that authorised officers have the powers required to investigate and gather evidence relevant to suspected offences under the bill.

In any application for a warrant, an authorised officer must demonstrate the need to exercise these powers in specific circumstances and must exercise the powers in accordance with the directions of the Magistrates Court.

The requirement for powers of entry, search and seizure to be exercised with a warrant is intended to ensure that these powers are exercised with due process and restraint, and that deprivation of property in these circumstances is not arbitrary and is undertaken in accordance with law.

It is therefore considered that the human right relating to property as expressed in section 20 of the charter, while relevant to the bill and requiring consideration, is not limited, restricted or interfered with by the bill.

**2. Consideration of reasonable limitations — section 7(2)**

*(a) The nature of the right being limited*

The right to freedom of expression is often described as essential to the operation of a democracy. In particular, the right to freedom of expression enables people to participate in political debate, to share information and ideas which inform that debate and to expose errors in governance and the administration of justice. It is an important right in international law.

It is considered that the right to freedom of expression includes commercial advertising in the nature sought to be restricted by the bill. It is significant for the discussion in this statement, however, that the courts have historically afforded less protection to freedom of commercial expression than either political or artistic expression.

*(b) The importance of the purpose of the limitation*

The purpose of the limitation in the bill is to protect the commercial interests of legitimate sponsors from the unauthorised ambush advertising of their competitors. This is to ensure that Victoria's major events provide an attractive commercial environment for sponsors and promoters. This is considered to be an appropriately important purpose and objective to be protected by legislation in a modern, commercially competitive environment.

*(c) The nature and extent of the limitation*

The bill limits the ability of individuals to impart, seek and receive advertising information in airspace within sight of the venues of specified major events.

However, the bill only prohibits deliberate aerial ambush advertising of a commercial nature and does not seek to limit the rights of individuals making statements of a non-commercial nature.

The restrictions apply only to advertising within sight of specified major events on each day of the event. Further, they only apply within prescribed times, which are intended to minimise the duration of the restraint and yet provide reasonable and appropriate advertising opportunities for authorised advertisers and sponsors.

Under the bill it would be open to an individual wishing to engage in aerial advertising to purchase legitimate advertising opportunities within sight of the venue of the major event. That is, the bill only limits unauthorised aerial advertising and does not prevent an individual from pursuing other advertising opportunities.

*(d) The relationship between the limitation and its purpose*

It is considered that there is a rational and proportionate relationship between the limitations imposed by the bill and the purpose of the limitation.

This is because ambush advertising is generally undertaken by corporations and not individuals. In practical terms, this means that the limit on an individual's rights in the bill is largely a limit on their right to seek and receive alternative advertising information. Balanced against the important purpose of securing sponsorship at major events, these limits are rational and proportionate, particularly as individuals attending major events can readily access these alternative advertising messages in other forums.

*(e) Any less restrictive means reasonably available to achieve its purpose*

As previously stated, the nature and scope of the limits in this bill are designed to ensure that only commercial aerial advertising is restricted, and that the restriction only applies to advertising within sight of the venues of major events. Further, the limits only apply for a defined period of time which is designed to minimise the restrictions while still meeting the purpose of the legislation.

The bill makes unauthorised aerial advertising an indictable offence subject to significant penalties. The penalties are 400 penalty units for an individual and 2400 penalty units for a body corporate ((\$42 972 and \$257 832 respectively for the financial year commencing 1 July 2006).

It is considered that the penalties need to be substantial in order to provide a sufficient deterrent, and that they are proportionate when set against the potential damage to an event's commercial agreements, image and reputation.

Further, the penalty for an individual (as for a body corporate) is a maximum penalty and it would be open to the Court to impose a lesser penalty depending on the circumstances of the case.

In order to encourage and protect commercial sponsorship at major events in Victoria, a legislative response is considered to be a practical and reasonable response to ambush aerial advertising.

*(f) Any other relevant factors*

Ambush aerial advertising has the potential to undermine legitimate commercial sponsorship of major events and there are currently no other legal avenues available to prevent it in Victoria.

A similar legislative response has been adopted twice previously in Victoria: for the Melbourne 2006 Commonwealth Games and the 12th FINA World Championships in 2007.

**Conclusion**

I consider that the Major Events (Aerial Advertising) Bill 2007 is compatible with the Charter of Human Rights and Responsibilities because it does limit, restrict or interfere with a human right, being the right to freedom of expression under section 15 of the charter, but that limitation is reasonable and proportionate. This is in view of the important objective of the legislation, which is to encourage and protect commercial

sponsorship at major events in Victoria, and the measures in the bill to minimise the nature and scope of the restrictions, as detailed in this statement.

GAVIN JENNINGS, MLC  
Minister for Aboriginal Affairs

*Second reading***Ordered that second-reading speech be incorporated on motion of Mr LENDERS (Minister for Education).**

**Mr LENDERS (Minister for Education) — I move:**

That the bill be now read a second time.

**Incorporated speech as follows:**

Victoria is Australia's leading host of major events. The government recognises the importance of major events to the Victorian economy and is proud of this state's reputation as a host of major events that are the benchmark for the rest of the world.

The purpose of this bill is to prohibit aerial ambush marketing at major events in Victoria. This is in order to preserve an attractive commercial environment for our events and protect Victoria's competitive advantage in the major events market.

Victoria has previously legislated to prohibit aerial ambush marketing at the Melbourne 2006 Commonwealth Games and the 12th FINA World Championships.

This bill will place a similar prohibition for other major events in Victoria, and will also allow the state and event organisers to pursue civil remedies. The aim is to provide the strongest possible deterrent to aerial ambush marketing at our major events.

Ambush marketing involves the exploitation of events by rival non-sponsor companies, either by suggesting an association with an event where none exists or by intruding at an event through the display of unauthorised advertising. There are currently no legal avenues available in Victoria to prevent ambush marketing in airspace in the vicinity of major events.

The issue of aerial ambush marketing gained prominence around Australia last year with the arrival of the Holden Airship, which appeared at the 2006 AFL Grand Final and is visiting events around the country.

Event organisers are heavily dependent on sponsorship. Ambush marketing threatens not only the financial viability of their events, but potentially their ability to schedule events in Victoria, particularly in the face of fierce competition from other states and nations.

Peak sporting organisations including Cricket Australia, Tennis Australia and Racing Victoria have written to the government seeking protection for their events, and the issue has been raised with state governments around Australia. Other jurisdictions including New Zealand and Queensland have recently proposed or introduced legislation to ban aerial ambush marketing at their events.

This issue is of particular concern in Victoria. We have a prestigious calendar of major events including the Boxing Day Test, the Australian Open, the AFL Grand Final and the Australian Formula One Grand Prix, to name just a few.

These events — as well as our program of one-off events — bring enormous economic and social benefits to this state, contributing over \$1 billion each year to the Victorian economy.

The investment made by sponsors is absolutely vital to the financial viability of these events. Sponsors pour millions of dollars into major events to enhance awareness of their brands, in some cases via television coverage to millions of viewers around the world.

In return, event organisers provide exclusive advertising opportunities for their sponsors and are expected to make reasonable efforts to prevent ambush marketing. Where they have entered into agreements with international rights holders, those agreements require them to provide advertising opportunities to certain stakeholders.

Ambush marketers choose to exploit these valuable marketing opportunities without paying for them, in essence taking a 'free ride'. This not only undermines the value of the advertising rights purchased by official sponsors but puts event organisers at risk of being unable to retain or renew their agreements with sponsors and rights holders.

If no action is taken, the risk for Victoria is that sponsors could withdraw their support for future events, which would have a serious impact on event revenue streams. Further, international rights holders could decide not to bring their events back. These outcomes would clearly damage Victoria's reputation as a leader in the major events industry.

If Victoria is to continue to build on its highly successful investment in major events, we need to take decisive legislative action.

I turn now to key areas of the bill.

#### **Declaration of events**

Some of Victoria's most high-profile major events have been specified in the bill to give them immediate protection. These events, set out in clause 3 of the bill, are the Boxing Day Test, the Australian Open Tennis Championships, the Australian Formula One Grand Prix, the Australian Motorcycle Grand Prix, the AFL Grand Final, the Caulfield Cup, the Cox Plate and the four days of the Melbourne Cup Carnival at Flemington Racecourse.

The bill specifies the venues and the event organisers for each of these events. To minimise impacts on the aerial advertising industry, the bill also specifies the precise times of the day during which the bill will apply.

To enable other major events, including one-off national or international events, to be brought under the jurisdiction of the legislation if necessary, clause 4 enables additional major events to be declared by means of an event order made by the Governor in Council on the recommendation of the minister and published in the *Government Gazette*.

In making a recommendation, the minister must be satisfied that the event is a major event at the international or national

level and that its commercial arrangements and operations would be adversely affected by aerial ambush marketing.

Should a venue, time or event organiser specified in the bill or in an event order need to change for any reason, clause 5 enables the relevant details to be altered by means of a variation order made by the Governor in Council on the recommendation of the minister and published in the *Government Gazette*.

#### **Control of aerial advertising**

Part 3 of the bill establishes an authorisation process for aerial advertising within sight of the venues of specified events and makes it an indictable offence to display unauthorised aerial advertising within sight of those venues.

It is important to note that these controls only relate to aerial advertising of a commercial nature. Non-commercial aerial advertising — for example, an individual displaying a personal statement not intended to sell or publicise goods or services — will not be subject to the bill.

Authorisations to display commercial aerial advertising may be issued by the Secretary of the Department for Victorian Communities if the advertising in question would not adversely affect the commercial arrangements or conduct of an event. The secretary may delegate this authorisation power to a public service executive or a statutory body established for a public purpose, such as the Australian Grand Prix Corporation. The relevant event organiser must be consulted before any authorisation is issued.

Clause 10 of the bill sets significant penalties for the offence of displaying unauthorised aerial advertising. These penalties are 400 penalty units for an individual and 2400 penalty units for a corporation. The penalties are intended to provide a strong level of deterrence, particularly to large corporations, and are considered reasonable when set against the potential damage to an event's commercial agreements, image and reputation.

The offence provision will not apply to emergency services aircraft or aircraft gathering footage for news and current affairs purposes, which are specifically exempted under clause 10. It should also be noted that, under the definition of 'aerial advertising' in the bill, commercial airlines or charter flight operators displaying their normal livery and undertaking their regular flights will not be subject to the controls established by the bill. Hot-air balloon operators undertaking early morning scenic flights will also effectively be excluded by virtue of the fact that their flights conclude by 9.00 a.m., before the restrictions of the bill commence on the day of an event.

#### **Civil remedies**

In addition to the offence regime, part 4 of the bill enables the state and event organisers to seek injunctions, and enables any person suffering loss, injury or damage as a result of unauthorised aerial advertising to take action for damages. The inclusion of these civil remedies will provide event organisers in particular with a greater range of options in responding to the problem of aerial ambush marketing and will boost the deterrent effect of the legislation.

**Enforcement**

It is intended that authorised officers will enforce the offence provisions of this bill. Part 5 of the bill enables the secretary to appoint authorised officers who have appropriate skills and experience. Part 5 also outlines their inspection powers, including powers under warrant to enter specified premises and to search for and seize items reasonably believed to be connected with an offence under the bill. Part 6 of the bill enables the secretary or a person authorised by the secretary to bring proceedings.

Finally, part 7 makes relevant amendments to other acts, including an amendment to the Magistrates' Court Act 1989 to enable the indictable offence under clause 10 to be tried summarily in the Magistrates Court.

Aerial ambush marketing has the potential to undermine legitimate commercial sponsorship of major events and to damage Victoria's ability to retain existing events and win new events. The measures presented in this bill provide an effective regime to deter aerial ambush marketers and to put a stop to this unfair and unwelcome practice.

I commend the bill to the house.

**Debate adjourned for Ms LOVELL (Northern Victoria) on motion of Mr Dalla-Riva.**

**Debate adjourned until Thursday, 26 April.**

**DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REPEAL OF PART X) BILL***Statement of compatibility***For Mr JENNINGS (Minister for Community Services), Mr Lenders tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Drugs, Poisons and Controlled Substances (Repeal of Part X) (Amendment) Bill 2007.

In my opinion, the Drugs, Poisons and Controlled Substances (Repeal of Part X) (Amendment) Bill 2007, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

**Overview of the bill**

The bill amends the Drugs, Poisons and Controlled Substances Act 1981 by repealing part X. This will result in the closure of the Drug Rehabilitation and Research Fund.

Upon the closure of the fund, revenue from fines collected in relation to drug-related crimes will be redirected to consolidated revenue. A future appropriation adjustment will ensure that the various programs and projects funded by the Drug Rehabilitation and Research Fund will continue.

There will be no change to the powers that enable fines in relation to drug-related crime to be imposed and collected, and there will be no change to the types of drug education and prevention projects and programs funded by the collection of these fines.

**Human rights issues****1. Human rights protected by the charter that are relevant to the bill**

The bill has no human rights impacts.

**2. Consideration of reasonable limitations — section 7(2)**

As the bill has no impact on human rights it is not necessary to consider section 7(2) of the charter.

**Conclusion**

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise a human rights issue.

Gavin Jennings, MLC  
Minister for Community Services

*Second reading***Ordered that second-reading speech be incorporated on motion of Mr LENDERS (Minister for Education).**

**Mr LENDERS** (Minister for Education) — I move:

That the bill be now read a second time.

**Incorporated speech as follows:**

This substantive provision in the bill contains an amendment to the Drugs, Poisons and Controlled Substances Act 1981.

The bill repeals part X of the Drugs, Poisons and Controlled Substances Act 1981. The proposed amendments will result in the closure of the Drug Rehabilitation and Research Fund and provide for the transfer of all money standing to the credit of that fund to the Consolidated Fund.

The bill also repeals spent transitional provisions in the Confiscations Act 1997 related to the Drug Rehabilitation and Research Fund, as well as making a statute law revision amendment to the Drugs, Poisons and Controlled Substances (Amendment) Act 2006.

The amendments are to be effective from 1 July 2007 and will result in revenue from all fines collected in relation to drug related crimes flowing to the Consolidated Fund instead of the Drug Rehabilitation and Research Fund.

Funds from the Drug Rehabilitation and Research Fund have been allocated each year to a range of drug education and prevention initiatives, such as the School Rock Eisteddfod, and Mirabel Child/Parent Services. The proposed amendment will result in an administrative change and will not affect the revenue from fines collected or the level of funding allocated to drug education and prevention programs.

An appropriation adjustment will take effect from 1 July 2007 in respect of the closure of the Drug Rehabilitation and Research Fund to provide ongoing funding for commitments currently funded from the Drug Rehabilitation and Research Fund.

I commend the bill to the house.

**Debate adjourned on motion of Mr D. DAVIS (Southern Metropolitan).**

**Debate adjourned until Thursday, 26 April.**

**LEGAL PROFESSION AMENDMENT BILL**

*Statement of compatibility*

**Hon. J. M. MADDEN (Minister for Planning) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Legal Profession Amendment Bill 2007.

In my opinion, the Legal Profession Amendment Bill 2007, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

**Overview of bill**

The bill amends the Legal Profession Act 2004 to enact national model provisions agreed by the Standing Committee of Attorneys-General for the regulation of the legal profession. The provisions improve the rights of consumers of legal services as well as ensuring that the regulation of the legal profession is consistent with other Australian jurisdictions.

**Human rights issues**

**1. Human rights protected by the charter that are relevant to the bill**

Section 13: Privacy and reputation

A person has the right:

- (a) not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and
- (b) not to have his or her reputation unlawfully attacked.

Clause 70 of the bill substitutes a new section 5.6.6 into the principal act. This new provision raises the right not to have privacy unlawfully or arbitrarily interfered with.

The provision will require 'authorised deposit-taking institutions' (ADIs) to disclose to an external intervener the bank account details of associates of law practices and third parties. An external intervener may be appointed by either the Supreme Court or the Legal Services Board to intervene in a law practice where there are serious issues of financial mismanagement. The external intervener may require access

to bank account details held by an ADI in the course of conducting their investigation. This may have implications for the privacy of the associates of a law practice and, in limited circumstances, third parties who are not associates of the law practice.

Whilst it is relevant to consider the human right relating to privacy, the provision is not considered to unlawfully or arbitrarily interfere with the right because of the criteria set out in the new section, namely:

the ADI does not have to disclose the information to the external intervener unless the intervener produces evidence of their appointment;

there are additional criteria for requiring disclosure of a third party's bank account details. This is that the external intervener has reasonable grounds to believe that trust money has, without the authorisation of the person who entrusted the money to the law practice, been deposited into the account of the third party.

Consequently, the bill is compatible with the right to privacy.

**2. Consideration of reasonable limitations**

The bill does not limit any human right and therefore it is not necessary to consider section 7(2) of the charter.

**Conclusion**

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it raises human rights issues but does not limit human rights.

JUSTIN MADDEN, MLC

*Second reading*

**Ordered that second-reading speech be incorporated on motion of Hon. J. M. MADDEN (Minister for Planning).**

**Hon. J. M. MADDEN (Minister for Planning) — I move:**

That the bill be now read a second time.

**Incorporated speech as follows:**

The legal profession plays a crucial role in the way that justice and the rule of law are delivered and perceived in Victoria. The Bracks government is committed to ensuring that the regulatory framework governing the legal profession continues to hold practitioners to high professional and ethical standards and provides consumers with protection and redress against those members of the legal profession who do not meet those standards.

Through the Standing Committee of Attorneys-General, Victoria has played a key role in the national legal profession project. This major initiative has been driven by the need to respond to changes in the legal services market in Australia to ensure that we have a modern, consumer-friendly regulatory framework for the legal profession.

To that end, the government enacted the Legal Profession Act in December 2004. This act was a major milestone in

Victoria's contribution to the creation of a national regulatory framework for legal practitioners across Australia.

### **National model amendments**

It is fair to say that the national reform of the legal profession has been a work in progress over a number of years. It has been necessary to introduce the myriad of changes in stages. A first national model bill was agreed by all the partners to this project in 2004. Further amendments to that bill were necessary and a second model bill was agreed in mid 2006. This bill amends the Legal Profession Act 2004 to maintain uniformity with the updated national model. Like Victoria, all other jurisdictions have been working steadily towards implementing the updated model bill and the national framework is expected to be fully operational by the end of 2007.

### **Other amendments**

Since the current act commenced in December 2005, ways of improving and finetuning the Victorian legislation have been identified in consultation with the Victorian legal profession and the statutory bodies charged with regulating the profession. This bill implements a number of those improvements and I thank the profession and our local regulators for their ongoing commitment to the improvement of regulatory standards in Victoria.

I shall now turn to the most significant amendments in the bill.

### **National practice**

The facilitation of a national legal profession was the main aim of the states and territories in developing a national model bill. Many clients' legal problems cross borders and thus many law firms and legal practitioners work across borders. Legal practice by Australian legal practitioners is dealt with in part 4 of chapter 2 of the act. An amendment will be made to remove the requirement that an interstate practitioner must give notice to the Legal Services Board about their practice within 28 days of establishing an office in Victoria. Notice will only be required to be given if a practitioner becomes authorised to withdraw trust money in any jurisdiction in which they practise. This will reduce the regulatory burden on law firms that work across jurisdictions for short periods of time.

Government lawyers are also an important part of the legal system and increasingly they also work on matters that cross jurisdictions. An amendment to the act will increase the ability of government lawyers to work in this way.

Amendments will be made to the interjurisdictional provisions to clarify that a legal practitioner is required to advise a local regulatory authority of any orders made interstate affecting their practising certificate and any disciplinary action taken against them overseas. The amendments will also clarify the information sharing arrangements between Victorian legal profession regulators and other types of regulatory bodies in other jurisdictions, such as the Australian Securities and Investment Commission. This will allow the Legal Services Board to make better informed decisions about whether a legal practitioner is fit to practise in Victoria.

### **Foreign lawyers**

Part 8 of chapter 2 of the act governs legal practice by foreign lawyers. Amendments will be made to relax the registration requirements for foreign lawyers who do not practise regularly in Victoria. Foreign lawyers will be able to practise foreign law in Victoria without the administrative burden of having to register, unless they practise for more than 90 days in any 12-month period, or they become a partner or director of a local law practice. This will reduce the regulatory burden on foreign lawyers who for example work on international trade and business matters on a short-term basis.

For those foreign lawyers who are required to register, the act will be amended to clarify the trigger events that can lead to a foreign lawyer's registration being amended, suspended or cancelled. Foreign lawyers will be required to notify the Legal Services Board of any regulatory action taken against them in their home jurisdiction. This measure will allow the board to use a wider range of information on which to make decisions as to whether or not a foreign lawyer should be allowed to practise foreign law in Victoria.

### **Trust money**

Having rigorous standards for how the legal profession deal with money entrusted to them is of the utmost importance and is still an area where some members of the legal profession fail to fulfil the standards required of them. Trust money and trust accounts are dealt with in part 3 of chapter 3 of the act. This is an area where the model bill requires all jurisdictions to adopt uniform provisions and several significant changes have been made since the first version of the model bill was settled.

Amendments include an explicit prohibition on law firms dealing with clients' money by way of cash withdrawals, ATMs or telephone banking. Stiff penalties will apply for any law firms that do not comply. The trust money amendments also clarify how the provisions apply to incorporated legal practices and multidisciplinary practices, which are relatively new forms of business structures for law firms and require specific provisions dealing with these entities.

### **Costs**

#### *Costs review*

Disputes about the bill for legal costs are a common area of contention between consumers and legal practitioners. It is an issue that can be fraught with miscommunication and misunderstandings. For this reason it is important to ensure that consumers are properly informed about the costs of using a lawyer, and that there are appropriate independent avenues for resolving disputes between clients and legal practitioners about costs. The bill includes a significant amendment to the procedure for having a bill of costs reviewed by the taxing master in the Supreme Court. This includes extending the time for a client to apply for a costs review from 60 days to 12 months, with a provision allowing out-of-time applications to be considered by the Supreme Court in special circumstances.

#### *Third party payers — costs disclosure and costs review*

These rights will also be extended to a person who is liable to pay the legal costs but is not themselves the client of the law practice. These people will be defined as 'third party payers' through a new definition in the act. For example, in some

cases borrowers are required to pay the legal costs of the lender in the preparation of mortgage documents. The amendment will give such borrowers the option to have the lender's legal costs reviewed if they believe they are too expensive.

The bill also includes amendments to extend costs disclosure to these 'third party payers'. One circumstance where this might arise is where parents pay for the legal fees in a matter in which their child is the client of the law practice.

#### *Interest on unpaid costs*

The act will be amended to introduce a national benchmark rate of interest that law firms can charge clients who do not pay their bill on time. The rate of interest will be prescribed in regulations by reference to the Reserve Bank of Australia cash rate target.

#### **Other clauses**

The remainder of the bill makes a range of other minor definitional or machinery amendments to enhance the operation of the current legislation and achieve greater uniformity with other jurisdictions.

I commend the bill to the house.

**Debate adjourned on motion of  
Mr RICH-PHILLIPS (South Eastern  
Metropolitan).**

**Debate adjourned until Thursday, 26 April.**

## ROAD LEGISLATION AMENDMENT BILL

### *Statement of compatibility*

**For Hon. T. C. THEOPHANOUS (Minister for Industry and State Development), Mr Lenders tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Road Legislation Amendment Bill 2007.

In my opinion the Road Legislation Amendment Bill 2007, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview of the bill**

The bill makes a technical amendment to the definition of 'trip' in the East Link Project Act 2004 to reflect the tolling technology and changes to the Melbourne CityLink Act 1995 to support interoperability. It also extends the area in respect of which the Southern and Eastern Integrated Transport Authority is a 'referral authority'.

The bill makes technical amendments to the process for nominations for 'owner onus' offences, to replace the requirement for a sworn statement or statutory declaration with a simpler statement requirement.

#### **Human rights issues**

##### **1. Human rights protected by the charter that are relevant to the bill**

The bill does not affect any human rights protected by the charter.

##### **2. Consideration of reasonable limitations — section 7(2)**

The bill does not impose any restrictions on human rights protected by the charter.

#### **Conclusion**

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not limit, restrict or interfere with any human rights protected by the charter.

Theo Theophanous, MP  
Minister for Major Projects

### *Second reading*

**Ordered that second-reading speech be incorporated on motion of Mr LENDERS (Minister for Education).**

**Mr LENDERS (Minister for Education) — I move:**

That the bill be now read a second time.

#### **Incorporated speech as follows:**

This bill makes a number of important amendments to facilitate the delivery of the EastLink project and the operation of operator onus vehicle offences.

#### **EastLink tolling**

The proposed changes to the EastLink Project Act 2004 will facilitate tolling and interoperability, as well as make a number of other improvements to the act.

The bill amends the definition of 'trip' in the EastLink Project Act 2004 to ensure that the EastLink tolling system can be operated consistently with the legislation. Section 2 of the EastLink Project Act 2004 presently defines a trip as a journey on EastLink 'uninterrupted' by entry or exit. This definition will not be effective as the toll gantries will not be placed at entry and exit points: it will therefore not be possible to determine conclusively whether a 'trip' as currently defined has occurred. A new definition will be substituted which provides certainty.

A 'trip' will now consist of any amount of travel in one direction on EastLink that occurs within the space of 1 hour, without repeating any toll zone. The time for a journey along the entire length of EastLink is approximately 25 minutes. This allows customers to either make several short journeys, or enable breaks to be taken during a longer journey which will still result in the customer being tolled for just one trip. Many more customers will gain the benefit of having their toll charges limited by the toll cap and from minimising the use of trip passes.

**EastLink interoperability**

The bill also makes amendments to the Melbourne City Link Act 1995 to facilitate interoperability between EastLink and CityLink.

Interoperability permits the customer of one toll road to use other toll roads without making arrangements with other toll road operators (such as opening an account or purchasing a pass). It also means that a vehicle only needs to carry one electronic tag, anywhere in Australia. The customer is billed for usage of all 'interoperable' toll roads by the tollway operator with whom he or she has an account relationship. This is underpinned by arrangements between the tollway operators.

The EastLink Project Act 2004 and the EastLink project concession deed, which facilitated the EastLink project, made express legislative provision for the customers of other tollway operators to use EastLink interoperably. By contrast, the Melbourne City Link Act 1995 supports the interoperability of CityLink and interstate toll roads, but not with other Victorian toll roads.

The bill amends the Melbourne City Link Act 1995 to enable CityLink interoperability with EastLink, but providing that the interoperable arrangements will only come into effect once EastLink and CityLink enter into an agreement dealing with interoperability.

This amendment reflects the commercial reality that the interoperable arrangements will only be effective once EastLink and CityLink enter into an agreement regarding interoperability. A standard provision in an interoperable arrangement, often called a roaming agreement, is for the payment of a fee called the roaming fee. This fee is not payable by the customers of toll roads but is paid by one toll road operator to another. It represents reimbursement primarily for the cost and effort involved in collecting tolls from its own customers on behalf of another toll road operator.

In order to ensure that CityLink is reimbursed for the fair cost of upgrading its systems to provide for interoperability, the Melbourne City Link Act 1995 will be amended to provide that the roaming fee recoverable by CityLink from EastLink (for the use of EastLink by CityLink account customers) must not exceed the net incremental marginal cost of providing that service. The bill assists in the determination of the roaming fee by enabling the Secretary of the Department of Infrastructure to publish guidelines in the *Government Gazette* to facilitate the calculation of the net incremental marginal cost. If guidelines are not published, the concessionaires for EastLink and CityLink may simply agree on a roaming fee that does not exceed the net incremental marginal cost.

One other provision that is inserted by this bill is to make the Southern and Eastern Integrated Transport Authority a referral authority under the Planning and Environment Act 1987 for certain areas adjoining the EastLink extended project area (for which the authority is already a referral authority). This provision exists primarily to ensure that the authority is informed of any significant developments in sensitive areas such as those overlying or near the tunnels.

**Operator onus**

The bill makes several amendments designed to improve enforcement of vehicle-use offences where the identity of the driver is not established at the time the offence is detected.

With such offences, effective enforcement of road laws depends, in the first instance, on the vehicle registration system and, if necessary, on information that is then provided by vehicle operators to identify the person responsible for the offence.

To this end, the bill amends the existing 'owner onus' provisions of the Road Safety Act 1986 and the Melbourne City Link Act 1995 which deal with liability for traffic camera, parking and tolling offences.

Under these owner-onus laws, a vehicle owner may avoid liability by making a statutory declaration or a sworn statement. Making a false statutory declaration or false sworn statement amounts to the crime of perjury under the Crimes Act 1958. This can attract a penalty which is disproportionate to the seriousness of the offence in relation to vehicle-use offences.

These owner-onus provisions are due to be superseded on 1 July 2007 by new 'operator onus' laws passed by Parliament last year. Under those new operator-onus laws, statutory declarations will be replaced with simple written statements, such as in a letter. It will be an offence to knowingly provide false or misleading information in a statement made in relation to a vehicle-use offence.

This bill will bring the nomination process under the current owner-onus laws into alignment with the new procedure to commence from 1 July. This means that people who make false statements under the existing laws to evade responsibility for vehicle-related offences would not be charged with perjury but with a new summary offence carrying a lesser penalty. These amendments will also facilitate the administrative transition from the old to the new systems by enabling simple statements to be used for all offences, irrespective of the date of the offence.

The bill also amends the new operator-onus provisions to provide for extensions of time to bring prosecutions whenever responsibility for a vehicle-related offence is transferred to a new person.

The bill also amends the provisions of the Road Safety Act 1986 dealing with traffic safety cameras, where the vehicle detected by a device is a trailer or motor vehicle that is being towed by another motor vehicle.

The new operator-onus laws already allow for responsibility for such an offence to be transferred by the operator of the towed vehicle to the operator of the towing vehicle. For example, the owner of a semitrailer that is detected in a speeding offence could nominate the owner of the prime mover as the person responsible for the offence.

The purpose of the amendments is to complement those laws. They should ensure that evidence collected in relation to the towed vehicle can also be used where appropriate to prosecute the person responsible for the towing vehicle. Provisions in the bill are designed to prevent double jeopardy.

I commend the bill to the house.

**Debate adjourned for Mr KOCH (Western Victoria) on motion of Mr Dalla-Riva.**

**Debate adjourned until Thursday, 26 April.**

## ADJOURNMENT

**Mr LENDERS** (Minister for Education) — I move:

That the house do now adjourn.

### **Kew Residential Services: site development**

**Mr D. DAVIS** (Southern Metropolitan) — The matter I raise in the adjournment debate tonight is for the attention of the Minister for Major Projects, the Honourable Theo Theophanous. It concerns the controversial government project at the Kew Residential Services site. Members of this chamber and people elsewhere understand that that site in Boroondara is very significant. It has 27 hectares of important parkland, and obviously it is home to a number of important people.

The government has gone forward with its development of that site against bitter local community opposition, which fought its position in a very public way. There is a density of project development that few in the Boroondara community and few in the proximate area support. At the same time as the government has gone forward with development, despite this opposition, it has tendered out the development of the site. There has been a sale by the successful tenderer, Walker Corporation, to another group called Mirvac. Mirvac has excavated the site and is in the first stages of its development.

A number of incidents have occurred there. Tree roots, discovered during the excavation, belong to very important, large and valuable trees. The Minister for Planning is nodding. I am sure he has come across some details of this matter on his desk. Heritage Victoria has been called in to investigate breaches of permits and other legal rules that have been involved in this process. The minister may wish to add some information about what the Minister for Major Projects will do to ensure that the proper protections are in place.

This is a shared responsibility between the Minister for Planning and the Minister for Major Projects. The Minister for Major Projects is responsible for the actual development of the site, but many of the rules that surround this matter relate to the responsibilities of the Minister for Planning or sections of his department.

I also make the point in passing that the site was subject to the assistance of Mr Graham Richardson from New South Wales who flew down prior to the state election. He held meetings with Bracks government officials. The Premier and others have not been forthcoming about these meetings. I give credit to the Minister for Major Projects because at least he has owned up to being one of the people who met with Mr Graham Richardson when Mr Richardson was making lobbying efforts in Victoria.

I therefore ask: what steps will the Minister for Major Projects and perhaps other ministers take to guarantee that permit conditions are held up?

### **Odyssey House: funding**

**Mr DRUM** (Northern Victoria) — My adjournment matter is directed to the Minister for Health in the other place. Since 1979 the organisation Odyssey House has helped many thousands of Victorians, many of whom are young men and women who have been helped to restart their lives after suffering drug or alcohol addictions.

Odyssey House is one of the most respected and effective rehabilitative organisations in the world. Thousands of Victorians who are now enjoying productive lives are a testament to the work of Odyssey House. This magnificent organisation has been prevented from achieving its full potential and from meeting the needs of our community because of a lack of commitment from the government. Odyssey House runs rehabilitation facilities and shopfront office services in Richmond, Lower Plenty and, more recently, Molyullah near Benalla.

The organisation is trying to cope with a \$5000 per bed funding shortfall. It costs \$40 000 a year to maintain each drug and rehabilitation bed, which, on average, helps four people a year. At the moment most of the funding of the beds comes from the federal government. The clients themselves contribute \$100 per week, but there is still a \$5000 shortfall per bed.

This means that Odyssey House in Molyullah can only operate for eight months of the year before its funding runs out. This magnificent service near Benalla is fully booked and has 17 people on its waiting list. It has 12 beds, which means the organisation's annual shortfall is \$60 000. That is not a bad deal for the Victorian government — if it gave \$60 000, it could help put 17 young country Victorians back on track to start rebuilding their lives.

I urge the government to show it cares about getting people back on track and onto the straight and narrow. The government should meet the shortfall of an organisation that is willing to take much-needed rehabilitation services to the country. The shortfall is happening at a time when the government is centralising a lot of its internal revenue that has been derived from assets. It is important that the government realises that this is an opportunity to do some good; it should take the opportunity because relevant legislation is coming through this chamber in the next sitting week.

### **King Street, Doncaster: upgrade**

**Mr TEE** (Eastern Metropolitan) — I seek the support of the Minister for Roads and Ports, Mr Tim Pallas, in the other place, for improvements to King Street in my electorate. In particular I ask him to meet with VicRoads to examine whether support can be made available to improve this important road.

King Street is the main street in my electorate. About 12 000 cars use the street each day. I acknowledge the efforts that the government has already made with King Street: this includes some \$600 000 for traffic lights and \$400 000 for improvements to bus access.

**An honourable member** — Where is it?

**Mr TEE** — It is in Doncaster. But it is clear that more needs to be done to bring this important road up to the high standards that Victorians have come to expect from the Bracks government. These high standards are already clearly visible on a number of nearby streets such as Thompsons Road.

At the beginning of this month I was pleased that Mr Pakula, in his capacity as Parliamentary Secretary for Transport, inspected King Street, for which I thank him; I also thank him for his ongoing interest in this matter. The site visit was attended by the chair of the King Street Residents Action Group, Mr Ted Parker, and me. Through Mr Parker the group identified a number of areas of concern with the road which include the need for additional traffic lights, resurfacing, and improvements to bus access.

King Street is an important local road which allows people to travel to their work, home, shops and friends and participate in local community activities. Therefore I urge the Minister for Major Projects to meet with VicRoads to see if support can be found to further improve this important local road.

### **Water: irrigators**

**Ms LOVELL** (Northern Victoria) — I wish to raise a matter with the Minister for Water, Environment and Climate Change in another place regarding today's release of a report which has predicted zero water allocations to irrigators in the Murray–Darling Basin for the 2007–08 season unless there is significant rainfall in the next month. The report states:

Unless there are very substantial inflows prior to mid-May 2007 there will be insufficient water available to allow any allocation at the commencement of the 2007–2008 water year for irrigation, the environment or any purposes other than critical urban supplies.

This is unprecedented, and the Bracks government must immediately recognise the severity and urgency of the situation and waive all fixed water charges for water not received. It must also push back the deferred payments from the 2006–07 season. Through waiving fixed water charges some of the pressures on irrigators would be alleviated. Pushing back the deferred payments from the 2006–07 season would mean irrigators will not be facing the double whammy of debts and zero allocations. Our irrigators have faced 10 years of drought and have been subject to severe frosts, hail and other freak weather events such as mini tornadoes. Farmers, including those in the horticultural, dairying and cropping industries, are on their knees but still have to pay the Bracks government for water they do not receive. That is just another kick in the guts for them.

The federal government is supplying exceptional circumstances (EC) funding to our irrigators in northern Victoria. The federal EC funding is integral to providing crucial household support to farmers. The EC payments should be putting food on the table and not being used to pay the Bracks government for water it cannot deliver. Without state government support there is a strong prospect that many of our farmers will simply walk off their land and that that land may never be used for farming again.

The action I seek is for the minister to immediately announce that the government will waive all fixed fees and defer its flawed repayment scheme from last year to allow farmers the time to plan for what may well be the worst irrigation season Victoria has faced since irrigation began in the 1800s.

### **West Gate punt: service**

**Ms HARTLAND** (Western Metropolitan) — My adjournment matter is for the Minister for Roads and Ports in the other place. The West Gate commuter punt

is a small bicycle and pedestrian ferry that crosses the Yarra under the West Gate Bridge, leaving from Scienceworks at Spotswood and going to Fishermans Bend. Currently it only operates from 9.00 a.m. to 5.00 p.m. on weekends.

A trial of the punt as a commuter service in peak hours was completed in 2005. It was a really successful trial despite the lack of advertising. Since then commuter cyclist numbers have increased due to the woeful state of public transport in the western suburbs. Eleven hundred people signed a petition asking for a commuter service to be returned.

It is an important service as it allows cyclists to ride safely. The only alternative bike routes are along major trucking routes such as Whitehall Street, Francis Street and Somerville Road. These streets are filled with trucks every single day, and unfortunately in seven years the Bracks government has done very little to try to alleviate the problem. I ask the minister to support the return of the punt commuter service.

### **St Georges Road, Northcote: roundabout**

**Mr ELASMAR** (Northern Metropolitan) — I raise a matter for the Minister for Roads and Ports in the other place, Mr Pallas, concerning the roundabout on St Georges Road, Northcote, in my electorate. I call on the minister to commission a report from VicRoads on how the safety of this intersection may be improved. The roundabout is at the intersection of St Georges Road, Charles Street, Elizabeth Street and Merri Parade. It is well-known to my constituents and to north-south commuters using the road.

The intersection of these busy roads is unsafe, with a mix of trains, pedestrians, bike riders, cars, trucks and buses going at least eight different ways. I have travelled along St Georges Road for decades and at firsthand have observed this dangerous junction. As a local I have spoken to people who use the intersection, and I believe it is an ongoing problem that has been raised often, both by constituents and the local newspapers, particularly during my days as a councillor with the City of Darebin.

I often see people who are not from the local area who are unsure of what to do after entering the intersection. They hesitate, they look about, they move forward and they move back, and quite often you see near misses take place. I know that an upgrade to the intersection occurred some time ago, but that upgrade did not make it safe enough; more needs to be done.

The first step is to begin by asking VicRoads to produce a report. It is a busy roundabout that presents us with a complex range of problems. Many suggestions have been made, including traffic lights, changing the configuration of the roads, bike paths and better signage, which should be considered. In conclusion, I hope the minister can take action to ensure that the interests of commuters and my residents are looked after.

### **Weeds: control**

**Mr VOGELS** (Western Victoria) — I raise an issue for the Minister for Water, Environment and Climate Change in the other place, Mr Thwaites. It concerns those people who were prosecuted for not controlling roadside weeds. I refer specifically to Mr Allan Stephens from Allendale in south-west Victoria, but there must be hundreds of land-holders in the same boat. Mr Stephens, an invalid pensioner, was taken to court and fined for not controlling gorse, a reasonably controlled weed, on his adjacent roadside. The sum total, including fines, clearing of weeds, legal costs et cetera, was \$7286.50.

It now turns out that the land-holders were never responsible for controlling roadside weeds, but the legislation was poorly drafted back in the early 1990s. In other words councils and Victorian government departments have spent the past 13 years using flawed legislation to force farmers to control roadside weeds. It is my understanding that this flawed legislation was discovered due to the introduction and passing of the Road Management Bill. It now appears that local government, not land-holders, is and always was responsible for the management and control of roadside weeds. I therefore believe the state government has a moral responsibility to make restitution and overturn the convictions of those land-holders prosecuted for failing to control roadside weeds under this flawed legislation.

The action I seek from the minister is to clarify once and for all who was in control of maintaining roadside weeds — the state or local government — and to recompense land-holders for costs incurred due to being prosecuted by state or local government authorities.

### **Euroa Memorial Recreation Reserve: upgrade**

**Ms BROAD** (Northern Victoria) — My adjournment matter is for the Minister for Sport, Recreation and Youth Affairs in the other place. The action I seek is for the minister to advise me when funding will be provided for upgrading toilet facilities at the Euroa Memorial Recreation Reserve.

I was very pleased to visit the Euroa recreation reserve in November last year together with Mr Paul Rieusset and Mr Robert Mitchell to inspect improvements to the reserve, including netball court resurfacing and new lighting towers funded by the Bracks government and to see firsthand the need for an upgrade of the toilet facilities. As a result of that visit I am pleased to say that the Bracks government made a commitment that if it were re-elected, a contribution of \$50 000 would be made towards repairing the toilet facilities and bringing them up to a suitable standard. More recently, over the Easter weekend the Euroa recreation reserve was in the fortunate position of hosting the Euroa Magpies versus Mansfield round 1 match of the Goulburn Valley Football League — and the game was won by the Magpies. I say it was fortunate because due to the drought conditions it has only been possible to water the football oval with recycled water with assistance from the Victorian Country Football League and the Strathbogie Shire Council.

The event was very successful, attracting a large crowd of around 3000. However, the large crowd also served to draw attention to the urgent need to upgrade the facilities. Accordingly the action I seek is for the minister to advise me when funding will be provided for upgrading the toilet facilities at the Euroa recreation reserve.

### **Port of Melbourne: truck movements**

**Ms PENNICUIK** (Southern Metropolitan) — My adjournment matter is for the Minister for Roads and Ports in the other place, Mr Tim Pallas. At present there are around 15 000 truck movements per day through the area surrounding the port of Melbourne, particularly in the city of Maribyrnong. The port of Melbourne's economic studies show that trade through the port will quadruple even if channel deepening does not go ahead — and if the government comes to its senses, it will not go ahead.

The supplementary environment effects statement report shows that the number of 20-foot equivalent units moving through the port will increase from about 1.5 million in 2005 to around 7 million in 2035, if you can believe that estimation. In other parts of the report it states that it is basically not possible to forecast out that far or even out past 2020. I have seen no evidence in the report that supports this assertion. In any case, even if we accept a fourfold increase in trade through the port based on the port of Melbourne's own studies and assume a concomitant fourfold increase in truck movements from 15 000 to 60 000, where is the study on the impact of such truck movements on residential

streets, especially in the cities of Maribyrnong and Port Phillip?

My request to the minister is that he release any studies on the impact of those expected truck movements or plans to mitigate or prevent that impact. If there are no reports for him to release, I ask him to conduct one.

### **Melbourne Airport: hire cars**

**Mr SOMYUREK** (South Eastern Metropolitan) — I raise a matter for the attention of the minister for transport in another place concerning the access of hire cars to the airport. One of my constituents, Mr Mustafa Altinel, purchased a hire car licence and car and paid a small fortune — \$130 000 — for the privilege. Mustafa Altinel purchased the vehicle under the impression that he could work anywhere in metropolitan Melbourne — and he expected to be able to work at Melbourne Airport, from where 80 per cent of work for hire car drivers emanates.

After purchasing the vehicle and the licence Mr Altinel soon found that there was a bit of a dispute between Melbourne Airport and the Victorian Taxi Directorate (VTD), which happens to control the hire car licences. Melbourne Airport say that it is full to capacity and cannot accommodate any new cars. It has stopped issuing permits for hire cars into Melbourne Airport. There seems to be a bit of an impasse between the VTD and the airport, and in the meantime dozens of people such as Mr Altinel, who has paid \$130 000, are finding that they are only working at 20 per cent of capacity. I ask that the minister for transport mediate between Melbourne Airport and the VTD to solve this problem.

**Mr Dalla-Riva** — On a point of order, President, the member may be confused about his own ministry because he has asked for action by the minister for transport, but one does not exist. I would say the matter he raised is for the Minister for Roads and Ports. It would be advisable that the member understand which is the correct ministerial portfolio when raising a matter.

**The PRESIDENT** — Order! It would be convenient if the member would clarify which minister he is referring to.

**Mr SOMYUREK** — I thank Mr Dalla-Riva for pointing this out. I do direct my matter to the Minister for Roads and Ports in the other place.

### **Responses**

**Hon. J. M. MADDEN** (Minister for Planning) — David Davis asked about matters regarding the Kew

Residential Services site. I will refer them to the Minister for Major Projects.

Mr Drum raised a matter concerning Odyssey House funding. I will refer that to the Minister for Health in the other place.

Mr Tee raised a matter concerning King Street and surrounding streets in Doncaster. I will refer that matter to the Minister for Roads and Ports in the other place.

Ms Lovell raised the matter of the Murray–Darling Basin water allocations. I will refer that to the Minister for Water, Environment and Climate Change in the other place.

Ms Hartland raised a matter concerning the West Gate punt. I will refer that to the Minister for Roads and Ports in the other place.

Mr Elasmara raised the matter of the St Georges Road roundabout. I will refer that to the Minister for Roads and Ports in the other place.

Mr Vogels raised the matter of prosecutions in relation to roadside weed control. I will refer that to the Minister for Water, Environment and Climate Change in the other place.

Ms Broad referred to the matter of the Euroa recreation reserve funding for facilities. I will refer that to Minister for Sport, Recreation and Youth Affairs in the other place.

Ms Pennicuik raised the matter of truck movements in and around the port of Melbourne, particularly in the municipalities of Maribyrnong and Port Phillip. I will refer that to the Minister for Roads and Ports in the other place.

Mr Somyurek raised the matter of work for hire cars and their availability at Melbourne Airport. I will refer that to the Minister for Roads and Ports in the other place.

**House adjourned 5.21 p.m. until Tuesday, 1 May.**

